

Open

Planning Committee

Agenda

6pm
Tuesday, 14th December 2021
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

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

Councillor J Aston

Councillor A Coleman

Councillor P Harrison

Councillor L J Jones

Councillor C Rogers

Councillor V Caulfield

Councillor H E Dyke

Councillor M J Hart

Councillor F M Oborski MBE

Councillor L Whitehouse

Information for Members of the Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

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

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

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

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

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

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

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

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

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

WEBCASTING NOTICE

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

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

Wyre Forest District Council

Planning Committee

Tuesday, 14th December 2021

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 16th November 2021.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	10
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

7.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“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”.</p>	
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Part 2

Not open to the Press and Public

8.	<p>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.</p>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

16TH NOVEMBER (6PM)

Present:

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

Observers:

Councillors G W Ballinger, R H Coleman, K Henderson, and N Martin were present as observers.

PL.26 Apologies for Absence

There were no apologies for absence.

PL.27 Appointment of Substitutes

No substitutes were appointed.

PL.28 Declarations of Interests by Members

Councillor M J Hart declared an Other Disclosable Interest (ODI) in relation to application 21/0030/FUL. As the Worcestershire County Council Cabinet Member for Education he had a telephone conversation with the CEO of the Severn Academies Educational Trust about this strategic site and their proposal. He informed them that as a Member of the Planning Committee he would judge the application with an open mind. Cllr Hart informed Members that as Cabinet Member for Education he is also a non-executive director of Worcestershire Children First who have asked for a contribution as set out in 2.8 of the report. Councillor Hart is able to rely on the dispensation given by the Ethics & Standards Committee to play a full part in the meeting, as his interest arises from membership of Worcestershire County Council.

PL.29 Minutes

Decision: The minutes of the meeting held on 19th October 2021 be confirmed as a correct record 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. 596 attached).

Councillors J Aston, N Martin and Ken Henderson left at 7:06pm. Councillor J Aston returned at 7:08pm.

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No. 596 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.

7:06pm – Cllrs J Aston, N Martin and Ken Henderson left at this point. Cllr Aston returned at 7:08m.

PL.31 Exclusion of Press and Public

Decision: "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 items of business on the grounds that they involve the likely disclosure of "exempt information" as defined in paragraphs of Part 1 of Schedule 12A to the Act.

PL.32 New Enforcement Case

The Committee received a report from the Corporate Director: Economic Prosperity and Place on a new enforcement case.

Decision: The Solicitor to the Council receive delegated authority to serve or withhold and Enforcement Notice for the reasons and including the requirements detailed in the confidential report to the Planning Committee.

There being no further business the meeting ended at 7.43pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16th November 2021 - Schedule 596 Development Management

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

Application Reference: 21/0030/FUL
Site Address: Stourport High School and Sixth Form Centre and Playing Fields, Coniston Crescent, Stourport On Severn, Worcestershire, DY13 8JU
REFUSED for the following reason: 1. The proposed would significantly increase traffic movements via single point of access onto Coniston Crescent which would result in an unacceptable impact on highway safety to all users of the highway network, including pedestrians, particularly at peak school drop off and pick up times, and that the residual cumulative impacts of vehicle movements on the surrounding road network would be severe. As such a safe and suitable access cannot be provided to the development as required by paragraphs 110 and 111 of the National Planning Policy Framework. Significant weight is given to Policy 33.16 of the Emerging Wyre Forest Local Plan, which states that access for this development site should be provided from Kingsway. To approve the development with the proposed access in these circumstances would be contrary to Policy CC1 of the Site Allocations and Policies Local Plan, Policies 13 and 33.16 of the Emerging Wyre Forest Local Plan and Government advice in the National Planning Policy Framework.

Councillors J Aston, N Martin and K Henderson left at 7:06pm. Councillor J Aston returned at 7:08pm.

Application Reference: 21/0389/OUT
Site Address: Land Adjacent Keys Meadow, New Road, Far Forest, Kidderminster Worcestershire
DEFERRED to allow a full presentation to the Committee.

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
21/0927/FUL	Land Formerly Sladen School Hurcott Road Kidderminster Worcestershire	Approval	11

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
21/0605/FUL	40 Cloughton Street Kidderminster DY11 6PU	Approval	28

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE****14 December 2021****PART A**

Application	21/0927/FUL	Date	28.09.2021
Reference:		Received:	
Ord Sheet:	383662 277421	Expiry	28.12.2021
		Date:	
Case Officer	Richard Jennings	Ward:	Broadwaters

Proposal: **Erection of Alternative Provision Primary Free School (64 places and for children aged between 4-11 years old) together with associated hard/soft landscaping, including multi-use games area (MUGA); car/cycle parking; secure line fence/boundary enclosures and associated means of access off Hurcott Road.**

Site Address: **Land Formerly Sladen School, Hurcott Road, Kidderminster, Worcestershire,**

Applicant: **Mr Alexander Cook**

Summary of Policy	CC1 CC2 CC7 CP01 CP02 CP11 DPL12 KCA UP3 UP5 UP7 UP6 CP13 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	The application represents a Major Development

1.0 History

No Planning History

2.0 Consultations and Representations

In accordance with paragraph 4 of the Town and Country Planning (Applications for public Service infrastructure Development Notification) (England) Direction 2021, notice has been given to the Secretary of State on behalf of the District Council.

2.1 Kidderminster Town Council – No Objection to the proposal.

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- 2.2 Highway Authority - The Highway Authority has undertaken a robust assessment of the planning application and submits a response of no highway objection subject to the conditions and obligations appended to this advice.

Context

The site is located on the grounds of the former Sladen Middle School, on the north side of Hurcott Road, Kidderminster, approximately 700m north of Kidderminster Town Centre.

Planning History

The former use of the 2.58 hectares (ha) site as a Class D1 school ceased on 31 August 2007 and has remained vacant since. The applicant held pre-application discussions with WFDC which shaped the current proposals.

Highway Network

The proposed development is accessed off Hurcott Road, an illuminated, single carriageway two-way road subject to a 30mph speed limit. Speed humps are located on the carriageway adjacent to the site. The A449 is located approximately 400m east of Hurcott Road which is used to bypass Kidderminster Town Centre to connect with Worcester and/ or Dudley. The A451 Stourbridge Road is located approximately 300m west of the proposed development which connects the A456 St Mary Ringway with the A449 Chester Road.

Access Proposals

Current site access is served by three sets of double gates situated along the northern side of Hurcott Road. The Applicant proposes to provide an upgraded vehicular access in the approximate location of the most easterly gate with a segregated pedestrian access a short distance to its west. The two other existing gateways will be closed. The applicant proposes that the vehicular access will accommodate two-way traffic movements with an internal access width of 6m and junction radii of 4m. In addition, a secure fence is proposed approximately 1.5m behind the boundary wall. The fence would be set further back into the site at the proposed access.

The Applicant proposes to provide School Keep Clear 'Zig Zag' markings on Hurcott Road along part of the site frontage, subject to a Traffic Regulation Order (TRO). Subject to consultation, the TRO's proposed operational hours would be between 08:00-18:00 on weekdays. Similar markings were present on the highway when Sladen School was open on the site. The applicant will be required to meet the Highway Authority's implementation costs and pay the Council's standard TRO processing fee (currently £4500).

An automatic traffic count was taken on Hurcott Road between Friday 16th and Thursday 22nd July 2021. This recorded 85th percentile speeds of 24.4mph (19.6mph average) for vehicles travelling in a north easterly direction and 23.9mph (19mph average) for those travelling in a south westerly direction. Consequently, the Applicant proposes to provide visibility splays of 2.4m x 31m to the east and 2.4m x 32m to the west.

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Layout

The Applicant has provided vehicle tracking for a Fire Tender; Refuse Vehicle; Minibus; Car, and Delivery Vehicle. These are accepted.

At the southern extents of the site, vehicle and pedestrian access off Hurcott Road will lead to a segregated staff car park with a one-way drop-off and pick-up facility immediately adjacent to the school building.

The TA shows that deliveries, maintenance and refuse vehicles would be accommodated within the secondary secure boundary of the site. Cars and vans would be permitted to use the layby located in front of the building when delivering small items. Larger deliveries would be carried out by 7.5m box van and arrival of these, and refuse vehicles, would be organised to serve the site outside key pupil pick up and drop off times.

The Highway Authority request that the Developer employs a suitably qualified lighting engineer to carry out a lighting assessment of the lighting of Hurcott Road in the vicinity of the school entrance, in accordance with the requirements of the WCC Street Lighting Design Guide (SLDG), to determine if improvements are necessary. If a scheme is shown to be required it should be designed and implemented under the terms of a S278 agreement.

Private lighting within the site should be designed sympathetically to the surrounding environment. Suitable liaison should also be undertaken with WCC's ecologist to ensure the impact of any lighting is minimised.

Traffic Impact

The Applicant states that:

"The special education needs nature of the school is such that there will be an inevitable reliance on the car, minibus and taxi as the primary means of transport for children travelling to and from the school", and
"Many of the pupils will be transferred from other primary schools in Worcestershire for varying periods of time, depending on their specific needs. Some pupils may come for short sessions during the week, some may need to come each day, some will be taught in small groups and others may require one to one learning support. In addition, the Trust will provide support sessions for parents / carers."

This is accepted and it is noted that, Sladen Middle School, though closed in 2007, had a roll of c449 pupils and attracted a significantly greater number of movements by all modes of transport than will arise from the 64-place school now proposed. In fact, even allowing for the greater reliance on the car, the supporting evidence shows that the proposal will generate less than half the vehicle traffic movements on Hurcott Road than the former use. Not only so but, the specialist nature of the proposal means that, drop-off/pick-up will occur within the site rather than at the kerbside of Hurcott Road. The Highway Authority accepts the evidence submitted.

Whilst adverse parking impacts on Hurcott Road are not anticipated, 'school keep-clear' zig-zag markings are proposed in the vicinity of the main vehicular access to maintain appropriate visibility.

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The school will be expected to operate between 08:00-18:00, due to the specific needs of the pupils, students drop off/ pick up is likely to occur over a wide range of times throughout the day with a lower concentration of arrivals and departures during traditional start and finish times.

Walking and Cycling

Hurcott Road has 2.5m footways on both sides and speed humps are present on both approaches. In addition, a raised table with tactile paving provides an informal crossing immediately to the west of the proposed site entrance.

Kidderminster Town Centre can be accessed by pedestrians within 700m of the proposed development. Specific cycle infrastructure is not available in immediate proximity to the site.

Bus Provision and Infrastructure

A bus stop for east bound travel is situated on the site frontage to the west of the site access and is marked by a bus stop flag and pole. An unmarked stop for westbound travel is situated opposite the junction with Gheluveld Ave. The stops are served by the 7 and 580 Diamond Bus services. The circular 7 service runs between Kidderminster, Broadwaters and Greenhill, Monday to Saturday inclusive between 08:50-18:37. The subsidised 580 service also runs along Hurcott Road between Kidderminster and Kinve. This service only provides two journeys per day on Tuesdays, Thursdays, and Fridays.

Parking Provision

The TA states parking provision will comprise:

- 30 standard car parking spaces, including 4 equipped with EV chargers.
- 2 accessible car parking spaces adjacent to the building.
- 10 cycle parking spaces.
- 2 mini-bus spaces.
- 8 taxi & parent drop off/ pick up spaces.

Network Safety

The Applicant obtained Personal Injury Accident (PIA) records for the study area covering the five-year period from 01 July 2016 and 30 June 2021. This identified:

- A total of 13 accidents, 12 of which were classified as of slight severity and one was a fatality.
- The fatal accident occurred at 00:17 on Stourbridge Road when a pedestrian stepped into the road. The cause was not attributed to highway design.
- No accident clusters were observed.

The Highway Authority accepts that there are no accident remedial actions necessary to accommodate this development.

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Travel Plan

The Highway Authority is in receipt of a Framework Travel Plan which aims to:
“Minimise the number of site users who travel to and from Unity Academy by single occupancy vehicle whilst simultaneously maximising uptake of sustainable transport modes and improving the road safety of site users.”

The Plan outlines the SMART targets which are outlined in Table 7.1 and summarised below:

1. Reduce single occupancy staff car use by 10% over five years.
2. To ensure ALL staff are aware of the School Travel Plan upon occupation.
3. To ensure ALL pupils can show different ways of travelling and can identify environmentally friendly modes of transport and healthy, active lifestyles.
4. To work with WCC and transport providers to ensure school transport routes minimise journey times and take account of pupil needs.

To achieve the above, the Plan proposes initiatives/ measures to promote walking, cycling, public transport use and sustainable vehicle use. A Travel Induction Pack will be distributed to all pupils/ parents/ guardians and staff prior to the occupation of the new school. This will include information relating to site accessibility and management of pupil start/ finish times.

The Framework Travel Pack and Travel Induction Packs should be submitted to WCC for approval prior to issuing to all dwellings on first occupation. The Applicant provides that the plans would enable them to achieve Bronze accreditation within the first year of occupation.

WCC has published guidance on how it expects Travel Plans to be prepared. This guidance is freely available from the County Council’s Travel Plans Officer. As part of this process, the Applicant must register for Modeshift STARS Business (www.modeshiftstars.org) and ensure that their targets have been uploaded, so that progress on the implementation of the Travel Plan can be monitored. WCC can assist applicants with this process should they need. Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of Travel Plans.

Construction Environment Management Plan

The construction of the school will be delivered under the Department for Education (DfE) modular building framework (MMC1). This will limit the amount of on-site construction.

The Applicant notes that a Construction Environmental Management Plan (CEMP) will be submitted prior to the start of any works on site and will detail the distribution, operation, and timings of vehicle movements during the construction period.

Health Impact Assessment

The Highway Authority requests that a Health Impact Assessment (HIA) is undertaken and submitted. The Highway Authority notes that the proposed development provides an opportunity to design a sustainable building with the potential to enhance health and wellbeing. As such, consideration should be given to:

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- The need to provide adequate greenspace within the proposed development. There is also an opportunity to provide growing areas, where children can learn to grow vegetables. This activity is known to enhance health and well-being.
- Good air quality is important, particularly for children with additional needs who are more likely to suffer from respiratory conditions. Play areas and green space at the school should be sited as far away as possible from potential sources of air pollution, to mitigate the effects on children.
- As the proposed development is sited in an established residential area, robust measures should be in place to control air quality during construction.
- The Applicant should consider a 20mph speed limit around the entrance of the school as this would be beneficial for the safety of pedestrians/ cyclists navigating the site entrance.
- The building of a new school is an excellent opportunity to consider the installation of devices such as air source heat pumps, solar energy and efficient hot water and heating. Schools with commercial scale refrigeration for onsite catering should also consider heat recovery, which would use heat that would otherwise be wasted.

2.3 Conservation Officer – No Objection. There are no built heritage assets within the application site and the nearest locally listed buildings (undesigned heritage assets) are some 40m from the south east corner of the site.

I consider that given the proposed location of the school within the site and the fact that the site has previously been used as a school that there will be no harmful heritage impacts on the undesigned heritage assets. The proposal thus complies with WFDC Policy SAL.UP6.

2.4 Arboricultural Officer – No Objection (Subject to conditions) Proposal is now satisfactory following receipt of revised scheme, Arboricultural Impact Assessment and Tree Protection Plan.

- The recommendations in section 5 of the AIA and the details within the Tree Protection Plan are adhered to.
- The retained Consulting Arborist makes regular visits to check on tree protection and be present when the perimeter fence and new walkways at the front of the site are being installed.
- The landscaping plans with the recently included additional tree planted takes place.
- An establishment and 5 year management plan for the soft landscape is provided.

2.5 Contaminated Land Team – No Objection Subject to conditions. We have looked over the documents submitted and our historical records for the site. The site was previously occupied by school which has since been demolished, it has remained as public open space since. Considering the sensitive end use it would be prudent to undertake a risk assessment of the ground conditions

2.6 North Worcestershire Water Management – No Objection subject to conditions.

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The site falls within flood zone 1 (low risk of fluvial flooding) and the majority of the site is not shown to be susceptible to surface water flooding, with only a small flow path indicated at low risk (1,000yr) event. We hold no reports of flooding on the site.

Following changes in National planning policy in 2015, the Lead Local Flood Authority is the statutory consultee on all major planning applications for surface water management. North Worcestershire Water Management fulfils this role in North Worcestershire on behalf of Worcestershire County Council. We are required to ensure that appropriate SuDS, ideally incorporating above-ground solutions which also provide water quality, biodiversity and amenity benefits, are provided for the management of run-off, unless it is demonstrated inappropriate, and that the proposed scheme is in compliance with the non-statutory technical standards for SuDS (Defra, 2015). It is up to the Local Planning Authority to ensure, where necessary through the use of planning conditions or planning obligations, that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.

I note the FRA has considered a “worst case scenario” of no possible infiltration for the drainage strategy to prove there is a drainage solution, however it is disappointing that porosity testing was not carried out as part of the ground investigations. It is my understanding that soils in this area are suitable for infiltration, which means that discharge via infiltration is the preferred discharge method. The proposals here include the use of a single soakaway / attenuation feature with porous paving, the latter of which does fulfil the requirements for pollution control as per the CIRIA C753 simple index approach, however I would welcome the inclusion of further SuDS features, such as swales, rain gardens and basins which provide further water quality treatment as well as improving the amenity of the site. There are numerous examples of schools across Worcestershire that have demonstrated how SuDS schemes can be safely and effectively incorporated into a school site, and the Wildfowl & Wetland Trust has a website specifically looking at SuDS for Schools ([SuDS \(Sustainable Drainage Systems\) for schools | WWT](#)).

This site is currently Greenfield, which means that development has the potential to increase surface water runoff, therefore the drainage strategy must be carefully considered to ensure no increase in flood risk off site. The drainage strategy sets out that post-development rates of surface water runoff will be restricted to the Greenfield rate (4 l/s) for all events up to and including the 1 in 100 year return period plus a 40% allowance for climate change. This is in line with the non-statutory technical standards for SuDS.

The FRA mentions that Causeway Flow has been used to assess the proposed drainage strategy; we would be grateful to receive a copy of this file in order to run the model ourselves – this may form part of a condition.

In terms of foul drainage, a foul water sewer system adjacent to the site within Hurcott Road. I would expect a connection to this system, with permission from Severn Trent Water.

- 2.7 Worcestershire Archive and Archaeology Service - No Objection. Based on this report and the geotechnical data, the archaeological potential of the site is very low. No archaeological work is advised.

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2.8 Severn Trent - No Objection Subject to Conditions

2.9 Noise assessment Team - No Objection. The submitted noise assessment appears satisfactory. Noise from the proposed MUGA and Soft Pitch are predicted to have a low to moderate impact at the nearest noise sensitive receptors and given the previous use of the site as an educational facility and that the two areas are only intended to be used during the school day I do not consider this unreasonable. Therefore I have no objection to the application in terms of noise nuisance.

Neighbour/Site Notice

As part of the formal consultation process, 471 neighbour notifications were issued, with 7 responses received. A summary of the major points of consideration are outlined below many of which are in favour of the proposal in principle, however, those which raise specific concerns have been given due consideration:

- Our property shares boundary with the new application and we are very impressed by the plans and design of the much, needed provision of the services it will provide.
- Established trees and undergrowth at the back and to the right of the area should be maintained.
- Increase in road traffic and parking
- Loss of trees and associated biodiversity
- Dislike of the proposed boundary fencing in terms of appearance.
- Close to adjoining properties
- Conflict with local plan
- Increase of pollution
- Out of keeping with character of area
- Noise Nuisance concerns
- Loss of Green Space

3.0 Site Location and Description

3.1 The application site comprises the former Sladen Middle School site, with an overall site area of approximately 1.5 hectares, situated on Hurcott Road, to the northeast of Kidderminster Town Centre. Following closure of the school some years ago, the original school buildings have been demolished, the site cleared and the land re grassed following clearance of the resulting demolition material, in anticipation of future development of the site. The original site entrance is still clearly evident off Hurcott Road, with dropped kerb and entrance gates still in place. The trees fronting Hurcott Road are protected by a Tree Preservation Order.

3.2 The proposal seeks consent for the Erection of a much needed Alternative Provision Primary Free School (64 places and for children aged between 4-11 years old) together with associated hard/soft landscaping, including multi-use games area (MUGA); car/cycle parking; secure line fence/boundary enclosures and associated means of access off Hurcott Road and is a collaboration between Worcestershire

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County Council, the Department for Education, The Academy Trust and Portakabin Limited who will oversee the construction phase. The proposed school will be one of 35 special free schools being funded by the Government under this current Framework Agreement aimed at creating up to an additional 3,000 school places for children with special educational needs and disabilities (SEND) according to identified need and demand. The funding for the proposed school has been secured following an application made by Worcestershire County Council (as education authority) to the Department for Education (under its free school programme). Worcestershire County Council will oversee admissions and school placements.

- 3.3 The proposed building is of modular design, constructed in the main off-site, which will ensure that minimal disturbance to neighbouring residents results from the construction phase. The design and layout has formed the basis of detailed pre application discussions with the local Planning Authority prior to submission.
- 3.4 The application is accompanied by reports and planning statements to cover the Principle of Development/Need, Design and Layout, Energy and Sustainability, Traffic and Transportation, Air Quality, Tree Impact, Biodiversity, Land Contamination, Flood Risk, Drainage and Noise.

4.0 Officer Comments

POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 The development plan for Wyre Forest District comprises the Adopted Core Strategy (2010), the Adopted Site Allocations and Policies Local Plan (2013), the Adopted Policies Map (2013), Adopted Planning Obligations SPD, Adopted Affordable Housing SPD, Adopted Design Guidance SPD and WFDC Playing Pitch Strategy.
- 4.3 The National Planning Policy Framework (the 'Framework') is a material consideration in the decision making of this application and was revised in July 2021. It 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, which means that the planning system has three overarching objectives (economic, environmental and social) which are interdependent and need to be pursued in mutually supportive ways. The Framework emphasises that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 4.4 The Framework seeks to support the Government's objective in promoting sustainable patterns of development across the country and this includes: the need to significantly boost the supply of homes; providing sufficient social and recreational facilities to meet

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community needs; protecting and minimising the impacts on the natural environment; and seeking to mitigate the impacts of climate change.

- 4.5 The Emerging Local Plan is a material consideration. Paragraph 48 of the Framework advises that Local Planning Authorities can give weight to relevant policies in emerging plans according to: *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
- 4.6 The Emerging Local Plan underwent public examination in January/February this year by the Planning Inspector appointed by the Secretary of State and public consultation is currently being held on the Inspector's main modifications. The Emerging Local Plan is very close to an advanced stage in its preparation and its policies, which are considered relevant to this application, are consistent with the revised Framework 2021.
- 4.7 Policy 30:11 of the Emerging Plan is a site-specific Policy for the former Sladen School Site, and the overriding policy consideration for this proposal in terms of land use allocation, safeguarding this land specifically for future school development. The Inspector's main modifications to the Policy consider the overall site including adjacent land also under the County Council's ownership to be one of a mixed-use development, incorporating both residential and a school facility. The current scheme has clearly paid detailed attention to the requirements of this policy. This site-specific Policy carries many specific considerations and conditions as part of the allocation, however many of these are attributed towards the residential development part of this mixed-use site and will be subsequently considered as part of any future submission. In terms of the school site, the Policy requires the retention of the important protected tree line frontage on Hurcott Road, which is retained through the current proposal.
- 4.8 The other key requirement of this policy is that careful consideration is made to the Kidderminster and Stourport urban and waterfront strategic Development Corridor Green Infrastructure Concept Statement, the aim of which is to protect, create, restore and promote Green Infrastructure(GI) assets throughout the County of Worcestershire to provide multiple benefits for the environment, economy and communities. The policy seeks to gain green infrastructure improvement gains as part of development proposal if possible, however at very least there should be no net reduction. The proposal includes many Green infrastructure improvements and enhancements which will be expanded upon later in the report as part of the ecology and tree evaluation. The works to provide tree replacement on site, extensive wildflower meadow and shrub planting ensure that the status quo is maintained. This can be achieved even with the loss of grassed areas removed by the school building footprint and surfaced areas. The site will form a clear wildlife 'stepping stone' as required by the statement, with other measures achieved by way of condition, such as the design of boundary fencing to allow the free movement of mammals without compromising on safety and security in accordance with the statement.

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RESIDENTIAL AMENITY

- 4.9 When considering paragraph 185 of the Framework, along with the Noise Policy Statement for England and the submitted noise assessment, it is concluded that the development will not result in any adverse impacts to existing or future residents. I am satisfied that there will be no adverse impact on the amenity currently enjoyed by neighbouring residents from the school buildings or outdoor areas to a degree which would warrant refusal of the proposal. Construction noise and disturbance is only temporary and will be dealt with through a suitably worded condition. Separation distances between the proposed school building and the nearest existing residential property are extensive coupled with the high insulation qualities of the new build school and the daytime hours of operation of both the school building and outdoor activity areas, I do not consider the site to represent an unreasonable impact on neighbouring residential amenity. The intensive former use of the school must also be given considerable weight, with the proposal resulting in a major reduction in intensification in comparison to the sites historical use. Any real, demonstrable impact on residential amenity will likely be of greater significance in terms of the adjacent development site which is currently allocated for residential, however, this will be a consideration of any future application and the design and layout can of course be amended accordingly to reflect this.
- 4.10 In terms of vehicle disturbance, this again is kept to a minimum due to the relatively low intensity of use of the site and small intake. The nature of the operation and arrival of pupils by way of minibus, ensures that at arrival and finish times minimal disturbance will occur with minimal accumulation around access and pickup points. I therefore consider that due to the small scale of the school relative to the site's previous use and the operational characteristics of the proposed use will result in minimal disturbance to the occupiers of nearby, neighbouring properties.

DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.11 The building would incorporate a brick plinth surround with a mix of modern grey cladding and plank style vertical cladding system, resulting in a clean lined building which forms an inviting place to learn and is of minimal maintenance implication. The building is complemented by large windows providing as much natural daylight to the internal teaching spaces as possible and reducing the requirement for excessive internal lighting.
- 4.12 The majority of the building is of single storey design and flat roof to minimise the impact of the structure in the landscape and to integrate the building into the site without excessive over domination. The buildings design brief is one that has been implemented across the country by the Department for Education and is designed around minimal interference to a site as well as a pleasant and friendly feeling building to attend especially for pupils.
- 4.13 There are many practical and safety issues which clearly impact on the design of a site of this nature, however careful consideration has gone into all aspects of the design process with regular consultation with Officers throughout the pre application stage, and I consider the proposal to represent an amalgamation of excellent design and practical functionality against obviously limited budgets, whilst still resulting in an

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overall visually pleasing solution to this much needed facility. Concerns have been raised by local residents regarding the type, design and appearance of the perimeter fencing which is considered too stark in appearance. This has been discussed with the applicants agent and agreement given for the addition of a condition requiring the submission and approval of boundary treatment details at a later date to ensure an appropriate solution is achieved.

HIGHWAYS AND ACCESS

- 4.14 The proposed school represents a drastic reduction when compared to the former Sladen Middle school which previously occupied the with in excess of 400 pupils in attendance. The nature of the proposed school and it's catchment across the county will inevitably lead to heavy reliance on transport by car, minibus and taxi, however, in terms of the local network, the varied start and finish times and the majority of pupils arriving and leaving the site in fewer, larger capacity vehicles will result in minimal traffic increase around the access and network when compared to the former school and the numerous individual pick up and drop off vehicle movements that took place at key times. It is accepted that a condition is required to control the use of the school based on these circumstances and therefore an appropriate condition is recommended.
- 4.15 In terms of parking provision, the Highway Authority consider that adequate provision has been made on site to accommodate staff, pupils and delivery and collection vehicles. In terms of traffic generation during the construction phase, the Highway authority have requested the submission and implementation of Construction Environment Management Plan which will carefully consider the impact of the works on the local network as well as occupiers of properties within the vicinity. The modular construction method of the school and high proportion of off-site assembly will of course aid in the reduction of on-site construction and minimise the local impact.
- 4.16 Having fully considered the submitted Transport Assessment, there are clearly no unacceptable elements in respect of the access arrangements or network capacity that can be levelled at the application. The proposals are wholly acceptable and would not lead to any adverse impact, and certainly would not reach the bar of 'severe' as required by the Framework. The Highway Authority therefore raise no objection to the proposal subject to appropriate conditions.

ECOLOGY

- 4.17 A preliminary ecological appraisal (PEA) was undertaken in the form of a Phase 1 Habitat Survey), which identified the need for additional badger surveys (in circumstances where the proposed development has the potential to impact on a single hole sett identified within the application site and bat surveys. The PEA also recommended that any scrub, tall ruderal or tree removal should be timed to avoid the bird nesting season (which typically runs from March to September inclusive). The overall conclusion is that subject to the recommended survey and mitigation measures, the proposed development would not result in any ecology harm and furthermore, appropriate enhancement can be conferred in line with established planning policy objectives. Additional badger survey work has been undertaken and it has been concluded that the proposal does not result in unacceptable impact subject

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to the implementation of the identified mitigation measures. These measures including mitigation and enhancement will be secured by condition.

- 4.18 The idealistic position for the site would be one of net ecological gain resulting from the redevelopment of the site, however, this has been clearly shown by the applicant as unachievable. The former school footprint has to be taken into the equation compared to the semi-improved grassland as is evident on the ground today. The quantity of improvement required to the site to overcome this situation would be unachievable due to the modest area of land involved. The Council's Countryside and Parks Manager has also confirmed that due to the nature of the use of the site and the limited area that net gain is unlikely. The nature of the school also renders the introduction of wetlands or wildlife pools inappropriate due to the danger which they pose. The applicant has therefore revised the landscaping scheme to include wildflower meadow planting to all available areas in replacement of the former grassland to increase the ecological position of the overall proposal. I now consider that although fully compliant net gain is not proposed and is realistically not achievable, consideration of the allocation of the site for educational purposes and the importance of the proposed facility to the wider County educational needs, that the slight shortfall in ecological gain is outweighed by the benefits of the proposal. Although the preferred net ecological gain is unachievable on site it should not be construed that protected species are impacted by the proposal. The ecological report makes it very clear that the proposal poses no undue impact on protected species, with adequate mitigation proposed as part of the proposal. All remedial measures and mitigation will be conditioned to ensure implementation and will carry a lengthy management plan to ensure the measures continue to provide the mitigation over an extended period.

TREES

- 4.19 The site plays host to many mature trees both within the site and on the boundaries of the site, some of which are protected by a tree preservation, which incorporates all of the trees on the southern boundary (fronting Hurcott Road) and most of the group of trees to the centre of the site. The siting, layout and general configuration of the proposed school results in some unavoidable tree impact towards the centre of the site with 27 trees of low to moderate value included. The proposed landscaping scheme does however mitigate against these losses and offers a 1 for 1 replacement on site for all trees removed. The Arboricultural Officer has indicated that he has no objections to the scheme subject to appropriate conditions.

DRAINAGE

- 4.20 The site falls within flood zone 1 (low risk of fluvial flooding) and the majority of the site is not shown to be susceptible to surface water flooding, with only a small flow path indicated at low risk (1,000yr) event and no reports of flooding are held on record for the site.
- 4.21 Additional infiltration testing is required prior to commencement and this will form the subject of a Planning condition. The overall drainage strategy for the proposed development will however utilise sustainable drainage systems that will avoid any increase in surface water runoff. These will include permeable paving, and attenuation

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measures, ultimately utilising infiltration methods as the final means of disposal, for which there is no known reason based on knowledge of the local ground conditions, to dispute this proposed method. It has been confirmed that foul drainage will be connected to the mains system in cooperation with Severn Trent who have confirmed that they are satisfied with the proposal in principle subject to conditional approval.

NOISE AND CONTAMINATION

- 4.22 In terms of noise, the school building will be positioned a significant distance away from the nearest residential receptors to the north (Stourbridge Road) and east (The Foxholes) it is considered unlikely that there would be any adverse noise impact arising that could be considered detrimental to the surrounding amenity interests of these occupiers and in circumstances where the plant would only be operational during the standard school opening hours. This would also extend to the use of the main car park and the external play areas (including MUGA) which would only be used during the school day and by a limited number of children at any one time (consistent with the small-scale nature of the school). Hence, it is not considered that returning the land into an educational use would give rise to any adverse noise impacts that would unacceptably harm the residential amenity of the surrounding area.
- 4.23 From a contaminated land perspective, initial studies conclude that the site is unlikely to represent any major risk in terms of contamination as the only known uses of the land were the previous school buildings and the existing semi improved grassland. However, due to the nature of the end use of the site it is considered prudent to ensure that contamination risk is kept to the absolute minimum, and therefore Worcestershire Regulatory Services raise no objection subject to a contaminated land condition so as the groundworks are carefully monitored and reported.

SUSTAINABILITY

- 4.24 The proposed building represents highly sustainable development by design. The modular structure, manufactured off site, is of superior thermal efficiency and state of the art ventilation systems aid in the recovery of hot and cold air, reducing the reliance on heating and cooling loads. The installation of Photo Voltaic panels on the roofs will provide in excess of 10% energy provision in the form of solar energy, thus substantially reducing mains consumption. The provision of vehicle charging points will also be introduced and fully available for users of the site. In terms of drainage, all storm water will be dealt with by way of infiltration on site with no additional pressure on either the mains system or runoff to watercourses. The Highway Authority have requested a Health Impact Assessment, which will be submitted as part of the condition process prior to any start on site, this will provide the correct place to bring all of these technologies together in one document and provide a full understanding of the benefits that can be achieved on the site.

5.0 Conclusion and Recommendations

- 5.1 The proposed development is on a site allocated within the emerging Local Plan for the development of a new school and follows a former use as a state middle school, and has lay as semi improved grassland awaiting redevelopment in the interim. Due to the relatively urgent need for the proposed facilities and the financial funding

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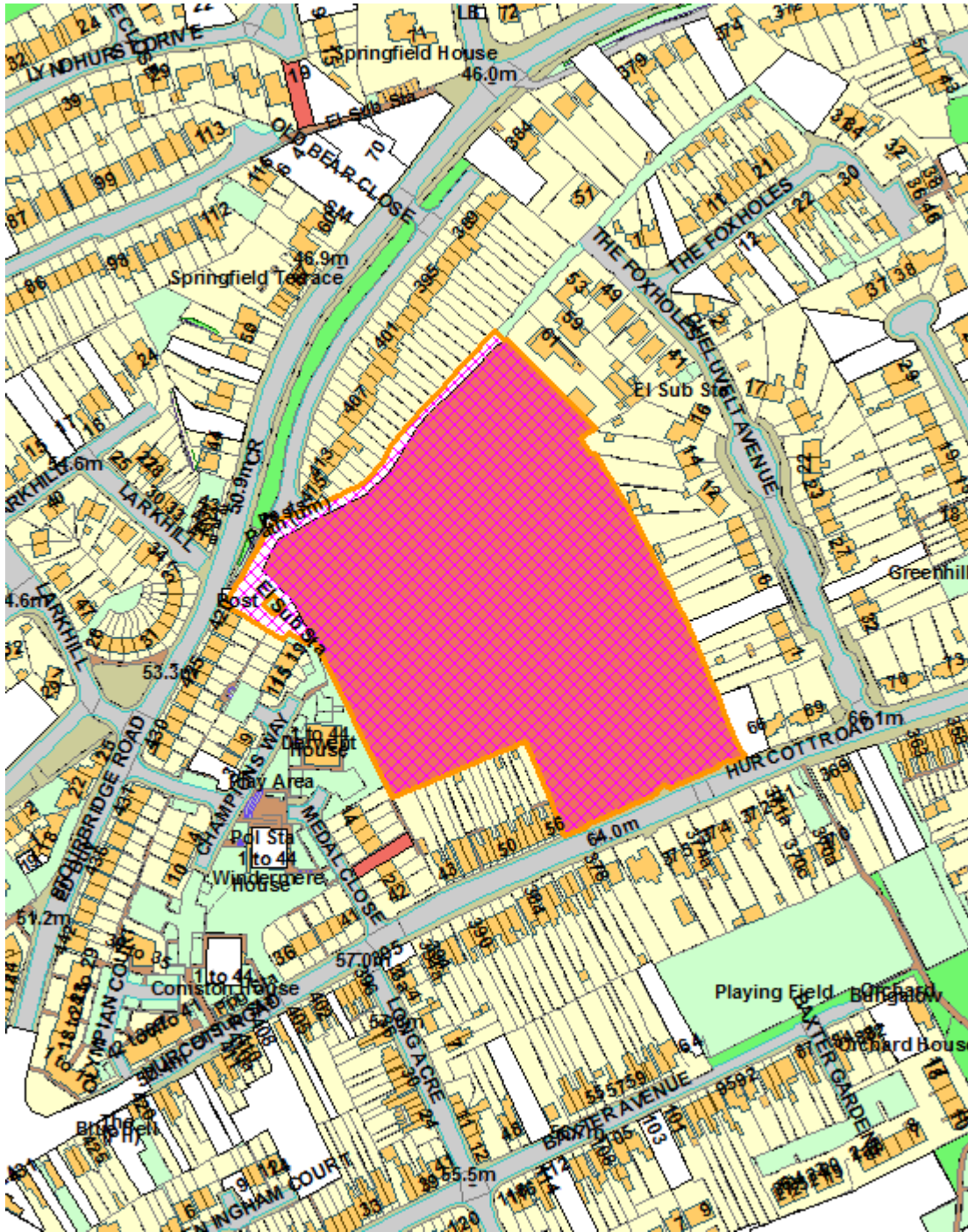
implications this application is considered ahead of plan adoption. The scheme has been fully considered and is found to be both sustainable, of attractive modern design which integrates perfectly within the landscape character of the area, and is of minimal implication in terms of impact on local residents, the Highway network, ecology and trees, all of which have formed the subject of detailed assessments and robust scrutiny. The proposal has met the requirements of the emerging site specific policy and will result in a sympathetic solution to a much needed facility both within the Wyre Forest District and the wider County and plays it's part in a much wider national agenda in terms of supporting the education of children with disabilities and special educational needs.

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

1. A6
2. A11
3. B6
4. The recommendations in section 5 of the AIA and the details within the Tree Protection Plan are adhered too.
5. The retained Consulting Arborist makes regular visits to check on tree protection and be present when the perimeter fence and new walkways at the front of the site are being installed.
6. Additional tree planting to be undertaken
7. An establishment and 5 year management plan for the soft landscape to be provided.
8. Drainage strategy to be submitted, approved and implemented.
9. Conformity with Submitted Highways Details
10. Vehicular visibility splays improvements
11. Electric vehicle charging point
12. Accessible Parking Provision
13. Employment Travel Plan
14. Existing access closure
15. Access, turning and parking
16. Highway offsite works and site access
17. Submission of a Construction Environmental Management Plan

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18. Submission of a Health Impact Assessment
19. Traffic Regulation Order (waiting restrictions/school keep clear marking)
20. Contaminated land Tiered Investigation
21. Submission and implementation of a scheme for the disposal of surface and foul water
22. Details of all boundary treatments to be approved by the LPA.
23. Use of building limited to the proposal type and nature of establishment
24. Installation of defibrillator on site
25. Details of heating system to be submitted and approved by the LPA.



Economic Prosperity and Place Directorate

Land Formerly Sladen School Hurcott Road Kidderminster Worcestershire

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PART B

Application Reference:	21/0605/FUL	Date Received:	15.06.2021
Ord Sheet:	382143 276190	Expiry Date:	10.08.2021
Case Officer	Julia Mckenzie-Watts	Ward:	Blakebrook And Habberley South

Proposal: 2 No new terraced dwellings

Site Address: 40 Claughton Street, Kidderminster, DY11 6PU

Applicant: Mr Robert Whitehouse

Summary of Policy	CP02 CP11 UP7 UP8 UP5 CC2 DPL1 DS01 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Departure from the Local Plan

1.0 History

No Planning History

2.0 Consultation and Representations

- 2.1 Kidderminster Town Council – No comments received.
- 2.2 Highway Authority - No objection subject to the inclusion of conditions and a note.
- 2.3 North Worcestershire Water Management No objections in principal subject to conditions.

To my knowledge this site is not at risk of flooding from any source. As the new dwellings will be built in a garden space, this development is likely to increase the amount of impermeable area.

The application form indicates that surface water will be discharged via soakaway drainage, but no further information has been submitted, Discharge via soakaway is the preferred method where ground conditions allow. I have no reason to believe that ground conditions on this site would not be suitable.

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I would ask that the applicant confirms that the surface water drainage system for the dwellings will be sized so it can cope with the 1 in 100 year rainfall event + 40% allowance for climate change, this can be achieved through a suitable condition.

I note that a substantial part of the site will be converted into parking for the existing No40 and the two new dwellings, as well as an access to this parking area, which will run alongside the boundary with No37. Details have been now been provided to demonstrate how the area will be drained and how run off onto Claughton Street and neighbouring properties will be prevented. This is considered acceptable and can be secured through a suitable condition.

I note that a foul sewer system is present in the road and that the application form indicates a connection to this. Details of this will need to be approved by Severn Trent Water and will form also part of a future Building Control application. I therefore do not believe that a foul drainage condition would be required.

- 2.4 Countryside and Parks Manager - No objection subject to conditions – The submitted report demonstrates that the applicant will employ a suitably qualified and experienced ecological clerk of works to regularly supervise the development and ensure all works do not come within the recognised safe working areas around the badger sett. Once all construction works have been completed the applicant will submit to Wyre Forest District Council a certificate of compliance signed by a suitably qualified and experienced ecologist.
- 2.5 Arboricultural Officer - Although there is a distinct lack of anything green in the streetscene along Claughton Street, none of the trees on this site are worthy of a TPO, so I have no objections. If possible, some landscaping at the front would be beneficial to the streetscene, instead of just carparking spaces.
- 2.6 Severn Trent - No comments received

Neighbour/Site Notice

Two responses relating to the potential for badgers at the site and the fact that when the current outbuildings are removed from the site this may allow for another building plot.

3.0 Site Location and Description

- 3.1 The application site relates to a piece of land to the side and rear of number 40 Claughton Street which is an end of terrace property located in Kidderminster. The land currently contains two large storage buildings at the bottom of the site which are to be removed as part of the current application. The surrounding area is predominantly residential in character with a mixture of dwellings comprising bungalows, semidetached and detached properties. The majority of the properties are set back from the road slightly, some with parking for a single car, however the three

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terraced properties that the new dwellings will attach to are directly onto the road frontage with little space for planting.

- 3.2 The current application is for the erection of a pair of semidetached dwellings on the extensive side garden to which the existing dwelling benefits from, the 2 ½ storey properties would consist of a lounge, family room / kitchen and utility cloaks, two bedrooms, a bathroom and study on the first floor with two further bedrooms on the second floor with roof lights to the front elevation and two dormers on the rear. Each of the properties would have a 12.6m rear garden with shed for cycle storage with a low wall and planting to the front, the Council's Tree Officer has recommended a privet hedge would be the most attractive option. Off-street parking for eight cars would be provided to the rear of the new dwellings, two spaces for the host property and two each for the two new dwellings.

4.0 Officer Comments

- 4.1 The main considerations in this application are whether the development would be acceptable in principle and the likely impacts on highway safety, drainage and ecology.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The National Planning Policy Framework (the Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. Also, to ensure sustainable development is pursued in a positive way, the decision taking should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. As such, the starting point for all decision making is the Development Plan when the most important policies applicable to the proposed development are considered to be up-to-date.
- 4.3 The application is for the erection of one dwelling on a site that currently forms part of the side garden of number 40 Cloughton Street. As the site does not comprise previously developed land (PDL), the proposed development would be in contrary to with Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan, which seek to concentrate new residential development on PDL.
- 4.4 Paragraph 69 of the Framework states that small and medium sized sites can make an important contribution to meeting the housing requirement in an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst other things): support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. This adds weight to the consideration of this development. In additional, weight is given to emerging Policy

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18B (Residential Infill Development) which supports infill development in these circumstances

- 4.5 I am of the view that this is an appropriate windfall site given that it is located within a sustainable location of Kidderminster. The development of windfall sites is supported by the Framework, in Paragraph 69, when the site is located within existing settlements for homes. I therefore consider that the principle of development is acceptable subject to the following site-specific considerations.

DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.6 Adequate separation distance exists between the proposed dwelling and the nearest neighbouring residential dwellings, and there would be no impact in terms of overlooking or outlook for the existing occupiers of number 40 Claughton Street either. I am also satisfied that the internal layout and room sizes of the proposed dwelling, together with the size of the outdoor amenity spaces, would provide a good standard of living for future occupiers. The retained garden for number 40 Claughton Street would also be of an acceptable size and in proportion to the size of the property.
- 4.7 The proposed development would achieve a high quality design that would be in keeping with the local character and would add to the overall quality of the area in accordance with the Framework, Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Site Allocations and Policies Local Plan and the Design Guidance in the Supplementary Planning Document. A revised proposal has been submitted, which shows two terraced properties attached to the three other terraced properties rather than the initial pair of semi-detached properties which will ensure that the revised proposal blends with the existing street scene. In addition, the revised scheme will pull the development further away from the side elevation of the bungalow at number 37 with the access drive to the rear of the properties separating the bungalow to the side of the new dwellings. The design policies clearly state that a common building line, historic street pattern and skyline should be provided, the revised proposal will continue the immediate building line and is therefore considered acceptable.
- 4.8 A condition is recommended to remove permitted development rights for extensions to the building and the construction of any outbuildings without the benefit of express consent, in order to avoid any uncontrolled or sporadic development of the site in the future.

HIGHWAYS AND ACCESS

- 4.9 The revised scheme shows 8 parking spaces to the rear via an access driveway. This provides parking for the existing property and the dwellings proposed. The existing dropped kerb will need to be extended to correspond with the width of the access driveway to the rear and the first 5m of the driveway thus formed must be surfaced in a bound material. Cycle parking for the proposed dwellings is indicated on the plan, however further details will be required. The Highway Authority raises no objections to the access and parking provision.

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- 4.10 The proposal is therefore considered to pose no detrimental harm to the free flow or safety of the Highway Network and would comply in full with the relevant policies of the Development Plan.

DRAINAGE

- 4.11 Information has been provided that demonstrates the surface water drainage system for the dwellings will be sized so it can cope with the 1 in 100 year rainfall event + 40% allowance for climate change and therefore a non-dischargeable condition gets attached to the approval. In addition, further details have been provided in respect of surfacing treatment to ensure that the maximum area of permeable paving will be provided, along with details of kerbing to ensure water runoff will not result in nuisance to adjoining properties. These details have been assessed by North Worcestershire Water Management, who offer no objections subject to the imposition of suitable conditions.

ECOLOGY

- 4.15 A badger set within the application site, an appropriate survey has been submitted and the Council's Countryside and Parks Manager has no objections to the scheme subject to the inclusion of conditions.

5.0 Conclusion and Recommendations

- 5.1 The proposed development has been subject to a number of amendments and it is considered that two dwellings can be accommodated on this land without resulting in an adverse impact on the local character of the area and street scene or the amenities of occupiers of existing dwellings. The proposed layout has been amended to ensure adequate parking provision has been provided within the site and safe means of access exists without resulting in an increased safety risk to users of the access or the Highway network including pedestrians. All outstanding issues relating to the presence of badgers on the site and re design of the scheme to fit in the with the pattern of the adjacent development have also now been suitably addressed and mitigated against as part of the proposal.
- 5.2 Although the site does not relate to previously developed land, it is the preferred location for new housing development as set out in the current Development Plan, and is supported in the emerging Local Plan. The proposal would be located in a sustainable location, close to local shops and services where new housing is encouraged. No adverse impacts have been identified based on a conditional approval and it is considered that this proposal would represent a sustainable development and therefore the application should be supported.
- 5.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions;
1. Full with no reserved matters
 2. Approved plans
 3. Materials in accordance with submitted details

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4. Removal of permitted development rights
5. Highways - Access
6. Highways – Extension of dropped kerb
7. Highways – Cycle Parking
8. Surface water Drainage
9. Permeable paving
10. Small landscaping plan to be submitted.
11. Landscape implementation
12. Ecology mitigation
13. Ecology compliance
14. Vehicle charging points

Informatives

- A. Highways
- B. Highways