

Open

Planning Committee

Agenda

6pm
Tuesday, 20th September 2022
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor A Coleman
Vice-Chairman: Councillor C J Barnett

Councillor V Caulfield
Councillor C Edginton-White
Councillor M J Hart
Councillor F M Oborski MBE
Councillor D Ross

Councillor H E Dyke
Councillor P Harrison
Councillor L J Jones
Councillor C Rogers
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 Louisa Bright, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@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

This meeting is being filmed* for live or subsequent broadcast via the Council’s website site (www.wyreforestdc.gov.uk).

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

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council’s website for 6 months and shall be retained in accordance with the Council’s published policy.

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 Head of Strategic Growth 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 Head of Strategic Growth.
- 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, 20th September 2022

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 19th July 2022.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

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

Part 2

Not open to the Press and Public

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

19 JULY 2022 (6PM)

Present:

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

Observers:

Councillors: B Brookes, P Dyke and A Totty.

PL.06 Apologies for Absence

There were no apologies for absence.

PL.07 Appointment of Substitutes

No substitutes were appointed.

PL.08 Declarations of Interests by Members

Councillor H Dyke declared, in respect of application 21/0421/OUT, that she had received various forms of communication with regard to the application. She had made no comments on any of the communications or any other comments about the agenda item.

Councillor F M Oborski MBE declared, in respect of application 21/0421/OUT, that she had received various forms of communication with regard to the application. She had made no comments on any of the communications or any other comments about the agenda item.

The Chairman confirmed that the whole of the Committee had received emails in relation to the application.

PL.09 Minutes

Decision: The minutes of the meeting held on 21 June 2022 be confirmed as a correct record and signed by the Chairman.

PL.10 Applications to Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 603 attached).

Agenda Item No. 4

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 603 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 7.49pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19 July 2022 - Schedule 603 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 Planning Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Councillor P Dyke entered the meeting at 6.13pm.

Application Reference: 21/0421/OUT
Site Address: Land At Os 381000 277300, Habberley Lane, Low Habberley, Kidderminster, Worcestershire
The Committee received representations from Mark Watkins (objector), Tom Armfield (agent) and Councillor B Brookes (ward member for Franche & Habberley North) prior to a decision being made.
REFUSED for the following reason: The number of additional vehicular movements generated by the proposed development cannot be accommodated on the main and minor roads that surround the site due to their character and capacity. The proposal is contrary to policy SP.27 of the Adopted Wyre Forest District Local Plan.

Application Reference: 21/0881/FUL
Site Address: Tannery Court, Vernon Road, Stourport On Severn DY13 8HD
APPROVED subject to the following conditions; <ol style="list-style-type: none"> 1. A6 (standard time) 2. Affordable units only, local letting plan to be submitted 3. B1 (Materials) 4. B11 (Boundary fencing to be provided and to be retained) 5. C6 (Landscaping) 6. C8 (Landscape Implementation) 7. Access and Parking 8. Existing access points permanently closed 9. cycle parking 10. Residential Travel Welcome Pack 11. Electric vehicle charging points 12. Construction Environmental Management Plan 13. Bat and Bird Boxes 14. Lighting plan 15. Contamination Tiered Investigation 16. Contamination Verification 17. Unknown Contamination

18. Noise mitigation implementation and testing prior to occupation
19. SuDS
20. Waste water
21. Energy Statement to show 10% sustainable energy

Notes

- A. Section 278 Agreement

Application Reference: 22/0005/FUL

Site Address: Upper Birch Farm, Upper Birch Road, Shatterford DY12 1TR

APPROVED subject to the following conditions;

1. A6 (Standard Time)
2. A11 (Approved Plans)
3. B6
4. Any manure heap shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. The manure heap shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.
5. No lighting of the site or buildings without the prior written consent of the Local Planning Authority
6. No commercial livery use of the site. Private equestrian facility only.
7. Demolition of existing stables, associated structures and removal of hard standings. Site to be remediated with topsoil and grassed down prior to first use of the approved scheme.
8. No moveable structures on the land without written approval from the LPA

Application Reference: 22/0308/FUL

Site Address: Severn Meadow, Easter Cottage, Northwood Lane, Bewdley
DY12 1AS

APPROVED subject to the following conditions.

1. J1 (Permitted Development rights removed)
2. First-floor storage area shall be permanently removed and the building shall remain single storey for the life of the development.
3. A11 (Approved Plans)

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
21/0031/FUL	Land To The West Of Pearl Lane, Stourport -on- Severn (Ernleye Meadows) Land At Os 379658 269871 Pearl Lane Stourport On Severn Worcestershire	Approval	12
21/1071/FUL	Land At Os 385175 277187 Husum Way Kidderminster Worcestershire	Approval	69
22/0532/RG3	Castle Road Car Park Castle Road Kidderminster Worcestershire DY10 1AQ	Approval	92

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
22/0315/OUT	Land Off Areley Common Stourport On Severn Worcestershire	Refusal	113
22/0506/HOU	32 Bowpatch Road Stourport On Severn Worcestershire DY13 0ND	Approval	146
22/0543/S73	Part Ground Floor 1 High Street Kidderminster Worcestershire DY10 2DJ	Approval	148
22/0641/HOU	3 Hawkstone Close Kidderminster Worcestershire DY11 5EG	Approval	152

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE****20 September 2022****PART A**

Application	21/0031/FUL	Date	13.01.2021
Reference:		Received:	
Ord Sheet:	379658 269871	Expiry	28.02.2022
		Date:	
Case Officer	Helen Hawkes	Ward:	Areley Kings And Riverside

Proposal: **Erection of 329 dwellings including 82 affordable units, together with associated infrastructure/works and public open space**

Site Address: **Land To The West Of Pearl Lane, Stourport -on- Severn (Ernleye Meadows)
Land At Os 379658 269871 Pearl Lane Stourport On Severn Worcestershire**

Applicant: **Barratt Homes West Midlands**

Summary of Policy	SP.1, SP.2, SP.4, SP.5, SP.9, SP.10, SP.12, SP.13, SP.16, SP.20, SP.21, SP.22, SP.23, SP.26, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.33, SP.34, SP.35, SP.37, DM.6, DM7, DM.8, DM.23, DM.24, DM.26, DM.32 and SA.S4 of the Wyre Forest District Local Plan (Adopted April 2022) WFDC Design Guidance SPD WFDC Planning Obligations SPD WFDC Affordable Housing SPD WCC Landscape Character Assessment WCC Streetscape Design Guide WCC Minerals Local Plan National Planning Policy Framework National Planning Practice Guidance National Design Guide Building for a Healthy Life Wildlife and Countryside Act 1981 (as amended) Conservation of Habitats and Species Regulations 2017
Reason for Committee	REPORT BACK FOLLOWING DEFFERAL OF APPLICATION 'MAJOR' PLANNING APPLICATION
Recommendation	APPROVAL SUBJECT TO S106 AGREEMENT

This application was previously considered by members of the Planning Committee on 21 June 2022. The committee resolved to defer the application for the following reasons:

21/0031/FUL

Deferral of application to show that the internal roads would meet adoptable highway standards and to require further information on off-site highway improvement works and reason for exceeding the indicative capacity of 250 homes as set out in the site allocation policy SA.S4 of the Wyre Forest District Local Plan.

This report provides an update on the outstanding matters only. A copy of the original committee report is attached below.

UPDATE REPORT

1.0 DESCRIPTION OF AMENDED DETAILS

- 1.1 The applicant has submitted amended drawings which provide additional information and make changes to the proposed layout of the development. The amendments include:
- Junction visibility splay and forward visibility sight lines have been shown on the layout plan to demonstrate that the internal roads are now up to adoptable highway standards
 - Footpath adjacent to plot 320-326 amended to 2m width
 - 40MPH sign relocated along Dunley Road
 - A splitter island with a keep left bollard and pedestrian crossing points have been added to Dunley Road site access
 - A splitter island with keep left/keep right bollard, a right turn lane (to access Pearl Lane from Ribbesford Road) and pedestrian crossing points have been added at the Pearl Lane/Dunley Road junction
 - A bus stop with shelter and timetable are now shown as well as pedestrian crossing point with splitter island on Pearl Lane
- 1.2 The applicant has responded as to why more than 250 dwellings are proposed and justified by policy, and I have summarised their response as follows:
- Development Plan should be the starting point for determination of planning applications and the Local Plan should be read as a whole and the National Planning Policy Framework is a material consideration
 - Site allocation policy SA.S4 does not specify the number of dwellings that should be delivered
 - Supporting text in Policy SA.S4 states that “the development capacity **may** (applicant’s emphasis) be limited to 250 dwellings by the availability of local schools to absorb the additional pupil numbers. The capacity may be exceeded if information is provided to demonstrate that local highways and education capacity is not constrained and subject to meeting all other policy requirements ...”
 - No concern from WCC Highways, Education or Archaeology, or any of the consultees regarding the quantum of development that is proposed
 - The density of the proposed development is 37dph. Reducing the capacity of the site to 250 units would result in a density of 28dph, below the minimum density specified by SP.9. There are no “strong reasons” for reduced density given that the consultees responses had not expressed any direct concern with the quantum of development proposed on any technical grounds

21/0031/FUL

- The Framework requires the planning system to make “effective use of land in meeting the need for homes and other uses” (paragraph 119). Making the effect of use of land helps to minimise pressure on more valuable land resources. This scheme makes the best and most effective use of the site. It secures 40% green infrastructure in accordance with policy requirements

1.3 In addition, the applicant has submitted a response in relation to a representation received to this application following the committee meeting in June 2022 . The representation raises questions about the Transport Assessment in terms of the timings of the traffic surveys; any highway statistics that were used; whether the integrity of the River Severn Road bridge within town centre has been considered; and whether the applicant has taken into account the additional traffic arising when Bewdley bridge is closed due to flooding which is going to occur more frequently with global warming.

1.4 The applicant’s response is as follows:

The traffic survey was undertaken between 13th and 26th May 2019. As such, the traffic was monitored and recorded for two continuous weeks. The data uses predates COVID. During the COVID period the number of vehicles on the road network decreased. Traffic has not returned to its pre-COVID levels. By using pre COVID data the data used in the traffic survey represents a worst case scenario.

Surveys were carried out on both Pearl Lane and Dunley Road with the speed and number of vehicles being recorded. Based on the information obtained, the number of cars within the peak hours (AM and PM) are analysed.

Personal injury collisions were obtained for the 5 year period between 1st June 2014 and 31st May 2019 which included all collisions at the Pearl Lane, Dunley Road and Ribbesford Road crossroads and the entire length of the A451 to the junction with Lickhill Road. Pearl Lane collisions were also obtained up to the junction with Red House Road. Over the 5 year period, 15 collisions occurred with only one being serious. The serious collision consisted of a slow-moving vehicle colliding with an elderly pedestrian who stepped into the road. All other collisions were due to careless driving or errors in judgement.

Public transport and local amenities were also assessed as part of the report. Due to the significant improvements in pedestrian and cycle facilities provided by the site, it offers multiple opportunities to utilise sustainable methods of transport such as walking or cycling. Also, the incorporation of a new bus stop will promote the use of public transport as opposed to private vehicles. It will also add patrilineage to the bus services. All of this information is also included within the travel plan that is given to all customers who purchase a property to promote sustainable travel further.

The new medical centre that has received planning was incorporated within the assessment with a predicted associated net change of vehicles at the York Street / New Street / High Street junction of 42 vehicles in the peak AM period and 20 vehicles in the PM peak period.

In terms of the future growth, traffic flows have been calculated (using the Wyre Forest Growth Calculator) for consideration and assessment all the way up to 2036 and have included an allowance for up to 400 dwellings (notable more than that proposed).

Based on all figures, the delay for traffic at both the Pearl Lane / Dunley Road junction

21/0031/FUL

and the Pearl Lane / Redhouse Road Junction is assessed to be within an acceptable level.

In terms of the bridge, Worcestershire County Council have an obligation to ensure all roads are maintained to suitable standard for all road users. With no weight limit restrictions in place, the bridge will be suitable for the proposed construction traffic. WCC review all elements of an application and ensure there are no detrimental impacts for anyone involved. Recent repairs will also have strengthened the bridge and will mean the construction traffic is not an issue.

[Officer comment – I consider that the submitted Transport Assessment provides a robust and comprehensive assessment which contains accurate and sufficient evidence to demonstrate that the development would not give rise to any undue impact on highway safety. The Highway Authority have an obligation to ensure the bridge is structurally sound and I consider that this falls outside of the consideration of this planning application]

- 1.5 Highway Authority – No objection. Following further discussions and revisions to the proposals, the amended layout is considered acceptable. Note, any S38 submission will also be dependent on drainage, land ownership, legal matters etc and our approval at this stage does not forego the necessary requirements.

2.0 OFFICER CONSIDERATION

- 2.1 Planning Law (as set out within 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.
- 2.2 The application was deferred by the Planning Committee on matters relating to: highway safety and improvement works to the local road network; and whether the amount of development proposed (329 dwellings) is acceptable in terms of demonstrating that local highways and education capacity is sufficient and justifies exceeding the minimum indicative capacity (250 dwellings) for the site.

HIGHWAY SAFETY

- 2.3 Paragraph 110 of the National Planning Policy Framework advises that ‘In assessing ... specific applications for development, it should be ensured that (amongst other things): safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.’
- 2.4 Paragraph 111 goes onto state that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

21/0031/FUL

- 2.5 Policy SP.27 of the Wyre Forest District Local Plan advises that 'Proposals must demonstrate that (amongst other things) they address highway safety issues.'
- 2.6 The Highway Authority were re-consulted following the submission of the amended information and the applicant has engaged with the Highway Authority following the committee meeting in June 2022.
- 2.7 The Highway Authority have carefully considered the amended layout of the development and raise no objection. They have confirmed that the internal roads are now up to adoptable standards.
- 2.8 Members also raised questions regarding highway improvement schemes that would be required to mitigate the increased traffic generated by the development proposed. The amended layout plan shows splitter islands with necessary pedestrian crossings at the Dunley Road site access and at the road junction between Pearl Lane and Dunley Road. The Highway Authority have concluded that the proposed highway improvement works are acceptable and that the development of the site, for 329 dwellings, would not unduly impact on the capacity of the existing road junction at Pearl Lane/Dunley Road to cause any significant queuing or highway safety issues. Furthermore, it is considered that the proposed site access points onto Dunley Road and Pearl Lane would be suitable and would not lead to an unacceptable impact on highway safety.
- 2.9 Officers consider that the proposed internal layout, the proposed site access arrangements and highway infrastructure improvements works are acceptable for the proposed development and would ensure that suitable highway safety mitigation is achieved. The development therefore accords with Policy SP.27 of the Wyre Forest District Local Plan and Paragraphs 109-111 of the National Planning Policy Framework in terms of highway safety.

AMOUNT OF DEVELOPMENT

- 2.10 The proposed development is for 329 dwellings which exceeds the minimum indicative capacity (250 dwellings). The capacity given to this site allocation was only indicative and adopted a conservative approach due to the evidence at the time of the plan-making process in the interest of highway capacity and local school provision. However, during the examination of the Local Plan, the site allocation policy (SA.S4) was amended to allow the capacity to be exceeded if it can be demonstrated that local highways and education capacity is not constrained and subject to meeting all other policy requirements.
- 2.11 The application has come with a robust and comprehensive Transport Assessment which demonstrates no severe residual cumulative impact on the local highway network or upon highway safety. The Highway Authority have raised no objection in respect of local highway capacity issues.

21/0031/FUL

- 2.12 In respect of school places and health provision, it has been agreed between Worcestershire Children First, Herefordshire and Worcestershire CCG and the applicant that a developer contribution would mitigate the increased pressure on local schools and doctor surgeries arising from the development.
- 2.13 Officers consider that the proposed development is sustainable and that a refusal of the application on grounds of insufficient school places or harm to local services could not be sustained at an appeal. Paragraph 55 of the National Planning Policy Framework allows local planning authorities to use planning obligations to address unacceptable impacts. The proposed development meets all the requirements set out in the site allocation policy SA.S4 and all other relevant policies contained in the Local Plan. Policy SP.1 of the Wyre Forest District Local Plan sets out the minimum housing requirement for the district and allows growth expectations to be exceeded providing the development proposed is in accordance with other policies in the Development Plan. This is consistent with the National Planning Policy Framework which requires new developments to make efficient use of land and support the Government's objective of significantly boosting the supply of homes. Officers consider that the application could not be justifiably refused on grounds of exceeding the indicative capacity, providing the development accords with all other relevant policies in the Development Plan.
- 2.14 Policy SP.9 of the Wyre Forest District Local Plan sets out Housing Density and Mix. It advises that 'It is anticipated that new brownfield and greenfield developments will have a minimum density of 35 dwellings per hectare, unless it can be shown that there are strong reasons why this would be in conflict with the development context and existing neighbouring development'. The proposed development would have a density of 37 dwellings per hectare, which accords with the minimum density requirement set out Policy SP.9. Indeed, as the applicant points out, a development of only 250 dwellings would fall significantly below the policy requirement of Policy SP.9.
- 2.15 Officers consider that the density of the development is appropriate as it would provide an acceptable transition to the rural landscape through the provision of a wide landscape buffer to the western boundary of the site, adjacent to the open countryside. The design of the development has been landscaped led to ensure that the built development is visually broken up with open and landscaped spaces and set away from the tree-lined boundary. As such, the development would not diminish the intrinsic character and beauty of the countryside. It is further noted by Officers that the amount of green infrastructure proposed accords with the minimum requirements set out in Policy SP.28.

21/0031/FUL

- 2.16 Policy SP.5 of the Wyre Forest District Local Plan refers to the ‘Role of Stourport-on-Severn’ and is also of particular relevant to this application. Within this policy, it makes reference to this site allocation as being a sustainable, suitable greenfield site for meeting the district’s requirements for new homes and does not specify the amount of development this site allocation (Policy SA.S4) should deliver.
- 2.17 In conclusion, there are therefore no grounds to refuse the application based on the amount of development exceeding the indicative capacity for this site allocation. The proposed density of the development accords with Policy SP.9 and would not result in an over-development of the site nor have a detrimental impact on the intrinsic character and beauty of the adjoining countryside. No objection has been raised by the relevant consultees in respect to the amount of development and mitigation measures to address the development impact on highway safety, local school provision and doctors’ surgeries. As concluded in the original report to the Planning Committee in June 2022, the application accords with the Development Plan when taken as a whole.

3.0 PLANNING BALANCE AND CONCLUSION

- 3.1 Achieving sustainable development comprises of three objectives: an economic objective, a social objective, and an environmental objective. The objectives need to be balanced to ensure they can be pursued in a mutual supportive way.
- 3.2 The proposed development seeks to deliver 329 dwellings on a site allocated for housing in the Local Plan, which would make a positive contribution to the local housing need and provide much needed affordable housing. It would also increase the supply of custom-build plots to help meet the demand on the Register. The development would also support the local economy during the construction phase and from expenditure by future residents of the scheme and is likely to help create additional jobs during the construction phase. The development would provide extensive and multi-function areas of green and blue infrastructure to improve health and wellbeing, provide resilience to climate change through the use of attenuation ponds and swales and help to conserve and enhance biodiversity. It is also expected that the development would create a well-designed, safe and inclusive place for future residents to live and for people to visit and use the recreation footpaths/cycle lanes and children’s play area. The development would therefore meet the social, economic and environmental objectives and would constitute ‘sustainable development’.
- 3.3 Whilst it is acknowledged that the proposed development would exceed the indicative capacity for this site allocation, it should be noted that this is not a fixed or maximum requirement. The proposed development would meet the required density for development on greenfield sites in accordance with Policy SP.9 and would provide sufficient green infrastructure in accordance with Policy SP.28. Furthermore, the development would not undermine the local infrastructure as appropriate mitigation in the form of a developer contribution has been agreed and no objection has been raised by relevant consultees. The development would make a positive contribution towards maintaining the Council’s 5-year housing land supply and would help to create a robust buffer, which in turn would help to ensure the Council can defend other

21/0031/FUL

applications for new housing development on unallocated sites in the countryside during this Plan period.

- 3.4 The Highway Authority have raised no objection to the amended details and have concluded that the internal roads of the development would be suitable for adoption and that there would be no unacceptable impact on highway safety.
- 3.5 As set out in the consideration of the original committee report (see below), the proposal would not cause harm to the landscape character, residential amenity, biodiversity or cause an increase in flood risk elsewhere. The amended plans submitted do not alter the conclusions reached on these matters.
- 3.6 The proposed development is therefore considered to be in accordance with the Development Plan and the National Planning Policy Framework and there are no material considerations that would outweigh the presumption in favour of the Development Plan.
- 3.7 The application is recommended for delegated **APPROVAL** subject to the signing of a S.106 agreement as per paragraph 4.79 of the original report and conditions listed in paragraph 5.4 of the original report.

ORIGINAL REPORT - PLANNING COMMITTEE AGENDA 21 JUNE 2022

1.0 Planning History

- 1.1 No planning history for this application site.

2.0 Consultation Responses

- 2.1 Stourport Town Council – Recommend approval.
- 2.2 Highway Authority – A robust assessment of the planning application has been undertaken and based on the analysis of the information submitted, the Highway Authority is of the opinion there still remains a concern about the adoptability of the internal site layout, but this can be resolved through the S38 process. Hence, the Highway Authority concludes that there are no justifiable grounds on which an objection could be maintained and, therefore, it has no objection subject to conditions and a financial obligation.

The following comments have been made to the application:

Access - Vehicular access to the site will be provided via two separate points of access, one from Dunley Road to the north and one from Pearl Lane to the east. The Dunley Road access provides a 6.0m carriageway and 6.0m junction radii. In addition, a segregated right turning lane will be provided on Dunley Road for traffic turning into

21/0031/FUL

the site, along with revisions to the existing Pearl Lane/Dunley Road junction (Switchback Crossroads) to the immediate north-east, to remove the merge and diverge tapers and introduce right turning lanes. The Pearl Lane access will provide a conventional priority junction layout with 6.0m junction radii and a 5.5m internal carriageway. Speed surveys have been undertaken at the site access points, to understand the 85th percentile speeds of traffic in both directions. In accordance with the WCC Streetscape Design Guide (SDG) and DMRB guidelines, visibility splays of an 'x' distance of 2.4m and 'y' distance of 160m have been provided. These are considered acceptable. The Applicant has agreed to the relocation of the existing 40mph speed limit on Dunley Road, which is welcome. Relocation will need to be supported by a Traffic Regulation Order (TRO), with the Applicant funding the approximate £4,500 costs. This can be covered by a suitable legal agreement, should planning consent be granted. The Applicant has offered to provide splitter islands in Pearl Lane rather than a signalised pedestrian crossing. Whilst the Highway Authority accepts such a pedestrian crossing facility is unlikely to be justified by pedestrian flow, the development will lead to pedestrian activity travelling east-west, so refuge islands would improve highway safety. The Highway Authority has no objection to the principle of vehicular access being taken from Dunley Road and Pearl Lane, subject to agreed layouts being designed to the appropriate standards and subject to both the Road Safety Audit process and a S278 Agreement.

Internal Layout - The current proposed internal site layout is shown on submitted Drg. No. WM-20-07U and Drg. No. WM-20-08Y. A recent layout change is the closing of the proposed north-south spine road at the location of the east-west public right of way crossing and provision of two turning heads and a proposed emergency access, controlled by bollards. This change is welcome by the Highway Authority. The Applicant has previously intimated the internal layout would be put forward for adoption as public highways. However, the Highway Authority is of the opinion the current layout, as proposed, still does not fully confirm with the WCC SDG and, therefore, could not be considered for adoption. Whilst the layout is considered unsuitable for adoption, it is not deemed to be unsafe and, therefore, there is insufficient justification to recommend refusal. It would be preferable the Applicant submit revised plans, which can be approved through the planning process. The alternative is to agree a revised layout subsequently through the S38 process. The matter has been discussed with the Applicant. It should be noted that the granting of planning consent does not mean the Highway Authority is obliged to accept the associated road layout.

Lighting - At this time, it is unclear if the development is to have street lighting or not. If it is, then the lighting design shall comply with WCC lighting standards for those streets that are prospectively adoptable. The Applicant is advised that any shared surfaces or raised features that are not lit would not be adopted. In addition, there is a requirement to undertake a lighting assessment for the new junctions and impact on the public highway. Lighting requirements can be covered by a suitable condition, should planning consent subsequently be granted.

Car Parking - Whilst the Highway Authority is content with the number of car parking spaces, it usually prefers not to adopt on-street parking bays that are within the prospectively adoptable public highway. Dimensions for parking spaces has been provided but those directly behind footways should be increased in length to avoid

21/0031/FUL

potential vehicle overhang that would obstruct the footway. The WCC SDG requires ultra-low emission vehicle (ULEV) charging facilities be provided. Whilst the Applicant has advised such facilities will be provided, no details have been submitted. However, this can be covered by a suitable condition should planning consent be granted.

Cycle Parking The Highway Authority is content that all houses will have access to cycle stores, with capacity to house two bicycles. Cycle parking can also be provided within garages, where provided. With regard to the apartments, the Applicant has confirmed a communal cycle store is provided adjacent to the bin store. Details of the store, in terms of layout, capacity and security can be covered by a suitable condition should planning consent subsequently be granted.

Walking and Cycling - No footway is currently provided along Pearl Lane, with the exception of a short section on its eastern side, heading north from Cotswold Avenue to Dunley Road. Approximately halfway along Pearl Lane, the PROW from the site crosses the road and continues east through the existing residential estate to Abberley Avenue, which is signed for pedestrians only. Footways are currently provided on both sides of Red House Road, however these terminate at its junction with Pearl Lane. The Highway Authority previously intimated there are a number of required external improvements to ensure that the development connects directly and safely into the existing walking and cycling provision, as well as allowing safe crossing of Pearl Lane. It is appreciated the Applicant has now agreed to their provision. Delivery will be subject to a S278 Agreement and require appropriate Road Safety Audits to be undertaken. The Proposed Site Layout plans indicate the public right of way (PRoW) SV-530 will be retained on its definitive line. Based on the information provided, the Highway Authority has no objection to the impact on the PRoW provided the Applicant adheres to the following obligations:

- No disturbance of, or change to, the surface of the path or part thereof is carried out without written consent of the Highway Authority;
- No diminution is made in the width of the PRoW available for use by the public;
- No additional barriers are placed across the PRoW. No stile, gate, fence or other structure should be created on or across the PRoW without written consent of the Highway Authority;
- Building materials and equipment associated with the development must not be stored on the PRoW and work undertaken to carry out the development should not obstruct the footpath at any time;
- Vehicle movements and parking must be arranged so as not to interfere with the public's use of the PRoW;
- The safety of the public using the PRoW is to be ensured at all times; and
- Where possible, the definitive line of any PRoW should be kept open and available for use throughout the construction phase. However, if public safety requires a temporary closure of a PRoW during works the appropriate application should be made to the Public Rights of Way Mapping Team at Worcestershire County Council at least eight weeks prior to the earliest requested closure date.

Local Amenities and Bus Infrastructure - The Highway Authority consider the location and provision of local amenities in proximity to the site to be within acceptable levels and consistent with many typical suburban locations. Realistic opportunities for travel by sustainable modes are available, assuming that the requested amendments to the

21/0031/FUL

internal layout and ped/cycle connections are provided. It is, therefore, important that the site maximises this potential, by promoting the infrastructure and sustainable travel options available, through a thorough and well publicised Travel Plan and Welcome Pack. With regard to bus stops, the Highway Authority previously requested provision of a new bus stop on the western side of Pearl Lane, to the north of Cotswold Avenue.

This would be served by the No.3 bus and provide closer and safer access for residents of the new development. A new bus stop layby is now shown on Drg. No. WM-20-08U, which is welcome and its delivery will be included within the S278. There will need to be an agreement if the bus stop infrastructure (bus stop, flag, timetable board, shelter, etc) are delivered via the S278 or a financial contribution, as part of a suitable legal agreement. Whilst the Highway Authority welcomes the provision of the new bus stop on Pearl Lane, under the 1985 Transport Act, WCC has a duty to consider the transport needs of elderly and disabled residents. A service must be provided for all elderly and disabled residents where no suitable bus service exists for those unable to access a bus due to disability. There may be some residents who cannot manage to walk to the new bus stop. WCC analyses this using historic trip need, DfT mileage rates and census data (for population per dwelling, disabled population statistics and age data) based on five years' calculated cost. A community transport service provides access to vital services, particularly acute health where it is no longer policy to offer appointments at the nearest facility to the resident's home address. Having reviewed the proposals, the Highway Authority is of the opinion some residents of this development will require community transport assistance. Hence, a contribution of £22,680 towards community transport costs, to allow for disabled and elderly residents to be transported appropriately, is requested, which can be secured through a suitable legal agreement.

Highway Impact - Highway network impact, resulting from the proposed development, as been assessed using highway computer models. The results of the PICADY junction modelling show that all three junctions assessed will operate well within acceptable capacity during both the AM and PM peaks. Operating the two access junctions without any internal through link is unlikely to have any significant detrimental impact on the operating capacity of either junction. VISSIM modelling of the wider area has been subject to discussions and subsequent agreement. The Highway Authority is of the opinion that the assessment is sufficiently robust and, whilst the development will result in some detrimental impact on the local highway network, it is considered to be relatively minor and, therefore, generally acceptable.

S278 Agreement - As the proposals involve alterations to the existing public highway, there will be a requirement for the Applicant to enter into a suitable S278 Agreement with WCC. The Agreement will require a detailed design of the proposed improvements to be agreed, with all associated checking costs paid by the Applicant. A Stage 1 Road Safety Audit (RSA) has been submitted as supporting information. The Applicant is advised that Stage 2 and Stage 3 RSAs will also require to be undertaken, as part of the S278 Agreement. Thereafter, a follow-up Stage 4 RSA may also be requested, subject to discussion.

Travel Plan - A draft residential Travel Plan has been provided as part of the application. Whilst the Travel Plan is generally acceptable as a first draft, the Highway Authority would reiterate the previous comments made:

21/0031/FUL

- The Smarter Travel Information Pack shall conform with the 'WCC Guidelines for Travel Welcome Packs' document, with a draft submitted for approval by WCC prior to being issued to new residents on or before first occupation;
- Residents who take up the offer of Personalised Travel Planning (PTP) must be offered an incentive, such as a voucher for a local bike shop or a monthly bus ticket. These incentives shall be included within the amended Travel Plan; and
- The results of traffic counts and monitoring reports shall also detail how many people have taken up PTP and what modal shift they have made. This should be sent to travelplans@worcestershire.gov.uk and included within the amended Travel Plan. Alternatively, the Applicant can pay £220 per dwelling for WCC to deliver the Welcome Pack, undertake the Personalised Travel Planning and carry out any subsequent monitoring. Production of a revised Travel Plan would be a recommended condition if planning consent were subsequently granted.

Construction - A Construction Environmental Management Plan, setting out the proposed hours of operation, routing, access proposals, materials storage and site details will form a condition on any successful planning consent.

2.3 North Worcestershire Water Management Officer – No objection subject to conditions and advises the following: The proposals would see the installation of a conveyance swale and associated attenuation basin west of the site boundary to intersect overland flow that could otherwise discharge onto the site and pose a flood risk to the development. An attenuated discharge of 2l/s is proposed from this attenuation basin into the to be diverted culverted watercourse. As part of the development proposal a new route is proposed for this watercourse which would in its current position discharge underneath a number of dwellings. The latest proposal would see the diverted watercourse largely under green open space, with the exception of the driveways of plots 80/81, the crossing of the spinal road (which will remain unadopted at this point) and the crossing of Pearl Lane (outside the site boundary). I believe that the detailed plan for this diversion should be such that private driveways are avoided altogether which means that within the site boundary the legal responsibility for the watercourse will entirely be with the developer / management company. Where the watercourse crosses Pearl Lane it will be WCC that is legally responsible for ongoing maintenance and upkeep. The plan details that the watercourse will outfall into the STW sewer system in the east verge of Pearl Lane, a small distance upstream of where the land drainage currently already discharges into the sewer system. It is detailed that over this distance the sewer will be upsized to accommodate the land drainage discharge (watercourse + additional 2l/s). Typical discharges for the existing watercourse have not been quantified but given its catchment it is likely to be substantially larger than 2l/s.

The swale with the associated attenuation basin and the (diverted) watercourse deal with the discharge emerging from outside the development. The discharge of surface water from the site itself will, as per previous proposals, be attenuated in a large, lined attenuation basin which will limit the discharge leaving the site to 5 l/s. The basin is to be adopted by STW and will discharge the attenuated discharge to the sewer system in the East verge of Pearl Lane downstream of the existing STW attenuation tank, into the sewer system near Redhouse Lane crossroads. STW have previously advised that they accept this 5l/s discharge into their sewer network and would be responsible to

21/0031/FUL

fund and complete any capacity upgrades if ongoing modelling would show that any upgrades were required in their network downstream.

Although it is currently not clear to me whether Highways are willing to allow the culverted watercourse to cross Pearl Lane (and therefore become the riparian owner for the section within the highway limits) nor whether STW is willing to accept the watercourse out falling into their network (MH7801) nor whether the proposed upgrade of the first length of the sewer system downstream of the watercourse outfall is acceptable or sufficient, I do think that these details alone would probably not be sufficient to withhold approval of this application on flood risk grounds. Somewhat reluctantly and definitely cautiously I am inclined to give a 'no objection' verdict, providing that a series of conditions can get attached that ensure that:

- the swale and associated attenuation will be constructed prior to first occupation (even though this is outside the red line boundary)
- the existing culverted watercourse will be diverted appropriately, with required approvals of Highways and STW as asset owners, and will avoid private owned land altogether
- the SuDS will be constructed and maintained in accordance with the details provided (including the liner to ensure no flood risk via seepage from the basin for existing properties on the estate)
- a construction Surface Water Management Plan will be submitted and approved to ensure that the development does not exacerbate the existing flood risk during construction

2.4 Housing Enabling Officer - No objection.

2.5 Conservation Officer – Recommend refusal on insufficient information submitted. *The Archaeological desk-based assessment which also forms the heritage statement identifies, inter alia, at 4.3.9 Tudor Rose Cottage as Grade II: NHLE1082713. It then identifies Dunley Hall as Grade II, NHLE: 1349461 at 5.2.1 as a designated heritage asset directly affected by the development and there's quite a bit of analysis of that building and potential impact on it. However the site is 570m NE of Dunley Hall as per 5.2.4, and at 5.2.5 the assessment states: "The assessment undertaken in section 4 has identified no other known designated or non-designated heritage assets that would be directly affected by the proposed scheme. The distance between the site and the nearest listed buildings as well as the surrounding landscape including hedges and vegetation results in no intervisibility between designated heritage assets and the site". We are asked to accept this as a statement of fact but there appear to be no photographs or landscape visual assessments to confirm this, and Tudor Rose Cottage is much closer to the site, being only 200m SW from the nearest point. Please can you ask the applicant to explain how this assertion has come about and can they provide evidence to support it? I'd rather they explain this via photographs taken from the highest point of the northern part of the site looking towards Tudor Rose Cottage than me raise a formal objection on the lack of information provided".*

On 3rd February 2021 I provided further informal comments concerning potential additional viewpoints which could form the basis of an updated Landscape and Visual Assessment, including provision of a map extract illustrating these.

"Suggested locations for views for an updated LVA? All from public footpaths or public domain.

21/0031/FUL

View of site needs to have the 3 storey block superimposed to assess the impact, particularly from the NW, N and NE.

As the county landscape advisor suggested they ought to get access to the church tower as view from top could be heavily compromised by 3 storey development, and thus impact on setting. It could also be possible to get a camera on a drone at 10m above datum at the location of the 3 storey flats and see if the church is visible and if so how much of it, as this will be a reversible view”.

Despite the time which has elapsed since these informal comments were made, the applicant has not provided the additional information requested to permit me to establish whether the development causes harm or not to the element of significance of the designated heritage assets derived from their settings. Given that one of these heritage assets is a Grade II* listed parish church whilst these questions remain unanswered my advice is that the requirements of the NPPF and the Local Plan are not satisfied in terms of heritage impacts and the application should be refused. Were such impacts to be properly identified and assessed then that intelligence could be used to enable the Council to form a conclusion as to whether any public benefits of the scheme outweighed heritage impacts as allowed for by the Framework.

2.6 Natural England – Awaiting comments.

2.7 Public Rights of Way team - The Public Rights of Way Team has concern for the impact of the development on a public right of way, footpath Stourport on Severn SV-530. However, our comments will form part of a wider Worcestershire County Council response to the consultation.

2.8 WFDC Community Led Housing Co-ordinator – Supports the application and the provision of 8 custom build plots.

2.9 Worcestershire Children’s First – No objection subject to a financial contribution of £2,132,338 with £1,715,890 towards Primary school places (The contribution will be used to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure at any related primary school or new school serving the area) and £416,448 towards SEND (Primary and Secondary)(The contribution will be used to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure at Wyre Forest School or any other school in the area providing an SEND resourced base).

Early Years Phase - The Local Authority has a statutory duty to secure, as far as is reasonably possible, sufficient places for children aged 2,3 and 4 to claim their entitlement to funded nursery education. In addition, the Local Authority should secure sufficient childcare for working parents. The sufficiency of places is calculated each term and in Autumn 2020. The assessment showed a surplus of early years’ places in the Areley Kings and Riverside Ward for the next 3 terms. These places would be used to meet the early education needs of the children living in the new development. There is currently sufficient capacity within early years provision in the area to accommodate the number of pre-school pupils likely to be generated from this development.

21/0031/FUL

Primary Phase - With regards to mainstream provision, the proposed development is likely to yield 15.83 pupils on average per year group in the primary phase of education. St Bartholomew's CE Primary has some capacity but not sufficient to admit the number of pupils likely to be generated from extant permissions and this development. There are currently 215 pupils on roll at St Bartholomew's CE Primary. The school has academy status and is part of the Severn Academies Educational Trust. The Academy Supplemental Funding 3 One bed dwellings have been excluded from this calculation Education Planning Obligation Assessment sets out a capacity of 315 in the age range 3 - 11. This is not in accord with the Published Admission Number of 50, which would give a capacity of 350. The local authority has taken the capacity of 350 to be the limit of the number of children that can reasonably be admitted to the school. The school was rated Good by Ofsted in November 2013. The school subsequently converted to Academy status in March 2017. It is anticipated there will be migration between schools to account for demographic movement and parental preference. Current analysis indicates that St Bartholomew's CE Primary is a net exporter of pupils. As at October 2020, there were 422 pupils living in the St Bartholomew's CE Primary catchment area who were on roll at a state funded school. 43.8% of pupils living in the catchment area attend the catchment area school. Of the pupils that attend St Bartholomew's CE Primary 86% of pupils live within the catchment area. Due to the high level of migration, further analysis of schools within the statutory walking distance has been undertaken. Reference has also been made to extant permissions and developments that will impact the area. Current extant windfall permissions are estimated to yield 2.6 primary aged pupils on average per year group. Larger extant permissions on Land at Baldwin Road, Midland Plastics and Astley Cross Triangle⁴ are set to yield 11.2 primary age pupils on average per year group. In addition, the Carpets of Worth site is estimated to yield 5.8 pupils per year group and the development of Land at Pearl Lane is estimated to yield 15.8 pupils on average per year group. These assessments exclude one bed dwellings. In addition, current practice seeks to maintain a 5% operational surplus in an Education Planning Area (EPA). The combined estimated pupil yield including the operational surplus equates to 50.4 pupil places. Current analysis shows there are currently an average of 25.7 surplus places per year group in the related schools. This is reduced by 9.9 operational surplus places, extant permissions deriving 13.8 pupil places and, the yet to be determined site deriving 5.8 pupil places, leaving a deficit of places of 3.8 pupil places. In addition, to the proposed development site at Stourport High School, the development on Land at Pearl Lane has also been submitted. The two development sites now coming forward are set to yield 20.8 pupils on average per year group. There are insufficient places to accommodate the number of pupils estimated from these developments. Current forecasts indicate pupil numbers will be lower than recently experienced however, it is anticipated that there will be pushback from neighbouring EPAs and there will be insufficient places to accommodate the forecast number of pupils.

Secondary Phase - The proposed development is likely to yield 12.6 pupils on average per year group in the secondary phase of education. The Stourport High and Sixth Form Centre has some capacity but not sufficient to admit the number of pupils likely to be generated from extant permissions and this development. The Stourport High and Sixth Form Centre is the only high school serving the EPA. There are currently 999 pupils on roll in Years 7 - 11 at The Stourport High School. The Academy

21/0031/FUL

Supplemental Funding Agreement dated 25th August 2016 sets out a capacity of 1,500 in the age range 11 – 18, including a sixth form of 250 places. Since this date the Local Authority agreed with the school to increase the published Admission Number to 254 with effect from 1st September 2019. The local authority has taken the capacity of 1,520 to be the limit on the number of children that can reasonably be admitted to the school. The school was rated as Requiring Improvement by Ofsted in November 2018. It is anticipated there will be migration between schools to account for demographic movement and parental preference. Current analysis indicates that

The Stourport High is a net exporter of pupils. More pupils live in the catchment area than those attending The Stourport High who were on roll at a state funded high school. Of the 1,118 pupils, 68.8% attend the catchment area school, 10.6% attend The Bewdley School, 8.4% attend schools in Kidderminster, 8.6% attend other schools across the County and 3.6% attend The Chantry. 4 Astley Cross Triangle is situated in the Martley EPA and is in the catchment area of Astley CE Primary School. However, the site is adjacent to St Bartholomew's catchment area and 58 of the 94 pupils (61.7%) on roll at Astley CE Primary School reside in the Stourport EPA. Astley CE Primary School is currently operating above PAN 13. It is anticipated that the new development will displace families living in the Stourport EPA. Due to the high level of migration, further analysis of schools within the statutory walking distance has been undertaken. Reference has also been made to extant permissions and developments that will impact the area. Current extant windfall permissions are estimated to yield 2.1 secondary aged pupils on average per year group. Larger extant permissions on Land at Baldwin Road, Midland Plastics and Astley Cross Triangle are set to yield 9 secondary age pupils on average per year group. In addition, the Carpets of Worth site is estimated to yield 4.6 pupils per year group and the development of Land at Pearl Lane is estimated to yield 12.6 pupils on average per year group. These assessments exclude one bed dwellings. In addition, current practice seeks to maintain a 5% operational surplus in an Education Planning Area (EPA). The combined estimated pupil yield including the operational surplus equates to 46 pupil places. Current analysis shows there are currently 50.2 surplus places on average per year group in the related school. This is reduced by 12.7 operational surplus places, extant permissions deriving 11.1 pupil places and, the yet to be determined site deriving 4.6 pupil places, leaving a balance of 21.8 pupil places. In addition, to the proposed development site on Land to West of Pearl Lane, the development on Land at The Stourport High and Sixth Form Centre has also been submitted. The two development sites now coming forward are set to yield 16.6 pupils on average per year group. Number on roll at the school are expected to continue to fall over the next several years, despite rising numbers in secondary schools across the County. In September 2021 a forecast 188 pupils will enter the school out of 254 available places. This is largely driven by parental preference but alternative schools can currently accommodate these additional pupils.

SEND - Wyre Forest School opened on its present site in September 2015, offering 220 places from Reception to Year 13. A further 5 places were added in 2017. The school is situated on the Habberley Campus and occupies the site alongside St Johns Primary School and Baxter College. The school is a popular school and serves families across the district. Pupil numbers continue to grow, and additional accommodation is required to support pupil numbers. Special schools offer specialist education and they do not operate a capacity as with mainstream schools. Due to the

21/0031/FUL

nature of the provision there is an expectation that the premises have to offer flexible provision. Additionally, the school does not consistently accommodate a set number of pupils per class, the number can vary to meet the needs of the individual pupils requiring specialist provision. Analysis of pupils on roll as at October 2020, shows that of 273 pupils in Reception to Year 11, 191 live in the Wyre Forest area. This equates to 80.9% with a further 3.66% residing in Bromsgrove which is a substantive level of in area pupils attending specialist provision. With regards to Special Education Needs and Disabilities (SEND) provision, the proposed development is likely to yield 3 SEND primary school place and 2 SEND secondary school place. Analysis of pupil numbers indicates that there is insufficient capacity in the area to admit the number of pupils that are likely to be generated from the proposed development who require a place at a SEND school. The information set out above demonstrates that Wyre Forest School has insufficient capacity to absorb the additional children likely to be generated and that the development cannot be considered acceptable unless appropriate mitigation is put in place. Planning Obligations Sought In response to the planning application it is calculated that an education contribution towards Primary and SEND infrastructure would be sought. The assessment above has taken into account the level of surplus places and operational surplus. The level of places required as a result of this development is set out below. A deduction of 54 dwellings including 6 one bed dwellings, has been made to account for affordable/social rent.

2.10 WFDC Countryside and Parks Manager – No objection subject to the following conditions:

- Landscape and Environmental Management Plan (LEMP) which includes a biodiversity net gain plan
- Biodiversity Construction Environment Management Plan (CEMP)
- The measures included in the dormice mitigation strategy are implemented under the supervision of a suitably experienced ecologist then after 5 years a report submitted to the LPA. Detailing actions and the results of monitoring to provide ecological confirmation and commentary that the mitigation being offered are delivering the described level of mitigation for dormice. If during the period additional mitigation is needed to achieve this status this will implemented and detailed in this report.
- A post clearance work dormice search strategy is produced and implemented, for a minimum of one year, to ensure dormice do not become trapped in isolated areas of habitat on site.

The March 22 Dormice mitigation strategy has helped with a lot of my queries and with the provision of some conditions listed above, I feel that appropriate mitigation would be undertaken to minimise the harm to dormouse and ensure the conservation of this protected species.

The ecological report states that farmland birds will be impacted on, but the site is located with abundant habitat around to absorb any displacement. The increase in tree / hedgerow planting and wildflower rich grassland will add to quality of available habitat. The CEMP will need to pick up time of work to not impact on any species that might be nesting. The displacement of birds to adjacent habitat, I feel, has limits and cumulative impact on farmland birds needs to be considered, if additional applications come in the locality.

21/0031/FUL

The hole in the hedge for access will need to be mitigating as it is going to be important from a dormouse connectivity perspective. Lighting around boundary's (and possibly the open space) is also going to be important as there are highly light phobic bat species using the development site for commuting and consideration of property and road orientation might be needed to ensure the effectiveness of the sites dark corridors. It would be good to see these included on a plan.

- 2.11 Severn Trent Water - No objection. It is advised that Severn Trent Water are happy to approve the proposed residential road with our 800mm DI Transmission pipe running underneath its full length. This has also been agreed in principle with Developer site Engineers, taking Risk Factors and site proposals into consideration. It is also noted that Severn Trent Water understand that the access rights to the said main would be Covered under the Water Industries Act 1991.

Waste Water comments - We have reviewed the Flood Risk Assessment, Revision F (DDS, Dec 2020) and Drainage strategy drawings submitted with this application and have the following comments to make. Severn Trent has been working alongside Kirsten Huizer at North Worcestershire Water Management to conduct a hydraulic modelling study investigating the existing surface water flooding risk predominantly related to overland flow routes across the proposed development site which has unfortunately resulted in flooding incidents to properties in the vicinity of the site. The modelling so far indicates that there are opportunities for positive surface water management on the proposed development site to contribute to reducing this risk providing that the site surface water strategy is carefully developed.

Para 4.6 of the FRA indicates a proposed cut off drain to capture overland flow from the west of the proposed site and direct into ground infiltration. We are supportive of this and would recommend that the land drain extends along the entire western boundary of the site. We would recommend that from modelling conducted to date that improvement to land drainage is also likely required at the north of the site to capture overland flow which is identified from the north based on modelling of existing flow paths. It is recommended that further modelling is conducted to ensure that the cut off drain is sized appropriately and works alongside the wider site drainage strategy.

Para 5.17 The Foul Water Strategy proposes a connection to Manhole SO79699501 on Redhouse Road. It is likely that foul sewer upgrades will be required in the downstream network and hydraulic modelling is required to better understand the risk and determine if network reinforcements are required. Severn Trent will conduct modelling of this site once surveys of integral assets in the downstream network have been completed.

Para 6.3 To determine the impact of a 5l/s connection into Manhole SO79698501 on the surface water sewer network, hydraulic modelling of the proposed surface water drainage strategy connection is required. This will be done alongside the foul sewer modelling Sewer Capacity Assessment.

We have reviewed the revised drainage strategy and have undertaken hydraulic modelling to test the impact on the receiving network. The hydraulic modelling shows a medium increase in flood risk to the downstream surface water network in a location of existing flood risk. We would note that the drainage strategy proposed has the potential to have a positive impact on the flood risk and we are supportive of the inclusion of drainage ditches to the west of the site to intercept overland flow from the fields to the west which contribute to the existing flood risk. We would recommend that from modelling conducted to date that improvement to land drainage is also likely

21/0031/FUL

required at the north of the site to capture overland flow which is identified from the north based on modelling of existing flow paths. We are supportive of the site surface water connecting to the south of the site rather than at the point of the existing surface water connection structure as this has potential to reduce existing flood risk to Pearl Lane.

Clean Water Comments - We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team to assess their proposed plans for diversion requirements.

- 2.12 NHS (CCG) – In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Herefordshire and Worcestershire CCG calculates the level of contribution required in this instance directly relating to the number of dwellings to be £125,235. Payment should be made before the development commences. Herefordshire and Worcestershire CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.
- 2.13 Worcestershire Regulatory Services (Air Quality) – No objection subject to conditions. It is advised that Worcestershire Regulatory Services (WRS) previously reviewed the report entitled ‘Air Quality Assessment: Ernleye Meadows, Stourport-on-Severn’ produced by Air Quality Consultants, dated December 2020, reference J3630A/1/F3, in relation to the proposed development. The report was generally found to be an appropriate air quality assessment in line with best practice and relevant guidance. The outcome of the report described the impacts at modelled receptors to be a largely ‘negligible’ impact with one receptor ‘slightly adverse’ (3% change) which equates to 1.1µg/m³ increase and a highest concentration of 34.5µg/m³ in 2022 with development scenario. WRS raised a number of points for clarification which have been answered by the further information provided. WRS are satisfied with the air quality assessment but consider that air quality mitigation measures (electrical vehicle charging points, low NO_x boilers, secure cycle parking) should be incorporated as part of the development as referred to previously. This is to encourage the uptake of low emission modes of transport and to help alleviate pollution creep in the area. Please see the attached document for the recommended conditions.
- 2.14 Worcestershire Regulatory Services (Noise) – No objection as there are no noise sources of note such as railway lines, busy roads or commercial noise sources so the location for this proposal does not have these difficulties. In terms of the construction phase, there are a few isolated residents and the proposal extends to the edge of Stourport. There is the potential therefore for construction noise, dust and lighting to effect existing and proposed residents so I therefore recommend the following condition:
A construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and also comply with the requirements of Worcestershire regulatory Services Code of Best Practice for demolition and Construction Sites 2nd Edition

21/0031/FUL

August 2020. Consideration shall be given to the impact that noise, vibration, dust and light will have on current and future residents. Applications for permit/variation of work patterns that deviate from general code requirements must be made and approved prior to commencement of activities by Worcestershire Regulatory Services

- 2.15 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to conditions to require site investigation, remediation, and validation report to be submitted for potential contaminated land and to require further works if unexpected contamination is found during the construction phase.
- 2.16 WCC Archaeologist – No objection subject to conditions. It is advised that the proposed development area has been subject to several phases of archaeological investigation comprising monitoring of the topsoil strip for the pipeline in the 1990s, various episodes of metal detecting, field-walking, geophysical survey and archaeological evaluation. The result is that we have a clear picture of the archaeological potential of the site. The southern three quarters of the site appears to be devoid of any archaeological potential. In the north of the site at the top of the slope there is an enclosure containing Romano-British activity. A probable boundary ditch was encountered in both the 1990s excavation and the 2019 evaluation and picked up on the geophysical survey. This runs east-west across the site, marking the top of the slope. It contained Romano-British pottery and appears to denote the southern edge of the archaeological potential. To the north of this ditch, an aisled agricultural building was uncovered in the 1990s. Finds from the excavation and episodes of metal-detecting indicate that there is settlement activity close by.

The 2019 evaluation did not pick up extensive remains and there is no reason to object to this development on archaeological grounds. The development will, however, destroy known archaeology within the northern part of the site. Should the LPA be minded to grant permission for this development, then a programme of archaeological work should undertaken as a condition on the grant of consent to offset the harm caused by the loss of this heritage asset. This will consist of topsoil strip and excavation of the areas in the north highlighted as containing Romano-British occupation.

- 2.17 Sport England – No objection to this application, subject to securing a s106 contribution of £757,763 towards built sports facilities and playing pitch investment in line the comments above and subject to any comments provided by your Sport and Leisure Officer regarding local priorities for investment.

It is advised that the population of the proposed development is estimated to be 741 persons based on an occupancy rate of 2.24 people per dwelling. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

The Council's Indoor and Built Sports Facility Strategy Assessment Report (BFS) sets out that taking into account the current supply of facilities and the current and future levels of demand it can be ascertained that Wyre Forest has a sufficient supply of

21/0031/FUL

sports halls to meet current and future demand levels. This is on the basis that there are good levels of availability within all sports halls across the area and that there are no reports of clubs and organisations not being able to access facilities. However, the current supply falls short in relation to quality, with the majority of sports halls being identified as below average or poor. This not only affects the quality of experience for community users, but also from an educational perspective. The BFS identifies that with only nine of the fifty-one badminton courts falling within the leisure contract (three of which are below average condition at Bewdley LC), Wyre Forest DC has relatively little control over access, availability and programming of the district's sports hall stock. Consequently there is a reliance on the education sector to deliver a large proportion of community use in what are for the large part below average quality sports halls. Stourport High School is the exception, containing a good quality four court sports hall. The strategy also comments that Bewdley Leisure Centre is a dual use leisure centre with a three court sports hall within the Council's leisure management contract. Built in 1990 the facility is now in a below average condition, but will be subject to some investment in 2017 to improve its quality. The centre provides a home to Bewdley Colts badminton club and contains a strong disability sport offer. With a view to sustaining curricular and community use in the long term, there may be an opportunity to remodel the redundant space in the centre's former youth facility in order to provide a health and fitness or group fitness activity space. In respect of swimming provision, the BFS states that the Wyre Forest district stock has undergone recent rationalisation with the closure of Wyre Forest Glades Leisure Centre and Stourport Sports Centre. These have been replaced by the new six lane, 25m pool and teaching pool at Wyre Forest Leisure Centre which opened in 2016. Informed by a Facilities Planning Model study, the new facility is strategically located to pick up demand from the main areas of population and there are several pools in neighbouring authorities within an accessible drive time of Wyre Forest residents. Wyre Forest Leisure Centre is nevertheless the only pool within the district which is of good quality and fully accessible for community use. The BFS identifies that elsewhere the remaining two swimming pools in Wyre Forest are both on school sites and, whilst providing a vital role in catering for club usage, both were built over fifty years ago and their quality ratings reflect this. King Charles I School is rated as below average, meanwhile Holy Trinity School did not provide access for a site visit. Club use is effectively the only community use at these sites with access gained on a key holder basis. Whilst these sites cannot be relied upon to deliver a broad programme of community use, it remains important that they are sustained in the long term to provide a 'buffer' in terms of capacity for swimming lessons and club training. The strategy also identifies several other investment priorities including opportunities to undertake facility investment at Stourport Sports Club, where there are several projects including re-surfacing the older hockey pitch, refurbishment of the athletics track, additional changing and car parking provision etc. Therefore, taking this evidence into account, Sport England would make the case that a section 106 contribution of £240,526 towards investment in Built and Indoor Sports Facilities should be sought from this development to be spent on locally agreed priorities in line with the BFS. In respect of playing pitches, the Council's Playing Pitch Strategy (PPS) identifies that there are shortfalls of provision of some pitch types in some parts of the District, and notably this includes in Stourport, to meet quantitative needs for football (including the need for additional match sessions on grass pitches and additional 3G artificial grass pitches). There are also pitch quality issues at some sites. For rugby union, the priorities are to alleviate overplay and to improve the quality of pitches, particularly at

21/0031/FUL

club sites. With quantitative provision for cricket and hockey currently meeting demand, the PPS reports that there are opportunities to undertake qualitative improvements to existing facilities. The PPS identifies several opportunities for investment in playing pitches, including the provision of two 3G artificial grass pitches. There are several opportunities to improve the quality of provision in the Stourport area. I have set out below some detailed comments from some NGB's regarding current priorities for investment that should be considered. Therefore, Sport England considers that a case can be made for seeking a section 106 contribution from this development towards playing pitch investment, to be invested in line with the priorities in the PPS. Whilst the overall population figure is lower for the planning application compared to the figures provided previously in relation to the pre-application enquiry, the demand is much the same; equating to one playing pitch (rounded up to the nearest whole pitch), together with contributions towards changing room provision and pitch maintenance.

The costs for new provision are marginally lower, reflecting the lower population figure. PPC identifies a capital sum of £104,421 for the pitch provision, which could be invested in providing new pitches, or alternatively to invest in improving the quality of existing pitches to build additional playing capacity. I'm not sure what the Council would normally require in terms of a maintenance term, but if this was applied over a 15 year period (15 x £15,472), the PPC then generates a suggested maintenance sum of £232,080. A sum of £180,736 is identified to provide ancillary facilities for changing, so based upon the PPC calculation, the overall playing pitch contribution would be £517,237. This provides a basis to discuss this further with the developer. I would add that the PPC calculation is based on the team numbers identified in the 2017 Playing Pitch Strategy, so any growth in team numbers since that time (for instance due to growth in participation rates) has not been captured in the calculations presented here. Also, since the PPS does not include hockey membership numbers these could not be included. As a result, the findings most likely underplay the demand for some facilities, particularly for hockey. Nonetheless, this remains the most up to date teams data that is available, and provides a reasonable basis to negotiate a suitable developer contribution.

Whilst I note the masterplan includes an area of open space, it is noted that no on-site playing pitch provision is proposed. The provision of a single pitch within the development is not seen as a priority as this is unlikely to be attractive facility for local clubs to use. Sport England would therefore support proposals that made appropriate provision for off-site investment in playing pitches, in accordance with the priorities in the PPS, such as investing in the existing Sports Hub at Stourport.

NGB comments - Sport England has consulted Football Foundation, ECB, RFU and England Hockey on this application, the following comments have been received:

Football Foundation Comments - Priorities for football locally are as follows:

- Stourport Sports Club – changing provision and potential 3G
- White Wickets Sports Field – Grass Pitch Improvements
- Habberley Sport Field – Grass Pitch Improvements
- Far Forest Society Pavilion & Sports Ground – Grass Pitch Improvements

Please note that Worcestershire FA and the Football Foundation are also proactively working on a project at Wolverley High School in the District, to improve natural grass

21/0031/FUL

pitches and provide changing accommodation for school and community use. This is circa. 8 miles away but we know that stakeholders involved in the project are actively seeking partnership funding with a view to making an application to the Football Foundation during 2021.

England Hockey comments - The priority for Hockey in the area is Stourport Hockey Club situated close to the school site. There is extensive use of the site by the school which has led to the increased wear of the surfaces with one pitch in particular needing a resurface imminently. This has been acknowledged within the PPS.

ECB Comments - There are two clubs in the Stourport area of Wyre Forest and both in need of investment.

Whilst the RFU have not commented as yet on this application, I am aware from comments on other proposals that they report the following investment needs: Stourport RFC – changing room improvements and Chaddesley Corbett RFC – changing room improvements. More generally, club sites would benefit from investment in sports lighting and enhanced pitch drainage/maintenance.

Active Design - Having reviewed the site layout, I would comment that whilst the proposed development provides good opportunities for the provision of high quality routes for walking and cycling within the development itself, connectivity for walking and cycling to and from the existing neighbourhood is hampered by a lack of footways along Pearl Lane and Dunley Road. At the location of the proposed access point on Dunley Road there is a footway on the northern side of the road, albeit this is very narrow, and unlit, and there are a lack of crossing facilities for pedestrians. On Pearl Lane, there is no footway presently, though there would appear to be space to provide pedestrian facilities within the grassed verges. In the absence of suitably designed safe pedestrian footways in the vicinity of the accesses to the site, residents are more likely to rely on motorised transport rather than to undertake local journeys by active means of travel. It is therefore recommended that the developer be invited to make appropriate provision for investment in pedestrian footways in the vicinity of the site on Dunley Road and Pearl Lane, to ensure the development integrates with the surrounding network of facilities for walking and cycling to the east of the site. My only other comment would be that whilst there is a good network of linear open spaces for walking and cycling, there seems to be little space dedicated to other recreation activities, such as a kickabout space for informal sports and physical activity? Has this been considered.

- 2.18 WCC Landscape Advisor - I previously provided headline comments for landscape on this site under its Local Plan allocation reference. AKR/14:
 “This site will be a significant encroachment into rural landscape. The relatively flat topography does offer some potential for visual mitigation, which will need to deliver effective screening from receptors located nearby in Dunley (includes the setting of Listed Buildings), New Barns Farm and Astley Cross. The suburban/rural transition will need open space provision and functional buffering of boundaries.”
 This provides a context within which to assess the current application. I note the application proposes 331 units against the allocated 250, which is significant in terms of development density, infrastructure and the overall impact to the site and its setting. One such problem is how to treat the transition from peri-urban to open countryside and the setting of existing dispersed settlement and dwellings. The

21/0031/FUL

development will be an encroachment into a previously undeveloped field and rural setting association with dispersed and low-density settlements. The measure of impact therefore must be weighted in terms of impact to open countryside and should not be seen simply as an extension of existing suburban settlement to the east, and thereby considered to be in character. The higher proposed density, therefore, is a cause for concern at the southern part of the site where the development is in block form and hard up against the southern boundary hedgerow. This impacts on the setting of New Barns Farm: an historic farmstead that has barns converted into residential dwellings. I would expect to see a larger buffer and design that creates a more distinctive, lower-density character area. The western side of the development benefits from a wide landscape buffer, however, the transition from built to open space would benefit from an increased variation in density and form. The lack of this is perhaps a result of the increased number of units which has resulted in tightly clustered blocks of development that also lack variation in terms of distinct character areas within the context of the scheme.

This raises a related matter concerning the relationship between the urban blocks and site green infrastructure. I note from the submitted drawings that a boundary rail will be installed around each urban block, demarcating public and private space. While this may seem a relatively low-key feature, is this considered a necessary feature of site management? I believe the development would benefit from less obvious division so that households are more connected and integrated with the landscaping scheme, and will also help to deliver better permeability.

In terms of the landscaping scheme, I believe it would be beneficial, given the magnitude of the scheme, for the applicant to draw together the Landscape Management Plan with ecological measures and mitigation in the form of a single Landscape and Ecological Management Plan (LEMP). Landscape and ecological matters cannot be approached in isolation of one another given the importance of delivering a high quality scheme and net gains for biodiversity. This relationship, with its constraints, opportunities and methods would, therefore, be more effectively articulated within the context of a LEMP.

In terms of visual impact, I am concerned with the three storey buildings proposed for north-eastern corner of the site that will occupy a relatively high elevation within the context of the site topography. The visual impact of this needs to be articulated more fully within the context of the site setting and visual envelope, and visual relationship with heritage assets where there may be a setting issue. The LVA would benefit from some revision to address this and other matters. The document notes: The bowl-like topography is a distinctive feature of the local landscape and the site area. The landform creates a sense of openness in the northern portion of the site on the plateau area (paragraph 3.11). There are design opportunities that arise from this, but also sensitivities that are material in the context of the rural landscape. Consideration of winter views has been included, but would be best demonstrated with a set of winter photographs that present an evidence-based comparison between summer and winter views. The report would benefit from additional viewpoints from Bank House Farm (a receptor that is both elevated and close to the site) and the top of the tower at St Bartholomew's Church (setting). I believe also the LVA would benefit from the inclusion of one or more visualisations that present winter representations of the scheme; in particular, a visualisation of skyline/rooflines from viewpoint 8.

21/0031/FUL

The visual impact of rooflines and roofing materials are a particular issue in the context of longer-range views, where the effect can be quite monolithic. Materials need to reference local vernacular and avoid the use of roof cladding that is contrary to the colour palate evident throughout the setting, which is dominated by brown roof tiles and Welsh Slate on historic buildings. Not only should colours aim to integrate the development within the context of local settlement character, but also assist in muting the overall visual impact of particularly (although not exclusively) the rooflines when viewed against existing and new landscaping and the wider landscape setting. The transition really needs to be based around a more dispersed and lower density morphology. Also, street trees provide a number of benefits, not least a layered softening of a development when it's viewed from an elevated location. I also thought there was now a movement away from cul-de-sac street design in master planning so that communities are more connected through active travel networks. This also supports permeable GI through a development. Given its rural setting I would expect to see this principle applied at Pearl Lane.

In conclusion, while I acknowledge this is an allocated site, I am concerned with the proposal to develop 331 units, which greatly exceeds the allocated threshold. The landscape into which the development will encroach is sparsely settled with a distinctive and largely intact historic rural character, and therefore, is at risk of harm resulting from higher density development. The scheme, as submitted, has merit in its outline landscape design principles, but there remains a number of issues concerning elements of the design, evidence base and management planning, as set out above, that would benefit from revision. I recommend these matters are addressed by the applicant before you determine the application.

- 2.19 WCC Sustainability Officer - There is not a Sustainability Statement included in the DAS as required by Policy CP01 of the Wyre Forest Core Strategy. The application lacks full details on how the development will meet any of the sustainability-related measures and policies in the Wyre Forest Core Strategy. Climate Change The National Planning Policy Framework (NPPF) requires new development to be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and that help to reduce greenhouse gas emissions, such as through its location, orientation and design. The UK Climate Change Act 2008 sets the legally binding target for the UK to reduce carbon emissions to net zero by 2050. Improving the energy performance of new buildings will help contribute to the overall emissions reduction. It is not clear from the application documents exactly how the development has been designed to address climate change as part of Policy CP01 of the Wyre Forest Core Strategy. We would expect the resilience of the buildings in relation to future climate change to have been fully considered. Taking into consideration the projected changes in Worcestershire's climate, the following measures are suggested to ensure the buildings are able to cope and remain operational in the future:
- Wide gutters with emergency overflow points to provide for periods of sudden intense rain;
 - Outdoor shading for buildings in summer, to make the space usable in hotter weather and to provide flexible shading to windows to reduce internal temperature increases expected from direct sunlight;
 - The provision of green space allowing for recreational space, providing health and societal benefits and more natural cooling of built-up areas;
 - Water butts to enable rainwater harvesting for outdoor use/planting and growing; and

21/0031/FUL

- Consideration of green/sedum roofs to help to slow/decrease run-off during times of heavy rain.

Energy - The applicant's Energy Report refers to the emerging Local Plan, rather than the adopted Core Strategy. The emerging Local Plan policy CP24B would require developments to "incorporate the energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make development unviable." The adopted Core Strategy policy CP01 includes a similar requirement, stating that "A minimum of 10% of the energy requirements of major new developments should be met onsite from low or zero-carbon energy sources." The applicant's Energy Report states that "It is the wish of Barratt West Midlands to achieve this reduction through a fabric first approach". This would fail to comply with either policy, which explicitly require the provision of renewable energy. We welcome the applicant's commitment to improved energy efficiency. Improving the thermal performance of buildings, over and above Building Regulations, will support the affordability of living in the homes and the thermal comfort for residents. This could help reduce the risk of fuel poverty and ultimately benefit the residents' health through warm and healthy homes. However, the energy efficiency improvements should not be at the expense of renewable energy; it should be the starting point from which to calculate the 10% of renewable energy required under the adopted policy. If energy efficiency is improved, then the 10% figure will be also be easier to achieve. If the 10% renewable energy requirement cannot be met, evidence-based justification should be provided to demonstrate why this is the case. The Core Strategy states that all new development proposals within the District must demonstrate how they reduce their impact on the environment. The design, layout, siting, orientation, construction method and materials used should seek to maximise energy conservation and efficiency. With the exception of the specific measures set out in the Energy Report, it is not clear from the application documents how the proposed development will achieve this.

Water Efficiency - The UK Climate Change Risk Assessment 2017 identifies the risks of shortage in public water supply as one of the top climate risks where more action is required to improve resilience. The Wyre Forest Core Strategy identifies in Policy CP01 that new residential development should include water efficiency measures to a minimum level of 105 litres per person per day. It is not clear from the application documents how the proposed development will achieve this.

Electric Vehicle (EV) Charging - There is no mention of provision for electric vehicle charging in the new development, although we encountered error messages when trying to view both the Design & Access Statement and the Planning Statement at the time of this response, so we apologise if they contain this information. As the Government will end the sale of new petrol and diesel cars and vans by 2030, any new development needs to have the charging infrastructure in place for the expected increase in EV ownership. We would suggest EV charge points should be included in the development in line with guidance under Local Transport Plan 4 Policy TCC2 – Ultra Low Emission Vehicles.

Waste - Consideration should be given to the provision of compost bins to reduce the amount of food waste going into residual waste bins.

21/0031/FUL

Natural Play Area - We support the provision of a natural play area, and would encourage the use of sustainably sourced materials in its construction and equipment

2.20 Worcestershire Wildlife Trust - I note that this site is allocated for 250 dwellings in the emerging Wyre Forest Local Plan and that the application is supported by significant ecological information. In particular, we note the findings and recommendations set out in the Ecological Assessment by Tyler Grange and the Biodiversity Impact Assessment by Harris Lamb. While some of the detailed species surveys are now out of date the October 2020 phase one updates mean that we believe the findings can still be considered valid in this case. Given that the site is allocated in the emerging Local Plan we do not wish to object to the principle of development here and we welcome the proposals for Green Infrastructure and biodiversity net gain. However, we are concerned that increasing the number of dwellings above that allocated in the emerging Local Plan may require further consideration in relation to the Conservation of Habitats and Species Regulations 2017. The applicant will need to obtain a European Protected Species Licence covering impacts on dormice and, as part of this process (noted at para. 4.70 of the Ecological Assessment), the council will need to consider whether the application demonstrates overriding public need for the development. It seems to us that 'need' is related to the objectively assessed housing requirement set out during the local plan process and so the number of dwellings proposed here may need further thought. Any reduction in housing numbers could free up additional space for Green Infrastructure and biodiversity enhancement to benefit dormice, potentially leading to a 'lesser impact' as referenced in the Ecological Assessment. Finding an appropriate housing number is beyond our area of expertise but we recommend that you seek further comments from Natural England on this matter prior to determination so that you have a clear steer on the likely success of a licence application when taking your decision.

Assuming that this technical issue can be effectively dealt with we would not wish to object to the proposed development. However, we would recommend that you append a series of conditions covering the following matters to any permission you may be otherwise minded to grant.

1. CEMP – to include protection for retained ecological features and prevention of pollution during construction, especially in relation to any direct harm, runoff, noise, extraneous light or dust risks to mature trees, hedgerows and offsite habitats. Timing of works to avoid nesting birds and method statements to minimise risk to other protected species will also be needed, along with relevant licences for dormice and other species as required.
2. Lighting – To ensure that the development, both during construction and once operational, does not cause harm to dormice, bats, or other nocturnal wildlife within, and commuting to and from, the site.
3. SUDS – to ensure that long-term drainage of the site does not cause harm to receiving waterbodies and to maximise the biodiversity benefits of the chosen drainage solutions.
4. LEMP – to include biodiversity enhancement in line with the application submissions and planning policy, together with long term management of that enhancement. This should include delivery of sufficient open space so as to limit recreational pressure on the nearby Site of Special Scientific Interest at Areley Wood.

21/0031/FUL

Appropriate model wording for ecological conditions can be found in Annex D of BS42020:2013 Biodiversity – Code of practice for planning and development.

- 2.21 Design Out Crime Officer - No objection to this application. The only area I don't like is the parking courtyard. There is very limited surveillance over it which makes parked vehicles vulnerable. There also appears to be an easy escape route at the opposite end to the entrance. The design and access statement (Buildings For Life Paragraph 10.02) 'One rear parking courtyard is proposed on the site because of an existing site constraint'. I can't find details of what that site constraint is. I would like to know what it is and does it really mean that the only option is a parking courtyard, a design feature that has been shown to increase the opportunity for crime. There are some instances where alleyways have been used to give access to the rear gardens, where this is the case a communal gate is required near to the front building line, an example is the alley between plots 49 and 50 where a communal gate is required in the gap between the two front fences. I note that much use is made of 060m Knee rail. This can be used to sit on and be the source of complaints of anti-social behaviour. The design of the top rail should be such that it is uncomfortable to sit on.
- 2.22 WCC Minerals – Objects to the application on mineral safeguarding grounds and advises that the submitted Minerals Resource Assessment fails to satisfy the requirements of the emerging Main Modification Minerals Local Plan policy MLP 41. The following comments have been made:
 The emerging Minerals Local Plan is now at an advanced stage of preparation. The Inspectors' Report was received on 6th May 2022. The Inspectors' Report concludes that, provided the Main Modifications which they have recommended are made to it, the MLP provides an appropriate basis for the planning of minerals for Worcestershire and is sound. Depending on when the application is determined, and subject to consideration by WCC's Cabinet on 26 May and full Council on 14 July, the applicant and decision-makers should be aware that the MLP may have been adopted prior to the determination of the application. Even if the MLP is not adopted when the decision is made, relevant MLP policies may carry weight in accordance with paragraph 48 of the National Planning Policy Framework. While the emerging Minerals Local Plan has not yet been adopted as part of the development plan, Worcestershire County Council considers that complying with policy MLP 41 as set out in the proposed Main Modifications to the emerging Minerals Local Plan and the advice in the supporting reasoned justification would enable the applicant to demonstrate that the national policy requirement for minerals safeguarding has been addressed, and this will ensure that the application is in accordance with the Development Plan should the Minerals Local Plan be adopted prior to the application being determined. The adopted Wyre Forest Local Plan (2016-2036) states, in paragraphs 15.36 and 15.37, that the developers of this site should undertake a minerals resource assessment to inform design and to optimise opportunities for the partial extraction or incidental recovery of the underlying mineral resource either in advance of development taking place or in phases alongside it. These elements of the Wyre Forest Local Plan reflect the outcome of discussions between WCC and Wyre Forest District Council regarding this site allocation and show that WCC has already allowed for some element of sterilisation to be considered acceptable, such as to allow for slope stability and a suitable landform for subsequent development. How much of the mineral resource the proposed development would sterilise the mineral resource.

21/0031/FUL

It is the role of the MRA to assess how much of the mineral resource the proposed development would sterilise, both within and beyond the development site boundary. No attempt has been made to assess the quantity of the mineral resource. The MRA should provide an evidence-based figure for the amount of mineral resources that would be sterilised. If deductions are needed to account for standoffs from built development or any other constraints, then the MRA should apply evidence-based assumptions for these to arrive at a more refined figure. Even when taking into account stand-off distances from existing residential development, there would be extensive areas of unconstrained resources that could be sterilised (including those resources that extend beyond the site boundary). There is no evidence to suggest that the entire site area is wholly constrained and consideration should be given to whether some extraction might be able to take place within the context of the disturbance and amenity impacts likely to be caused by the proposed development.

The MRA should apply the same stand-off distance that has been applied in relation to existing residential development to inform the calculations of tonnages of material that would potentially be sterilised by new sensitive receptors proposed in the development, including resources beyond the site boundary. This would satisfy the requirement in policy MLP 41 to assess the potential impact “on sterilising mineral resources, both within and beyond the boundary of the proposed development”. The applicant should note that the requirement regarding resources beyond the site boundary is now included in the policy wording of part (c)(iii) of policy MLP 41, but was not included in the former policy MLP 31 of the emerging MLP at Publication stage. As drafted, the MRA does not quantify the resource and fails to consider the impact on resources beyond the site boundary. The potential economic value of the mineral resource in terms of its type, depth, quality and extent and its potential for use in relation to standard specifications Paragraph 1.3 of the MRA states that “The site is located in a proposed Mineral Safeguarding Area for solid sand resources that has been identified by Worcestershire County Council, which is the local Mineral Planning Authority (MPA). In these circumstances, evidence is required in order to determine whether or not the minerals involved are of economic or potential value, or can be extracted prior to development or that the mineral is unlikely to be needed in the timescale of the proposed development.” Whether or not the mineral resources are likely to be needed in the timescale of the proposed development is not a definitive factor in safeguarding. The MLP is clear that “A lack of current interest from mineral operators to work the mineral resource will not be considered to be sufficient evidence that the resource is not of economic value for the future.”² Paragraph 4.34 of the MPA/POS guidance³ states that “It must be borne in mind that safeguarding is about the long-term conservation of finite resources, and so current economic value and viability is only one consideration.” Paragraph 3.6 of the MRA refers to the wording of former draft policy MLP 31 of the MLP, concerning the economic value of the mineral resource.

The applicant should note that, under proposed Main Modifications to the MLP, the text of policy MLP 41 no longer refers to the economic value. The relevant part of policy MLP 41 now states that “Where the extraction and/or mitigation measures proposed are not considered sufficient, the potential for sterilisation of mineral resources will be weighed against the merits of the proposed non-mineral development and the proposed non-mineral development may be refused.” Paragraph 3.8 of the MRA states that “Solid sand resources usually require crushing prior to

21/0031/FUL

screening, and so they are typically larger workings.” Paragraph 2.41 of WCC’s ‘Sand and Gravel in Worcestershire’ background document states that “Solid sand deposits are usually worked dry, and may include a crushing stage prior to screening.” (our emphasis). Other workings, 2 Worcestershire Minerals Local Plan Main Modifications, paragraph 7.26. 3 Mineral Products Association and Planning Officers’ Society (April 2019) Minerals Safeguarding Practice Guidance boreholes and academic studies within the Wildmoor Sandstone formation have found that the resource is weakly cemented with a fine grain size. As such, large parts of this resource where these characteristics are met may not require crushing. The MRA should provide further evidence to confirm this. Paragraph 4.2 of the MRA states that “The Wildmoor Sandstone Member outcrops extensively across Worcestershire and is not in demand.” WCC disagrees with this conclusion. Demand for sand and gravel in the local area is set to remain high; the proposed development alone is for 331 dwellings and associated infrastructure, and the Wyre Forest District Local Plan provides for 5,520 dwellings, 487 institutional/care home bed spaces, and 29 hectares of employment land between 2016-2036. All of this development will require mineral resources. The emerging Minerals Local Plan policy MLP 14: Scale of Sand and Gravel Provision (which includes both terrace and glacial sand & gravel and solid sands) sets out that “The baseline production guideline for sand and gravel (as calculated in the “Worcestershire Local Aggregate Assessment (using data up to December 2017) is at least 0.572 million tonnes per year” and that “This means that the scale of provision required over the life of the plan is at least 14.872 million tonnes”.

Paragraph 4.3 of the MRA states that “It is clear that solid sand mineral resources at the site do not represent an economically viable source of sandstone because of indirect sterilisation by residential development to the east and south. If the site were to be worked, then a 100m wide buffer zone around existing residential development would be needed to protect the amenity of occupiers, as shown on the attached drawing ST18724-001. A buffer zone of that size would cover almost half of the proposed development site.” If the MRA’s assumptions as to the 100m buffer 8 around residential development are reasonable, then the drawing demonstrates that the majority of the site would not be constrained by existing residential development. Furthermore, WCC’s online minerals mapping suggests that the mineral resource extends beyond the site to the north, west and south. Much of the resource beyond the site would not be subject to the 100m buffer from residential development, as it is beneath more sparsely populated areas, but could be at risk from sterilisation by this development. Paragraph 4.4 of the MRA states that “Furthermore, processing of solid sand resources within the site boundary would require significant processing infrastructure (dry screening etc.). The site’s small size and proximity to residential development would make it unsuitable for such a plant.” There is no evidence to demonstrate that, should any minerals be extracted, they would need to be processed within the site boundary.

The off-site processing of mineral resources is an established feature of the minerals industry. Paragraph 4.5 of the MRA states that “Extraction of sandstone within the site boundary as part of a larger project would not be feasible as a result of its proximity to residential development and the lack of demand for solid sand resources in the region. The site is also bounded by roads to the north, east and south of the site, These constraints prevent the site from being worked as part of the larger overall formation.” As we have noted elsewhere, there is no evidence of a lack of demand for solid sand resources. The roads would not significantly restrict minerals extraction in the wider

21/0031/FUL

area. WCC request that the MRA is revised to properly address the requirements of policy MLP 41, paying particular attention to the steps in paragraphs 7.15–7.26 of the policy’s reasoned justification. Whilst discussions between WFDC and WCC in the development of the Wyre Forest Local Plan concluded that some element of sterilisation may be considered acceptable for this site, such as to allow for slope stability and a suitable landform for subsequent development, the MRA should follow the sequential approach set out in policy MLP 41 to determine how sterilisation of mineral resources could be avoided or minimised through partial or incidental extraction of the resource, including consideration of the extent of any extraction and/or mitigation measures necessary and the implications of these (such as for the phasing, design and layout of the proposed development) to demonstrate that proper consideration has been given to mineral safeguarding. The Local Planning Authority, in consultation with the Mineral Planning Authority, will then be able to properly consider whether any extraction and/or mitigation measures proposed are sufficient to address the potential for sterilisation of the mineral resource and therefore whether the proposed development should be permitted.

Neighbour/Site Notice Representations

2.23 240 objections have been received from nearby occupiers and the concerns can be summarised as follows:

- The current infrastructure cannot cope with developments of this size
- Schools will struggle to cope with extra pupils
- Encroachment of the Green Belt, which conflicts with Government Policy
- Higher pollution levels - lead to a new Air Quality Management Area being declared in the centre of the town
- This site will be an eyesore on the local countryside
- Huge increase in traffic using Stourport High Street which can sometimes be horrendous
- Too high when combined with the proposals on the nearby Malvern District area
- The village of Areley Kings cannot sustain such a big development
- Already can take 20 - 30 minutes to travel by car from Pearl Lane and through Stourport – there is the potential for at least another 600 cars on the roads
- Car parking at the Londis store is minimal – at peak times the road is congested by cars parked on the roadside
- Increase traffic congestion
- Will increase the danger of road accidents
- Fields regularly flood over. Washes over Pearl Lane into the gardens (& sometimes inside) surrounding homes. The fields act as a sponge, any building on the field would impede soil permeability, making flooding worse.
- Services are currently stretched – Schools, doctors surgeries, dentists, etc will struggle to accommodate the new residents
- Will have a major impact on wildlife, flora and fauna, well-being, air quality, etc.
- Already treated as a cut through to Bewdley – speeds & noise is alarming
- Extra traffic with new doctors surgery and cutting through Cotswold & Abberley Avenue to access local shop/chemist – Traffic from Astley through Stourport over the bridge is often a nightmare
-

21/0031/FUL

- Public transport is not adequate as this is a small rural village – ceasing around 20.00 hours
- The wear and tear on the bridge around 100 years old
- "hidden population" present in Stourport – large percentage of the residents live on caravan sites/holiday parks up to 11 months of the year but will not appear on any population survey. Are they taken into consideration when statistics are compiled?
- Site of archaeological importance, rumoured to contain traces of a Roman Settlement - is in the buffer protection zone for Areley Wood Site of Special Scientific Interest (SSSI)
- Harm wildlife, such as buzzards, badgers, bats
- Field opposite (when proposing the Vodafone phone mast) was found to be part of an area of outstanding natural beauty
- Known drainage issues
- Water pressure is already poor in area
- Sewerage
- Will encroach significantly into the green belt area
- Prevents the village of Dunley becoming an urban dormitory extension of Stourport, losing its historic character and impinging on the conservation area around Dunley Hall
- Good quality farmland – should be retained for future food production
- The proposed 3 storey block is completely out of character and will create more problems than it will solve
- Everybody needs space and direct access to their own private outdoor area
- The majority of proposed affordable housing is grouped in the corner of the site, at the junction of Pearl Lane and Dunley Road, which is the least attractive area for such a high density of people in terms of noise and traffic pollution
- Dangerous cycling along Pearl Lane and A451 Dunley Road
- Field used by walkers for quality of life
- There are few jobs in the Areley Kings vicinity
- Insufficient capacity in the local telecoms and mobile device infrastructure
- Not in keeping with the surrounding area
- Will plummet the prices of surrounding homes
- Geophysical & Biodiversity reports, being partly "desk based", do not reflect the whole picture
- No colleges/no railway services for miles
- Grade 2 Very Good Quality Agricultural land
- The trees will not hide a 3-storey building on a plot higher than the adjacent bungalows
- Parking arrangements are impractical
- Already a total of 1,957 dwellings - well over the 1,302 dwellings required. The Pearl Lane site is therefore not required
- The transport assessment impact (18333-05) seems fundamentally flawed and incorrect
- Loss of much used footpaths
- Loss of village space in Astley Cross
- Bring antisocial behaviour and littering

21/0031/FUL

- It will not encourage 1st time buyers as so quoted in political circles
- The quality of our lifestyles, not just for present, but future generations, will be greatly affected.
- It will put our Community Charges up to cover this
- Inaccurate bus route – has never been as marked
- Further reduces the likelihood of walking or cycling into Stourport
- Our carbon footprint will increase
- Try looking at current empty properties first
- Additional housing should be concentrated on brownfield sites - Parsons Chain, Chichester Caravans, around Tesco
- Should consider brownfield sites first and building opportunities on derelict waste land/ industrial estates in town
- Plenty of land available on the East side of the river – old TP toys and vinegar works
- Should be considering change of use of unoccupied shops and premises to town houses
- Air and Noise pollution
- Loss of biodiversity, animal habitat, pools
- Site is allocated for 250 homes not 331
- Loss of people's enjoyment and scenic views of the countryside
- The development is not required for WFD housing needs
- Development will affect the adjacent SSSI sites
- Lack of a full ecology assessment
- Lack of jobs
- Development will cause a loss of the Historical Character of this site
- Travel Plan will not be effective given the long walking distance from the site to town
- Poor public transport provision/ no rail connection

[Officer comments – The application site does not fall within the Green Belt]

42 nearby occupiers have expressed support to the application and made the following comments:

- Will not affect anyone in the surrounding area
- Provide much needed housing for the younger generation and first time buyers and help people get on the property ladder
- Allow people to buy a home close to their existing family
- Reduce the stress of having to renovate an older property
- Good place to add some houses
- It is a perfect setting to be able to bring a family up
- New people will help to revitalise an ailing and ageing Areley Kings and Stourport population
- Application has been submitted with all the necessary investigations and test and therefore no reason to oppose this application
- Support many businesses in Stourport and Bewdley and would bring lots of trade for these dying towns

21/0031/FUL

- Provide housing for our children and future generations
- Inject prosperity into the town and its amenities
- Increase contributions to council tax to WFDC
- Allows people to enjoy a partly rural lifestyle
- Provide investment to local schools
- Immediate financial contributions under section 106
- Places children of high school age in the catchment of Chantry High School
- It helps peoples living situations and opens up a broader place of living
- Development will help provide more affordable housing to Stourport, which is much needed
- A new house will also offer us the flexibility and reduce the worry of having to renovate an older property
- The wildlife will be as happy as the new residents with all the landscaping and gardens
- Traffic not an issue
- Impact on ecology and local infrastructure will be short lived and they will recover
- Wildlife will be in more abundance than with intensively farmed fields
- Development will make this a pleasure to be part of the green spaces and proposed pools, which will help with mental wellbeing
- Footpaths are kept to keep everyone happy

1 neutral comment has been received from a local occupier stating that Areley Kings is already highly populated in comparison to traffic control and until the Council improves the traffic congestion and queuing over the bridge no more houses should be built on this side of the river.

3.0 Site Location and Description

- 3.1 The application site comprises 15.07 hectares located to the south of Dunley Road (A451) and west of Pearl Lane (A4194), adjacent to the suburb of Astley Cross on the edge of Stourport-on-Severn. The site is relatively flat, sloping down gently from the north-west corner to the south-east corner by approximately 18 metres (54.20m AOD to 36.30m AOD). It is predominantly agricultural land and is bisected by a public right of way which runs across the central part of the site east to west. The southern, eastern and northern boundaries consist of a 10-metre-wide mature tree belt and hedgerows. The western boundary is formed partly by a hedgerow and scattered trees, with agricultural land to the west. There are four mature trees within the application site, none of which are subject to a tree protection order. The site is wholly located within Flood Zone 1 although it is known that the southeast corner of the site acts as a floodplain in heavy rainfall. There is also a culverted watercourse that runs through the site in a west to east direction and the Blackstone to Astley aqueduct which runs north/south through the site. The site currently has a gated vehicular access off Pearl Lane.
- 3.2 The nearest residential properties are located immediately to the south of the site which includes residential barn conversions (known as New Barns Farm). To the east of the site, on the opposite side of Pearl Lane, is a residential area and there are

21/0031/FUL

further residential properties located to the north-west of the site, on the opposite side of Dunley Road. The site is adjoined by open countryside to the west and the town centre of Stourport-on-Severn lies approximately 4km from the site.

- 3.3 The application site is allocated for residential development under site allocation policy SA.S4 of the Wyre Forest District Local Plan.
- 3.4 This application seeks full planning permission for the erection of 329 dwellings (originally the application sought 331 dwellings), including 82 affordable dwellings (53 social rent and 29 shared ownership) and 8 custom build plots. Two vehicular access points are proposed with one from Pearl Lane and the second from Dunley Road and additional cycle access would be provided to access the site from Pearl Lane together with a new uncontrolled pedestrian crossing to link with existing pedestrian/cycleway provision on Cotswold Avenue. A bus lay-by is also proposed on Pearl Lane.
- 3.5 The proposals would provide 10 one-bed, 87 two-bed, 122 three-bed and 111 four-bed dwellings which would be mostly provided in two-storey detached, semi-detached and terrace properties with a small number of two-and-half-storey properties and a three-storey block of apartments. The dwellings would include traditional features with a combination of render and brickwork as materials to add character. The proposed site layout would include houses facing out towards the tree belt edge of the site, the open countryside to the west, the attenuation basins, children's play area and the internal roads to provide an attractive outlook and well overlooked streets and public spaces. The residential plots would be arranged in perimeter blocks to ensure all rear gardens are enclosed to provide private amenity space and all dwellings would have direct access to the internal roads. A series of cul-de-sac streets are proposed, and a primary spinal road would be provided over the existing aqueduct. The spinal road has been severed by bollards at the point where the Public Right of Way crosses the road and where it is intended to divert the existing culverted watercourse. The bollards would be demountable to allow emergency access. All properties would have on-plot car parking spaces and cycle storage provision in accordance with the adopted Streetscape Design Guide.
- 3.6 The gross site area measures 15.07 hectares and the net developable area would be 8.88 hectares which would provide an overall density of 37.1 dwellings per net hectare. The remaining site area (5.93 hectares (39.3%)) would be provided as green and blue infrastructure (comprising SUDS; a children's natural play area; recreational footpaths and cycleways; and retention of the tree belt and public right of way) and 0.25 hectares would be used for ancillary infrastructure.
- 3.7 The application has been accompanied by the following statements: Planning Statement, Statement of Community Involvement, Design and Access Statement including Building For Life (Part 2), New Farm Barns Heritage Statement, Transport Assessment, Travel Plan, Landscape and Visual Impact Assessment, Ecological Assessment, Biodiversity Impact Statement, Biodiversity Metric 2.0 Calculation Tool, Arboricultural Assessment, Landscape Management Plan, Minerals Resource Assessment, Flood Risk Assessment, Drainage Strategy, Dormouse Survey, Dormouse Mitigation Strategy, A Stage 1 Road Safety Audit (RSA), Air Quality Assessment, Environmental Noise Assessment, Geophysical Survey, Energy Report, Education Report, Archaeological Evaluation and Air Quality Assessment

21/0031/FUL

- 3.8 The proposal has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the ‘Regulations’). Having regard to the Regulations and the Planning Practice Guidance, it was concluded that the proposal would not constitute development for which a full environmental impact assessment would be required.

4.0 Officer Comments

- 4.1 The main considerations for this application are:

- Principle of development
- Impact on Landscape Character
- Impact on Heritage Assets
- Density, Design and Proposed Residential Environment
- Flood Risk and Drainage
- Highway Safety and Access
- Biodiversity and Trees
- Other Matters
- Planning Balance
- Planning Obligations

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The National Planning Policy Framework (the ‘Framework’) 2021 sets out the Government’s planning policies for England and how these should be applied (para. 1) and is a material consideration in planning decisions (para. 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para. 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras. 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para. 38). It also states that the planning system should be genuinely plan-led (para. 15). The Framework seeks to significantly boost the supply of housing (para. 60) and also requires the housing needs of different groups in the community including those seeking affordable housing to be addressed and people wishing to commission or build their own homes (para. 62).

- 4.3 The Framework sets national policies on the following issues which are relevant to this planning application:

- Achieving sustainable development (paras. 7, 8, 10, 11, 12)
- Decision making (paras. 38, 39, 40, 41, 43, 47, 48, 54, 55, 56, 57, 58)
- Delivering a sufficient supply of homes (paras. 60, 65)
- Promoting healthy and safe communities (paras. 92, 93, 95, 96)
- Promoting sustainable transport (paras. 110, 111, 112)
- Achieving appropriate densities (paras. 124, 125)
- Achieving well designed places (paras. 126-132)
- Meeting the challenge of climate change (paras. 152, 154-157)

21/0031/FUL

- Planning and flood risk (paras. 159-169)
 - Conserving and enhancing the natural environment (including landscape character paras.174b, biodiversity paras. 174d and 179-181, ground conditions and noise paras. 183-185)
 - Conserving and enhancing the historic environment (paras. 194-208)
 - Facilitating the sustainable use of minerals (paras. 209, 213-214)
- 4.4 The Development Plan for Wyre Forest comprises the Wyre Forest District Local Plan, which was adopted in April 2022 and is supplemented by supplementary planning documents, these include the Planning Obligations SPD, Affordable Housing SPD and Design Guidance SPD.
- 4.5 Local Plan Policy SP.1 sets out the spatial development strategy for the plan period (up to 2036) and advises that the growth aspirations for the district will largely be directed towards the most sustainable larger settlements including Stourport-on-Severn as these are considered to be the best locations for delivering supporting infrastructure as well as active and sustainable travel choices. Policy SP.1 states that the Council will make provision for at least 5,520 additional homes in the period from 2016-2036, including a minimum of 1,155 homes in Stourport-on-Severn.
- 4.6 Policy SP.5 advises that Stourport-on-Severn is expected to make an important contribution to meeting the District's requirements for new homes. The focus will be on existing brownfield sites within the urban area and sustainable, suitable greenfield sites such as the site at Pearl Lane (Site Allocation Policy SA.S4).
- 4.7 As the site has been allocated for housing under Policy SA.A4, the principle of development in terms of location and land use has been fully accepted by the Council.
- 4.8 In terms of the amount of development, it is noted that the proposed development for 329 dwellings exceeds the indicative capacity of 250 dwellings for this site allocation as set out in Policy SA.A4. However, it was acknowledged by the Inspector in her final report '*... that the indicative capacity of the site may be exceeded in certain circumstances.*' In addition, Policy SP.1 of the Local Plan provides the minimum number of dwellings required over the plan period and does not specify a maximum number. A higher number of dwellings can therefore be accepted, subject to further site specific considerations, in line with Paragraph 60 of the Framework which requires support to be given to the Government's objective of significantly boosting the supply of homes.
- 4.9 The site allocation policy sets out the following requirements for development on this site:
- i. Access should be taken from Dunley Road and Pearl Lane
 - ii. Additional boundary tree planting should be provided along the northern, western and southern boundaries in particular to mitigate the impact on the rural landscape and screen the development from the A451 and Redhouse Lane
 - iii. The design, layout and landscaping of the development should be sympathetic to the setting of the historic buildings in Dunley, especially Dunley Hall

21/0031/FUL

- iv. The proposed development should be informed by a full impact assessment on any below ground archaeological assets which should be included as part of a Heritage Statement at the planning application stage
- v. The development scheme should take into account the Blackstone to Astley Aqueduct which runs north to south through the site
- vi. The public footpath alongside the culverted watercourse should be further buffered from development to maintain the views out into the wider rural landscape
- vii. No additional discharge must be made from the development as there are issues of surface water flooding on the estate opposite. This should be dealt with on site by SuDS and integrated into the wider green infrastructure provision.

4.10 I therefore consider that the principle of development, in terms of location, land use and amount of development is acceptable subject to whether the development would accord with the site-specific requirements set out in the above paragraph and all other relevant policies contained within the Development Plan.

IMPACT ON LANDSCAPE CHARACTER

- 4.11 Policy SP.22 of the Local Plan states that new development must protect and where possible enhance the unique character of the landscaping including individual settlements or hamlets located within it. Opportunities for landscape gain will be sought alongside all new development, in order that landscape character is strengthened and enhanced. The Framework in Paragraph 174 also states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside. Policy DM.24 of the Local Plan also states that Development at the urban edges should respect the rural setting.
- 4.12 The application site relates to two arable fields which slope gently from northwest to southeast and are bounded to the south, east and north by a linear mature tree belt and hedgerows. There are also scattered hedgerows and trees along the Public Right of Way that traverses through the site in an east to west direction and a small section of hedgerow in the southern part of the western boundary. The Landscape Character Assessment for Worcestershire identifies the site as falling within landscape character type 'Sandstone Estatelands'. Key characteristics of the area are described as gently rolling lowland topography, small to medium scale field patterns with tree cover comprising thinly scattered hedgerow and streamside trees. It is noted in the Supplementary Guidance for this character type that the area has already experienced localised high impact of urban development at Arley Kings and Astley.
- 4.13 The Inspectorate in their final report to the main modifications of the Local Plan review advised that the *"The rural character of the site contributes to the setting of Areley Kings. However, it is well-contained and screened from the adjoining roads by trees and hedgerows. On the balance of all the evidence, high-quality development of the site in accordance with the Plan's requirements is likely to mitigate satisfactorily any harmful impacts on the character and appearance of the area."*

21/0031/FUL

- 4.14 The proposed development has followed a sensitive design approach which has been landscaped led and this is shown by the inclusion of a wide landscape buffer along the western margin of the site as well as a number of green corridors that run through the site. The taller buildings (at a height of 2.5 and 3 storey) have also been grouped together and located in the north-east corner of the site close to the existing housing development and away from the open countryside to the west of the site.
- 4.15 Amendments have been made to the landscaping provision and plot arrangements to address the WCC Landscape Advisor comments which has included additional tree planting and improvements to the layout and plot arrangement in the southern part of the site to help soften the proposed development adjacent to New Barns Farm and to address the concerns raised by the WCC Landscape Officer. Amendments have also been made to the boundary treatment to show a reduction in the amount of knee-high railing to retain openness and reduce the physical barrier between residential homes and open space to help integrate the proposed housing development into this semi-rural environment.
- 4.16 The site is well-contained by the existing 10-metre wide tree belt that extends the full length of the southern, eastern and northern boundaries of the site, which would be retained and enhanced with additional tree planting. The proposed development would comprise permeable green infrastructure throughout the site to help integrate the development into its surrounding rural landscape. Of the green infrastructure, 2.1 hectares of the existing woodland would be retained along with its adjoining hedgerows. Only a small area (approximately 0.1 hectares) of this woodland and hedgerow would be removed to facilitate road and cycle access into the site. The small areas of hedgerow to be removed and the woodland strip that requires removal have been compensated for by extensive new hedgerow planting and tree planting. The additional hedgerow planting would extend the full length of the western boundary where there currently is none, and thus, enhancing the key characteristics of this landscape character area (Sandstone Estatelands) and the additional boundary tree planting would accord with one of the site allocation requirements (Policy SA.S4(ii)) to mitigate the impact on the rural landscape, screen the development from Dunley Road (A451) and Redhouse Lane.
- 4.17 Overall, the proposed housing development would inevitably lead to moderate visual harm to the landscape character given that the site currently comprises open agricultural fields, however, the provision of an extensive landscaping buffer to the western boundary, together with additional tree planting across the site and clustering of the taller buildings in the north-eastern part of the site, away from the adjoining open countryside, would minimise the visual impact and on balance, the development would be acceptable in terms of its impact on landscape character. The development therefore accords with Policies SP.22 and DM.24 of the Local Plan and Paragraph 174 of the Framework.

IMPACT ON HERITAGE ASSETS

- 4.18 There is a statutory requirement on decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, as set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In respect of the Development Plan requirements, Policy DM.23 of the Local Plan refers to

21/0031/FUL

'Safeguarding the Historic Environment' and notes that 'Development proposals should avoid harm to or loss of heritage assets wherever possible' the highest level of harm should require very robust justification, including the demonstrable consideration of alternatives. Substantial harm to a designated heritage asset should only be allowed in exceptional circumstances'.

- 4.19 The application site has been recorded as a Site of Roman Building on the County's Historic Environment Record and it is noted in the Wyre Forest District's Heritage Assessment 2019 that the significance of this non-designated heritage assets is because *'There are very few Roman agricultural sites in the county and in particular there is little evidence for aisled buildings in the West Midlands, hence the site has high historic value and evidential value, overall significance is high'*. The applicant commenced archaeological site work in July/August 2021 under the agreement of WCC Archaeologist where archaeology remains were found and it has been agreed with the applicant that further phase of works would be required and that an Archaeological Interpretation Board shall be provided as this would be a clear public benefit in sharing the heritage on the site with this and future generations.
- 4.20 I note that an objection has been raised by the Conservation Officer on the grounds that insufficient evidence has been submitted to demonstrate that the development would not result in harm to heritage assets and in particular raises concern that no photomontages of the development have been submitted to demonstrate the degree of harm that the 3-storey building located in the northeast corner would have on the setting of the Grade II* St Bartholomew Areley Kings Church. I acknowledge that the application site, consisting of open arable fields, makes a positive contribution to the wider rural setting of several heritage assets including St Bartholomew Areley Kings Church and that the significance of these heritage assets is partly derived from their rural setting.
- 4.21 St Bartholomew Areley Kings Church lies 500 metres northeast of the application site and it is understood that only views to and from the Church would be gained from the church tower and would be over rooftops of existing houses in Areley Kings. The applicant has made an attempt to reduce the visual prominence of the development on wider views by amending the scheme to have 2.5 storey buildings located in the northeast corner and the 3 storey building located further to the west along the Dunley Road frontage. Given the separation distance and the amendments made, I consider that the development would result in less than substantial harm on the setting of St Bartholomew Areley Kings Church.
- 4.22 With regards to the impact on other nearby heritage assets, it is noted that Grade II listed Dunley Hall lies 570 metres northwest of the site, Grade II listed Tudor Rose Cottage lies to the northwest of the site on the opposite side of Dunley Road and locally listed New Barns Farm lies immediately to the south of the site. The Wyre Forest District's Heritage Assessment 2019 advised that effective screening from receptors located nearby in Dunley, New Barns and Astley Cross together with a suburban/rural transition with open space provision and functional buffering of boundaries would mitigate and overcome the harm arising from the proposed development on the significance of nearby heritage assets. As the development includes open space along the western edge, additional boundary planting and

21/0031/FUL

retention of the dense tree belt, I agree with the Conservation Officer that the development would have a negligible impact on these nearby heritage assets.

- 4.23 Overall, the setting of a listed building benefits from protection and any harm to the setting of a listed building would fail to accord with both local and national planning policy as it would not conserve and enhance the significance of the heritage asset. I agree with the Conservation Officer that the proposed development would result in harm to the wider rural setting of the Grade II listed St Bartholomew Areley Kings Church and that the proposals would lead to less than substantial harm to the significance of this designated heritage asset.
- 4.24 Paragraph 202 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The development would deliver a range of benefits including additional market and affordable housing, biodiversity net gain, a new children's play area and recreational walkways and a number of economic benefits would also arise from the development including investment in construction and related employment and expenditure by future residents in the local area. I consider that the overwhelming public benefits from this development would outweigh the less than substantial harm to the Grade II listed St Bartholomew Areley Kings Church. The Development therefore would accord with Policy DM.23 of the Local Plan and the Framework.

DENSITY, DESIGN AND PROPOSED RESIDENTIAL ENVIRONMENT

- 4.25 The site area measures 15.07 hectares and based on a net developable area (8.88 hectares) the density would equate to 37.1 dwellings per hectare. Policy SP.9 'Housing Density and Mix' anticipates new greenfield developments to have a minimum density of 35 dwellings per hectare and Policy SP.28 requires 40% green infrastructure on greenfield sites over 1 hectare. I therefore consider that the proposed development fully accords with the suggested density set out in the Policy SP.9 and would only be marginally short of the green infrastructure requirement set out in Policy SP.28.
- 4.26 Policy DM.24 of the Local Plan states that all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets, landmarks and their settings. The design objectives of the Local Plan are reflected in the Framework, which also requires high quality, beautiful and sustainable buildings and places and developments that are sympathetic to local character and history (paragraphs 126 and 130).
- 4.27 The design and external appearance of the houses being selected from Barratt Homes and David Wilson Homes portfolio, would provide variety, visual interest and well-designed houses. The proposed building and hard-surfacing materials, boundary treatment and layout of roads would also ensure the development creates a distinctive place and provides memorable streets to ensure people can navigate easily around the site.

21/0031/FUL

- 4.28 The site layout provides acceptable perimeter development blocks, with all dwellings having a direct road frontage to ensure a high level of natural surveillance of the public realm, including the children's play area and the recreational footpaths and all rear gardens would be fully enclosed and secure. A mix of car parking layouts is proposed to ensure the street scene is not overly dominated by frontage parking. I note that there is a series of cul-de-sac roads provided and that Building for Healthy Life Design Toolkit (published by Urban Design Group) seeks to move away from developments that have entirely cul-de-sac arrangements. However, I do not consider that this choice of road layout would fail to provide a permeable development given that there are extensive recreational footpaths running through the site and each cul-de-sac turning head would provide views out towards the open countryside to the west and the existing tree belt to the east to help connect the development with the wider rural setting of the site. I therefore consider that the proposals would provide a well-designed development, in accordance with Policies SP.13, SP.29, SP.37, DM.24 of the Local Plan and Paragraphs 126 – 132 of the Framework.
- 4.29 The proposed development incorporates a mix of dwelling sizes and affordable housing provision that accords with Policy SP.10 of the Local Plan to ensure a well-balanced and inclusive community is created. The applicant has advised that the houses would accord with Policy SP.13 of the Local Plan which requires 20% of the total housing provision to be designed as accessible and adaptable dwellings (in accordance with Building Regulations Part M, Category 2 M4(2)) and 1% of the total affordable housing provision would be designed to wheelchair user standards (in accordance with Building Regulations Part M, Category 3 M4(3)). In addition, the proposed scheme includes the provision of PV panels on 34 plots to accord with Policy SP.37 which requires PV panels to be provided and for the development to source at least 10% of its predicted energy requirements from renewable or low carbon sources. Planning conditions are attached to secure this provision as well as a condition to ensure the development is designed to be water efficient in accordance with Policies SP.29 of the Local Plan.
- 4.30 Amendments have been made to ensure all residential dwellings would have a minimum garden depth of 10 metres to ensure adequate outdoor garden space is provided for all family size dwellings and whilst some one and two bed accommodation would not have any private garden space, I consider that this is acceptable in this instance given that residents of these properties would have access to high quality open space within the site. I also note that some properties are positioned immediately adjacent to neighbouring gardens and to protect the privacy of these gardens, a planning condition is attached to prevent side facing windows and rear facing windows (to two properties) being installed. Internally, all dwellings and apartments would have acceptable room sizes and internal layout and all habitable rooms would have a window for natural daylight. It is considered that the development would provide an acceptable living environment for future occupiers.

FLOOD RISK AND DRAINAGE

- 4.31 Local residents and the North Worcestershire Water Management Officer have highlighted that the existing properties to the east of the site, on the opposite side of Pearl Lane, have experienced surface water flooding and that there is a risk that this development could exacerbate the flood risk to these existing properties.

21/0031/FUL

- 4.32 It is evident from speaking to the North Worcestershire Water Management Officer and photos that have been submitted, that the southeast corner of the site provides storage for surface water runoff from the elevated parts of the site and from the open fields to the west of the site. The submitted Flood Risk Assessment also advises that *'Surface water flooding is the flooding that occurs after heavy rainfall, when the volume of rainwater falling does not drain away quick enough through the existing drainage systems or through infiltration into the ground, but lies on or flows over the ground instead'*.
- 4.33 A large, lined attenuation basin is proposed in the southeast corner of the site, which would be designed with a flow control chamber to limit flows to 5.0l/s as required by Severn Trent Water and would cater for all discharge of surface water from the site itself.
- 4.34 A most recent revised drainage strategy (received May 2022) shows that the proposals would also see the installation of a swale that would extend next to the western boundary, on land within the applicant's ownership but outside the red line site boundary for this application. The swale would measure 250 metre long by minimum 3.5 metre wide and 0.6 metre deep and would be designed with an associated attenuation basin to capture overland flows from fields to the west of the site to ensure the proposed dwellings are not at risk to surface water flooding due to the topography of the site and to also capture surface water from 16 of the proposed dwellings. It is also proposed that the existing culverted watercourse (Dunley Brook) that crosses the site (west to east) would be diverted to ensure it does not traverse through private residential plots and a new surface water flow chamber (limited flows to 2.0l/s) would be provided to connect the swale with the diverted culverted watercourse. The diverted watercourse would egress the site from Pearl Lane into an existing Severn Trent Water sewer, which would require their pipe to be upsized.
- 4.35 The alignment of the proposed diverted watercourse now requires the spinal road to be closed to public vehicles at the point where the diverted watercourse crosses the road to retain this section of the road as unadopted highway as the developer would need to maintain the watercourse. Emergency vehicles would be allowed to cross the unadopted highway, and the management company responsible for the open space within the site would control the proposed bollards across the road to allow emergency access. To improve the visual amenity of this part of the site, where the two road ends would meet on the spinal road, the applicant has agreed to provide a pedestrian bench, an interpretation board for on-site archaeology remains and additional planting.
- 4.36 On the basis of the revised drainage strategy, and subject to conditions, North Worcestershire Water Management, the Highway Authority and Severn Trent Water raise no objection and are satisfied that the storage volume and rate of surface water runoff from the application site would not increase flood risk on the site and surrounding area.
- 4.37 I therefore consider that the proposed development would accord with Policy SP.31 and SP.32 of the Local Plan and the Framework. Planning conditions are recommended to require the swale and associated attenuation basin located outside of the site and within the control of Malvern Hills District Council to be constructed prior to first occupation and to require the existing culverted watercourse to be diverted

21/0031/FUL

appropriately and designed to avoid private owned land (as it currently passes through the private drives to plots 80/81) and finally, to require the SuDs to be constructed and maintained in accordance with the details submitted. A construction Surface Water Management Plan is also necessary to ensure the development does not exacerbate the existing flood risk during the construction phase.

BIODIVERSITY AND TREES

- 4.38 The application site is predominantly farmed agricultural land which is considered to be of low ecology value, although the site boundaries and the field boundaries do provide high quality ecological features including scrub, a dense tree belt and mature hedgerows.
- 4.39 An Ecological Assessment including an Extended Phase I Habitat Survey and Detailed Phase II Surveys have been undertaken which have considered the potential for amphibians, badgers, bats, birds, hazel dormouse, invertebrates and reptiles. Additional information was requested relating to dormouse mitigation.
- 4.40 Policy SP.23 of the Local Plan requires the protection of legally protected species populations and the delivery of measurable net biodiversity gains. Paragraph 174 of the Framework states that development should minimise impacts on and provide net gains for biodiversity. Paragraph 180 of the Framework also advises that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 4.41 The submitted survey reports concluded that the site has low suitability for common amphibians but recommended that a precautionary approach should be undertaken during vegetation and ground clearance works to avoid harm to individuals, should they be present. It also recommended that a further badger survey should be undertaken prior to any construction works commencing and to agree mitigation measures if any are found to be present with the Local Planning Authority.
- 4.42 The bat survey report advised that bat activity across the site is generally low, with small numbers of bats utilising commuting and foraging opportunities along site boundary hedgerows and treelines. To mitigate harm to protected bat species it has been recommended that further bat surveys are undertaken for any trees to be felled and sensitive lighting to be installed. Conditions are attached accordingly.
- 4.43 In terms of potential nesting birds, it was concluded in the assessment that the site is not considered to be important in maintaining local sub-populations of breeding birds and given the presence of other suitable foraging habitats and breeding opportunities within the adjacent farmland in the wider area, the potential loss of breeding opportunities for ground nesting birds, such as skylark, is unlikely to be significantly impacted by the development. However, to offset any impact on protected nesting birds, it is recommended that vegetation clearance is undertaken outside the nesting bird season (March to August) and confirmation to be provided to the Local Planning Authority that no active nests are present and if a nest is found, an appropriate buffer should be provided to ensure the nest is left undisturbed until the young have fledged

21/0031/FUL

the nest and that this is also confirmed by the ecologist (such measures to be included in the CEMP).

- 4.44 With regards to invertebrates the assessment advised that it is possible that notable invertebrates could use the site habitats, such as areas of scrub, treelines, hedgerows and grassland field margins. Given the presence of suitable habitats in the wider area, most of the invertebrate populations utilising the site would likely be of no more than site ecological importance.
- 4.45 The dormouse report has identified a small dormouse population throughout the boundary vegetation of the application site. Hazel dormice are designated and protected as European protected species (EPS), and are protected under the Conservation of Habitats and Species Regulations 2017. Hazel dormice are also listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006). Local Planning Authorities must have regard for the conservation of Section 41 species as part of your planning decision. The Natural England's 'standing advice' for dormouse is a material planning consideration for Local Planning Authorities.
- 4.46 The two vehicular access points (one of Pearl Lane and the other on Dunley Road) would require the removal of some 80 metres of hedgerow/tree belt which currently provides suitable dormouse habitat and there would also be two additional areas of clearance to facilitate cycle/pedestrian access from Pearl Lane. It is highly unlikely that dormice connectivity would be able to be maintained given that each vehicular access would create a vegetation gap of around 40 metres and as a result, the dormice habitat would become isolated between the two access points and this would lead to harm to the population of hazel dormouse. Mitigation measures for the dormouse habitat fragmentation includes: vegetation removal to take place outside of the hibernation season; use of hand tools to remove hedgerow vegetation; the creation of a new habitat by planting a new hedgerow along the western boundary of the site; strengthening the retained hedge and tree lines with understory planting comprising mostly thorn to deter cats and people; and translocation, involving capturing the hazel dormice and moving them to a new site within their home range. I consider that these mitigation measures are acceptable given the low number of dormouse that have been found and I have also recommended planning conditions to require details of external lighting and a post clearance survey of the site for dormice and to secure the implementation of the recommended mitigation strategy under the supervision of a suitably experienced ecologist. The applicant would also need to apply for a hazel dormice mitigation licence from Natural England.
- 4.47 In addition, planning conditions requiring a biodiversity construction environmental management plan (CEMP) and a landscape and environmental management plan (LEMP) are recommended to ensure appropriate precautionary measures are taken during the construction phase and to ensure that the management body takes long term responsibility for the implementation of the LEMP (management of the ecological areas) on and off-site and that they adhered to all the details contained within the LEMP. The management body would be secured through the section 106 agreement.

21/0031/FUL

- 4.48 The proposed development is unlikely to increase recreational pressure on the nearest Nature Reserve at Half Crown Wood located 740 metres East of the site and the Site of Special Scientific Interest at Areley Wood (770 metres to the north of the site) given that the development would provide sufficient public open space within the site including a children's play area.
- 4.49 Alongside the provision of open space and the opportunity for extensive landscaping, the submitted draft Biodiversity Impact Assessment has calculated a habitat biodiversity net gain of 14.78% and a hedgerow biodiversity net gain of 128.72%. This goes beyond the standard 10% biodiversity net gain and also the Local Plan Policy SP.23 which requires measurable biodiversity net gains to be achieved.
- 4.50 In terms of trees and hedgerows, the northern, southern and eastern boundaries of the site are comprised of a linear tree belt and the site's western boundary is partially covered by hedgerows with occasional individual trees and there are also a few mature trees (including 2 veteran English Oak trees) scattered along the field boundaries where the two fields meet. In total there are 5 hedgerows present on site comprising native species including blackthorn, hawthorn and elm. The proposed development would retain all 14 individual trees, including the 2 veteran oak trees which would be retained in the new areas of public open space. To facilitate the two vehicular access points (one on Pearl Lane and the other on the A451 Dunley Road) and the two cycle access points on Pearl Lane it would be necessary to remove a small number of trees and a short section of hedgerows. In addition, it was considered within the submitted Tree Survey Report that 3 trees (category 'U' - unsuitable for retention) would need to be removed due to their poor condition.
- 4.51 The proposed development would provide a significant area of new open space and the submitted Landscaping scheme shows extensive new tree planting as well as hedgerow planting. I am therefore satisfied that the harm to amenity arising from the loss of trees to the northern and eastern boundaries to facilitate the access points would be offset by the proposed new tree and hedgerow planting within the site.

ACCESS AND HIGHWAY SAFETY

- 4.52 The proposed development would have two separate access, one from Pearl Lane and the other from Dunley Road, in line with the site allocation requirement. Speed Surveys have been undertaken to ensure acceptable visibility splays are provided. A Stage 1 Road Safety Audit has also been carried out which identified 8 potential highway safety issues and a Response Report has been submitted to demonstrate how these issues would be addressed by the development. This includes the following measures: extending the 40mph speed limit on Pearl Lane; wider visibility splays for all vehicular and cycle access points and for the proposed bus layby near Cotswold Avenue; inclusion of a short section of footway at the bellmouth access point onto Dunley Road to avoid vehicular and pedestrian conflict; and updated and amended directional signage to be provided on Dunley Road. The Highway Authority has raised no objection to the principle of the proposed access arrangements, and I consider that the proposal would allow for safe vehicular movement in and out of the site subject to the final design being agreed by the Highway Authority at the S278 stage.

21/0031/FUL

- 4.53 The Highway Authority have advised that the development would provide a safe internal road layout for all users, however that the current layout does not fully confirm with WCC Streetscape Design Guide and that further amendments would be required before the internal roads would be considered for adoption by the Highway Authority which could be done through the S38 process and is therefore not a reason to justify refusal of the application.
- 4.54 Paragraphs 110 and 112 of the Framework requires developments to be designed so that they give priority to pedestrian and cycle movements in order to promote sustainable travel modes. Policy SP.27 of the Wyre Forest District Local Plan also requires proposals to demonstrate that they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks. The proposed scheme includes extensive footpaths and cycleways throughout the site that would follow desired sightlines within and out of the site. The Highway Authority have also advised that the application could also provide a new bus stop on the western side of Pearl Lane, to the north of Cotswold Avenue, to provide close and safer access for residents of the development. The applicant has agreed to provide this provision through a financial contribution secured by the S106 agreement. In addition, the Highway Authority have requested that a financial contribution is provided for improvements to the community transport service, which I consider is necessary and directly related to this development as it would ensure all elderly and disabled residents of this development with transport needs can access local facilities and services.
- 4.55 The public right of way which crosses the site would not be impacted by the development and would be incorporated within one of the green infrastructure corridors that is proposed and would cross the spinal road where it is to be severed by two road turning ends. The development would therefore accord with Paragraph 100 of the Framework which requires public rights of ways to be protected and enhanced.
- 4.56 Concern has been raised by local residents about traffic congestion and that this development would exacerbate the existing highway issue, especially in the town centre. There is no doubt that this development for 329 dwellings would increase traffic movements on the local highway network given that the site is currently in agricultural land use. I recognise that within the town centre of Stourport-on-Severn including the Gilgal 'ring-road', at the roundabout junctions and the traffic bridge over the River Severn, experiences congestion during peak hours in the working week and especially during the weekends/school holidays when the town has an influx of visitors. However, the Highway Authority have carefully considered the transport assessment, including these factors, and have advised that *"Whilst the development will result in some detrimental impact on the local highway network, it is considered to be relatively minor and therefore, generally acceptable."*
- 4.57 The Transport Assessment has considered how the additional traffic generated by the proposed development would impact upon the operation of the site access junctions onto Dunley Road and Pearl Lane and at the existing Dunley Road/Pearl Lane junction. The assessment shows that the proposed and existing junctions would operate within capacity and that there would not be any significant detrimental impact on traffic movement or the likelihood that traffic queues would occur at these junctions following the development.

21/0031/FUL

- 4.58 On balance, the proposed development has been designed to prioritise and encourage safe journeys by walking, cycling and public bus services and the traffic generated by the development together with the proposed access arrangements and internal layout would not result in a detrimental impact on the safety and operation of the road network. Paragraph 111 of the Framework requires that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. I am satisfied that neither of these circumstances applies in this instance.

AIR QUALITY

- 4.59 Worcestershire Regulatory Services originally recommended a planning condition to require the developer to provide an Air Quality Assessment prior to the commencement of development. However, the applicant chose to submit an Air Quality Assessment prior to determination which has considered air quality at several receptors across the town centre and at nearby road junctions. It concluded that the impacts at modelled receptors would be 'negligible' impact with one receptor being 'slightly adverse' (3% change) which is considered to be acceptable by Worcestershire Regulatory Services. To mitigate air pollution arising in this local area because of the increased traffic generation caused by this development it is recommended by Worcestershire Regulatory Services that conditions should be attached to require electric vehicle charging points, low emission boilers and cycle storage facilities. The applicant has agreed that they will provide the air quality mitigation as recommended by Worcestershire Regulatory Services, which will be secured through planning conditions.

CUSTOM BUILD PLOTS

- 4.60 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities must keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. Local Planning Authorities are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Local Plan Policy SP.12 advises that all major developments of fifty or more units should take into consideration the demand shown in the Self-Build and Custom-Build Register and where possible provide suitable plots. Following discussions with the applicant, they have agreed to provide eight custom-build plots within the site and this level of provision has been agreed with the Community Led Housing Co-ordinator and would be secured through the Section 106 Agreement.

MINERALS PROVISION

- 4.61 A Minerals Resource Assessment (MRA) has been submitted in support of this application, which concludes that it is unlikely that planning permission would ever be granted for sandstone extraction at the site due to the proximity of residential dwellings adjacent to the northern and eastern boundary. Consequently, the mineral resource has no current or potential economic value. The report concludes that the mineral resource is not of sufficient economic value to outweigh the merits of the proposed non-mineral development in order, and the proposed development is therefore compatible with the County Council's mineral safeguarding policy. However, the WCC Minerals team have objected to the application on grounds that the MRA is insufficient.

21/0031/FUL

- 4.62 Local Plan Policy SP.34 'Minerals' advises that *'Developers will be encouraged to reuse and recycle construction waste on-site and use substitute or secondary and recycled minerals within the development to reduce the use of primary materials' ... 'Planning permission will not be granted for non-mineral development that would lead to the unnecessary sterilisation of mineral resources ... unless (amongst other things):*
- i. *Where sterilisation of a locally or nationally important mineral resource could occur, opportunities for extraction of the resource will be optimised prior to any non-minerals development commencing;*
- 4.63 It is further advised in paragraph 15.17 under Policy SP.34 that *'Proposals which are in MSA should take a sequential approach to considering the following possible outcomes:*
1. *Extracting all of the resources within the proposed development site and in the area which would potentially be sterilised by the development, either in advance of development taking place or in phases alongside the development;*
 2. *Where extracting all of the resource would prevent establishment of a suitable landform for subsequent development, consider whether a proportion of the resource could be extracted; or*
 3. *As a last resort if neither (1) nor (2) is possible, consider whether any opportunities exist for "incidental recovery of the mineral resource'.*
- 4.64 In respect of the above sequential approach, I consider that the site is not appropriate for the extraction of all or a proportion of the mineral resource(s) given that this site is allocated for residential (i.e. non-mineral development) and any extraction of minerals that is not directly required by the development could change the landform of the site significantly and make the site unsuitable for housing, as well as increasing the risk of flooding to neighbouring residential properties. Furthermore, I consider that any removal of mineral resource off-site by large lorries would cause noise and disruption to neighbouring residents.
- 4.65 In terms of the third bullet point above, I consider that there would be opportunities to recover the minerals extracted during the construction phase especially due to the need to create large attenuation basins and a swale and that the extracted minerals could be used in the construction of the roads and foundations of the dwellings on-site.
- 4.66 Overall, whilst the application site is identified within the WCC Minerals Local Plan for safeguarding for minerals, given that this site is allocated for housing provision, I consider it only necessary to require the applicant to consider the recovery and reuse of minerals during the construction of the site which can be conditioned and I do not consider that any further information or subsequent consideration is required to determine this application.
- OTHER MATTERS
- 4.67 The applicant has agreed to provide a defibrillator given that there is none in the vicinity of the site and this would ensure the health of future occupiers and benefit the local community.

21/0031/FUL

PLANNING BALANCE

- 4.68 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.69 The proposed development would not result in an unacceptable impact on highway safety and would provide an acceptable environment for future residents and satisfactory mitigation in relation to on-site biodiversity, flood risk and drainage and air quality can be achieved.
- 4.70 The site is allocated for housing and is situated in a sustainable location with access to a range of facilities by walking, cycling and by regular local buses. The benefits arising from the development would be significant including the provision of housing on an allocated site, together with 82 affordable dwellings and 8 custom build plots. The development would deliver public open space as well as a children's natural play area which would not only benefit future occupiers of the development but also the wider community. In addition, the proposed drainage strategy is likely to reduce the risk of flooding to existing properties adjacent to Pearl Lane, which is currently a regular occurrence during heavy rainfall. The development would also support the local economy during both the construction and operational phase and would deliver measurable gains to biodiversity.
- 4.71 The development would result in less than substantial harm to nearby heritage assets, namely Grade II listed St Bartholomew Areley Kings Church. However, due to the separation distance, the intervening built development and topography and proposed mitigation in the form of extensive boundary planting and tree planting within the site, I consider that the harm is reduced and that the public benefits arising from the development as described above would outweigh the less than substantial harm to the heritage significance of this asset.
- 4.72 There would be moderate net harm to the landscape character in the short-to-medium term however this impact would reduce over time as the planting matures, but some harm would still occur in the long-term arising from the permanent loss of countryside and the visual impact of the two-and-half and three-story buildings located in the northeast corner of the site. Given the retained tree belt and proposed public open space along the western boundary of the site, adjacent to the open countryside, I consider that the overall harm to the landscape character to be limited.
- 4.73 The development would be in conflict with WCC emerging Minerals Local Plan. However, I consider that only limited weight should be given to this conflict in terms of the sterilisation of a potential minerals resource, as the development would accord with Policy SP.34 as the applicant has agreed to a planning condition to submit a scheme of mineral recovery and reuse as part of the development. The site is also allocated for housing and would not be suitable as a minerals extraction site given its close proximity to existing residential properties. As such, I do not consider that the conflict with WCC emerging Minerals Local Plan to be a reason to warrant a refusal of the application.

21/0031/FUL

4.74 I therefore consider that the proposed development would accord with the development plan as a whole.

PLANNING OBLIGATIONS

4.75 The legal tests for when a s106 obligation can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended and Paragraph 57 of the Framework. The tests are that an obligation must be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

4.76 The Council's Cabinet report, dated 16th September 2020, sets out the priorities for Section 106 planning obligations for sites where there is a shortfall in meeting the costs of all obligations following a viability assessment. It was agreed that the Council will prioritise in the following order:

1. On and/or off site infrastructure necessary to make the development acceptable
2. Affordable housing
3. Open space and recreation
4. Education
5. Other stakeholder contribution requests such as infrastructure costs associated with health provision or the police

4.77 The applicant has agreed to enter into a Section 106 agreement to secure the following planning obligations to make the development acceptable in planning terms which also meet the tests as set out in Paragraph 55 of the Framework and Regulation 122(2), these are:

- Highways Infrastructure

- a) A financial contribution of £22,680 towards community transport costs to allow for disabled and elderly residents to be transported appropriately.
- b) £72,380 (220 per dwelling to WCC to deliver the Residential Travel Plan) Worcestershire County Council's Highway Authority monitoring fee.

This planning obligation accords entirely with Policy SP.27 of the Wyre Forest District Local Plan.

- Affordable Housing Provision

- a. 82 (25%) dwellings would be provided as affordable with a tenure split of 53 (65%) social rent and 29 (35%) shared ownership.

This provision accords entirely with Policy SP.10 of the Wyre Forest District Local Plan.

21/0031/FUL

- Education

a. A financial contribution of £2,450,871 to mitigate the impacts of this proposal on school places, including an education monitoring fee.

PRIMARY	£1,715,890
SECONDARY AND 6 TH	£318,533
PRIMARY SEN	£216,744
SECONDARY SEN	£199,704
TOTAL	£2,450,871

This planning obligation accords entirely with Policy DM.6 of the Wyre Forest District Local Plan.

- Worcestershire Clinical Commissioning Group (CCG)

a. A financial contribution of £125,235 to mitigate the impacts of this proposal and would provide funding for the provision of capacity to absorb the patient growth generated by this development.

This planning obligation accords entirely with Policy DM.6 of the Wyre Forest District Local Plan.

- Sport Facilities

a. A financial contribution of £757,763 towards improvements and provision at Stourport Sports Club.

This planning obligation accords entirely with Policies DM.6 and DM.8 of the Wyre Forest District Local Plan.

- Green Infrastructure management

a. Requirement of a management body to be set up to maintain the soft and hard landscaped areas and equipment/features within the: public open space; children's natural play area (subject to condition) including defibrillator; archaeology interpretation board, pedestrian bench and emergency bollards adjacent to spinal road (subject to condition); the on-site and off-site SUDS (subject to conditions to secure LEMP and SUDS management plan); and ecological mitigation and enhancement features (subject to conditions). The management body also to control emergency access through the Spinal Road (which requires access to demountable bollards).

This provision accords entirely with Policies SP.21, SP.23, SP.27, SP.28, SP.31, SP.32, DM.7 and DM.8 of the Wyre Forest District Local Plan.

21/0031/FUL

- 8no. Custom-build plots (Plots 98 – 105 on the Proposed Site Plan)
 - a. As defined by the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)
 - b. Subject to: Marketing Strategy giving priority to those on the Council’s register for custom-build plots in the local area; Design Code with plot passports; Fully serviced plots to be provided; and requirement for the purchaser to occupy the plot for at least 3 years

This provision accords entirely with Policy SP.12 of the Wyre Forest District Local Plan.

- Monitoring Fees

The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations (“the CIL Regs”), Regulation 122 (2A) allows Local Authorities to charge a fee in relation to section 106 agreements for the monitoring and reporting of planning obligations. Whilst the County Council have recently introduced monitoring fees, currently the District Council do not include monitoring fees with their obligations. The S.106 requirements include any monitoring fees that are applicable at the time of the signing of the S.106 agreement.

5.0 Conclusion and Recommendations

- 5.1 The site is allocated for housing and the Inspectorate in their final report to the main modifications of the Local Plan Review advised that the indicative capacity for this site allocation may be exceeded in certain circumstances. It is evident from the support received to this application from local residents and occupiers that this development would help to provide much needed housing for this and future generation.
- 5.2 The proposed scheme would provide suitable drainage for the development and would help to alleviate the existing flood issues that occurs to properties located adjacent to Pearl Lane. The Highway Authority have undertaken a robust assessment of the application and have raised no objection in terms of highway safety and do not consider that the residual cumulative impact on the road network would be severe. Whilst the current internal road layout does not fully conform to WCC Streetscape Design Guide to be accepted by the County for adoption, it is considered that this does not justify a refusal of the application and on balance, the development would provide a safe environment for all road users. The new public open space including a new children’s play area would not only benefit future occupiers but also the wider community. The development would retain all existing footpaths along with extensive new footpaths, cycleways and a new bus layby on Pearl Lane to promote active lifestyles and sustainable modes of travel.
- 5.3 The overwhelming public benefits of the development would outweigh the less than substantial harm to the historical significance of St Bartholomew Areley Kings Church. The loss of the open agricultural fields to housing development and the tall buildings located in the northeast corner of the site would result in moderate harm to landscape character, however, the degree of harm would be reduced in the long term when the

21/0031/FUL

new tree planting matures. Also, the conflict with the County's emerging Minerals Local Plan is not in itself a reason for refusal. It has also been accepted by consultees that suitable mitigation can be provided to reduce air pollution arising in this local area and that measurable biodiversity net gains can be achieved. The proposals therefore represent sustainable development and would accord with the Wyre Forest District Local Plan as a whole.

5.4 I therefore recommend delegated **APPROVAL** subject to;

- a) The signing of a S.106 agreement as set out at paragraph 4.79; and
- b) The following conditions;
 1. 3 year Time Limit
 2. To require site and finished floor levels
 3. To secure external materials and hardsurfacing details
 4. To require amended Boundary Treatment details to show gaps for hedgehogs to pass through
 5. To secure implementation of Landscaping Scheme
 6. Play Provision Implementation and Management/Maintenance Plan
 7. Require details of Defibrillator
 8. To require recreation footpaths and cycleways to be provided
 9. Retention of all identified retained trees and hedgerows
 10. Site Investigation for Potential Contaminated Land and Remediation Strategy
 11. Unexpected Contamination
 12. Construction Environmental Management Plan (Noise)
 13. Electric Vehicle Charging Provision
 14. Secure Cycle Storage
 15. Low Emission Boilers
 16. Implementation of provision of PV Panels (34 Plots)
 17. Require 66 Plots to be designed to higher access standards of Part M Building Regulations (2010) Category 2 M4(2) and 4 Plots designed to meet wheelchair user dwellings standards of Part M Building Regulations (2010) Category 3 M4(3).
 18. Require water efficient measures
 19. Scheme of Minerals Recovery
 20. Archaeology – Written Scheme of Investigation
 21. Archaeology – Archive WSI
 22. Archaeology Interpretation Board
 23. Method Statement for translocation of Dormouse
 24. Construction Environmental Management Plan (CEMP - Biodiversity) to include:
 - a. Implementation of Tree Protection Fencing and Pre-start meeting with Council's Arboricultural Officer
 - b. Amphibians survey prior to vegetation and ground clearance and relocation by hand if any are found during construction
 - c. Vegetation clearance to be undertaken outside of bird nesting season
 25. A walkover badger survey and scheme of mitigation if required

21/0031/FUL

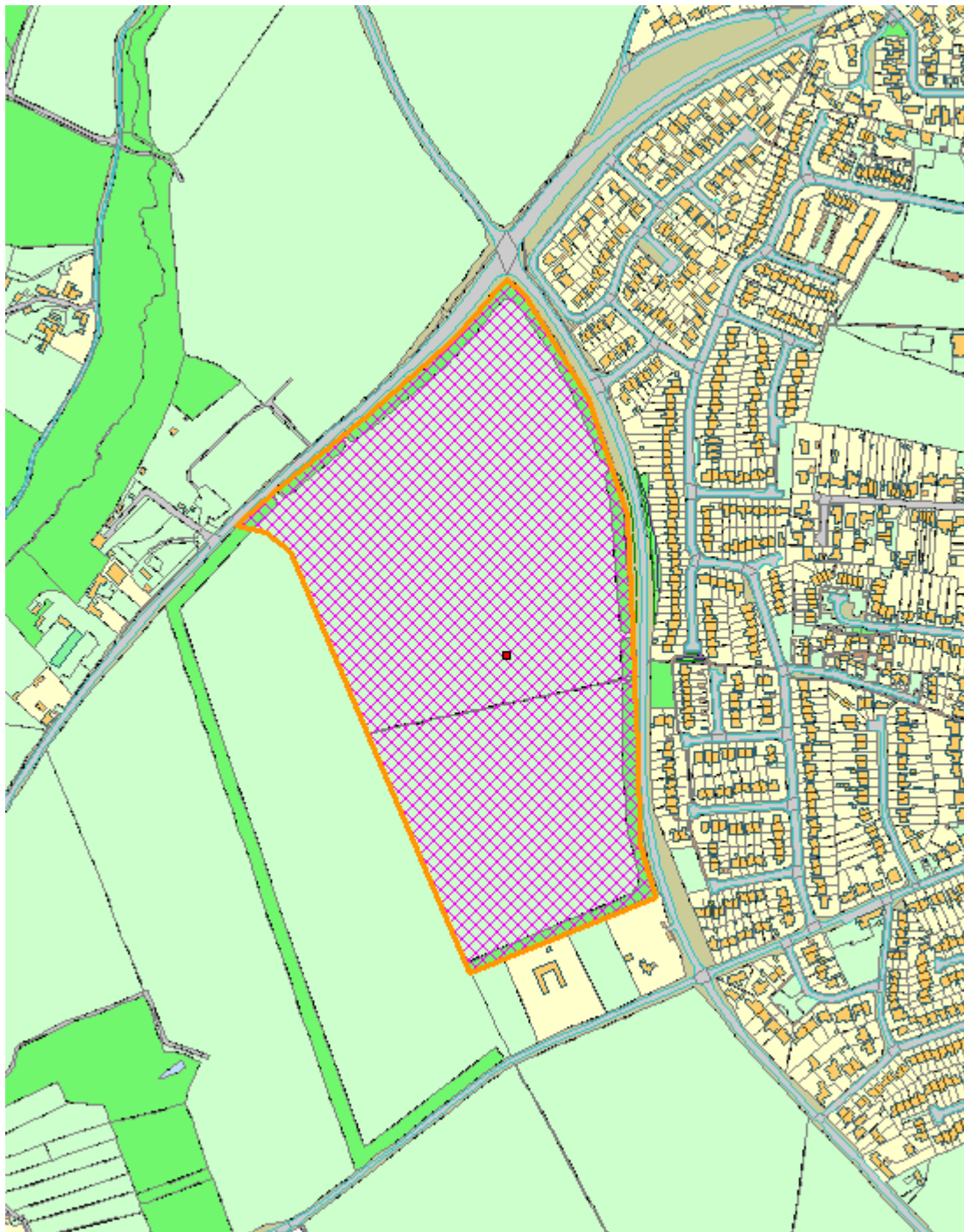
26. Further bat survey of trees to be felled that have been identified as having potential roost features
27. To require an ecological enhancement scheme and a letter of compliance from a suitably qualified ecologist
28. To require external lighting scheme including letter from a suitably qualified ecologist to demonstrate that the proposed lighting scheme will create dark corridors
29. Landscape Environmental Management Plan (LEMP) including management/maintenance of soft landscaping and site habitats and enhancement measures and biodiversity monitoring strategy for dormouse
30. Off-site swale and associated attenuation basin to be constructed prior to first occupation
31. Existing culverted watercourse to be diverted appropriately, avoiding all residential plots including driveways
32. The SuDs to be constructed and maintained in accordance with the approved details
33. A Construction Surface Water Management Plan
34. To require highway lighting details
35. Construction Environmental Management Plan (Highways)
36. Access and Parking arrangements
37. Visibility Splays
38. To prevent side facing windows within the dwelling on the following Plots that face opposing rear gardens: Plots 3, 10, 15, 16, 19, 21, 24, 25, 30, 34, 36, 42, 46, 52, 56, 64, 66, 72, 74, 75, 80, 81, 87, 90, 94, 98, 103, 107, 108, 109, 112, 114, 115, 119, 120, 128, 129, 130, 135, 138, 143, 150, 181, 191, 193, 197, 199, 205, 206, 208, 213, 216, 217, 219, 226, 244, 252, 274, 275, 279, 283, 304, 306, 307, 313, 315, 319, 321, 327
39. To prevent rear facing clear glazed windows with cill height less than 1.7metres within the dwelling on the following Plots 227 and 303
40. Removal of Permitted Development Rights for future boundary treatment forward of the principle elevation of any dwellinghouse

NOTES

- Section 106 Agreement
- Inform developer that battery storage is necessary for dwellings with PV solar panels
- Severn Trent Water – Aqueduct
- Public Right of Way obligations
- The revised Energy Report pursuant to condition 19 shall consider the inclusion of solar/photovoltaic panels, air source and ground source heat pumps including battery storage for PV panels
- No construction work outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays
- No burning of any material during construction and site preparation works
- WFDC Waste and recycling collection
- Alteration of highway

21/0031/FUL

- Section 278 Agreement
- Section 38 Agreement
- Drainage Details for Section 38
- Protection of Visibility Splays
- Works adjoining highway
- Temporary Direction Signs to housing developments
- Construction Environment Management Plan



Economic Prosperity and Place Directorate

Land To The West Of Pearl Lane, Stourport -on- Severn (Ernleye Meadows) Land At Os
379658 269871 Pearl Lane Stourport On Severn Worcestershire

Crown Copyright 100018317



PART A

Application Reference:	21/1071/FUL	Date Received:	17.11.2021
Ord Sheet:	385174 277186	Expiry Date:	16.02.2022
Case Officer:	Helen Hawkes	Ward:	Offmore And Comberton

Proposal: Full application for 48 dwellings with associated works

Site Address: Land At Os 385175 277187 Husum Way Kidderminster Worcestershire

Applicant: Living Space Housing

Summary of Policy	<p>SP.1, SP.2, SP.6, SP.9, SP.10, SP.12, SP.16, SP.20, SP.21, SP.23, SP.27, SP.28, SP.29, SP.31, SP.32, SP.33, SP.34, SP.36, SP.37, DM.6, DM.7, DM.8, DM.23, DM.24, DM.26, DM.32 and SP.KEE1 of the Wyre Forest District Local Plan (2016-2036)</p> <p>WFDC Design Guidance SPD WFDC Planning Obligations SPD WFDC Affordable Housing SPD WCC Landscape Character Assessment WCC Streetscape Design Guide WCC Minerals Local Plan National Planning Policy Framework National Planning Practice Guidance National Design Guide Building for a Healthy Life Wildlife and Countryside Act 1981 (as amended) Conservation of Habitats and Species Regulations 2017</p>
Recommendation	APPROVE SUBJECT TO S106 AGREEMENT
Reason for Committee	'Major' Planning Application

1.0 Planning History

1.1 There is no planning history for this site.

2.0 Consultee Responses/Neighbour/Site Notice Representations

2.1 Kidderminster Town Council – Object on the grounds that the: development is not in keeping with Local Plan; the traffic issues have not been resolved by this application; it is overdevelopment of the neighbourhood.

21/1071/FUL

- 2.2 Highway Authority – No objection subject to conditions to require the agreed highway access works, internal roads, parking, turning facilities and visibility splays to be provided prior to the first occupation of the development and to require a Cycle Storage details, Construction Environmental Management Plan and a Residential Welcome Pack to be submitted and agreed. A planning obligation is also requested to secure a financial contribution of £10,000.00 to upgrade the existing bus stop outside the Offmore Shops to a shelter, including upgrades to kerbing; and to safeguard sufficient land within the application site boundary to ensure appropriate mitigation at the Husum Way/Birmingham Road junction can be delivered within the highway boundary

The Highway Authority has previously provided pre-application advice in relation to the proposals and undertook a review of the subsequent planning application submission documents. Following a review of the Applicant's Transport Statement (TS), dated October 2021, and associated documents, the Highway Authority recommended deferral in our formal observations dated 9 th February 2022 response. An additional formal response was produced on the 28th April 2022, once again advising deferral principally due to the proposed internal layout. The Highway Authority are now in receipt of an updated internal layout plan. This latest response should be read in conjunction with the previous responses.

Updated Internal Layout - Revised layout plans have been submitted, Site Layout Sheet 1 of 2 (ref: 2103-P-04 G) and Site Layout Sheet 2 of 2 (ref: 2103-P-03 G), and a revised block plan (2103-P-02 MBLOCK PLAN 1-500). The Highway Authority are broadly content that the internal layout accords with the adopted design guide (The Streetscape Design Guide). The most southerly road serving plots 42 - 29 will not be adopted beyond the turning head serving plot 42. The Applicant has confirmed in writing that the southern part of road which serves the pumping station will not be adopted and they have agreed this with Severn Trent Water.

Revised Site Access - The Highway Authority is satisfied that the following matters have been resolved:

- Indicative Site Access Option 2 (ref: TA02 Rev H) has been revised to show the tactile paving at the site access follows the pedestrian desire line.

The Highway Authority previously advised that the scale, form and footprint of the access is acceptable ensuring safe and suitable access for all network users in accordance with paragraph 110 of the National Planning Policy Framework (NPPF). As part of detailed design, appropriate signage will also need to be considered at the post-planning stage.

Public Transport - The TS correctly outlines the current bus services available and from where they are accessed. The bus stop at Bruce Road on the A456, approximately 500m from the site, is served by two trips per hour to Kidderminster and one per hour to Sion Hill and Halesowen. The dual-carriageway section of the A456 creates severance and a lack of direct crossing opportunities to access bus stops north of the A456. We would welcome a discussion with the Applicant team to address this and ensure that the site is connected to public transport services. From the stop at Offmore Shops, approximately 400m from the site, a service provides access to Kidderminster via the railway station every 45 minutes. This stop has only limited facilities comprising of a pole and flag. On this basis, the County Council advises a

21/1071/FUL

contribution of £10,000.00 to upgrade the existing provision to a shelter and upgrades to kerbing.

Husum Way/ A456 Junction - Growth aspirations for the district would principally be directed towards the larger settlements and towards the new villages at Lea Castle and the Kidderminster Eastern Extension. Evidence to date, used to develop the Transport Evidence for the emerging Local Plan, has demonstrated the residual cumulative impacts of future growth on the highway network are significant. The Wyre Forest Infrastructure Delivery Plan (WFIDP) sets out the infrastructure requirements as part of the evidence base to support the proposals contained in the Wyre Forest Local Plan Review (WFLPR). The WFIDP carries 'living document' status and is subject to on-going change. As noted in Policy SP.KEE1, part of the site may be required for the revised junction at the end of Husum Way1 . The A456/ Birmingham Road is identified within the WFIDP requiring capacity enhancement. The Highway Authority has been undertaken further option assessment at the junction, as well as other key junctions and pedestrian/ cycle routes across Kidderminster, testing the cumulative impacts of the entirety of growth allocated in the Local Plan. An indicative option to signalise the junction has been modelled and the outputs demonstrate that the residual cumulative impacts of the development can be mitigated. The current arrangement affords little pedestrian and cycle connectivity across the A456. As such, a signalised option has been considered which provides enhanced provision for active modes and public transport. The indicative option would be to signalise all arms of the A456 Birmingham Road/ Husum Way junction and to introduce an east-west segregated two-way cycle track through the junction, located adjacent to the southern edge of the A456 carriageway, with a minimum kerbed buffer of 0.5m to the carriageway. The cycle track will be signalised and incorporated into the operation of the junction. A 2m footway will also be provided alongside the cycle track. The provision of the cycle track and footway will require the widening of the existing footway into the development land. The cycle track will join to the residential service road west of the junction. To the east, the existing footway opposite Hurcott Lane will be widened to provide a 3m shared use path. A staggered pedestrian crossing could be provided adjacent to the cycle crossing on Husum Way. Toucan crossings are proposed on both the A456 east and west arms. As per LTN 1/20 guidance, these crossings will not be staggered due to the difficulty a staggered arrangement imposes on non-standard bicycle users. The existing kerbed island on the A456 east arm is wide enough to accommodate a non-staggered crossing whilst still allowing for a two-stage crossing with cyclists and pedestrians waiting on the central island. The island on the A456 west is proposed to be widened to 5m (removing the right turn lane) to accommodate the same arrangement. The existing eastbound bus stop to the east of Hurcott Lane could be relocated to between Hurcott Lane and Husum Way junctions, which brings it closer to the pedestrian crossing facilities being introduced. It is also proposed to introduce a new westbound bus stop between the two junctions. Both A456 approaches and exits could be widened into the existing hatched carriageway space and/ or grass-verge to provide two ahead lanes in each direction, to maximise the efficiency of the signal staging. Having a two-lane eastbound exit from the Husum Way junction results in the existing eastbound right turn lane at the Hurcott Lane junction being removed. The westbound right turn lane can be retained, alongside two ahead lanes, by widening the carriageway into the central reservation. In light of the forecast network conditions,

21/1071/FUL

significant investment will be required to mitigate the residual cumulative impacts of this development and planned growth on the highway network. This will include necessary localised improvements, the development of sustainable transport initiatives and necessary investment to accommodate the full extent of planned growth. On this basis, development land is required to enable future works at this junction. This will be secured via the appropriate legal agreement safe-guarding sufficient land ensuring appropriate mitigation at this junction can be delivered within the highway boundary. Timing, funding and further option development considerations at this junction remain on-going.

- 2.3 Worcestershire Regulatory Services (Noise Nuisance) – No objection subject to conditions to require a scheme of noise insulation to be submitted and to require an acoustic fence around the rear garden of Plot 44.

The submitted noise and vibration assessment appears satisfactory and the noise section predicts that, with the implementation of the recommended noise mitigation measures, external and internal noise levels should be acceptable. Vibration from the railway line is not predicted to adversely impact future residents. When the applicant has decided which glazing and ventilation products are to be installed, full details of their sound attenuation specifications should be submitted confirming that they will meet the sound attenuation recommendations of the noise assessment for approval. Additionally, full details of the recommended acoustic fencing (extent, height and surface density) should be submitted for approval and include the rear garden boundaries adjacent to the railway line and the garden areas of plot 44 as minimum. These details can be conditioned.

- 2.4 North Worcestershire Water Management Officer – No objection subject to conditions to secure a scheme for surface water drainage strategy, SuDS assets management plan and construction surface water management plan.

The revised plans now detail permeable paving for the disposal of surface water for all plots. The water quality assessment (appendix A10) uses the simple index approach. As per my previous comments, the assessment wrongly implies that all runoff from the site will discharge through the pond first (1st treatment element) and then through the permeable paving (2nd treatment element). In reality only runoff from the plots will discharge via the permeable paving (road runoff will not discharge this way) and only events above 1 in 30 year event will see runoff discharging via the pond. I therefore conclude that the simple index approach has been executed incorrectly. As the permeable pavement provides sufficient treatment for all runoff from the plots it is only the road runoff that would not be treated for events up to 1 in 30 year; in more extreme events the offline pond will provide treatment. I understand there are reasons why the proposed pond cannot be online on this site. As it is my understanding that WCC Highways are happy to adopt the roads based upon the currently proposed conventional drainage, I conclude that there would be insufficient reason to withhold approval of this application on water management grounds.

- 2.5 Worcestershire Children First – No objection.

Currently there are sufficient spaces throughout the ward of Offmore and Comberton to absorb this number of children, there are also sufficient places within the Wyre Forest Rural ward, therefore there will be no contribution sought for early years.

21/1071/FUL

Offmore Primary School is the catchment school for this development. The proposed development is likely to yield 16 Primary aged students which equates to 2-3 children per year group. Currently, the PAN across the related schools for the proposed development equates to 275, with number of children in the largest year group (year 3) of 261. Therefore, there are sufficient places to absorb the yield of primary age children from this site within the wider related primary schools serving the area of Stourport. Worcestershire Children First will not be requesting a contribution towards this phase of education. King Charles 1st School is the catchment school for secondary aged pupils covering the proposed development. The proposed development is estimated to yield 11 secondary aged children which equates to 1-2 pupils per year group. As seen above the school has sufficient spaces to accommodate these students, therefore no contribution for secondary school phase of education will be sought.

- 2.6 WCC Minerals – No objection subject to a condition to require details of proposed mineral recovery as part of the development process.
- 2.7 Network Rail – No objection subject to the inclusion of recommended conditions to protect the existing railway infrastructure from the impacts of the works on site and for the developer to accord with the obligations and regulations for construction near to a railway.
- 2.8 Countryside and Technical Services Manager – No objection subject to conditions to require external lighting details, a Landscape and Environmental Management Plan, a walk over survey for protected species and mitigation strategy, action plan to displace active fox den, and to require all site clearance works to be undertaken outside of the bird nesting season or for a qualified ecologist to be on site at all times.
- 2.9 Worcestershire Regulatory Services (Potential Contaminated Land) – No objection subject to conditions to agree soil material to be brought onto site for use and to agree a remediation strategy if unexpected contaminated land is found to be present during the construction phase.
The methodology and findings of the Phase 1 Desk Study (ref 21152/1 dated October 202) are agreed and while we agree that there is a low risk of PCL issues, we would expect any Phase 2 to identify any chemicals that may been used in historic agricultural use. Due to the nature of the development, WRS recommend the following condition wording is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.
- 2.10 Conservation Officer – No objection.
The development would result in less than substantial harm to heritage assets that would need to be outweighed by the public benefits of the scheme. It is advised that the applicant has provided an archaeological desk-based assessment which identifies

21/1071/FUL

and describes the significance of heritage assets affected by the development proposal and this is in accordance with the National Planning Policy Framework. Hodge Hill farmhouse lies immediately to the northeast of the proposed development and along with its surviving associated barns is considered to possess local historic and architectural interest due to its date of c1700: it is included on the Local Heritage List for Blakedown ref: CB001.

The development site forms part of an historic parcel of land named Dancers Close on the 1842 tithe map of Kidderminster Foreign and at that time was farmed by the tenant farmer at Hodge Hill Farm. The construction of the railway c.1851 led to the re-routing of an earlier farm track (which ran north-south closer to Kidderminster) to the alignment now known as Husum Way and the site has been in agricultural use since that date. Until the 1970s the railway was crossed by a small sandstone occupation bridge. When the Offmore estate was developed this was replaced with the concrete and brick structure in situ today. There are thus well-established historic views of the farmhouse looking northeast from a railway bridge (L&VA View 2), as well as unobstructed views east from what is now Husum Way and east from the Birmingham Road (L&VA View 3).

Development on this site thus has the potential to impact upon the setting of Hodge Hill Farm and barns. I note that the proposed site layout attempts to mitigate the visual impact of the development on Hodge Hill Farm and barns (as seen from the Birmingham Road and junction with Husum Way) by introducing an area of public open space. This takes the development away from the western edge of the farmstead so that it remains clearly visible from the main road and public footpath running alongside it. However, the eastern side of the railway bridge on Husum Way provides probably the best view of the farmstead in its wider context as this vantage point is some 5m higher than the farmstead itself. I am disappointed that a sightline between the two was not developed as part of the masterplan, as it is the cross-pattern layout of the roads on the site results in regimented N-S or E-W orientation of housing. It is unclear from the information supplied whether or not the 5m height advantage from this vantage point will still permit clear views towards the farmstead across the roof-tops of the proposed development.

Given the L&VA Landscape Effects Table considers that development on the site will have a 'moderate adverse impact' on the site and its immediate context on completion, reducing to moderate-minor adverse at 15 years post completion', I consider that this will result in less than substantial harm to the setting of the undesignated farmstead. The National Planning Policy Framework allows for this less than substantial harm to be offsets by benefits of the development (which need not necessarily be public benefits) and thus this should be taken into account when determining the application.

- 2.11 Severn Trent Water – No objection subject to condition to ensure the satisfactory disposal of surface and foul water.
- 2.12 Designing Out of Crime Officer – No objection.

21/1071/FUL

- 2.13 Worcestershire Regulatory Services (Air Quality) – No objection subject to conditions to secure electric vehicle charging points, cycle storage facilities and low emission boilers.
- 2.14 WCC Archaeology Officer – No objection subject to conditions to require a written scheme of investigations for archaeology and to secure publication of the WSI. The submitted desk-based assessment demonstrates that there is unlikely to be archaeology within the site that would be of such significance that it would stop or curtail development. There is the possibility that Lord Foley's irrigation system extends further north than currently mapped, based on a record immediately to the north of the proposed development site. This is due to a dense area of cropmarks in the field immediately to the north that are interpreted as related to the irrigation system. These cropmarks may have alternative origins. The name of the field to the north is Battlefield on the 1841 tithe map. This might suggest that there may have been a forgotten battle or skirmish nearby. There is also a suggestion that there was a WWII stronghold here. The details of this feature are not known but the 1940 Defence Map for Kidderminster from which the stronghold was identified implies trenchworks around the summit of the hill to cover the approaches to Kidderminster from the east. There is potential for these currently undated cropmarks to extend into the development site. Investigation could allow understanding and interpretation of these features. There is also potential for earlier archaeology, as demonstrated by the later prehistoric and Roman artefacts are recorded from the wider study area, although it is accepted that this potential is low.

The site is also adjacent to the unlisted late 18th century farmstead of Hodgehill Farm. It is welcome to see the green space creating a buffer between the farm and the new housing.

Consequently, the application site is judged to have the potential to impact heritage assets of archaeological interest that would be significantly altered or lost through the development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of suitably worded conditions attached to any grant of planning permission. This would take the form of evaluation by geophysics and trial trench initially. This could be followed by further mitigation should the results of the evaluation find evidence to justify further stages.

- 2.15 NHS Primary Care Trust – No objection subject to a financial contribution of £31,655 to mitigate the impact arising from the development and to absorb the patient growth generated by this development. It is advised that the development could generate approximately 115 residents and subsequently increase demand upon existing services and that funding towards internal renovations and digital infrastructure is necessary to make the development acceptable in planning terms.

Neighbour/Site and Press Notice Representations

- 2.16 18 letters of objection have been received from local residents stating the following concerns:

21/1071/FUL

- Loss of Green belt, which is needed to farm food [Officer comment – this is incorrect. The site is not in the green belt.]
- Loss of beautiful outlook of fields and countryside [Officer comment – The concern relating to Loss of beautiful outlook of fields and countryside is not a planning material consideration.]
- It is on the "Emerging Local Plan" and not approved by the local council yet [Officer comment – the local plan was approved in April 2022 so this comment is not accurate.]
- No consideration in this plan of the potential 1400 houses being proposed by Taylor Wimpey on the other side of the railway line
- Impact of the additional cars – Borrington Road, which is regularly congested with traffic relating to three local schools and a children's centre
- Husum Way is a dangerous junction with Birmingham Road, which is known for accidents
- Need to see plans for the redevelopment of the Husum Way/Birmingham Road junction, which address all the existing problems with traffic and accidents, and future inevitable issues which will arise
- We do not oppose the development - we oppose access from Husum Way
- Base of a humped railway bridge where visibility to the left will be poor
- Impact on the environment
- Increase CO2 footprint
- Bad car parking arrangements and will result in cars parked half on pavements, making it difficult for emergency services and dustbin trucks
- House building over the last five or so years been excessive for a small town
- Will compromise the heritage of the existing site as this is a redevelopment of an old farm
- Doctors are already stretched and so is the school and worse our main hospital
- Detrimental impact on the character of the town
- Keep increasing our town's population with no concern for the welfare of the local people
- A lot of wildlife which will be disturbed, for example there are skylarks which come back every year to nest and other frequent birds and mammals, foxes, badgers, owls, and bats which visit this field
- Increased noise and pollution
- A main pipeline was installed across the middle of the field from Husum Way to supply the farmhouses which would lie below some of the proposed dwelling
- Lies immediately adjacent to Hodge Hill Farm Barns, separated by only a private single-track road
- We still have brownfield sites to build on and over 700 empty houses which is crime to leave these empty
- We need to have more flats and houses in the town centre

21/1071/FUL

3.0 Site Location and Description

- 3.1 The application site relates to a parcel of agricultural (arable) land, measuring approximately 2.10 hectares in area, situated adjacent to the road junction between Husum Way and Birmingham Road (A456). The site is bounded by the West Midlands Railway Line to the south and by Hodge Hill farmhouse and terraced Hodgehill Farm cottages (barn conversions) to the east. The topography of the site is flat and there are no existing landscape features within the site itself. The western boundary adjacent to Husum Way comprises a hedgerow which is broken by an access gate and to the north, the boundary comprises a metal estate rail fence with five mature trees. The eastern boundary is open and lies adjacent to the private access road associated with Hodgehill Farmstead and cottages and there is a thick strip of vegetation and scattered trees along the southern boundary, adjacent to the railway line. Hurcott Woods & Podmore Pools is located approximately 0.6 miles from the sites northern edged and is a designated Local Wildlife Site (LWS) and Site of Special Scientific Interest (SSSI)). The 18th century Hodge Hill Farm complex comprises locally listed buildings.
- 3.2 The site is situated in a highly accessible location, and within walking distance to local shops, services and facilities. It benefits from a good pedestrian network providing access to local facilities and amenities including Offmore Primary School, Borrington Park, The Cavalier public house, Bells Nisa foodstore, Harvest Energy petrol filling station, which are all within 450 metres (6 minute walk or a 2 minute cycle) of the application site. The nearest bus stop is located approximately 400 metres (a 5 minute walk) on either side of Birmingham Road (known as the Bruce Road stop), which is served by the 192 Diamond bus which provides an hourly service between Mondays to Saturdays between Kidderminster–Hagley–Halesowen. The number 10 Diamond bus also operates from Tennyson Way (a 5 minute walk from the site), which provides a service every 45 minutes between Kidderminster bus/railway stations and Spennells Housing Estate.
- 3.3 The site is allocated for housing under Policy SP.KEE1 of the adopted Wyre Forest District Local Plan with an indicative capacity of 30 dwellings. It currently falls outside of the settlement boundary for Kidderminster, albeit immediately opposite the residential development on Husum Way and adjacent to Hodgehill farmstead complex. The site is not within the Green Belt.
- 3.4 This is a full planning application for 48 residential dwellings, with associated access and parking, open space, landscaping and attenuation basin.
- 3.5 The proposed layout of the site shows a single vehicular access off Husum Way in accordance with the site allocation policy requirements, with the main access road entering the site in a west to east direction and then extending north and south into the site to create two cul-de-sac turning heads, with several private shared roads extending off the main adopted road. Houses would be orientated to face outwards to provide an attractive frontage to the A456, Husum Way and the railway line and within the site, houses would face directly onto the internal roads to provide a sense of enclosure to the roads. The proposed development includes traditional two-storey semi-detached and terrace properties ranging in size from one to four bedrooms. The

21/1071/FUL

building materials would consist of two brick types and either grey or brown roof tiles and entrance doors would be coloured either dark grey, white or olive green. Boundary

treatment would comprise brick solid walls to corner plots and close boarded fencing to rear gardens that do not front onto the public realm. Provision of footpaths are proposed around the perimeter of the site to provide more direct access out of the site. An attenuation basin and an associated pumping station are proposed in the southeast corner of the site. The existing Estate railing along Birmingham Road would be made good.

- 3.6 Three trees (Hawthorn (Category U) and Mixed Group comprising two Elms (Category C2)) would need to be felled due to risk management being located adjacent to Husum Way and existing hedgerows would be retained, apart from small sections of the hedgerows that would need to be removed to facilitate the proposed site access, pedestrian access and the future highway improvement works. The development would provide a large area of public open space within the northern extent of the site adjacent to the A456 and the development has been set back from the west, east and south boundaries to provide a landscape buffer to help integrate the development into the wider rural landscape.
- 3.7 The application has been submitted with a Landscape and Visual Assessment, Planning Statement, Design and Access Statement, Residential Noise and Vibration Survey, Planting Plans, Health Impact Assessment, revised Energy Statement, Archaeological desk-based Assessment, Tree Protection Plan, Tree Constraint Plan, Arboricultural Impact Assessment, Phase 1 Desk Study Report, Phase II Geo environmental Assessment, Highway Technical Note, Phase 1 Ecological walk-over Survey and a Minerals Assessment.

4.0 Officer Comments

- 4.1 The main considerations for this application are:
- Principle of development
 - Design and Layout
 - Residential Amenity
 - Landscape and Visual Impact
 - Trees and Biodiversity
 - Access and Highway Safety
 - Drainage and Flood Risk
 - Loss of Agricultural Land
 - Minerals Resource Safeguarding
 - Climate change
 - Other Matters
 - Planning Obligations

POLICY CONTEXT

- 4.2 Planning Law (as set out within Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990)

21/1071/FUL

requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Practice Guidance advises that the scope of what can constitute a material

consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest.

- 4.3 The Development Plan for Wyre Forest comprises the Wyre Forest District Local Plan (the 'Local Plan'), which was adopted on 26th April 2022 and is supplemented by supplementary planning documents, these include the Planning Obligations SPD, Affordable Housing SPD and Design Guidance SPD.
- 4.4 The National Planning Policy Framework (the 'Framework') represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development. It states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It states that the planning system should be genuinely plan-led (paragraph 15).
- 4.5 The site is allocated for housing under Site Allocation policy SP.KEE1 of the Local Plan and is suitable for housing having been assessed during the examination of the Local Plan. The site allocation policy requires any development on this site to accord with the following site-specific criteria:
- i. Access to the site to be taken from Husum Way
 - ii. Part of the site may be required for a revised junction at the end of Husum Way
 - iii. Development should be set back from the A456 and from Hodge Hill Farmhouse and Barns behind a substantial landscape buffer in order to soften the transition from rural to suburban character and protect the setting of the 18th century Hodge Hill Farm complex
 - iv. Any new development should, in terms of form, scale and massing respect the orientation and setting of the farmstead and historic views from and towards the farmstead
 - v. A further landscape buffer will be required alongside the edge of the railway to enhance this wildlife corridor
 - vi. Sensitive lighting will be required to protect habitats and their use by protected species, along the road and rail embankments
 - vii. Existing boundary hedgerows and trees should be retained and supplemented with additional native planting other than where access is required
 - viii. Building heights should reflect neighbouring development especially on the eastern part of the site nearest Hodge Hill Farm Barns
 - ix. Densities should be much lower in the eastern part of the site to allow for additional soft landscaping among the dwellings, in order to create a more rural feel

PRINCIPLE OF DEVELOPMENT

- 4.6 The principle of housing development has been established through the plan-making process as it relates to a site allocation (Policy SP.KEE1) and would constitute a sympathetic urban extension to Kidderminster, which has taken into careful

21/1071/FUL

consideration the impact on landscape character to provide an appropriate transition from the existing urban form to rural landscape.

- 4.7 Representations have been received that this application results in loss of Green Belt. The site is not located within the Green Belt, as it was released following its allocation for housing in the Local Plan. This is not a justifiable reason for refusal.
- 4.8 Objections have been received raising concern that brownfield sites should be given priority over greenfield sites. Whilst the Framework gives substantial weight to the value of using suitable brownfield land, it does not require brownfield sites to be given priority over greenfield sites (paragraph 120c) and contains no brownfield target. I also note that Policy SP.2 of the Local Plan advises that the minimum housing requirement of the district is significantly greater than the availability of brownfield land and therefore greenfield sites have been allocated. There is no hierarchy of allocation of sites in the Local Plan – in other words, any application for an allocated site should be approved if it complies with policy, regardless of whether it is on brownfield or greenfield land. The fact that this site is greenfield is not a justifiable reason for refusal.
- 4.9 Objections have been raised that the development for 48 dwellings would exceed the indicative capacity of 30 dwellings, as set out in the site allocation policy. The applicant has provided the following response *“In terms of the indicative capacity, we recognised the Policy was not capped. During our testing exercises, it was clear that we could make better use of the land, which in turn further justifies it’s the release from the green belt. We felt it was appropriate here to provide additional affordable dwellings for a more meaningful contribution to the Council’s affordable housing supply”*.
- 4.10 Policy SP.1 of the Local Plan sets out the minimum housing requirement for the district and allows growth expectations to be exceeded providing the development proposed is in accordance with other policies in the Development Plan. This is consistent with the Framework which requires new developments to make efficient use of land and that the planning system should support the Government’s objective of significantly boosting the supply of homes. The proposed development would make efficient use of land and would still achieve an acceptable layout of the site and the necessary green infrastructure provision. The additional housing beyond the indicative capacity would enable a greater number of affordable homes being provided and may also help to reduce the need for further Green Belt land take in the future. Furthermore, Officers consider that the application could not be justifiably refused on grounds of exceeding the indicative capacity, providing the development accords with all other relevant policies in the Development Plan. This is assessed below in this report.

DESIGN AND LAYOUT

- 4.11 With regards to density and amount of development, the site area measures 2.1 hectares in total and the net developable land would measure at 1.27 hectares. The density of the development would be 37.7 dwellings per hectare (dph), which accords with the minimum density requirement of 35dph as outlined in Policy SP.9 of the Local Plan.
- 4.12 The proportion of the site that would be provided as green infrastructure would be 40% of the total site area, which accords with the minimum green infrastructure requirement

21/1071/FUL

for greenfield sites over 1 hectare as set out in Policy SP.28 of the Local Plan. The proposed density is appropriate for the site and the proposal is not considered to represent an over-development.

- 4.13 The proposed dwellings would be provided in perimeter blocks to provide well-overlooked roads and a strong sense of continuity and enclosure across the site. The density of the development reduces across the eastern part of the site, nearest to Hodgehill farmhouse and barn conversions, to provide a sympathetic urban edge and together with the orientation of the dwellings with their gable ends facing the adjoining farm complex, the development would create a more rural feel along its eastern boundary, in accordance with the site allocation policy requirements (criteria ix).
- 4.14 The scale of the dwellings would be two-storeys and the proposed brick facing materials would reflect the existing dwellings located opposite the site on Husum Way, thus helping to integrate the development into its surroundings. The proposed development has been given visual interest using different coloured front doors (green, grey and white) and variations in architectural features across the site, with some dwellings designed with gable ends, bay windows and window treatments. In addition, corner buildings would be designed with rendered front dual-aspect elevations to create key buildings at focal points. A comprehensive landscaping scheme is proposed which includes front gardens, wide landscape buffers and block paving to some internal roads and parking areas to help provide a high quality and well-designed development.
- 4.15 The proposed green infrastructure is extensive and provided mostly to the northern boundary to provide a wide landscape buffer to Birmingham Road and preserve the views of Hodgehill farmhouse and barn conversions from the road. A good mix of green infrastructure is proposed that would be multifunctional and would provide biodiversity enhancements, recreational footpaths/cycle routes, green space for health and wellbeing and an area for long-term sustainable management of surface water drainage. The development is in accordance with site allocation requirement (criteria iii and v) and Policy SP.28 of the Local Plan.
- 4.16 New tree planting is proposed around the perimeter of the site including street trees to internal roads to accord with Paragraph of 131 of the Framework, which advises that 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined.'
- 4.17 Officers consider that the proposal would provide a visually attractive and high quality designed housing development, in accordance with Policies SP.20 and DM.24 of the Local Plan and Paragraph 130 of the Framework.

LANDSCAPE CHARACTER

- 4.18 The site is identified as falling within the Sandstone Estatelands Landscape Type within the Worcestershire County Council's Landscape Character Assessment (2012). The key characteristics of this landscape character type is defined as being an open, rolling landscape with ordered patterns of large, arable fields, straight roads and estate plantations. The development would be framed with new landscaped open space on all four boundaries, which would include planting of appropriate trees, in accordance

21/1071/FUL

with the Landscape Character Assessment guidelines, native species rich hedgerows and the creation of grassland and wildflower habitats for biodiversity benefit.

- 4.19 The site is relatively well enclosed due to a number of factors such as the existing vegetation and landform created by the railway line to the south boundary, the adjoining roads to the west and north of the site and the screening provided by Hodge Hill farmhouse and barn conversions. The proposed development would be set back from the A456 Birmingham Road behind a wide landscape buffer to retain a green road corridor and uninterrupted views of Hodge Hill farmhouse as you travel out of Kidderminster. Additional landscaping is also proposed to the remaining boundary edges to create a soft transition between the rural landscape and the dwellings of Kidderminster. In addition, the proposed dwellings have been positioned to face outwards to provide an attractive development edge and to create an improved urban fringe. Officers agree with the conclusions of the Landscape and Visual Impact Assessment that the development would not result in any unacceptable long-term harm on the intrinsic character and beauty of the landscape.
- 4.20 The nearest public right of way is the bridleway 514B located some 375 metres to the north of the site and it is unlikely that users of this route would see the proposed housing development due to the screening provided by the intervening landscape.
- 4.21 No objection has been raised by WCC Landscape Advisor. The proposed development would result in an acceptable urban extension to Kidderminster settlement without resulting in significant harm to the landscape character, in accordance with Policy SP.22 of the Local Plan and Paragraph 174 of the Framework.

RESIDENTIAL AMENITY

- 4.22 A careful and sensitive design approach has been taken in respect of the layout of the site to ensure the dwellings nearest to the railway line are not adversely impacted by noise from intermittent trains. This has been achieved by dwellings being orientated to face onto the railway line and set back behind a service road and landscape buffer. An acoustic fence would also be installed to Plots 42 and 45 to ensure appropriate ambient noise levels within the rear gardens of these plots. Worcestershire Regulatory Services raise no objection and agree with the recommended noise mitigation. A condition is attached to secure the implementation and retention of this mitigation.
- 4.23 All internal room sizes and layout and outdoor amenity space would provide an acceptable standard of amenity for future occupiers. All face-to-face window elevations would be 21 metres to ensure no loss of privacy and a planning condition is attached to prevent any new side facing windows being installed to dwellings, which are situated perpendicular to a neighbouring residential plot and within 10 metres of their rear garden to ensure no overlooking.
- 4.24 The development provides acceptable storage areas for two refuse/recycling bins, external cycle storage and all dwellings would have access to their rear gardens from the front of the plots to help avoid refuse bins being stored along the road frontage.
- 4.25 It is considered that the proposed development would accord with Policies SP.20 and DM.24 of the Local Plan and Paragraph 130 of the Framework, which requires a high standard of amenity to be provided in all new developments.

21/1071/FUL

ACCESS AND HIGHWAY SAFETY

- 4.26 The development shows a single access point off Husum Way for vehicles which accords with criteria (i) of the site allocation policy SA.KEE1.
- 4.27 Objectors have expressed concern about the site access and have suggested that the proposal should be accessed from Birmingham Road. I do not consider that this suggestion is practical or acceptable given that this would result in the site access being located directly opposite the junction with Hurcott Lane, increasing the risk of road accidents, or being too close to the junction Birmingham Road/Husum Way, which would undermine the anticipated future improvement works to this road junction. Furthermore, a site access off Birmingham Road would diminish the quality of the public open space/green space within this development and would be contrary to the site allocation policy, which clearly states that access should be taken from Husum Way.
- 4.28 A comprehensive Transport Statement (Revision O, dated October 2021) has been prepared by JPP Consulting Limited and submitted in support of this application. This includes a seven-day vehicle speed survey between 8th June and 14th June 2021, a Road Safety Audit and a detailed engineering design of the proposed site access to show that the proposed site access would have appropriate visibility splays and Stopping Sight Distance (SSD), which would not be compromised by the nearby railway bridge.
- 4.29 In terms of vehicle trip generation, the evidence submitted within the Transport Statement shows that the proposed development is predicted to generate 57 new vehicle trips in the morning peak hour (0800-0900 hours) and 46 new vehicle trips in the evening peak hour (1700-1800), at all other times of the day the trip generation would be below these figures. The Transport Statement advises that "This level of new vehicle trips is unlikely to be noticeable above daily fluctuations in background traffic."
- 4.30 Development trip distribution and junction assessments has been undertaken by the applicant's highway consultant and concluded that the Birmingham Road/Husum Way junction and the proposed junction with Husum Way would operate within capacity.
- 4.31 No objection has been raised by the Highway Authority. They advise that the proposed site access arrangements when taken into account the gradient of the road as it crosses the road bridge and the proximity of the road bridge to the proposed site access would be acceptable and would not harm highway safety. It is also noted by the Highway Authority that the proposed internal road layout, car parking and cycle/refuse storage facilities are acceptable and in accordance with WCC Streetscape Design Guide. Furthermore, no objection has been raised by the Highway Authority in relation to trip generation, capacity issues at the junctions or on grounds of highway safety.
- 4.32 It is noted that representations have been received in relation to the site allocation for around 1400 dwellings, known as Land at Comberton Road (Policy SP.KEE3) and that this application should be considered in conjunction with this site allocation. Each planning application must be considered on its own individual merit and it would not be reasonable to refuse this application on these grounds, given that this is a standalone planning application. It should be noted by members that both allocations were

21/1071/FUL

considered to be sound by the Planning Inspectorate during the examination of the Local Plan with full knowledge of the proximity of both allocations.

- 4.33 In terms of the concerns raised about Husum Way/Birmingham Road junction, Officers note that this development offers a betterment to highway safety at the road junction as it would include part of the site being safeguarded to allow future improvement works to be undertaken at the road junction. The evidence submitted in support of the application together with the conclusions made by the Highway Authority show that this standalone application would not increase the risk of road accidents or cause capacity issues resulting from the additional traffic generated by the development. Officers consider that a refusal of the application on highway safety grounds could not be justified and is not warranted.

TREES AND BIODIVERSITY

- 4.34 The Arboricultural Officer raises no objection to the removal of a Hawthorn tree, two Elm trees and a short section of hedgerow on Husum Way to facilitate the site access via Husum Way. All other trees and hedgerows have been identified for long-term retention. A Tree Protection Plan (TPP) has also been submitted to show that all retained trees would be protected during the construction phase. Planning conditions are attached to require the TPP to be implemented and for all trees to be retained apart from the Hawthorn and two Elms being removed, and a further condition to require a hedgerow removal plan to be submitted and agreed prior to the commencement of the development.
- 4.35 The site comprises an agricultural pastoral field with hedgerow field boundaries and scattered trees around the site periphery. The railway line to the south of the site provides a dark corridor for nocturnal species for commuting and the site lies within 0.6 miles of Hurcott Woods & Podmore Pools SSSI/LWS. A comprehensive ecology survey has been submitted in support of the application which concludes that the proposals would have no or only minor adverse impacts on biodiversity if all the recommendations put forward in the survey report are met and the survey report has recommended enhancement measures to show how the development could deliver biodiversity net gains.
- 4.36 No objection has been raised by the Countryside and Technical Services Manager subject to a condition to require a further walk-over survey to be carried out due to the length of time that has passed since the submitted survey was undertaken and for the results of the survey and any new mitigation measures to be submitted and formally agreed. It is also necessary for conditions to be attached to: prevent site clearance works during the bird nesting season; for an action plan to be agreed for the relocation of an active fox den; and for a lighting plan to be submitted and agreed to ensure that the landscaped boundaries along the southern and eastern boundaries are not lit with artificial lighting and remain as dark wildlife corridors suitable for commuting bats and other nocturnal species. In addition, a condition is recommended to ensure biodiversity net gain is achieved on site through the proposed landscaping scheme and provision of bat and bird boxes and other new habitat features as recommended in the submitted ecology survey report.

21/1071/FUL

- 4.37 Officers consider that the imposition of these planning conditions would ensure that appropriate mitigation and enhancement measures for biodiversity are agreed and implemented, in accordance with Policy SP.23 of the Local Plan and Paragraphs 174 and 185 of the Framework.

DRAINAGE AND FLOOD RISK

- 4.38 The application site falls within Flood Zone 1 and therefore the most suitable location for new housing in terms of flood risk, as set out in Paragraph 159 of the National Planning Policy Framework. It is proposed that an attenuation basin in the southeast corner of the site would manage the surface water run-off from the development and ensure no risk of flooding to the proposed dwellings and existing dwelling in the vicinity of the site. The North Worcestershire Water Management Officer raises no objection subject to conditions to secure the submitted strategy and to require a construction . Officers concur with this view and have attached the conditions accordingly. The proposed development accords with Policies SP.31 and SP.32 of the Local Plan and Paragraph 159 of the Framework.

LOSS OF AGRICULTURAL LAND

- 4.39 The site falls within Grade 2 Very Good agricultural land classification. Policy DM.32 of the Local Plan advises that agricultural land, including best and most versatile agricultural land, will not be protected where the site has been allocated for development in the Local Plan. Concern about the loss of agricultural land therefore is not relevant for land allocated for development in the Local Plan, as this has already been addressed through the Local Plan process, and, as such, this is not a matter for consideration in the decision making on this application. The proposed development accords with Policy DM.32 of the Local Plan and Paragraph 174 of the Framework.

MINERALS RESOURCE SAFEGUARDING

- 4.40 The site has been identified within an area that has potential to contain minerals and is therefore falls within a Minerals Safeguarding Area (MSA). Policy SP.34 of the Local Plan sets out a hierarchy for which planning applications should be considered to ensure the minerals resource is not sterilised without clear justification. In support of the application, a Minerals Resource Assessment has been undertaken which has identified that there is a limited average thickness of 0.48 metres across the application site comprising sand and gravel and solid sand/silca sand, which amounts to approximately 10,000 cubic metres in total. It is further noted in the assessment that the resource is mainly confined to the north-western areas of the site. The assessment concludes that due to the limited extent and relatively low volume of materials available at the site, it would not be economically viable to fully extract the resource and that the proposed residential development would not result in the unnecessary sterilisation of sand and gravel deposits.
- 4.41 The WCC Minerals team have reviewed the submitted Minerals Resource Assessment and raise no objection subject to a condition to require any mineral resources to be recovered and reused during the construction phase of the development. I concur with this view and consider that the development would accord with Policy SP.34 of the Local Plan and Paragraph 209 of the Framework. A condition is attached accordingly.

21/1071/FUL

CLIMATE CHANGE

- 4.42 Paragraph 152 of the Framework states that ‘The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure’.
- 4.43 A revised Energy Statement has been prepared by Focus to support the application. The Statement includes a breakdown of the proposed sanitaryware items that would be installed within each property which shows that each household would use 104.8 litres of water per person/per day, which exceeds the requirement set out in Policy SP.29 of the Local Plan where it only requires water consumption to be limited to 110 litres per person per day. The Statement also confirms that 12 properties would be installed with solar panels, which calculates to approximately 30.66 kWp of renewable energy and this complies with Policy SP.37 of the Local Plan, which requires at least 10% of the predicted energy requirements of the development to be provided by non-renewable energy sources.
- 4.44 The proposed development includes cycle storage, a residential welcome plan, tree planting, biodiversity enhancements and long term sustainable management of surface water drainage to ensure that the development helps to reduce the impact and adapts to climate change, in accordance with Paragraphs 152, 154, 155, 157 and 158 of the Framework.

PLANNING OBLIGATIONS

- 4.45 The legal tests for when a s106 obligation can be used are set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended and Paragraph 57 of the Framework. The tests are that an obligation must be:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- 4.46 The Council’s Cabinet report, dated 16th September 2020, sets out the priorities for Section 106 planning obligations for sites where there is a shortfall in meeting the costs of all obligations following a viability assessment. It was agreed that the Council will prioritise in the following order:
6. On and/or off site infrastructure necessary to make the development acceptable
 7. Affordable housing
 8. Open space and recreation
 9. Education
 10. Other stakeholder contribution requests such as infrastructure costs associated with health provision or the police
- 4.47 The applicant has agreed to enter into a Section 106 agreement to secure the following planning obligations to make the development acceptable in planning terms which also meet the tests as set out in Paragraph 55 of the Framework and Regulation 122(2), these are:

21/1071/FUL

Highways Infrastructure

- a. A contribution of £10,000 towards the upgrade of public transport infrastructure (payment to be made prior to first occupation)

Affordable Housing, POS and Education

The development would provide either:

- a. 100% affordable housing (26 shared ownership, 8 social rent and 14 affordable rent) if Homes England grant funding is accepted following approval of this application and a financial contribution of £20,336.40 to fund improvements to surfacing of footpaths and to provide interactive virtual play opportunities at Hurcott Pool & Woods in order to offset the increased recreational pressure on this designated ecological site.

Or

- b. 25% affordable dwellings comprising 8 social rent (65%) and 4 shared ownership (35%), a financial contribution of £45,030.60 to fund improvements to surfacing of footpaths and to provide interactive virtual play opportunities at Hurcott Pool & Woods in order to offset the increased recreational pressure on this designated ecological site.

Both scenarios would accord with Policy SP.10 (Affordable Housing Provision) of the Local Plan and the Council's Housing Enabling Officer supports the application.

Health Contribution

Herefordshire and Worcestershire CCG have requested a financial contribution of £31,655 and have noted that "Although the development results in a small number of additional population, it needs to be noted that GP Practices are already challenged in terms of space to see their existing patients. Therefore, any increase in population, however small, will require amendments to current facilities. The contribution will enable either minor reconfiguration of existing space or improvements of digital infrastructure to enable increased access."

Officers do not consider that this planning obligation is necessary to make the development acceptable in planning terms as the contribution would be used for minor internal works to GP Practices and to improve digital infrastructure such as phones. It is considered that it would be unreasonable to refuse the application solely on the grounds that these improvement works to GP Practices are not implemented. The CCG have not advised what GP Practices would benefit from this contribution and no evidence has been provided as to how it would be directly related to the application site, as they could be GP Practices that would not service the development residents, outside the town or even the district. Officers therefore do not consider that the planning obligation would meet the tests as set out in Paragraph 55 of the Framework and in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Green/Blue Infrastructure Management

Requirement of a management body to be set up to maintain the landscaped areas within the open space, defibrillator, the attenuation basin and associated pumping

21/1071/FUL

station, subject to Landscape and Environmental Management Plan (LEMP) and SuDS Management Plan to be secured by conditions.

WFDC Monitoring Fee

The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations (“the CIL Regs”), Regulation 122 (2A) allows Local Authorities to charge a fee in relation to section 106 agreements for the monitoring and reporting of planning obligations. Whilst the County Council have recently introduced monitoring fees, currently the District Council do not include monitoring fees with their obligations. The S.106 requirements include any monitoring fees that are applicable at the time of the signing of the S.106 agreement.

5.0 Conclusion and Recommendations

- 5.1 The proposed development would deliver 48 dwellings on an allocated site for housing, where the principle of residential development has been established through the plan-making process. The density and amount of development is acceptable and would not result in an overdevelopment of the site. It would have no detrimental impact on the landscape character and would deliver affordable dwellings.
- 5.2 No objection has been raised by consultees in respect of impact on landscape character, trees, biodiversity, flood risk, minerals resource and highway safety and Worcestershire Regulatory Services are satisfied that an acceptable living environment can be achieved on this site for future occupiers.
- 5.3 The development would be well-contained by existing and new landscaping around all boundaries. It would be set back from the A456 Birmingham Road behind a large area of open space to protect views of the locally listed Hodgehill farmhouse and cottages but also create a soft transition between the open countryside and the new urban edge to Kidderminster. Houses would be arranged to face outwards to maximise views of the countryside and to provide an active and attractive frontage to Husum Way and Birmingham Road. Access would be off Husum Way as required by the site allocation policy and there is no evidence to suggest that the application could be refused on highway safety or transportation grounds, or sustainability grounds. The proposal is considered to accord with Policy SP.27 of the Local Plan and Paragraphs 110 – 112 of the Framework.
- 5.4 The proposed development would make efficient use of the land and a natural and logical urban extension to Kidderminster. The proposed development is sustainable and would accord with the Development Plan.
- 5.5 Officers therefore recommend delegated APPROVAL subject to;
- a) The signing of a S.106 agreement;
 - b) The following conditions;

21/1071/FUL

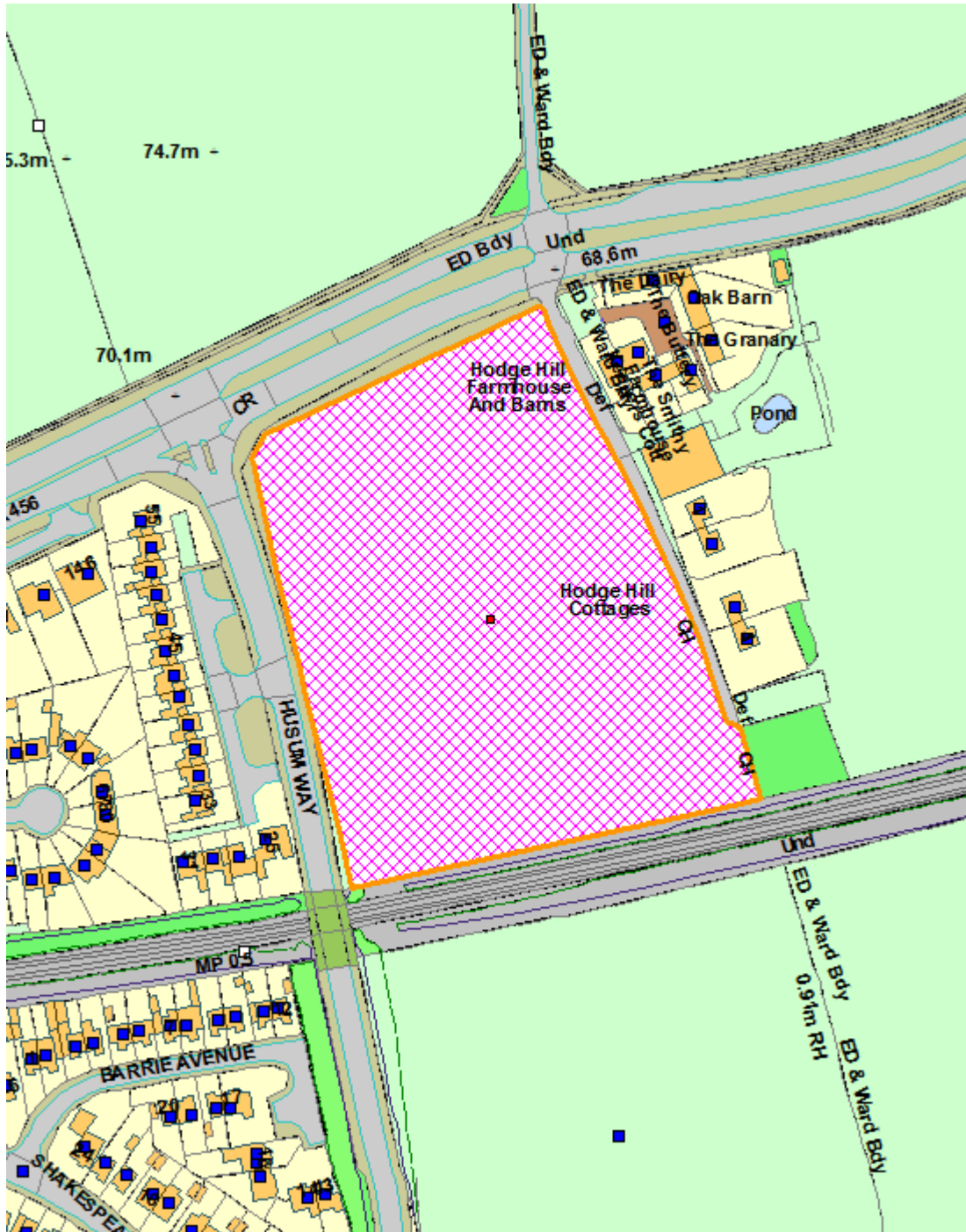
1. 3-year Time Limit
2. Require development to be implemented in accordance with submitted plans
3. Installation of a defibrillator prior to first occupation
4. Secure agreed external materials
5. Secure agreed boundary treatment and enclosure details
6. Require hard surfacing materials
7. Removal of PD rights for front boundary treatment
8. Removal of PD rights for side facing windows for properties within 10 metres of a neighbouring rear garden
9. Require recreational footpaths to be constructed prior to first occupation
10. Require noise mitigation strategy
11. Require details of the disposal of foul and surface water (STW)
12. Surface Water Drainage Strategy (NWWM)
13. SuDS assets management plan (NWWM)
14. Construction surface water management plan (NWWM)
15. Minerals Recovery plan
16. Implementation of Tree Protection Fencing
17. Network Rail method statement and risk assessment
18. Details of fencing adjacent to network rail
19. Details of scaffolding works within 10m of the railway boundary
20. Prior to any vibro-impact works on site, a risk assessment and method statement
21. Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway
22. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary.
23. Details of appropriate vehicle safety protection measures along the boundary with the railway
24. Require External lighting details
25. Require Landscape Scheme and Implementation showing: hedgerows to be retained together with measures for their protection: hedgerow enhancement planting; street trees; SuDS planting; and landscaping details to screen pumping station
26. Landscape and Environmental Management Plan
27. A walk over survey for protected species and mitigation strategy
28. Ecological Enhancement Plan
29. Action plan to displace active fox den
30. All site clearance works to be undertaken outside of the bird nesting season or for a qualified ecologist to be on site at all times.
31. Require details of soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising
32. Unexpected Contamination
33. Require Implementation of PV Panels
34. Require details of Part M4(2) dwellings
35. Require compliance of water efficiency measures
36. Electric vehicle charging points
37. Low emission boilers
38. Require Written Scheme of Investigations (WSI) for Archaeology
39. Require Implementation, Recording and Publication of WSI
40. Require Highway Access Works to be implemented
41. Require Visibility Splays to be provided

21/1071/FUL

42. Require Residential Welcome Pack
43. Require Layout, Parking and Turning Facilities to be provided
44. Require Sheltered and Secure Cycle Parking
45. Construction Management Plan
46. Safeguarding of an area of land on the northern boundary adjacent to the A456 Birmingham Road for highway improvement works

NOTES

- Section 106 Agreement
- WRS Best Practice Guidance for Construction
- Waste and Recycling Collection for Wyre Forest residents
- Alteration of Highway
- Section 278 Agreement details
- Section 38 Agreement details
- Drainage details for Section 38
- Protection of Visibility Splays
- Works adjoining highway
- Temporary direction signs to housing developments
- Removal of trees and hedgerows to be undertaken outside of bird nesting season
- Public Rights of Way obligations
- Severn Trent Water (public 150mm foul sewer located within site)
- Severn Trent Water (SPZ3 of several active groundwater sources)



Economic Prosperity and Place Directorate

Land At Os 385175 277187Husum WayKidderminsterWorcestershire

Crown Copyright 100018317



PART A

Application Reference:	22/0532/RG3	Date Received:	30.06.2022
Ord Sheet:	383140 276191	Expiry Date:	25.08.2022
Case Officer:	Helen Hawkes	Ward:	Blakebrook And Habberley South

Proposal: Erection of a new building to provide short term accommodation units (sui generis use) with ancillary office space, creation of new access, associated car parking and landscaping.

Site Address: Castle Road Car Park , Castle Road, Kidderminster, Worcestershire, DY10 1AQ

Applicant: Wyre Forest District Council

Summary of Policy	<p>SP.1, SP.2, SP.9, SP.10, SP.13, SP.16, SP.20, SP.21, SP.23, SP.27, SP.28, SP.29, SP.31, SP.32, SP.33, SP.34, SP.36, SP.37, DM.6, DM.7, DM.8, DM.23, DM.24, DM.26 and DM.32 of the Wyre Forest District Local Plan (2016-2036)</p> <p>Green Street Conservation Area Character Appraisal and Management Plan (2015)</p> <p>WFDC Design Guidance SPD</p> <p>WFDC Planning Obligations SPD</p> <p>WCC Streetscape Design Guide</p> <p>WCC Mineral Local Plan 2022</p> <p>National Planning Policy Framework</p> <p>National Planning Practice Guidance</p> <p>National Design Guide</p> <p>Wildlife and Countryside Act 1981 (as amended)</p> <p>Conservation of Habitats and Species Regulations 2017</p>
Recommendation	APPROVAL
Reason for Committee	Application submitted by Wyre Forest District Council

1.0 Planning History

1.1 There is no planning history for this site.

2.0 Consultee Responses/Neighbour/Site Notice Representations

2.1 Kidderminster Town Council – Support the application.

22/0532/RG3

2.2 WFDC Housing Enabling Officer - No objection.

The accommodation would be used to meet the council's emergency and interim accommodation duties under s188 Housing Act 1988 (as amended by the Homelessness Reduction Act 2017) and are households that the council owes a statutory homeless duty. Households are placed in accommodation such as Castle Road for a short period of time whilst officers work with the household to find them a long-term permanent housing solution

This scheme is essential in helping the Council reduce the continued use of Bed and Breakfast and Hotel style accommodation which provides a diminished quality of offer to homeless households. The long-term poor health, education and employment outcomes of those households accommodated in Bed and Breakfasts are well known. The use of Bed and Breakfasts incurs a reduced subsidy from Central Government, who seek to deter Local Authorities from using this type of accommodation, so switching to this type of scheme, owned, and managed by the Council, will save a large amount of funding. This is funding that can contribute towards the Council's saving targets or contribute to spending on valuable Council services its taxpayers would want to see offered. The proposed scheme has been well designed, taking on board lessons learned from the Council's accommodation at New Street and other examples of good practise and will enhance the area and will bring a neutral part of the conservation area into beneficial residential use.

Having schemes like Castle Street close to the town centre has considerable advantages as it is close to services the residents will use including shops, parks, public transport, GP surgery etc and will be close to the family, friends, and support networks they will already have in the area. The scheme will be well managed with staff on site during working hours and an out of hours service, a Management Agreement will be in put in place.

Bringing New Street back into use was initially perceived by the community as having the potential to have a negative impact in the locality but in fact has been successful in helping over 140 households return to a life of self-sustaining independence including maintaining or obtaining employment, education and training, reconnecting with family, friends and the community and enabling children to thrive in a safe and secure home. This model of effective housing management and support has worked well at New Street

The property conversion (New Street was a Grade 2 listed building) also earned a commendation from the Civic Society who said the following about the project.

"This prominent historic property on New Street was empty on the upper floors and in need of major restoration. Originally built as a town house, it is now in full residential use once more. 11 self-contained flats have been provided including one which is wheelchair accessible. Timber sash windows were replaced on the upper floors. All work was of a high standard."

"Importantly it provides much needed accommodation for those most in need right in the centre of town. Since it opened last November some 100 people have been helped. Information and practical assistance are also available to help the residents." We have also worked with the Architects to ensure the building is as carbon neutral as possible and we hope the building will meet its own electricity requirements through the inclusion of solar panels. We have deliberately not included gas heating in advance of the changes to come to building regulations in the future around no longer including this in new builds due to carbon emissions. The building also benefits from various passive features to reduce the energy use, energy efficient lighting with automatic presence detection and automatic lighting controls externally, cycle store

22/0532/RG3

encourage sustainable transport use, various high-efficiency systems, plant, controls and equipment.

- 2.3 Highway Authority – No objection subject to conditions and an informative. Further to the deferral, the Highway Authority has reviewed and accepted the parking information previously provided and is not seeking to raise any further objection. For the proposed development, a total of 5 parking spaces to include 1 accessible space, is provided for staff and visitors and the number of full-time staff on site will be low. Moreover, the site is in a highly sustainable town centre location, 20 cycle spaces are provided and it is reasonable to assume that residents will not drive or have access to a vehicle. The existing vehicular access on Castle Road is to be permanently closed up with the reinstatement of the kerb and the new vehicular access to the site is located on New Road. Adequate visibility is available within the highway however due to the proximity of the proposed access to the signal-controlled junction, road markings on the highway adjacent to the access will be required, to keep the access clear of queuing traffic and the precise details of these measures (yellow box or otherwise) will be determined along with the access works via a S278 agreement with the Highway Authority. It is recommended that electric vehicle charging facilities are provided and a Travel Information Pack, to promote sustainable travel options to staff and residents should be drafted for approval prior to first occupation.
- 2.4 WFDC Landscape Officer – No objection, subject to a planning condition to require details of plant species to be submitted and agreed.
- 2.5 North Worcestershire Water Management Officer – No objection subject to conditions to require the submitted surface water scheme to be fully implemented; the permeable paving to be maintained; and a method statement for the protection of the adjacent river from pollution during construction to be submitted and agreed. An informative is also recommended to make the developer aware that a permit from the Environment Agency may be required due to the proximity of the site to the River Stour. The site is located adjacent to the river Stour, a designated main river for which the Environment Agency has an overseeing and enforcement role, not the Local Authority. I note that the Environment Agency has been consulted upon this application also. As the flood risk on this site is associated with a main river, if there are any discrepancies between my consultation response and the Environment Agency's consultation response, then their consultation response should be leading.

The application site is at risk of flooding from the Stour. The Flood Risk Assessment (FRA) that accompanies this application (Wilde, June 2022) has assessed the level of risk. The design flood level for this site, which includes a 30% allowance for climate change, has been determined to be 31.275 m AOD. The proposed finished floor level for the building is 32.315 m AOD, which will provide significantly more freeboard than the 600mm generally required. Although not specifically assessed in the FRA it is also clear from the ground levels quoted on submitted drawings that safe access/egress will be available. This means that the fluvial flood risk would not be a reason to withhold approval of this application. I understand that a 1.2m high railing will be located on/near the top of the bank. It will be important that this boundary treatment

22/0532/RG3

has sufficient openings to allow any flood water to still flood the site, so there is no loss of flood storage volume. For the same reason levels on the site should not be elevated.

The site is currently an impermeably paved car park which has a drainage system designed to discharge runoff unattenuated into the Stour. The Drainage Strategy details that it is proposed that runoff from the entire site will be attenuated, limiting discharge from the site into the Stour to 2.0l/s. This is a substantial improvement compared to the current situation. The drainage strategy consists of permeably paved access and car parking areas and a modular attenuation tank. Calculations have been submitted that demonstrate that the drainage design will be able to cope with events up to the 1 in 100 year + 40% climate change allowance. The new outfall into the Stour will I believe require an Environmental Permit from the Environment Agency. I note that the direction of the outfall is currently oblique upstream; generally, discharge should be in line with the flow of the river as this helps to reduce turbulence and erosion, which could cause damage to the structure itself or the riverbed and bank. A new drainage solution will be required for the pavement area in front of the building as runoff from this area will following development no longer be able to discharge onto the site. This will need to get picked up by Highways and will not form part of the planning application as the pavement falls outside the development site area. I believe that based upon the submitted information there would no reason to withhold approval of this application on flood risk or water management grounds, subject to the conditions recommended.

- 2.6 Design Out Crime Officer – The police do not have any objections to this application and no comments to make on this application.
- 2.7 Severn Trent Water – No objection, subject to a condition to require details of how surface water and foul water would be disposed of as part of the development. It is also recommended that an informative is attached to make the developer aware that there is a public sewer within the site.
- 2.8 Worcestershire Regulatory Services (Air Quality) – No objection. No significant air quality concerns have been identified in respect of the development. It is noted that the application includes secure cycle parking which is welcomed. The provision of car parking spaces looks to be below that when WRS would routinely recommend Electrical Vehicle Parking Spaces.
- 2.9 Canal & River Trust – Do not wish to be consulted on the application.
- 2.10 Environment Agency – No objection.
- 2.11 Worcestershire Regulatory Services (Potential Contaminated Land) – No objection, subject to a condition to require a risk assessment and mitigation measures/remediation strategy to be submitted and agreed.
The submitted details have been reviewed and it can be concluded that the Carbon dioxide concentrations range between 0.2 and 15.9% v/v and exceed 5% v/v on a number of occasions, Methane concentrations range between 0.2 and 4.5% v/v. CIRIA

22/0532/RG3

C665 - Assessing risks posed by hazardous ground gases to buildings, it is recommended that if methane exceeds 1% v/v and/or carbon dioxide exceeds 5% v/v consideration should be given to increasing the characteristic gas situation to 2, the geo environmental consultant does not appear to have considered this or provided any commentary on the issue.

The site is approximately 50 metres from an existing fuel station. Four borehole installation were constructed by the applicant during the submitted assessment, only one ground water sample was sent for analysis, which was from the borehole furthest away from the fuel station in a proposed car park area. Staining was also noted in the natural deposits beneath the site, as were shorter chain petroleum hydrocarbon fractions in the single ground water sample that was taken. Further assessment of the vapour risk and potential impact from off-site spillages/leaks is required. The report does not detail any requirement for further assessment or mitigation in relation to risks surfacing and groundwaters, despite the risks being assessed as moderate. We acknowledge a desktop study and site investigation have been submitted but further work on risk assessment and mitigation measure/remediation strategy will be required, as the application has not yet been determined we recommend a planning condition to be attached to require the necessary works to be undertaken and agreed by the Local Planning Authority.

2.12 Worcestershire Regulatory Services (Noise and Nuisance) – No objection.

The submitted noise assessment is satisfactory and predicts, that with the installation of suitable glazing and ventilation products and a suitable roof construction for the second floor, internal noise levels will be acceptable. When the applicant has decided which glazing and ventilation products will be installed, they should confirm, via their acoustic consultant, that they meet the sound insulation recommendations of the noise assessment and confirm the proposed second floor roof construction for approval. The proposed 2.0-metre-high brick boundary wall to Castle Road frontage would ensure the noise levels in the proposed external amenity areas are acceptable and protected from road traffic noise. Noise limits for any external plant / equipment have been recommended and should be complied with.

In terms of external lighting, the proposed external lighting scheme appears acceptable in terms of light spill / nuisance. Therefore, I have no objection to the application in terms of light nuisance. Also, to minimise any nuisances from noise, vibration and dust emissions during the construction phase, the applicant should submit a Construction Environmental Management Plan detailing the proposed measures to monitor and mitigate these potential nuisance issues for approval.

2.13 WFDC Conservation Officer – No objection.

Development on this site has potential to affect the setting of designated and undesignated heritage assets within the Green Street Kidderminster Conservation Area (a designated heritage asset). The applicant has supplied a heritage statement which evidences a search of the Worcestershire HER and describes the significance of heritage assets affected by the proposed development. This conforms to the requirements of the National Planning Policy Framework. This site was originally part of New Mill Pool. Sometime between 1841 and 1884 this was filled in and the site was then used as allotments gardens until at least 1939. There is thus some potential for archaeology within the site albeit of relatively recent date.

22/0532/RG3

The design of the building is semi-industrial in style and scale which in my opinion is appropriate for a conservation area which mainly comprises Victorian factory buildings. The design does not attempt to mimic any specific style although the use of brickwork and a raised parapet concealing the roof is a device used on several buildings within the Conservation Area. Whilst development on this site will impact most on the Grade II listed Moreton's Works opposite in that certain vantage points will be lost Moreton's Works is of sufficient scale and bold architectural design to render the new building subservient to it in the street-scene. I welcome the creation of a green space between the building and the river as this serves to separate the development from the adjacent locally listed former fire station building.

The provision of solar panels on the roof of the building (concealed from view from the public domain by the parapet) could create glare to users of Moreton's Works, which is higher than the proposed building, and thus the angle and orientation of these panels should be carefully considered to minimise any adverse effects.

Overall, I consider that the proposals will bring a neutral part of the conservation area into beneficial residential use. Whilst the appearance of the conservation area will of course be changed, the character of the area will remain predominantly industrial despite the introduction of residential accommodation. The proposal in my view conforms to WFDC policies SP21 and DM 23 and thus should be approved.

2.14 WCC Archaeologist – No objection, subject to a condition to require a written scheme of investigation for archaeology and publication of any findings.

The site is within the medieval extent of Caldwell Manor. Caldwell Tower is the only surviving above ground remains of Caldwell Manor and lies 30 metres from the site. Caldwell Tower has been on the site since at least the 12th century. Well-preserved archaeological remains lie adjacent to Caldwell Tower, having been excavated previously. Caldwell Tower is also one of the possible locations of the Minster known to have existed in Kidderminster since the 8th century.

The development site appears from historic map evidence to lie over a silted-up/back-filled mill pond and possible moat. There is the potential for palaeo-environmental deposits associated with the putative medieval moat. The geotechnical work supports the supposition that there are likely to be 19th/20th century back-fill deposits overlying potentially organic rich deposits at the former pond/moat base. Although the northern edge of the site lies on the shoreline of the pond, and it is possible that there will be structures or buildings from the medieval or early-post medieval period. If present, there is moderate potential for survival. Consequently, the application site is judged to have the potential to impact heritage assets of archaeological interest that would be significantly altered or lost through the development should they survive. On this basis, should you be minded granting planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of suitably worded conditions attached to any grant of planning permission. This would consist of an evaluation by trial trenching to be carried out as a condition on any grant of outline consent. This might be followed by further mitigation should significant archaeological deposits be uncovered.

22/0532/RG3

2.15 WCC Waste Team – No objection.

The proposed development is within 250m of a safeguarded waste management facility. The 'Green Street Depot' Waste Transfer Station is just over 235m away to the south of the proposed site. Given the location of the site, and the presence of dense urban development between the proposed development site and the protected waste site, WCC is satisfied that the likelihood of significant amenity impacts from the waste site being experienced is limited. WCS policy to protect such facilities therefore does not apply.

2.16 WCC Minerals Team – No objection.

The entire site falls within a 'solid sand' sand and gravel Minerals Safeguarding Area (MSA) and associated Minerals Consultation Area (MCA) in the adopted Minerals Local Plan (MLP)¹. The MLP's mineral resources safeguarding policy is policy MLP 41. The policy allows for certain exempt development to not provide a technical assessment relating to minerals safeguarding. WCC considers that the proposed development would fall within the exemption listed as item (j) in Table 7.2 of the MLP: "Applications for development below the threshold of "major development" located within adopted settlement boundaries, where not within 250m of an existing minerals infrastructure site". As such, no further action regarding minerals safeguarding is necessary. We would, however, encourage the applicant to consider whether any opportunities exist for "incidental recovery" of the mineral resource, i.e., recovering a portion of the mineral as an integral part of the non-mineral development, such as recovering material removed in landscaping or footings, which could be reused within the development to minimise the need for materials to be brought on to site.

2.17 Countryside and Technical Services Manager – No objection, subject to conditions to require: Implementation of the revised external lighting strategy; recommended Ecological Mitigation and Enhancement Measures; Landscape Environment Management Plan to ensure the proposed 1.5 metre high hedge along the boundary with the River Stour is provided, established and maintained; Construction Environmental Management Plan (Biodiversity) to include the retention of the Yew tree and appropriate protection of this tree during the construction phase; a Reasonable Avoidance Methodology Statement for Otters; and a condition to prevent site clearance during bird nesting season unless undertaken with the supervision of a qualified and competent ecologist.Neighbour/Site and Press Notice Representations

2.18 1 letter of objection received from MCF Investments who own John Stretton Memorial Hall (which adjoins the site to the South and is let to Nova Training Centre) and MCF Complex (located beyond John Stretton Memorial Hall and let to several businesses). The objector has raised the following concerns:

- The right of way to the portacabin located at the rear of John Stretton Memorial Hall would be compromised and the right of passageway would be lost due to the inability to use said entrance
- Loss of light to John Stretton Memorial Hall
- Loss of property value in terms of both sale and prospective tenancy of John Stretton Memorial Hall and MCF Complex

22/0532/RG3

- Existing entertainment venues around this area would be affected by the variety of persons occupying this accommodation
- Children attending the adjoining Nova Training Centre (John Stretton Memorial Hall), vulnerable people attending 'Homestart' and 'Dial in Worcestershire' (MCF Complex) and young people attending the old Mirage building, Bingo Hall and other drinking establishments nearby, will be affected by the people who are to be accommodated within the proposed development
- Alcohol would be easily and cheaply obtained from the four nearby supermarkets.

(These comments are dealt with in paragraphs 4.26 to 4.36 below.)

3.0 Site Location and Description

- 3.1 The application site comprises an existing council-owned public car park (38 spaces including 3 disabled spaces), situated at the junction of Castle Road and New Road. The site lies on the fringe of Kidderminster town centre and the town centre is accessible within a 10-minute walk from the site. Vehicular access to the car park currently exists from Castle Road.
- 3.2 The site falls within Flood Zone 2 (Medium Risk) due to the River Stour adjoining the western boundary of the site. The River Stour is designated as a Local Wildlife Site and an important wildlife corridor linking Wilden Marsh (SSSI) to the south, and Puxton and Stourvale marsh to the north. The site lies within Green Street Conservation Area, which covers a total area of 9 hectares and comprises several former carpet manufacturers. The nearest listed buildings to the site include the Grade II listed former James Morton & Sons carpet manufacturing company (now known as Paddington House), which is located on the opposite side of New Road from the application site. The Grade II* listed Caldwell Tower is located to the west of the site beyond the River Stour and beyond the locally listed former Kidderminster Fire Station. The surrounding area comprises a mix of uses including commercial, leisure, industrial and residential uses.
- 3.3 This application seeks full planning permission for the erection of a three-storey building to provide short term accommodation (sui-generis) for households that the council owes a statutory homeless duty under s188 Housing Act 1988 (as amended by the Homelessness Reduction Act 2017) until long-term permanent housing can be found.
- 3.4 The proposed building would face onto both Castle Road and New Road and the main entrance into the building would be situated at the road junction. The proposed building would be a maximum of 3 storeys with a flat roof to reflect the Art Deco historic buildings along Castle Road and would include a taller and larger central section to reflect the nearby Castle Road buildings and provide a strong focal point at the road junction. The external façade would be finished in brickwork to complement the immediate context and provide a robust finish and would include decorative features such as red brick soldier course beneath the ridge. Grey aluminium framed windows are proposed with recessed brickwork panels between and there would also be grey aluminium framed curtain walling to add visual interest to the building.

22/0532/RG3

- 3.5 A small parking area for 5 cars including 1 disabled bay is proposed to the rear of the site, with a new access being provided from New Road. The existing access off Castle Road would be made redundant and would be reinstated to a full height kerb. A cycle/bin store is proposed adjacent to the car parking area and close to the rear access of the building.
- 3.6 The proposed facility would be operated and managed by Wyre Forest District Council and would comprise 20 bedrooms in total (7no. double bedrooms, 7no. single bedrooms with shower room and 6no. disabled bedrooms with bathrooms). There would also be a communal lounge and storage room on each floor level and at ground floor, there would be a reception area, interview room, staff room and staff shower room. An outdoor communal area for residents of the building is proposed to the rear of the building and adjacent to the River Stour to ensure it is private and well screened from traffic noise. The submitted plans show new tree planting to both Castle Road and New Road frontages and within the site to soften the development and improve the visual amenity of the area.
- 3.7 The application has been submitted with a Management Plan, Planning and Heritage Statement, Extended Phase 1 Ecology Survey, Biodiversity Net Gain Report, Phase 1 and 2 Geo-investigations Reports, Statement of Community Involvement, Transport Statement, Flood Risk Assessment and Drainage Strategy, Sustainability and Services report, External Lighting Plan, Environmental Noise Study, Stage 2 Structural Design Report, Desk-based Archaeology report and a Design and Access Statement.

4.0 Officer Comments

- 4.1 The main considerations for this application are:
- Principle of Development
 - Impact on Heritage Assets
 - Proposed Residential Accommodation
 - Crime and Disorder
 - Impact on Local Businesses and Employment
 - Parking, Access and Highway Safety
 - Biodiversity
 - Climate Change, Flood Risk and Drainage
 - Other Matters

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The application site relates to unallocated land as identified in the adopted Policies Map (2022) and is currently being used as an underused council-owned public car park.
- 4.3 Policy SP.2 ('Locating New Development') and Policy SP.3 ('Kidderminster town as the strategic centre of the district') of the Local Plan seek to focus new development, especially large-scale housing, in the town and to encourage the effective re-use of accessible and available brownfield sites.

22/0532/RG3

- 4.4 Whilst there are no specific policies relating to short-stay accommodation, it is noted under Policy SP.13 (Housing for Older People and others with special housing requirements) that 'In 2020/21... 415 homeless or at risk of homelessness households had initial assessments undertaken'. This shows the scale and genuine need for such housing.
- 4.5 The Council has a statutory obligation to meet their emergency and interim accommodation duties under s188 Housing Act 1988 (as amended by the Homelessness Reduction Act 2017) and currently have a shortage of council-owned short-term accommodation, which results in occupants and households (including single parent families with children) being referred to bed and breakfast/hotel premises. These premises often provide unsuitable accommodation for those most vulnerable and are not cost effective for the council.
- 4.6 I consider that the proposed development would provide a purpose-built-short term accommodation to meet the needs of those in urgent housing need. It would also achieve the aims of Policy SP.16 ('Health and Wellbeing') in terms of ensuring people in Wyre Forest District lead healthy lifestyles and experience a high quality of life.
- 4.7 The National Planning Policy Framework (the 'Framework') is a material consideration in the decision making of this application. It states 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, social and environmental) which are independent and need to be pursued in mutually supportive ways. The Framework also states that good design is a key aspect of sustainable development (paragraph 126), and that new developments should achieve healthy, inclusive, and safe places (paragraph 92) and ensure that the needs of groups with specific housing requirements are addressed (paragraph 60).
- 4.8 I consider that the proposed development would accord with the Framework in terms of creating inclusive communities and ensuring that the housing needs of this specific group of households are addressed.
- 4.9 I further consider that the proposed development would be compatible with the surrounding area, which is mixed in character and includes residential accommodation. The site falls within Flood Zone 1 (lowest risk to flooding) and there are no physical constraints that would make this site unsuitable for housing. The proposed development is therefore acceptable in principle.

IMPACT ON HERITAGE ASSETS

- 4.10 Policies SP.21 ('Historic Environment') and DM.23 ('Safeguarding the Historic Environment') of the Local Plan require development proposals to protect, conserve and enhance all heritage assets and their settings, including assets of potential archaeological interest.
- 4.11 Paragraph 189 of the Framework advises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraph 197 advises local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that

22/0532/RG3

conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

- 4.12 The Green Street Conservation Area Character Appraisal and Management Plan (2015) identifies the special architectural and historic interest of this conservation area, which includes:
- The 15th century Grade II* listed Caldwell Hall, which formerly occupied land to the west of the site beyond the River Stour and the only remaining structure is Grade II* listed Caldwell Tower. Caldwell Tower is Kidderminster's oldest secular structure and considered to be one of the most important historic buildings in Wyre Forest
 - The Grade II listed Paddington House (formerly Morton's Carpet Factory), which lies opposite the site on New Road and relates to one of several carpet manufactories dating from the mid-19th century that were specifically designed to accommodate power looms and represent the increasing mechanisation of the industry: and
 - The extensive use of brick with two to four storey height buildings is a common characteristic of the area
- 4.13 The Conservation Officer has reviewed the submitted Heritage Statement and raises no objection to the proposed development. The Conservation Officer advises that *"The design of the building is semi-industrial in style and scale which in my opinion is appropriate for a conservation area which mainly comprises Victorian factory buildings. The design does not attempt to mimic any specific style although the use of brickwork and a raised parapet concealing the roof is a device used on several buildings within the Conservation Area. Whilst development on this site will impact most on the Grade II listed Moreton's Works opposite in that certain vantage points will be lost Moreton's Works is of sufficient scale and bold architectural design to render the new building subservient to it in the street-scene."* He goes on to conclude that *"... proposals will bring a neutral part of the conservation area into beneficial residential use. Whilst the appearance of the conservation area will of course be changed, the character of the area will remain predominantly industrial despite the introduction of residential accommodation."*
- 4.14 I agree with the Conservation Officer that the design and scale of the proposed building is appropriate and that it has a robust architectural language of its own, without resulting in a pastiche design, and provides a strong focal point at this busy and prominent road junction. The building would be constructed in brick to match the primary facing material in this local area. The building would be three storeys in height to relate well with the scale of buildings in Green Street Conservation Area, where it is highlighted within the Character Appraisal that '... former Carpet Factories in Green Street/New Road consisted of two or three storey 'offices' as the principal building.' The ridge height of the proposed building would sit below the adjacent five-storey Italian-inspired tower of Paddington House (formerly Morton's) to ensure the tower remains prominent in distant views across the townscape.

22/0532/RG3

- 4.15 I further consider that the architectural style of the proposed building, in particular the window styles and proportions, would achieve a high-quality design and would be appropriate and honest, in terms of the function and purpose of the building for residential use.
- 4.16 The proposed building provides an obvious main entrance from the adjoining roads and an active frontage to both New Road and Castle Road. A communal garden and street trees are proposed to soften the development and enhance the visual appearance of the site as well as providing a good separation from the River Stour and the adjacent locally listed former Fire Station building and the Grade II* Caldwall Tower.
- 4.17 Also, the proposals would involve the redevelopment of an underused surfaced car park which currently detracts from the character and appearance of the Conservation Area.
- 4.18 No objection has been raised by Worcestershire County Council's Archaeologist, subject to a condition being attached to require a written scheme of investigations for archaeology to be submitted, agreed and implemented including publication of the findings. A condition is attached accordingly.
- 4.19 To conclude, I consider that the development would be of high quality design and would make a positive contribution to the character and appearance of Green Street Conservation Area and to the setting of nearby designated and non-designated listed buildings, in accordance with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

PROPOSED RESIDENTIAL ACCOMMODATION

- 4.20 The local planning authority does not currently have any adopted standards for room sizes within its Development Plan. The Government has published the 'Technical housing standards – nationally described space standard (DCLG March 2015). The nationally described space standard in paragraphs 10(c) and 10(d) advise that '... in order to provide one bedspace, a single bedroom has a floor area of at least 7.5 m² and at least 2.15m wide' and '... in order to provide two bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5 m².'
- 4.21 All of the bedrooms would be a minimum of 11.8 m² and the largest double bedroom would measure 17.8 m². Therefore, whilst the local planning authority has no current adopted standards, the room sizes do meet those set out in the nationally described space standard. The internal layout of the building has been carefully designed to ensure all bedrooms are vertically aligned on each floor level to ensure there is no noise disturbance to bedrooms from the communal lounge and kitchen areas and from the reception area. In addition, the proposed development would provide additional storage cupboards and lift access to each floor level and a communal outdoor amenity space and smoking shelter to ensure a high-quality living environment is created.
- 4.22 Worcestershire Regulatory Services have reviewed the Noise Assessment and raise no objection subject to safeguarding conditions to ensure that the recommended noise mitigation measures are implemented and retained, as well as providing the final details of glazing and ventilation products and how the roof would be constructed once

22/0532/RG3

these have been determined. Worcestershire Regulatory Services have also offered a no objection in relation to potential light pollution, air quality and contaminated land, subject to conditions to secure the external lighting strategy and to agree any necessary mitigation/remediation scheme if contamination is found on site following further risk assessment work. I have attached conditions accordingly.

- 4.23 The proposed development would provide satisfactory separation distance between the rear facing bedroom windows in the proposed building and the adjoining premise (Nova Training centre) to ensure no overlooking or loss of privacy to future residents of the proposed development.
- 4.24 I consider that the proposed development would provide a high standard of amenity for future residents, in accordance with Policy SP.24 of the Local Plan and Paragraph 130(f) of the National Planning Policy Framework.

CRIME AND DISORDER

- 4.25 The sole objection raises a variety of invalid and unjustified concerns. Every area of Wyre Forest contains people who engage in criminal activity or have criminal convictions, who use illegal drugs or who drink to excess. But if the risk of people with such attributes occupying any residential development was taken into account, no approval would ever be given for any residential development in the district. That would plainly be nonsensical. Nevertheless it is necessary to address the concerns that have been raised in the sole objection, which include the proximity of the site to vulnerable people attending the adjoining Nova Training Centre, the former Mirage building and the Bingo hall (which includes under 16 year olds) and those attending 'Homestart' and 'Dial in Worcestershire' located in the nearby MCF Complex; that the accommodation would be a "halfway house"; and that there is a danger of paedophiles occupying the building.
- 4.26 I consider that the fears raised by the objector relate to crime, anti-social behaviour, and public safety. There is no evidence that the proposal is likely to give rise to these problems. This is based on the no objection raised by the Design Out Crime Officer on behalf of the Police. The Council operate and manage the short-term accommodation on New Street, Stourport, and no concern or comment has been made by the Design Out Crime Officer in terms of this existing facility. The assertions made by the objector are not substantiated by any evidence. The proposal is not for a bail hostel, which in any case is not something that housing authorities provide or operate. Instead, the proposal is for temporary accommodation that will be occupied by a range of homeless households. Based on experience at New Street, <Kate to add some stats on the mix of individuals and families>. They include people who themselves would be classed as vulnerable, such as disabled people and women with children escaping domestic violence. Potential occupants of the temporary accommodation include people who might well be using the services at the adjacent site.
- 4.27 The layout of the site and the proposed accommodation offered to future residents including the communal lounge and outdoor amenity spaces would create a facility that would function as one planning unit and would be manageable.

22/0532/RG3

- 4.28 The Council's Housing team would be responsible for referring people to the proposed short-term accommodation and an interview room would be provided within the building. All residents would be interviewed by staff to ensure that they met the 'eligibility' requirements before taking up a room and those turning up at the door would be refused entry. In addition, all residents would have to abide to house rules and contravention of these rules would lead to eviction from the proposed facility.
- 4.29 The submitted Management Plan details how staff of the proposed facility would liaise with local occupiers and residents and that there would be an 'open day' once the development is operating and nearby residents, businesses and visitors would be invited to come and meet the management team and be provided with all necessary contact details, to ensure if any issues occurred that they would be resolved as quickly as possible.
- 4.30 I consider that the management of the building would ensure that any adverse effects would be kept to a minimum. In the absence of any evidence to suggest otherwise and together with the no objection response from the Design Out Crime Officer, I consider that there are no justifiable reasons to warrant a refusal of the application on grounds of crime and disorder.

IMPACT ON LOCAL BUSINESSES AND EMPLOYMENT

- 4.31 An objection has been raised from the owner of MCF Complex and the adjoining premises (currently operating as Nova Training) on the grounds that the proposed development would have a negative impact on local businesses and result in: loss of property value; loss of tenants and make it difficult to re-let units; loss of private rights of way to portacabin to rear of Nova Training centre; and loss of light to Nova Training centre.
- 4.32 The National Planning Practice Guidance provides guidance on material consideration and states that "*The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.*"
- 4.33 The protection of private interests, such as property values and loss of private rights and light, are therefore not material considerations and cannot be given weight in the planning judgement of this application. Notwithstanding this, I note that the existing right of access to Nova Training is shown as being retained on the submitted site layout plan. Furthermore, the proposed building would be sited away from the shared boundary with Nova Training and due to the orientation of the site, the development is unlikely to result in significant loss of daylight or sunlight to Nova Training.
- 4.34 I further note that activities of future residents would be contained within the building and communal garden. The communal garden would be separated from Nova Training centre by the proposed car parking area and the proposed scheme is likely to have less vehicular activity than the current use as a public car park for up to 38 cars. The proposed use is unlikely to result in significant noise and disturbance that would detract from the amenity of the area or have an adverse impact on existing

22/0532/RG3

businesses. I therefore consider that there is insufficient evidence to support claims that the use of the proposed building would impact on local businesses.

- 4.35 Instead, it could be argued that the proposed development would have positive impacts on the local economy and employment, as the development would generate job opportunities during the construction phase and post development in terms of support staff, cleaners and general maintenance staff. It would also be extremely beneficial for vulnerable individuals as it would create a safe and secure place to live, and thus help to prevent rough sleeping in the town centre.
PARKING AND HIGHWAY SAFETY
- 4.36 Policy SP.27 of the Local Plan advises that proposals must demonstrate that (amongst other things): the location and layout of development will minimise the demand for travel; they offer viable sustainable transport choices; and they address road safety issues.
- 4.37 Paragraph 111 of the Framework advises that ‘Developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’
- 4.38 Paragraph 112 then goes onto states that ‘Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations’
- 4.39 In respect to the loss of the public car park facility, the application has been accompanied with a Strategic Parking Study which was undertaken before COVID-19 pandemic and provides a worst case and robust assessment of the effect of displaced parking from Castle Road car park on the nearby Council owned car parks. The Highways Authority has raised no objection and noted that working patterns have changed because of the pandemic and that car usage post pandemic may have declined and that there is clear justification that this public car park is surplus. The Transport Statement and summarised in Tables 5.6 and 5.7 demonstrates that the loss of Castle Road car park would not result in a lack of off-street public parking. The assessment demonstrates that even with the loss of this public car park there would still be at least 43% spare capacity in nearby car parks during the weekday and at

22/0532/RG3

least 33% spare capacity in nearby car parks during the weekend. It is therefore considered that clear and robust justification has been provided and that a refusal on the grounds of loss of the existing car park facility would not be sustained at appeal.

- 4.40 The site is a sustainable and highly accessible location. It is sited on the fringe of Kidderminster town centre and within a 10-minute walk to local shops, services and facilities including the Kidderminster bus station and Brinton Park. Residents of the development would be able to access local services such as doctors, dentists and other health services, schools and education provision by foot. Also, Kidderminster railway station is within a 11-minute walk from the site. I therefore consider that the proposed development would promote walking and cycling and public transport use, in accordance with Policy SP.27 of the Local Plan and the Framework in terms of accessibility.
- 4.41 In terms of traffic generation, it is not considered that the proposed development would be more intensive than the existing permitted use, given that the development would only provide a car park for 5 cars and future residents are less likely to own cars due to their circumstances. Also, staff and visitors would be able to travel to and from the site by sustainable modes of travel given that the site lies in a highly sustainable and accessible location. The 5 car parking spaces proposed including one space for people with disabilities would be sufficient for staff or visitors who wish to travel by private car.
- 4.42 In terms of pedestrian safety, the existing junction provides acceptable crossing points and there are sufficient footways to access the site. The proposals would therefore not undermine pedestrian safety.
- 4.43 Amended plans have been received to address the initial deferral comment from the Highway Authority and it is now proposed that a new traffic regulation order would be introduced on New Road to ensure the proposed site access is unobstructed by cars who are queuing at the traffic-controlled junction. The Highway Authority raise no objection and do not consider that the development would result in a detrimental impact on the free flow of traffic or increase traffic congestion on the local highway. I concur with their view and consider that the proposed development would not result in an unacceptable impact on highway safety and would accord with Policy SP.27 of the Local Plan and the Framework.
- BIODIVERSITY**
- 4.44 The site is situated immediately adjacent to the river Stour, which is a designated Local Wildlife Site and forms a strategic wildlife link connecting two significant areas of wetland habitat (Puxton and Stourvale marsh and Wilden marsh SSSI). The wildlife corridor that runs along the River Stour provides an important habitat and commuting route for protected species, in particular bats, otters and potentially kingfisher birds.
- 4.45 The application has been submitted with an Extended Phase 1 Ecology Survey and a Biodiversity Net Gain report, which correctly uses the Biodiversity Metric 3.0. It calculates the biodiversity baseline as being 0.09 units, with 0.04 units being lost as part of the development (namely the removal of sparsely vegetation) and following the on-site habitat creation in the form of new grassland, shrub planting and 14no. new trees, there would be an overall enhancement of the site, that would represent a

22/0532/RG3

105.14% net gain in biodiversity. This far exceeds the requirement set out in Policy SP.23, of the Local Plan, which requires measurable biodiversity net gains to be achieved.

- 4.46 The development would ensure robust hedgerow planting adjacent to the River Stour boundary to provide a natural landscape buffer and barrier to the wildlife corridor and the existing Yew tree located in the northwest corner of the site would be protected during the construction phase and retained. The external lighting strategy shows that the proposed lighting would be a maximum of 1.0 lumen and would be designed to minimise light spillage across the River Stour to ensure it remains as a dark corridor for wildlife. I consider this acceptable and that any reduction in the proposed lighting level would compromise the safety of the site for residents and staff members. In addition, the proposed lighting of the site would be no worse than the existing public car park use, which includes a street lighting column in the corner of the car park that spills light over the river corridor and there would be additional lighting caused by vehicle headlights when cars are pulling into and out of the existing car park at night.
- 4.47 The Countryside and Technical Services Manager raises no objection subject to conditions. I have attached these conditions accordingly and consider that the proposed development would accord with Policy SP.23 of the Local Plan and Paragraphs 174 and 185 of the Framework in terms of contribute to and enhancing the natural and local environment by minimising impacts on and providing net gains for biodiversity.

CLIMATE CHANGE, FLOOD RISK AND DRAINAGE

- 4.48 Policy SP.37 of the Local Plan states that 'All new developments should consider location, design, siting and orientation to maximise the use of natural heat and light and the potential for renewable energy micro-generation. Where possible, in appropriate locations, solar panels should be fitted. All new residential, employment and commercial developments should include electric vehicle charging points'. Paragraph 152 of the Framework further states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.
- 4.49 The proposed development is situated in a sustainable location on the fringe of the town centre, where residents, staff and visitors can access the site and nearby local shops and services by sustainable modes of travel and thus helping to reduce the need to travel by private car and emissions. The proposed building includes windows on all elevations to maximise daylight into the building and PV arrays are proposed on the flat roof behind the parapet roof. A condition is attached to require details or the type and location of the PV arrays to ensure it does not create glare on the roof that would have a detrimental impact on the adjacent Grade II listed building (Paddington House) and that the PV arrays would produce at least 10% of the predicted energy requirement of the proposed building, to accord with Policy SP.37 of the Local Plan. It is also proposed to install cycle storage to help promote sustainable modes of travel. The development therefore accords with Policy SP.37 of the Local Plan.

22/0532/RG3

- 4.50 The North Worcestershire Water Management Officer has reviewed the submitted Flood Risk Assessment and Drainage Strategy and raises no objection to the application. I agree with their view and consider that the proposals would unlikely have an adverse impact on flood risk and would provide long-term sustainable management of surface water run-off. No objection has been offered by the Environment Agency. Conditions are attached to require the drainage strategy to be implemented and for a construction
- 4.51 The Highway Authority have requested that electric vehicle charging points are provided on site. Policy DM.37 of the Local Plan requires electric vehicle charging points to be provided. I therefore consider such a request to be appropriate in this case. Also, the provision would help to mitigate against climate change by reducing CO2 emissions, in accordance with the Framework. I have therefore attached a condition accordingly.

5.0 Conclusion and Recommendations

- 5.1 The proposed development is acceptable in principle and complies with Policies SP.2 and SP.3 of the Local Plan in terms of focusing new development within Kidderminster, which is the strategic centre for the district and highly accessible to local shops, services and facilities. The proposed development would provide an acceptable living environment that is safe and secure for households who are homeless and would promote inclusive communities. Vehicular movements to/from the site would be reduced compared to the existing permitted use of the site as a public car park, thereby reducing traffic congestion and emissions.
- 5.2 Kidderminster Town Council have offered support and subject to conditions, no objection has been raised by all statutory and non-statutory consultees. There is insufficient evidence to support the objection received that the proposed use would result in a detrimental impact on local businesses or lead to fear of crime, anti-social behaviour, or public safety concerns. Furthermore, the application has been accompanied by a Management Plan that sets out the eligibility criteria, the expectations of behaviour of residents and how the facility would liaise with existing occupiers to ensure any issues are addressed. No objection has been raised by the Design Out Crime Officer. The objection raised on grounds of loss of right of way, light and property value to the neighbouring businesses are not material considerations and carry no weight in the decision making of this application.
- 5.3 The proposed development is sustainable and would be extremely beneficial for vulnerable individuals who are in urgent need of safe and secure housing, while long term accommodation can be found. The development would accord with the Development Plan and there are no material considerations that would outweigh the presumption in favour of the Development Plan.
- 5.4 I therefore recommend delegated APPROVAL subject to;
The following conditions;

22/0532/RG3

1. 3-year time limit
2. Development to be carried out in accordance with submitted plans
3. Require external materials and hard surfacing details
4. Require finished site and ground floor levels
5. Require boundary treatment to be installed including 2.0m acoustic wall
6. Require refuse storage, cycle storage and smoking shelter to be provided
7. The use hereby approved shall be limited to 20 short term accommodation units for people and/or households who meet the eligibility tests set out under Section 188 Housing Act 1988 (as amended by the Homelessness Reduction Act 2017)(or any Act amending, revoking or re-enacting that Act with or without modification).
8. Require details of glazing and ventilation products and the second-floor roof construction to ensure adequate noise mitigation
9. Require development to adhere to the noise limits for all external plant and equipment
10. Require Environmental Health Construction Environmental Management Plan to limit dust, noise and vibration
11. Require details of size and position of PV arrays to ensure no glare is caused to the adjacent Grade II listed Paddington House building
12. Require development to adhere to external lighting strategy and prevent any new external lighting being installed without the prior approval of the local planning authority (in the interest of light pollution and impact on biodiversity)
13. Require tree protection plan to protect Yew tree during construction
14. Require implementation of recommended Ecological Mitigation and Enhancement Measures
15. Require details of Landscaping Scheme and Implementation
16. Landscape and Environmental Management Plan, which includes the provision of a 1.5-metre-high hedgerow along the boundary adjacent to the River Stour and long-term maintenance
17. Require Reasonable Avoidance Methodology Statement for Otters
18. Prevent site clearance during bird nesting season unless undertaken with the supervision of a qualified and competent ecologist.
19. Require Written Scheme of Investigations (WSI) for Archaeology
20. Require implementation and publication of Written Scheme of Investigation for Archaeology
21. Require risk assessment, mitigation measures/remediation strategy for potential contaminated land
22. Require details for Foul and Surface Water Drainage (STW)
23. Require implementation of Surface Water Drainage Scheme (NWWM)
24. Require permeable paving areas to be maintained to facilitate the optimal functionality and performance of the surface water drainage scheme
25. Require method statement for the protection of the adjacent river from pollution during the construction phase
26. Require access, turning area and parking facilities to be provided as proposed
27. Require existing vehicular access to be permanently closed
28. Require electric vehicle charging facilities to be provided

29. Travel Information Pack to promote sustainable modes of travel
30. Require Construction Environmental Management Plan to protect Highways

NOTES

- WRS Best Practice Guidance for Construction
- Waste and Recycling Collection for Wyre Forest residents
- Severn Trent Water (public sewer located within site)
- Mineral recovery - applicant to consider whether any opportunities exist for "incidental recovery" of the mineral resource, i.e., recovering a portion of the mineral as an integral part of the non-mineral development, such as recovering material removed in landscaping or footings, which could be reused within the development to minimise the need for materials to be brought on to site.
- Environmental Permit may be required due to proximity to the River Stour.
- Section 278 Agreement



Economic Prosperity and Place Directorate

Castle Road Car Park Castle Road Kidderminster Worcestershire DY10 1AQ

Crown Copyright 100018317



PART B

Application Reference:	22/0315/OUT	Date Received:	11.04.2022
Ord Sheet:	380249 269567	Expiry Date:	11.07.2022
Case Officer:	Helen Hawkes	Ward:	Areley Kings And Riverside

Proposal: Outline application for the erection of up to 145 dwellings, public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for access.

Site Address: Land Off, Areley Common, Stourport On Severn, Worcestershire, ,

Applicant: SVS&G Co. Ltd & Gladman

Summary of Policy	<p>SP.1, SP.2, SP.6, SP.9, SP.10, SP.12, SP.16, SP.20, SP.21, SP.23, SP.27, SP.28, SP.29, SP.31, SP.32, SP.33, SP.34, SP.36, SP.37, DM.6, DM.7, DM.8, DM.23, DM.24, DM.26, DM.32 of the Wyre Forest District Local Plan (2016-2036)</p> <p>WFDC Design Guidance SPD WFDC Planning Obligations SPD WFDC Affordable Housing SPD WCC Landscape Character Assessment WCC Streetscape Design Guide WCC Minerals Local Plan National Planning Policy Framework National Planning Practice Guidance National Design Guide Building for a Healthy Life Wildlife and Countryside Act 1981 (as amended) Natural Environment and Rural Communities Act 2006 Conservation of Habitats and Species Regulations 2017</p>
Recommendation	REFUSAL
Reason for Committee	<p>‘Major’ Planning Application ‘Cross-Boundary’ application with Malvern Hills District Council</p>

1.0 Planning History

1.1 17/0045/OUTL - Outline application for up to 125 dwellings (including up to 40% affordable homes) and 0.6ha for apartments with care (C2), introduction of structural planting and landscaping, informal public open space and children’s play area, sustainable urban drainage (SuDS), vehicular access off Areley Common and

22/0315/OUT

associated ancillary works. All matter reserved with the exception of access: Refused on the following grounds:

1. The application site is an unallocated site located beyond the existing settlement boundary within open countryside and the proposed development in this location therefore fails to accord with the relevant Housing Policies as contained within the Adopted Development Plans of both Wyre Forest District Council and Malvern Hills District Council which seek to guide residential development to appropriate locations. Both Councils are able to demonstrate in excess of five years housing land supply, as required by the National Planning Policy Framework. To approve the current application would therefore be contrary to Policies DS01 and DS03 of the Adopted Wyre Forest Core Strategy, Policy SAL.DPL1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, Policy SWPD2 of the South Worcestershire Development Plan and guidance contained in the National Planning Policy Framework.
2. The development would result in a substantial adverse change to the character and appearance of the area and would fail to enhance this valuable landscape. The proposal would represent a significant visual intrusion to users of the PRoW which crosses the site therefore diminishing the amenity value to local residents and would appear visually dominant from the B4196 due to the rising land. The proposed development would result in the permanent urbanisation of this important landscape which would undergo irrevocable change. To approve the application in these circumstances would be contrary to Policy CP12 of the Adopted Wyre Forest Core Strategy, Policy SWDP25 of the South Worcestershire Development Plan and guidance contained in the Worcestershire County Council Landscape Character Assessments and the National planning Policy Framework, specifically paragraphs 17 and 109 of The Framework.
3. The application fails to adequately provide sufficient information to demonstrate that the surface water from the proposed development can be adequately drained. The applicants have failed to illustrate how the surface water flow path affects the flood risk to properties downstream at Longmore Hill. Furthermore, there are serious concerns regarding the practical deliverability of certain elements of the drainage strategy including the deep drain solution and its potential route along the public highway. The proposal therefore fails to accord with Policy CP02 of the Adopted Core Strategy, Policy SAL.CC7 of the Adopted SAAPLP and Policies SWDP28 & SWDP29 of the Adopted SWDP, as well as guidance contained in the National Planning Policy Framework.
4. Insufficient information has been submitted with the application to ascertain the likelihood of impacts on protected species, including bats, Great Crested Newts, reptiles and breeding birds. Further survey work is required and in the absence of this information the Local Planning Authority is unable to discharge its duty to have regard to conserving biodiversity under the Natural Environment and Rural Communities Act 2006. On this basis, the proposal fails to comply with Policy CP14 of the Adopted Core

22/0315/OUT

Strategy, Policy SAL.UP5 of the Adopted SAAPLP and Policy SWDP 22 of the SWDP and paragraph 118 of the National Planning Policy Framework.

5. Insufficient information has been submitted with the application to allow assessment of the possible constraints the proposed development may cause to any future working of the minerals resource both within the site boundary, and in the wider area, contrary to paragraph 144 of the National Planning Policy Framework.

2.0 Consultee Responses and Neighbour/Site Notice Representations

2.1 Stourport Town Council – Recommend refusal.

2.2 Planning Policy – Objects to the application.

The majority of the site (that part proposed for built development) was submitted as part of the Local Plan Review through the Call for Sites exercise in September 2015 by Hallam Land Management on behalf of the landowner. It was assessed through the Housing and Economic Land Availability Assessment (HELAA) along with other sites. It was not considered suitable for allocation as although the site was immediately adjacent to the urban edge, development here would be in an open landscape. Wyre Forest District Council can demonstrate a supply of 9.83 years as of 1st April 2022. [accessible-combined-5year-housing-land-supply-at-1st-april-2022.pdf](#) (wyreforestdc.gov.uk). This site is not required to help meet the 5-year housing land supply. The Wyre Forest District Local (2016-2036) was adopted in April 2022. Policy SP.1 – Spatial Development Strategy 2016-2036 sets out the amount of growth required across the district including the number of additional dwellings needed in each town. Policy SP.2 – Locating New Development – criteria 4 – Development of land beyond settlement boundaries will be strictly controlled ... Development of this site would not be in accordance with the Local Plan. Sites have been allocated in the Local Plan to meet the requirements for Stourport-on-Severn and this is not one of them. No further sites are required in the town.

2.3 Housing Enabling Officer – Objects to the application.

Development of this site would not be in accordance with the Local Plan, it sits outside of the settlement boundary. I have also researched the housing list, Home Choice Plus, and whilst there is some demand for The Walshes and Areley Kings it is not a large amount - which will be met by the Pearl Lane site (329 dwellings).

2.4 Highway Authority – No objection.

Vehicular Access - The access arrangements proposed are the same as those previously agreed with the Highway Authority for Application 17/00142/OUT, with access via a new priority junction with the B4196 Areley Common, on the west side of the site. B4196 Areley Common is a single carriageway road measuring approximately 5.8m wide in the vicinity of the site. There is a slight uphill gradient from south to north and a continuous footway along the east (Site) side of the road. There is some footway provision on the west side of the B4196, comprising (i) 150m length south from Red House Road and (ii) continuing southwards, past Malvern Edge Court, to its junction with Pearl Lane. The Site frontage is located within a section of Areley

22/0315/OUT

Common that is subject to a 30mph speed limit. A 7.5 tonnes weight restriction also applies. A de-restricted (60mph) limit applies in a southward direction from a point 15m south of Malvern Edge Court. There is some street lighting along the B4196, although this terminates about 30m north of Astley Court, The Transport Assessment (TA), prepared by Ashley Helme Associates and dated March 2022, proposes site access/Areley Common junction arrangements which are shown on Drg. No. 1510/01/E included as an appendix within the TA. The proposal is identical to those agreed with the Highway Authority in 2017 (Drg. No. 1510/01/D) with the exception that increased junction visibility is now proposed. It shows a priority junction, with 2.0m wide footways on both sides of the site access road. The drawing does not state the width of carriageway or kerb radii, but the TA states the design will be consistent with the WCC Streetscape Design Guide (SDG), which recommends a 5.5m carriageway width and 6.0m radii. This would be appropriate for adoption. The TA advises that visibility splays for the agreed 2017 site access arrangements were based on results of a speed survey undertaken between 14-20 September 2016 (inclusive). To confirm or otherwise that the visibility splays agreed in 2017 remain valid, the Applicant commissioned an Automatic Traffic Count (ATC) survey on Areley Common in the vicinity of the site access. The surveys were undertaken between 24 and 29 November 2021(inclusive) and recorded data over the full 24- hour period of each survey day. The 2016 and 2021 recorded 85%le speeds were:

2016	2021
Northbound 34.0 mph	41.3 mph
Southbound 38.5 mph	44.2 mph

The 2021 recorded 85%le speeds are higher than those recorded in 2016. In the light of the 2021 speed survey results, the visibility requirements for the proposed site access have been revisited. The 2017 and 2021 ‘Y’ visibility distances are:

	2016	2021
To the left (south):	49m	106m
To the right (north):	95m	119m

Drawing 1510/01/E demonstrates that 2.4m visibility splays, satisfying DMRB standards are achievable. The drawing states some of the existing hedge will need to be removed. The proposed visibility splays are acceptable to the Highway Authority. If planning consent is granted, a suitable condition would be recommended to ensure the visibility splays are maintained and kept free of any encroaching vegetation.

For the 2017 development proposals, the Highway Authority required an emergency access also be provided and this is also appropriate for the current proposal. A 3.75m emergency access is to be provided for the current application scheme. This is also shown on Drg No 1510/01/E and the access is identical in form and location to that proposed for the 2017 scheme. The emergency access will also function as a pedestrian/cycle access point. Swept path analysis has been undertaken of the proposed emergency access, using a fire appliance. The Highway Authority is content with the emergency access proposal. It will require a Traffic Regulation Order (TRO) to be promoted to ensure enforcement of the facility and the Applicant is required to fund

22/0315/OUT

the legal process, through an appropriate financial contribution, if planning consent is subsequently granted. The emergency access should connect with an internal street that is prospectively adoptable and not a private shared driveway.

Whilst the proposed emergency access is acceptable in principle, the Highway Authority is of the opinion that consideration should now be given to having either an alternative or additional emergency access facility via Marlborough Drive. Such a proposal should be discussed with the emergency services to get a view. This would be helpful in the event there was a problem using Areley Common to access the site in an emergency.

Pedestrian Access - Pedestrian access to the site is to be provided from Areley Common, at the vehicular and emergency accesses. The Design and Access Statement (DAS), prepared by CSA Environmental and dated April 2022, includes Figure 5.4, which is the proposed movement strategy that includes potential pedestrian links with Marlborough Road. An existing Public Right of Way (PRoW) BW 546(C) runs across the site. This is a bridleway, so can be used by pedestrians and cyclists. The pedestrian access strategy is acceptable to the Highway Authority. As the existing footway along Areley Common is narrow, it is to be widened to 2.0m where possible, as was agreed for the 2017 scheme. The TA states it is proposed a section of footway, between the emergency access and Red House Road, is widened to provide a footway width of 2.0m, where there is sufficient highway land available. Existing street lighting is to be improved, as well. The proposed pedestrian infrastructure improvements are considered acceptable to the Highway Authority.

Cycle Access - Surrounding local roads are residential in nature and generally carry low traffic flows so are suitable for on-street cycling. The TA advises, at present, BW 546(C) is at a slightly lower level to Marlborough Drive and there are steps at the northern end of BW 546(C). Subject to confirmation of land availability, the Applicant proposes to regrade BW 546(C) so that it forms an at-grade connection with Marlborough Drive, which will assist cycle users. The Applicant also proposes to widen and re-surface BW 546(C) through the application site so that it is 3.0m wide.

The TA states the location of the site provides a good context for journeys of residents to be undertaken on foot and by cycle. There is good walk and cycle infrastructure between the Site and nearby amenities, both locally and within Stourport, thereby offering opportunity to foster a sustainable community, in accordance with the aims of local policies and national policy in NPPF. The Highway Authority generally agrees with this conclusion.

Public Transport - The nearest bus stops to the development are sited on Redstone Lane. One is approximately 120m walking from the Areley Common site access, whilst another pair of bus stops are approximately 140m walking distance from the Marlborough Drive frontage. The site area is such that the proposed housing should be within 400m walking distance of these bus stops.

22/0315/OUT

The TA notes there is a frequent bus service operating near the Site. Service No 3, by Diamond Buses, operates on a circular route starting and ending in Kidderminster and calling at stops in Astley Cross and Stourport-on-Severn. The service frequency is every 20 minutes Monday to Saturday daytime. There are additional services operating along Redstone Lane and Areley Common, on a less frequent basis. The Highway Authority consider bus access is reasonable, in terms of walking distances and service provision. If planning consent were granted, the Highway Authority would seek to upgrade the stops to encourage their use by residents and visitors and reduce private car use. A financial contribution of £30,000 has been proposed previously and agreed in principle by the Applicant.

The Highway Authority also considers it reasonable to request a contribution to develop a Community Transport service in the area, given the development could have residents who cannot easily access bus services. The principle of such a contribution had already been accepted by the Applicant, at approximately £30,000. An exact amount has now been calculated, being £10,187.

School transport for this site is more complicated because of the way catchment areas have been drawn. For primary school, no financial contribution is necessary as St Bartholomew's Primary school is within 0.5 miles walking distance of the site. However, for secondary education, the site is within the catchment area of The Chantry High School, Martley, which is 8.1 miles away. This means residents of this new site will not be high in the admission criteria for Stourport High and may not obtain a place. As such, according to school transport policy with them being in the catchment of The Chantry, they are entitled to school transport costs. WCC, therefore, would request a contribution of £155,696 towards school transport costs.

Traffic Generation - The TA refers to vehicle trip generation presented in the TA that supporting the 2017 proposal. These were derived using the TRICS database. At that time, the Highway Authority had queried if the trip rates were low. The new TA has undertaken a new TRICS analysis but the new rates are lower than those derived previously. To ensure a robust assessment, it is proposed to adopt the original TA scheme trip rates. The assessment suggests 74 two-way trips in the AM peak and 75 two-way trips in the PM peak.

The TA considered six nearby junctions that are likely to be affected by development traffic. Using test thresholds of (i) 30 vehicles or more and (ii) 2.5% or greater increase of total 2027 base junction flows, four junctions were taken forward for more detailed assessment:

- SJ1 Site Access/Areley Common
- SJ3 Areley Common/Redstone Lane/Red House Road
- SJ4 A451 Dunley Road/Areley Common.
- SJ6 Bridge Street/New Street/High Street/York Street

Comprehensive junction analysis and modelling has been undertaken for 2027 AM and PM peak hours in Base and With Development situations at each of the junctions.

22/0315/OUT

At SJ4 and SJ6 additional Sensitivity Test modelling was also undertaken, which assumes the implementation of the proposed residential scheme on land west of Pearl Lane. The modelling shows that the proposed development traffic can be accommodated by the current junction arrangements in all situations, without any severe or significant detrimental impact on the surrounding local highway network. The Highway Authority is content with the analysis and its' conclusion that no mitigation measures to the highway network are necessary.

Road Collision Data - The applicant obtained Personal Injury Collision (PIC) data from WCC for the fiveyear period, January 2016, and July 2021, and focus on the study area that covers the same junctions. The data shows there were five recorded PICs during the period, four being slight and one serious. There were no PICs in the vicinity of the site of the proposed access.

The TA concludes that the analysis has demonstrated that the record does not give rise to any significant concerns, nor demonstrate any discernible pattern or trends which could require further study or mitigation measures because of the proposed development. As such, the collision data on the adjacent highway network indicates that there is no specific highway safety concern that would warrant mitigation as part of the proposals. The Highway Authority accepts these conclusions.

Site Layout - The Applicant has submitted Drg. No. CSA/3076/108/D 'Development Framework Plan', which is illustrative of a possible site layout but could be subject to subsequent change. The TA states that both the primary vehicular route and secondary streets will be designed to WCC SDG standards and put forward for adoption.

Whilst it is acknowledged the plan is indicative only and will be subject to subsequent reserved matters approval. The Highway Authority offers the following comments to assist the preparation of a future reserved matters application:

- The proposed design speed is to be confirmed and would be expected to be 20mph.
- A 20mph design speed should be achieved through use of horizontal alignment and the Highway Authority discourages the use of vertical traffic management features.
- The applicants' intentions in respect of street lighting provision should be confirmed. The Highway authority will not adopt shared surfaces or traffic calming features that are not lit. The Applicant shall employ a suitably qualified lighting engineer to carry out a lighting assessment, in line with the requirements of the WCC Street Lighting Design Guide.
- Given the size of the development, it is expected the main spine road will require highway lighting. However, the side roads and any footway/cycleways (where adopted) should be assessed for lighting based on a dark baseline (i.e., highway lighting should only be proposed if there is clear requirement to include it). Some of the aspects to consider when assessing the lighting requirements include compliance with the DMRB (visibility), the SDG (presence of shared

22/0315/OUT

- surfaces / full height kerbs), ecological impact, crime rate, local precedence, schools / community facilities, anticipated volume of vehicles/pedestrians, or any other factor mentioned within the SLDG.
- If no street lighting is to be provided but the design speed is to be 30mph, a TRO will be required to be promoted, with the Applicant funding the legal process costs through a suitable legal agreement.
- Internal dimensions of carriageways, footways and turning heads must all be shown on drawings supporting a Reserved Matters application.
- Pedestrian crossing points, with dropped kerbs and tactile paving, following natural desire lines shall be provided and shown on a submitted drawing.
- Suitable forward visibility splays and internal junction visibility splays must be provided.
- Reference is made to a 'feature square'. The design will need special consideration so that drivers/riders and pedestrian users are aware who has priority. The Highway Authority will only adopt a standard carriageway width and its' adjacent footways. Any excessively wide carriageway will have to remain private.
- WCC will not adopt false junctions or extended turning heads.
- Tracking of different types of vehicles (Refuse vehicle/fire tender/pantehnicon) within the site must be provided.
- Consider provision of an emergency access via Marlborough Drive.
- The existing PRoW bridleway through the site should be upgraded as a shared use pedestrian/cycle route, with 3.0m minimum width, surfaced to a specification agreed with the WCC PRoW Team and, ideally, be lit. Any changes to the existing PRoW will require separate written consent of the Highway Authority. WCC will only consider adopting new highways under S38 Agreement if proposed highway drainage discharges directly into STW adopted sewers. The developer will need to have secured a S104 Agreement to adopt the proposed storm drainage system before WCC will consider adopting any highways.
- WCC will not accept private storm or foul sewer pipes in highways subject to S38/278 Agreements.
- The SUDs Pond should be fenced off to prevent pedestrian access, especially by young children.
- The proposed play area should be fenced off from the nearby road, in the interests of highway safety.

Refuse and Servicing Strategy - A drawing showing swept path analysis for a refuse vehicle at the site access has been provided within the TA and is generally acceptable to the Highway Authority. No details of proposed refuse and recycling storage areas has been provided at this time.

Further tracking within the site will be required subsequently, utilising the larger vehicles that would access the development, including:

- Minibus (overall length 6.3m)
- Rigid Truck (overall length 10m)
- Phoenix 2 Duo Recycler refuse vehicle (overall length 11.2m).

22/0315/OUT

Parking - Car parking The TA states that parking will be provided in line with WCC SDG requirements. This can be covered by a suitable planning condition. Cycle parking The TA notes cycle parking will be provided in line with the WCC parking standards. The Highway Authority requires details of the type of cycle storage which shall be covered and secure, and the type and number of cycle parking spaces. This can be covered by a suitable condition if planning consent were granted.

S38 Agreement - As the supporting information has indicated some of the internal roads would be put forward for adoption, the layout needs to conform to the WCC SDG standards and the Applicant will need to enter a suitable S38 Agreement with the Highway Authority. Appropriate drawings and details will need to be submitted and a suitable layout agreed. *S278 Agreement* As the proposals involve alterations to the existing public highway, there will be a requirement for the Applicant to enter a suitable S278 Agreement with WCC. The Agreement will require a detailed design of the proposed improvements to be agreed, with all associated checking costs paid by the Applicant. The alterations include works to Areley Common, forming the new vehicular access, the emergency access and widening the existing footway. The Applicant is advised that Stage 1/2 and Stage 3 Road Safety Audits will also require to be undertaken, as part of the S278 Agreement.

Travel Plan - A draft Framework Travel Plan (TP) has been provided as part of the supporting information and the Highway Authority considered it generally acceptable.

The Applicant will need to prepare Welcome Packs, which should be consistent with guidance set out in the WCC Guidelines for Travel Welcome Park document. A draft shall be sent to travelplans@worcestershire.gov.uk for approval before first occupation.

The personal travel planning (PTP) advice must be offered to all dwellings and for those residents this should be carried out face to face unless the resident requests a zoom / skype / telephone call. Incentives must be provided to residents who participate in PTP to support a chosen mode of sustainable travel e.g., a voucher to help them to get their bike serviced or purchase accessories for their bike or taster tickets for bus / rail travel, this should be to a minimum value of £50 per dwelling. However, the Applicant is advised that an alternative service is to pay WCC to provide the service preparing and delivering the Welcome Pack, PTP and monitoring. If the developer opts for this, they will not be required to produce a finalised Travel Plan only to state their choice for WCC to deliver the submitted Travel Plan nor will they be committed to achieving the targets that would be set out in their Travel Plan for reducing single occupancy car use. Construction Traffic No details have been provided in respect of the construction stages of the development. A Construction Environmental Management Plan, setting out the proposed hours of operation, routing, access proposals and site details, will form a condition as part of any successful planning consent. Conclusion The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted, the Highway Authority concludes that there would not be a severe impact

22/0315/OUT

and, therefore, there is no highway objection subject to conditions and financial obligations.

- 2.5 North Worcestershire Water Management Officer – Recommend deferral (until that approval and those permissions are in place, along with any other incidental matters relating to that surface water discharge) or refused.

There are no planning policy grounds for the Lead Local Flood Authority (LLFA) to object to what is proposed for the on-site management of surface water drainage for this proposed development.

The applicant's consultant has sent information further to that contained in the original application. I note that this further information now appears to show that the proposed drainage scheme no longer includes very deep surface water sewer pipes within the main site for the proposed development, and I note that it does contain some further information on some of the aspects associated with a surface water drainage strategy. But it still includes the need for a pumping station, which remains less than ideal for a brand new, greenfield-site development -pumped surface water systems are costly to run and maintain and are prone to failure at exactly the moment when they are most needed- and none of the information takes any aspect of the drainage strategy that would be required for the proposed development to a point of resolution.

I don't imagine it was the applicant's consultant's intention to resolve any particular aspect at this point, but for clarity I should say here that, should this Outline permission be granted, for a development that is outside of the development boundary, on un-allocated greenfield land, then the usual suite of drainage conditions (to cover: design and agreement of a detailed drainage scheme; implementation of such scheme; exceedance flow routing; Sustainable Drainage System implementation and management) would need to be appended to such a permission.

The above relates to the LLFA's view of how the mooted surface water drainage scheme for the proposed site fits with planning policy and how it might be 'managed' through the planning process.

But looking to how that on-site management of surface water might then connect to off-site drainage, I should add here that the LLFA shares the South Worcestershire Land Drainage Partnership's (SWLDP) concerns that, as currently set out, the applicant cannot guarantee that a connection can be made. I refer here to the need for the proposed discharge to cross a significant aqueduct, to the south of the site.

The further information includes mention of a dialogue with the operating authority for that aqueduct (Severn Trent Water Ltd: STWL), but it doesn't show that a design that is based on on-site survey of the aqueduct has been approved by STWL, and neither does it show that all the permissions to cross land in the control of third parties (for the surface water discharge routing south of the proposed development) are in place.

Without that approval and without those permissions, it cannot be known if the proposed discharge is possible. In turn, if the discharge isn't possible, the proposed drainage strategy isn't viable.

22/0315/OUT

In view of this, the LLFA agrees with the SWLDP's recommendation that the application be either deferred (until that approval and those permissions are in place, along with any other incidental matters relating to that surface water discharge) or refused.

- 2.6 Worcestershire Children First – No objection and no planning obligation is currently being sought for the proposed development.

Early Years Phase - The Local Authority has a statutory duty to secure, as far as is reasonably possible, sufficient places for children aged 2, 3 and 4 to claim their entitlement to funded nursery education. In addition, the Local Authority should secure sufficient childcare for working parents. There is currently sufficient capacity within early years provision in the area to accommodate the number of pre-school pupils likely to be generated from this development.

Primary Phase - With regards to mainstream provision, the proposed development is likely to yield between 7-8 pupils on average per year group in the primary phase of education. Astley CE Primary is a small rural school with space for 13 pupils per year and at present is near capacity in most year groups and not able to take all pupils yielded from the proposed development. Conversely, within the Stourport EPA there are a combined average of 24-25 per year group at St Bartholomew's CE Primary and Stourport Primary. The expected pupil yield from the development is expected to be approximately 50 primary aged pupils which equates to an average of 7-8 pupils per year group. Therefore, a contribution towards primary phase of education is not required.

Secondary Phase - With regards to secondary provision, the proposed development is likely to yield between 2-3 pupils on average per year group. Between the two catchment schools for the development there are likely to be an approximate 35 spare places per year group, and with the small pupil yield for secondary phase of education, there is no requirement for a contribution towards secondary schools.

- 2.7 WCC Waste Team – No objection subject to an informative to ensure the layout of the development at reserved matters stage considers the provision of appropriate facilities for storage and collection of waste both throughout the construction phase and also once occupied, in accordance with Policy WCS 17 and the ADEPT report "Making Space for Waste" (June 2010).

The Waste Core Strategy web-tool at www.worcestershire.gov.uk/wcs confirms that there are no waste management facilities within 250m of the proposed development, meaning that WCS policy to protect such facilities does not apply. Waste Core Strategy policy WCS 17 aims to ensure that the waste implications of all new development are considered. The policy provisions expect that proposals for new development either: a) incorporate facilities into the design that allow occupiers to separate and store waste for recycling and recovery; or b) make appropriate developer contributions where this is more appropriate than on-site facilities; or c) have adequate existing provision. The explanatory text accompanying this policy sets out that the level of on-site provision should be adequate to meet the needs of the proposed development. Where significant areas of residential development are proposed, such as in this application, waste storage facilities are likely to be required and the applicant should consider that part (a) of the policy is most appropriate for this type of

22/0315/OUT

development. We would expect detailed plans showing the provision of appropriate facilities for waste both throughout the construction phase and also once occupied. The plans do not appear to incorporate areas to store and aid the collection of waste, and arrangements have not been made for the separate storage and collection of recyclable material. We understand this is due to the application being for outline permission with many matters to be confirmed at reserved matters stage. Policy WCS 17 should be taken into account when developing the detailed layout of the site and we would expect this to be one of the design principles which inform the reserved matters proposals. As such, we would request that in making their decision on this application and further applications for reserved matters, the case officer should be satisfied that sufficient detail is included regarding the facilities for storage and collection of waste, both during construction and occupation phases, to ensure the development conforms to Policy WCS 17 and that proposals are in line with the ADEPT report "Making Space for Waste" (June 2010).

2.8 WCC Minerals – Objects to the application on the grounds of inadequate Minerals Resource Assessment.

We welcome the fact that the applicant has submitted a Minerals Resource Assessment. However, we are unable to support its conclusions. As drafted, the MRA fails to satisfy the requirements of the emerging Minerals Local Plan and has not been carried out in accordance with established guidance 1. The MRA makes broad assumptions, some of which are contrary to evidence. The MRA should be carried out in accordance with emerging policy MLP 41 (as per the proposed Main Modifications) and should particularly ensure that the steps in paragraphs 7.15–7.26 of the policy's reasoned justification are followed. The requirement to safeguard mineral resources is set out in the National Planning Policy Framework (paragraphs 209, 210 and 212). The proposed development is not in an area of identified mineral deposits as shown on the 1997 Hereford and Worcester Minerals Local Plan Proposals Map. However, in the emerging replacement Minerals Local Plan (MLP), the proposed development site is fully within proposed Mineral Safeguarding Areas for solid sand and silica sand (as proposed in both the Publication Version of the MLP and the proposed Main Modifications). The eastern part of the site also falls within a proposed Mineral Consultation Area for terrace and glacial sand and gravel proposed through the main modifications.

Paragraph 4.13.3 of the applicant's Planning and Affordable Housing Statement states that "Through the last application it was agreed that this objection [relating to minerals safeguarding] should be removed." and includes correspondence from Worcestershire County Council (WCC) on this issue in Appendix 2. It should be noted that this correspondence is now almost five years old and relates to a different planning application (albeit in the same location). Whilst WCC said in 2017 that "we will not require any further action to be undertaken with regard to mineral safeguarding in this instance", circumstances have changed significantly in the interim. In the current instance the emerging policy position is markedly different. Considerable progress has been made in developing the emerging Minerals Local Plan, which is now at an advanced stage of preparation, has been published, and is at a late stage in the

22/0315/OUT

examination process. Consultation on proposed main modifications ended in October 2021 and the final Inspector's Report is anticipated to be published imminently. Subject to any unforeseen delays, WCC's Full Council will consider adopting the plan in July 2022. Furthermore, before the plan is adopted, local planning authorities may give weight to relevant policies in emerging plans, in line with paragraph 48 of the National Planning Policy Framework. Under proposed main modifications to the MLP, the mineral resources safeguarding policy that was formally MLP 31 will become MLP 41. For clarity, the new proposed policy numbering is used in this response. Although the emerging Worcestershire Minerals Local Plan is currently still under examination and therefore not yet adopted as part of the development plan, Worcestershire County Council considers that following policy MLP 41 as set out in the proposed Main Modifications to the emerging Minerals Local Plan and the advice in the supporting reasoned justification would enable the applicant to demonstrate that this national policy requirement has been addressed, and this will ensure that the application is in accordance with the Development Plan should the Minerals Local Plan be adopted prior to the application being determined.

The MRA's assertions regarding demand - Paragraph 4.4 of the MRA refers to "...the very limited demand for solid sand resources in the region." There is no evidence provided to support the claim that there is very limited demand for solid sand resources. Demand for minerals in the local area is set to remain high. The new Wyre Forest District Local Plan provides for 5,520 dwellings, 487 institutional/care home bed spaces, and 29 hectares of employment land between 2016-2036. All of this development will require mineral resources, including solid sand. The emerging Minerals Local Plan policy MLP 14: Scale of Sand and Gravel Provision (which includes both terrace and glacial sand and gravel and solid sands) sets out that "The baseline production guideline for sand and gravel (as calculated in the "Worcestershire Local Aggregate Assessment (using data up to December 2017)") is at least 0.572 million tonnes per year." And that "This means that the scale of provision required over the life of the plan is at least 14.872 million tonnes". The solid sand, silica sand, and terrace and glacial sand and gravel that would potentially be affected by this application are all defined as "mineral resources of local and national importance" in both the NPPF and the emerging MLP.

Quantifying the amount of sterilised resource - Part (a) of emerging MLP policy MLP 41 requires the assessment to demonstrate "how much of the mineral resource the proposed development would sterilise". The MRA does not do this. The MRA should apply evidencebased assumptions to arrive at specific, quantified tonnages of material that would be sterilised. Any stand-off distances from residential development to inform the calculations of tonnages of material that would potentially be sterilised should be stated. This same stand-off distance should be applied to any new sensitive receptors proposed in the development to calculate the tonnages of resources that could be sterilised beyond the site boundary. This would satisfy the policy requirement to assess the potential impact "on sterilising mineral resources, both within and beyond the boundary of the proposed development". As drafted, the MRA fails to quantify the amount of minerals that would be sterilised and fails to consider the impact on resources beyond the site boundary, including terrace and glacial sand and gravel resources to the east of the site.

22/0315/OUT

Demonstrating how sterilisation would be avoided or minimised - There is no detailed consideration given within the Mineral Resource Assessment to the sequential approach advocated in policy MLP 41 to determine how sterilisation of mineral resources could be avoided or minimised through full, partial or incidental extraction of the resource. Section 4 dismisses the possibility of significant extraction due to the proximity of existing residential receptors, but with no reference to whether some extraction might be able to take place within the context of the disturbance and amenity impacts likely to be caused by the proposed development. It dismisses the possibility of prior extraction due to the “very low” demand for this type of sand which would cause delay to the delivery of housing, but as above we question the assertion regarding demand for this resource, and there is no consideration given to whether the material could be extracted quickly and stockpiled for sale, or used on site as part of the development (paragraphs 7.21-7.22 of the MLP refer). It also dismisses the possibility of prior extraction on the basis of landform and potential for future flooding, but without reference to any evidence to support these conclusions. The assessment does state in paragraph 4.6 that incidental recovery may be possible, but without any details given.

WCC therefore objects to the proposal on mineral safeguarding grounds. An adequate MRA that satisfies the requirements of emerging 6 Main Modifications Minerals Local Plan policy MLP 41 is required. It is only when this information is provided that the LPA will have sufficient evidence to allow an informed decision to be made.

2.9 Worcestershire Wildlife Trust – Objects to the application on grounds of scale of development and inadequate Ecological Appraisal.

Given that the site was not allocated in the recently adopted Wyre Forest District Local Plan we have an in principle objection to development of this scale here. The local plan process clearly demonstrated sufficient housing land supply for the district and has allocated more sustainable sites for development elsewhere in the locale. In addition, we note that the Ecological Appraisal sets out a need for further ecological survey work to be completed over the spring and summer of 2022. This includes detailed surveys for reptiles and breeding birds, both of which were mentioned in previous refusal notices, and bats, which are European protected species. While we note the commentary set out in the Ecological Appraisal relating to the probability that these (and other) species groups could be successfully accommodated within the new development we do not believe that the application should be determined until appropriately detailed ecological evidence is available to the council. We consider that our position reflects your legal obligations and is in line with guidance in the NPPF. Accordingly we wish to object to this application. With that in mind we do not think it appropriate to recommend biodiversity conditions at this stage, but we would be happy to discuss the application further in the event that additional ecological evidence comes to light, if that would be helpful.

2.10 Countryside and Technical Services Manager - Objects to the application on grounds of inadequate Ecological Appraisal.

Badger - There is a sett present on site, but we only have limited information on the nature and location of this presence. It would be good to know at this outline stage whether amendments to layout can be made for this species needs to be accommodated on site.

22/0315/OUT

Bats - Additional surveying is being undertaken to determine the nature of use and the species using the site. If more light phobic species are using the site, then more consideration related to layout may be needed to provide mitigation. This information is needed prior to approval as rare and notable species have already been detected using the site. The survey work need completing. We have some commentary relating to a ground-based assessment of trees for bat potential, however, we need more detail, trees assessed etc and if boundary trees were assessed as the report states just trees within the site were surveyed.

Dormice - Potential exists for this species to be present. More surveying is needed to determine if present and the nature of this presence. This need to be completed prior to approval. I note the extra planting that is being proposed. My concern will be how the site is to be accessed and how the creation of these accesses will impact on any populations. This information will be needed prior to outline approval. The impact of access and recreation being proposed into the retained woodland and hedging will also need to be considered.

Reptiles - Potential Habitat exists on site. Additional surveying has been undertaken and a good population of slow worm has been detected. We need a reptile mitigation strategy. I would suggest this is prior to approval as I feel there is potential conflict between the proposed mitigation and recreational provision that will need resolving at this stage.

Breeding Birds - The site has potential to support breeding and over wintering birds. Additional surveying has been undertaken. The extent of the impact on these populations of the development has been discussed but reference to the cumulative impact of development in the locality and the ability of the wider landscape to support displaced populations is needed. This information is needed prior to approval.

Other notable species - Whilst not included or mentioned in this report the site has several records of notable plant species. Additional; ecological discussion and or surveying and mitigation will need to be proposed and submitted prior to the application being approved.

Harm to Nesting birds and Itinerant animals. A CEMP will need to be conditioned and produced to provide methodology governance to ensure no harm comes to these species. A hedgehog mitigation plan will need to be produced or included in the LEMP for approval.

Habitats - The application has come with a BNG assessment that demonstrates that potential exists for the application can demonstrate a positive Biodiversity Net Gain. The additional survey has identified moderate quality habitat on site and the mitigation being proposed is now quite technical. Conflict may well exist between the required delivery of high-quality biodiversity mitigation habitat and recreation. We need to see detail of where this mitigation is going to be provide on a plan and the details of how this will be achieved, maintained, monitored, and recorded. I feel that we now need this prior to approval to ensure the deliverability of the proposed mitigation.

Offsite Habitat - Risk exists of wind bourn particulate deposition on nutrient sensitive SSSI, habitat. Whilst the SSSI is outside Natural England's consultation area. Risk still exists from wind bourn particulates, and this at least needs discussion. A condition to include mitigation methodology and governance in a CEMP will be needed.

Lighting - Is likely to be a factor that will need ecological consideration. We will need a condition to provide us with a lighting strategy that will need to be accompanied with ecological rationale. The lighting strategy will also need a post implementation review

22/0315/OUT

to ensure that the scheme as implemented is not impacting on light sensitive ecological receptors.

2.11 Natural England – No objection.

2.12 Arboricultural Officer – No objection subject to suitable mitigation being provided as part of the landscaping details at reserved matters stage.

The proposed access from Areley Common, which is the only part of the application within WFDC remit, will result in the opening up of a native hedgerow. This is regrettable and will need to be mitigated if permission is given. If suitable mitigation is provided, I could support this action.

2.13 Worcestershire Regulatory Services (Air Quality Team) – No objection subject to conditions.

The submitted report is acceptable and WRS agree with the methodology and conclusions, therefore WRS have no adverse comments to make with respect to air quality. Given the size of the proposed development the following air quality mitigation measures are recommend:

The National Planning Policy Framework (NPPF) Paragraph 181 states: 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.'

It is recommended that the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. WRS therefore make the following recommendations in accordance with NPPF Paragraphs 102, 103, 105, 110, 170, 180, 181:

It is recommended that secure cycle parking facilities are incorporated into the design of commercial developments and domestic plots without sufficient exterior space to allow for secure cycle storage. Recommended condition - Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be provided. Secure cycle parking facilities should be provided at the development as determined by Worcestershire County Council Design Guidance. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be submitted to and approved by the local planning authority prior to the first occupation of the development.

The provision of more sustainable transport modes will help to reduce CO₂, NO_x and particulate emissions from transport. To make the properties ready for EV charging point installation, appropriate cable provision and isolation switches must be in place so that future occupiers are able to easily fit the necessary socket for electrical vehicles to be charged in the garage, driveway or allocated car parking space. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at

22/0315/OUT

commencement of development. Recommended condition - Appropriate cabling and an outside electrical socket must be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). The charging point must comply with BS7671. The socket should comply with BS1363 and must be provided with a locking weatherproof cover if located externally to the building. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development. The charging point must comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. As a minimum, charge points should comply with Worcestershire County Council Design Guide which requires 7kw charging points for residential developments.

Boiler NOx emissions from building heating systems contribute to background NOx concentrations and the following condition is recommended to alleviate impact from new buildings. Recommended condition - Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

2.14 Worcestershire Regulatory Services (Potential Contaminated Land Team) – No objection subject to conditions.

The site is considered to present a negligible potential contamination risk to both construction workers and future site occupants based upon the available information reviewed to date. Based on information derived from the Phase I Desk Study, no potential significant off-site sources of contamination were identified that could affect the proposed development of the site. It is considered that there is no significant risk to human health or the environment from either soil contamination or hazardous soil-gases at the site and no further assessment is required for the proposed development. The consultant suggests any unexpected contamination is anticipated to be localised and can be addressed during the development works through a discovery strategy, with source removal and off-site disposal likely to be the most appropriate remedial action, or the use of a clean capping [where appropriate].

A ground investigation is recommended for development design purposes only. A desktop study has been undertaken, the report and findings suggest there is no indication on any significant ground contamination at this site. Based on the information submitted WRS agree with the findings. The applicant's consultant has suggested a watching brief in relation to any potential unexpected contaminated ground conditions, therefore we suggested the unexpected contamination condition detailed below, also If the applicant plans to import topsoil materials for gardens we recommend a condition - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

22/0315/OUT

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Recommended condition for import of soil and soil forming materials - Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site. The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

2.15 Worcestershire Regulatory Services (Nuisance Team) – No objection.

The above site has been reviewed for any nuisance issues. We have also look over the noise screening assessment undertaken by Wardell Armstrong ref:co/ef/cmd/gm12078, dated the 17th March 2022. We agreed with the screening assessment conclusion, as such there is no requirement for a noise impact assessment for this proposed development. Due to the number of proposed units and proximity of existing

22/0315/OUT

housing, the development may result in disruption to neighbouring dwellings during the construction phase, we would advise the applicant implements measures to reduce emissions of noise/dust.

2.16 Conservation Officer – Awaiting comments.

2.17 Severn Trent Water – No objection subject to conditions to require: The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority; and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Catchment Team also notes that within SPZ3 and 750m from an active abstraction site. Ensure EA guidance and best industry practices are employed. Best practice construction methods and mitigation measures should be developed and presented in a Construction Environmental Management Plan for the Proposed Development, which should be agreed with the local planning authority in advance of construction commencing. Within Worcester Middle Severn priority catchment for pesticides. Ensure EA guidance and best industry practices are followed.

2.18 Designing Out Crime Officer – No objection at this stage to this application. I note in the D&A statement that it is to be built to the principles of Secured by Design 2016. The latest design guide is New Homes 2019. This is the standard that needs to be followed. I would like to encourage the developers to build the estate to SBD Gold standard.

The indicative layout contained within the D&A statement does appear acceptable. I would like to see the detailed layout before I comment further.

2.19 WCC Archaeology Officer – Recommends deferral of the application until a geophysical survey is undertaken on the remainder of the site to establish the potential of the southern area of cropmarks. Should the geophysical survey indicate complex remains, then a pre-determination evaluation maybe appropriate. However, if the authority decides that there is enough information to determine the application then a condition for archaeological programme of works should be attached to any approval. The application sites contains records for two Iron Age or Romano-British enclosures identified through aerial photographs of cropmarks. These are recorded as WSM15928 and WSM08070 in the County Historic Environment Record. The northern enclosure was subject to geophysical survey in 2017. That survey did not indicate complex archaeological remains, but did pick up some weak anomalies that may be archaeological in nature. The southerly enclosure has not been subject to survey. The wider landscape seems to have been densely settled in the prehistoric and Romano-British periods, and aerial photography does suggest the presence of activity of this date within the site.

The application site was subject to a previous planning application for up to 125 dwellings (Malvern Hills planning reference 17/00142/OUT and Wyre Forest planning reference 17/0045/OUTL). That application was refused by both councils. The

22/0315/OUT

archaeological advice on the previous application was initially for a pre-determination evaluation. Following the submission of a geophysical survey that indicated archaeology was unlikely to be complex or highly significant the recommendation was revised to deal with any archaeology as a condition on the grant of consent.

The new application covers a larger area than that in 2017. The southern area of cropmarks is now included for development. This area has not been subject to geophysical survey. It is recommended that a decision to determine the application is deferred until geophysical survey can be undertaken on the remainder of the site to establish the potential of the southern area of cropmarks. Should the geophysical survey indicate complex remains, then a pre-determination evaluation may be appropriate.

Should the local authority decide that there is enough information to determine the application at this time, then an archaeological programme of work should be undertaken as a condition on any grant of consent.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework (2021) section 16, paragraph 205.

"...Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

In order to comply with policy, we recommend that the following two conditions should be attached to any consent:

1) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation(s), has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording
- b) The programme for post investigation assessment
- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

2) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation(s) approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

22/0315/OUT

Reason: In accordance with Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan and the requirements of paragraph 205 of the National Planning Policy Framework.

2.20 NHS Primary Care Trust – No objection subject to a planning obligation to secure a financial contribution of £95,726.

In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

2.21 Environment Agency – No objection.

Whilst we note the reason for your consultation as being in a Source Protection Zone 3, we have no comments to make on this application. This is partly due to the size of the Source Protection Zone 3 and the sites distance to the closest Source Protection Zone 1 or 2.

2.22 Worcestershire Children First – Awaiting comments and will be reported on the Addenda and Corrections Sheet.

Neighbour/Site and Press Notice Representations

2.23 99 letters/emails and online responses of objection have been received from local residents and 1 comment has been received from a local resident and their objections/concerns can be summarised as follows:

- Flood Risk
- Insufficient Surface Water and Drainage
- The development would put a Sewage Pumping Station (that will be pumping 24/7) 25 m from a bedroom window
- There is a 15m cordon sanitaire around the pumping station. It's surely not allowed for a cordon sanitaire, to cover a public footpath, a main road and parts of mine and my neighbour's property? The application seeks to have 2 more pumping stations in the top field, presumably the other one is for further development in the fields, to the south of the site
- Strain on Stourport Bridge because of traffic volume
- This is a busy road leading to Shrawley and Worcester, vehicles speed along there and with an extra access road there will be a real increased risk of traffic accidents
- I think any property developers that want to increase the number of residential units in Stourport should be imposed with the condition that they fund a long overdue new road system, such as a Bypass or second Bridge
- The existing application of 300 houses on Pearl Lane plus this proposal of 145 houses would add a possible additional 890 cars (x2 cars per household) to local road usage and traffic. I believe this would overwhelm local roads and increase pollution drastically.
- Overstretched Amenities – Medical Centre, Dentists, Schools

22/0315/OUT

- The land is Green Belt [Officer comment: this is incorrect. The site does not fall within the Green Belt]
- It is Agricultural Land (Over a quarter of the site is classified as grade 2, very good quality, land which is scarce in England in Wales)
- Air and Noise Pollution from increase in traffic
- There are plenty of Brownfield areas that can be used for building new houses
- The local ecology which contains protected species and notable plants will be adversely affected by this development as their habitats will be destroyed
- Insufficient information has been submitted with the application to ascertain the likelihood of impacts on protected species, including bats, Great Crested Newts, reptiles and breeding birds. Further survey work is required and in the absence of this information the Local Planning Authority is unable to discharge its duty to have regard to conserving biodiversity under the Natural Environment and Rural Communities Act of 2006. On this basis the proposal fails to comply with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted SAAPLP and Policy SWDP 22 of the SWDP and paragraph 118 of the National Planning Policy Framework.
- The proposed new vehicular access would appear to be positioned between two semi-mature Scots Pine trees. In the absence of an existing tree survey and/or any preventative measures which could be introduced to prevent damage to trees during the construction of the proposed access, the Council is unable to establish if it is possible to accommodate the development on site without adversely affecting existing trees
- I would draw Planning Authorities attention to the plight of the Sky Lark which are often seen and heard on the application site. The Skylark is fully protected under the Wildlife and Countryside Act of 1981
- This development is not required as both WFDC and MHDC have approved local plans which identify sufficient land for housing development within their respective boundaries. WFDC and MHDC have not identified this location as being zoned for housing development
- The development would result in a substantial adverse change to the character and appearance of the area and would fail to enhance this valuable landscape
- These fields are used by dog walkers where dog can run around and get rid of excess energy and is also a bridle path through
- I am sure the council is just thinking about the extra council tax!
- This is stupid it's already been turned down once

3.0 Site Location and Description

- 3.1 The application site relates to a parcel of agricultural (arable) land, measuring approximately 11.39 hectares in total site area, with the main development extending to 10.72 hectares and an additional 0.67 hectares identified for a drainage outfall route. The site lies adjacent to the southern urban edge of Astley Cross within Stourport-on-Severn and is approximately 2km from the town centre. It is made up of three fields, an area of woodland and part of a larger field. The site has a high ridgeline (measuring 45 AOD) to the northern part of the site and then falls to the west to a low point around 33 AOD in the southwest of the site. To the east, the site falls

22/0315/OUT

towards the southeast corner of the site to 38 AOD. There is a woodland (within the eastern part of the site), five oak trees and two pine trees that are covered by a tree

preservation order (TPO 647). There is also an unnamed watercourse that flows south-east to the south of the site. This watercourse is a tributary of the River Severn, albeit the site falls within Flood Zone 1 (low risk to flooding). There is also an aqueduct that crosses the southern part of the site. A bridleway runs from Marlborough Drive south towards the River Severn. A Public Right of Way joins the bridleway by the area of the woodland and runs southeast towards Areley Common. Residential properties adjoin the site and are located to the north within Marlborough Drive, Hillside Close, Summercroft and Redstone Lane. Further residential development is located to the east of the site. Adjoining the site to the south and west are agricultural fields.

- 3.2 The application is an unallocated greenfield site, located beyond the settlement boundary of Stourport-on-Seven and within the open countryside of the district.
- 3.3 The application seeks outline consent for up to 145 dwellings (including 40% affordable housing) and includes associated public open space (4.7 hectares), landscaping, sustainable drainage systems (SuDS), vehicular and pedestrian access off Areley Common and new landscaping. All matters are reserved for later consideration (i.e. appearance, landscaping, layout and scale) with the exception of means of access.
- 3.4 This is a 'cross-boundary' application with the majority of the site falling within Malvern Hills District Council's administrative boundary and a small proportion of the site (the southeastern corner) falling within Wyre Forest District. The proposed vehicular access and separate pedestrian/emergency access onto Areley Common Road would both be within Wyre Forest District including a small parcel of housing development. The remaining development comprising housing, open space, SuDS and a children's play area would fall within Malvern Hills District. An outline application, reference M/22/00573/OUT, has been submitted simultaneously with Malvern Hills District Council and their decision is awaiting consideration.
- 3.5 An illustrative Framework Plan has been submitted to demonstrate the spatial distribution across the site, including open space, density, locally equipped area of play (LEAP), SuDS, landscaping and internal roads etc. The submitted Planning Statement advise that the proposals would deliver approximately 20 dwellings within Wyre Forest District and approximately 125 dwellings within Malvern Hills District.
- 3.6 The application has been submitted with a Energy Statement, Health Impact Assessment, Statement of Community Involvement, Socio-Economic Statement, Utilities Statement, Minerals Resource Assessment, Foul Drainage Analysis, Heritage and Archaeological Assessment, Air Quality Screening Assessment, Noise Screening Assessment, Flood Risk Assessment, Phase 1 Site investigation Report, Arboricultural Assessment, Travel Plan, Transport Assessment, Landscape and Visual Impact Assessment, Design and Access Statement, Planning and Affordable Housing Statement and a Agricultural Land Report.

22/0315/OUT

4.0 Officer Comments**POLICY CONTEXT, HOUSING DELIVERY AND BACKGROUND**

- 4.1 Planning Law (as set out within 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.
- 4.2 The Development Plan for Wyre Forest comprises the Wyre Forest District Local Plan, which was adopted in April 2022. The Local Plan sets out the housing requirement for the period to 2036 and represents an up-to-date housing need for the district. The Housing Needs Study was undertaken by Arc4 following the publication of the household projections by the Government in late September 2018. This study used the Government's new standardised methodology and shows a minimum housing need of 276 dwellings per year which over a 20-year plan period would equate to 5,520 dwellings.
- 4.3 The Council can demonstrate a healthy 5-year housing land supply and therefore the tilted balance as set out in Paragraph 11d of the National Planning Policy Framework is not engaged. Malvern Hills District Council can also demonstrate a 5-year housing land supply. The application site is unallocated and is not required. Future housing sites have already been considered and allocated in the Wyre Forest District Local Plan to meet the minimum housing requirement across the Plan period (up to 2036).
- 4.4 As part of the Local Plan Review, Wyre Forest District Council co-operated with adjoining authorities to consider strategic priorities for the delivery of homes, including cross-boundary requirements as required by the Localism Act 2011 and the National Planning Policy Framework. The Planning Policy Officer has advised that this application site was identified as part of the Call for Sites exercise in September 2015 and was discounted by the Council because it was not considered suitable for allocation as although the site was immediately adjacent to the urban edge, development here would be in an open landscape.
- 4.5 From planning history, an outline application (reference 17/0045/OUTL) for up to 125 dwellings was considered and refused by Wyre Forest District Council and Malvern Hills District Council in 2017 on a site that was in the same location but slightly smaller in site area (measuring 8.32 hectares as opposed to the current application where the site area measures 11.39 hectares). The previous application was refused on grounds of principle of development given that the site was unallocated and located within the open countryside. It was also refused on grounds that the development would result in a significant adverse impact on the open countryside and that insufficient information had been submitted to ascertain whether the development would result in harm to protected species, drainage and minerals resource safeguarding.
- 4.6 The main considerations for this application are whether the proposed development and supporting information has overcome the previous reasons for refusal, which are:
- Principle of development
 - Landscape Character
 - Biodiversity

22/0315/OUT

- Minerals Resource
- Flood Risk and Drainage
- Other matters relating to agricultural land, heritage assets, highway safety, design and layout and impact on residential amenity

PRINCIPLE OF DEVELOPMENT

- 4.7 The application relates to an unallocated site located beyond the settlement boundary of Stourport-on-Severn as identified on the adopted Policies Map and within the open countryside.
- 4.8 The Spatial Development Strategy as set out in Policies SP.1 and SP.2 of the Local Plan seek to locate new development on allocated sites or appropriate windfall developments. Policy SP.2 goes onto state that 'Development of land beyond settlement boundaries will be strictly controlled and will be limited to dwellings for rural workers, replacement dwellings and rural exception sites (Policy SP.11).
- 4.9 Policy SP.11 advises that rural exception sites will be expected to provide 100% affordable housing of a size, type and tenure to meet local housing needs and that they must meet the specific criteria contained within Policy SP.11, which requires the following:
- Provision of affordable housing must remain so in perpetuity in agreement with the Registered Provider;
 - The number, size, type and mix and tenure of dwellings must not exceed the extent of identified local need;
 - The scale of the scheme should be appropriate to the size and character of the settlement and must not significantly damage the character of the settlement or any surrounding valued landscape;
 - The site should be accessible to local services and facilities; and
 - Any enabling market housing required to make the development of affordable dwelling on the site viable must be accompanied by a robust viability assessment.
- 4.10 The application cannot be considered an appropriate rural exception site due to the scale of the scheme being for up to 145 dwellings which would result in a detrimental impact on the character of the landscape and surrounding area and would result in unsustainable housing growth in this part of the district. The site has not been identified by the Council, Parish Council, or Registered Provider as a suitable rural exception site and whilst this is only an outline application, the submitted details show that the proposed development would not deliver a 100% affordable scheme (The submitted details only indicate 40% affordable housing provision).
- 4.11 The principle of residential development is unacceptable given that the site relates to an unallocated site beyond the settlement boundaries and within the open countryside and would not be an appropriate rural exception site. The development would therefore be contrary to Policies SP.1, SP.2, SP.6 and SP.11 of the Local Plan.

22/0315/OUT

LANDSCAPE CHARACTER

- 4.12 The application site comprises open and undeveloped agricultural fields, which rises to a height that allows the fields to be viewed from wide distances out across the adjoining open countryside, from public vantage points including the bridleway/Public Right of Way which crosses the site, and from neighbouring residential properties. The site rises from the west to the highest point, which allows distant views of the site. The site also makes a positive contribution to the intrinsic character and beauty of the countryside because of its open, tranquil rural character and mature hedgerow boundaries and woodland.
- 4.13 Policy SP.22 of the Local Plan states that ‘New development must protect and where possible enhance the unique character of the landscape.’ Paragraph 100 of the Framework states that ‘Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.’ Also, Paragraph 174 of the Framework states that new ‘... development should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.’
- 4.14 The proposed development due to its location, density and scale and together with the associated domestic paraphernalia, children’s play area, hard surfacing, parking areas, internal roads and access would have an urbanising effect, that would visually compromise the rural character and appearance of this part of the countryside. The development would intrude into existing open and attractive countryside which frames the existing urban settlement. It would result in a significant adverse impact on the rural character of this part of the countryside.
- 4.15 The existing urban edge formed by the residential properties in Marlborough Drive, Hillside Close, Summercroft and Redstone Lane currently provides a robust, linear and defensible boundary to help provide a clear divide between the urban context and the surrounding open countryside and also prevents encroachment into the countryside. Officers therefore consider that the agricultural fields, which are subject to this application, are very important to the intrinsic character of the wider countryside as they are seen as being integral to the adjoining fields and landscape. Whilst the proposed development would sit immediately adjacent to existing housing, it would still result in a significant encroachment into the open countryside and would fail to create a natural or logical urban extension because of the amount of development proposed and due to its significant expansion over three and half agricultural fields which would spread urban development further south and west beyond the existing settlement boundary of Stourport-on-Severn, which would be seen as incongruous and would diminish the intrinsic character and beauty of the countryside. It should be noted that it is proposed to provide mitigation to the landscape character in the form of new planting around the northern, southern and eastern site boundaries and a new parkland. However, Officers don’t consider that this would overcome the significant adverse impact on the landscape character.
- 4.16 The previous 2017 application was refused on the grounds of resulting in a significant adverse impact on landscape character and I do not consider that there have been

22/0315/OUT

material changes in the site circumstances since this previous refusal decision. Officers therefore consider that the proposed development would significantly harm

the character of the landscape and would be contrary to Policies SP.11, SP.20, SP.22 and DM.24 of the Wyre Forest District Local Plan which collectively seek to ensure that rural exception sites do not damage the character of the area and that they protect and where possible enhance the unique character of the landscape. Also, the proposed development would be contrary to Paragraphs 130 and 174 of the National Planning Policy Framework, which seek to ensure that new developments are sympathetic to local character, including the landscape setting, and that they contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.

BIODIVERSITY

- 4.17 During the course of the application the applicant submitted an updated Ecological Appraisal, and whilst the dates have not changed on both reports, it is evident that the updated report contains more recent surveys of the site.
- 4.18 The Countryside and Technical Service Manager has objected to the application and has advised that the updated Ecological Appraisal report still contains insufficient evidence to demonstrate that a comprehensive survey for protected and notable species has been undertaken.
- 4.19 The report identifies the presence of a badger sett however no further information is given in relation to its size, nature and location to determine whether the net developable area of the site is of an area that could accommodate the amount of development proposed. The survey report also provides incomplete information on how the site was surveyed for protected bat species and it further notes that additional surveying work is being undertaken however no further surveys have been submitted to ascertain the impacts of the development on protected bat species and their habitat. Again, a lack of survey information has been given to ascertain whether dormice exists and the likely impacts of the development. Officers note that dormice have been found on a nearby application site for housing on Pearl Lane. The Countryside and Technical Service Manager considers that further detail is required to determine the cumulative impact of the development on the population of breeding and over-wintering birds and whether the wider landscape is sufficient to support the displaced population of birds. It is also requested by the Countryside and Technical Service Manager that a Reptile Mitigation Strategy to ensure there is no conflict between the proposed mitigation and recreation provision that is being proposed as part of this application and further details are required to ascertain whether measurable net gains for biodiversity can be achieved alongside the need to provide on-site recreation use of the public open space.
- 4.20 Officers agree with the consultee and consider that there is insufficient information to determine the likelihood of impacts on protected species. The lack of information submitted with this application in relation to biodiversity also prevents the local planning authority from carrying out its statutory duty in regard to conserving biodiversity as part of decision making of applications. As per the previous application, it is considered that further ecology survey work is required and in the absence of this information, it is impossible for the local planning authority to determine whether the

22/0315/OUT

proposed development would provide appropriate mitigation to minimise the impact on biodiversity and secure measurable net gains for biodiversity, in accordance with Policy SP.23 of the Local Plan and Paragraphs 174 and 180 of the Framework.

MINERAL RESOURCE

- 4.21 Policy SP.34 of the Local Plan seeks to encourage the reuse and recycling of construction waste on-site and use of recycled minerals within the development to reduce the use of primary resources. Paragraph 209 of the Framework advises that 'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.'
- 4.22 Worcestershire County Council have reviewed the submitted Minerals Resource Assessment and have advised that the assessment fails to provide sufficient evidence to support the applicant's conclusion that there is very limited demand for solid sand resources. The County Council have asserted that the demand for minerals remain high in the local area due to the Wyre Forest District Local Plan being recently adopted which provides for 5,520 dwellings, 487 institutional/care home bed spaces, and 29 hectares of employment land between 2016-2036. All of this development will require mineral resources, including solid sand.
- 4.23 The WCC Minerals team also state that the submitted assessment fails to quantify the amount of mineral resource that would be sterilised by the proposed development and have failed to undertake a sequential approach to determine whether sterilisation of mineral resources could be avoided or minimised through full, partial or incidental extraction of the resource, as required by Policy 41 of the Worcestershire Mineral Local Plan.
- 4.24 Whilst Officers acknowledge that the site adjoins residential properties where a 100-metre stand-off zone would be required to protect the amenity of these residential properties and this would reduce the amount of the site that could have minerals extracted. However, this is a large site, and I agree with WCC Minerals Team that the applicant should have considered whether partial or incidental extraction of the mineral resource could be achieved. Officers consider that the development would be contrary to Policy SP.34 of the Local Plan which also requires developments to avoid the unnecessary sterilisation of mineral resources.

FLOOD RISK AND DRAINAGE

- 4.25 Paragraph 167 of the Framework advises that 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

22/0315/OUT

- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan'
- 4.26 Paragraph 169 of the Framework also states that 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.'
- 4.27 Policies SP.30 and SP.32 of the Local Plan are consistent with the Framework in that they require developments to be located in areas with the lowest risk to flooding and for new developments to incorporate effective on-site management of surface water to minimise the risk of flooding to the proposed development and to existing properties within the vicinity of the site.
- 4.28 The application site falls within Flood Zone 1. The Environment Agency define Flood Zone 1 as a "Low Probability" zone assessed as having a less than 1 in 1000 (0.1%) annual probability of river flooding and that all uses of land are appropriate in this zone. The Flood Risk Assessment submitted with this outline planning application concludes that the application site is not considered to be at risk from fluvial flooding.
- 4.29 The application site comprises agricultural fields and the proposed development due to the increase in hard surfacing and development across the site would inevitably lead to an increase in the volume of surface water runoff from the site. To ensure long-term sustainable management of the existing and additional surface water runoff discharge, it is proposed to provide mitigation measures in the form of Sustainable Urban Drainage Systems (SuDS) such as an attenuation pond and an outfall route across a field. As well as an associated pumping station.
- 4.30 The submitted drainage strategy has been amended during the consideration of the application and the Lead Local Flood Authority has reviewed these details and recommend refusal. The reasons for refusal are on the grounds that the applicant has not demonstrated that a connection could be made for the proposed on-site management of surface water to off-site drainage, especially as there is a need for the proposed discharge to cross a significant aqueduct, to the south of the site and across land in the control of third parties.
- 4.31 Officers agree with the Lead Local Flood Authority that, without this information, there is uncertainty as to whether the proposed discharge is possible in order to demonstrate that the surface water from the site can be adequately drained. The

22/0315/OUT

development is therefore considered to be contrary with Policies SP.30 and SP.32 of the Local Plan and Paragraphs 159 and 167 of the Framework.

AGRICULTURAL LAND

- 4.32 In terms of the loss of agricultural land, Policy DM.32 of the Local Plan states that applications for development on best and most versatile agricultural land of quality grades will be resisted where the site has not been allocated in the Local Plan and is considered worthy of protection. The western area of the site appears to be Grade 2 agricultural land, with the remainder Grade 3 and is arable land that due to its size (11.39 hectares) and gentle rolling topography with good hedgerow boundaries is considered to be worthy of protection for farming. The site is considered to be of versatile agricultural land and because the site is unallocated for housing, the development would be contrary to Policy DM.32 which seeks to protect higher grade agricultural land from development. The development would also be in conflict with Paragraph 174b of the Framework, which requires new developments to contribute to the natural and local environment by recognising the economic benefits of the best and most versatile agricultural land.

HERITAGE ASSETS

- 4.33 Officers note that Worcestershire County Council's Archaeologist has considered the application and advised that insufficient information has been submitted to inform the determination of the application but accepts that a condition could be attached to require a programme of agreed archaeological works to be undertaken, recorded and publicised. Officers note that Paragraph 55 of the Framework allows local planning authorities to attach planning conditions to make a development acceptable in planning terms. In this case, Officers consider that a condition is justified, and that the development would accord with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan which requires development proposals to protect, conserve and enhance all heritage assets, including assets of potential archaeological interest.

HIGHWAY SAFETY

- 4.34 The application is submitted in outline with means of access being a matter for consideration. The applicant has submitted full details of the access arrangements, a Transport Assessment and a Travel Plan.
- 4.35 The entire development is to be served from a single access point off Areley Common (B4196) with a potential second pedestrian/cycle access to this road as well, which would also act as a emergency access.
- 4.36 The Highway Authority raises no objection to the proposed access arrangements and considers that the proposed single means of access would have capacity to deal with the concentration of peak hour flows. In the absence of any evidence to suggest otherwise, Officers consider that the proposed access arrangements are acceptable and would not undermine highway safety. The development accords with Policy SP.27 of the Local Plan and Paragraphs 110 and 111 of the Framework in terms of ensuring no adverse impacts on highway safety. No objection was raised by the Highway Authority in the previous 2017 application and there was insufficient evidence to refuse the previous application on highway grounds.

22/0315/OUT

DESIGN AND LAYOUT

- 4.37 Since the application is submitted in outline only, reserved matters application(s) would be required for appearance, landscaping, layout and scale before any development could take place. Accordingly, the detail for such matters including plot layout and sizes; siting of buildings; design quality including materials and finishes; hard and soft landscaping including boundary treatments; landscape structure, buffer and amenity planting; design and appearance of SUD's areas; tree and hedgerow protection etc. must all be assessed at that stage. Officers do not wish to comment on design further given that the principle of development is unacceptable.

IMPACT ON RESIDENTIAL AMENITY

- 4.38 The neighbouring residents in Areley Common, Redstone Lane, Summercroft and Marlborough Drive currently have an open outlook across the application site and there is no doubt that the development would result in a significant change in their view from open fields to urban development. However, this impact on view is not a planning material consideration and Officers are of the view that sufficient separation can be provided between the proposed dwellings and existing adjoining properties to ensure the proposed development does not result in an unacceptable oppressive form of development or cause loss of amenity.

5.0 Conclusion and Recommendations

- 5.1 The Wyre Forest District Local Plan was adopted in April 2022 and the objectively assessed needs for the district are up to date. The Council can demonstrate a 5-year housing land supply and therefore the tilted balance as referred in Paragraph 11d of the National Planning Policy Framework is not engaged.
- 5.2 The application site is unallocated and is located beyond the settlement boundary of Stourport-on-Severn and within the open countryside. Policy SP.2 advises that new development will only be accepted on allocated sites or on appropriate windfall sites, located within settlement boundaries as defined in the adopted Policies Map. Policy SP.2 goes on to state that development outside of the settlement boundaries will only be permitted if the development accords with Policy SP.11 and is for dwellings for rural workers, replacement dwellings or rural exception sites. The application does not meet the exceptions permitted for new housing outside of settlement boundaries as set out in Policy SP.11 and the site was not brought forward through the plan making process in co-ordination with Malvern Hills District Council as an allocated site for housing.
- 5.3 This application has not addressed the previous reasons for refusal given in application 17/0045/OUTL in relation to principle of development, landscape character, biodiversity, mineral resource and drainage. In addition, the development would result in the loss of higher quality agricultural land. The proposal is not sustainable and the proposed development would be in conflict with the Development Plan.
- 5.4 Officers therefore recommend delegated REFUSAL for the following reasons;
- 1) The application site is an unallocated greenfield site, that falls outside of the settlement boundary of Stourport-on-Severn and within the open countryside where housing development is strictly controlled and limited to specific housing

22/0315/OUT

developments such as rural exception sites. The development by virtue of its scale, location and housing tenure would not be an appropriate rural exception scheme. As such, the principle of development in terms of location, land use and amount of development is unacceptable and in conflict with Policies SP.1, SP.2, SP.6 and SP.11 of the Wyre Forest District Local Plan.

- 2) The proposal would have an unacceptable impact on the open and tranquil rural character of this part of the countryside and would lead to a permanent urbanising effect of this landscape. The proposed location and quantum of development is inappropriate for this rural location and would result in an intrusive and dominant form of development and visual erosion of this landscape character and countryside location, giving rise to substantial harm to the landscape character and public rights of way. The development would diminish the intrinsic character and beauty of the open countryside and would be contrary to Policy SP.22 of the Wyre Forest District Local Plan and Paragraphs 100 and 174(b) of the National Planning Policy Framework.
- 3) The demand for solid sand resources remains high following the adoption of the Local Plan and the planned growth for the district. The submitted Minerals Resource Assessment is unacceptable on the grounds that it fails to show how much minerals (solid sand, silica sand, and terrace and glacial sand and gravel) would be potentially sterilised by the proposed development and no sequential approach has been undertaken to determine whether sterilisation of mineral resources could be avoided or minimised through full, partial or incidental extraction of the resource, contrary to Policy SP.34 of the Wyre Forest District Local Plan, the Worcestershire Minerals Local Plan and Paragraphs 209 and 212 of the National Planning Policy Framework.
- 4) Insufficient information has been submitted to ascertain the development impacts on protected species, including badgers, bats, breeding birds and reptiles. Further survey work is required and in the absence of this information the local planning authority is unable to determine whether the mitigation proposed would be acceptable in order to minimise impacts on biodiversity and provide measurable net gains for biodiversity, in accordance with Policy SP.23 of the Wyre Forest District Local Plan and Paragraphs 174 and 180 of the National Planning Policy Framework.
- 5) Insufficient information has been submitted to demonstrate that the proposed development would achieve appropriate long-term sustainable management of surface water drainage. As currently proposed, the applicant cannot guarantee that a connection to off-site drainage can be achieved or that the proposed discharge can cross an aqueduct, to the south of the site, and that the applicant has permission for the surface water discharge routing to cross land in control of third parties. The proposal therefore fails to demonstrate that an acceptable long-term sustainable management of surface water drainage can be provided as part of the

22/0315/OUT

development, contrary to Policy SP.32 of the Wyre Forest District Local Plan and Paragraphs 167 and 169 of the National Planning Policy Framework.

- 6) The application site is unallocated and would result in the loss of Grade 2 and Grade 3 agricultural land that is considered worthy of protection given that it is of higher quality grades of agricultural land and is of a sufficient size and topography. The development is therefore contrary to Policy DM.32 of the Wyre Forest District Local Plan and Paragraph 174 of the National Planning Policy Framework.

PART B

Application Reference:	22/0506/HOU	Date Received:	17.06.2022
Ord Sheet:	379951 270076	Expiry Date:	12.08.2022
Case Officer	Megan Skelding	Ward:	Areley Kings And Riverside

Proposal: Single Storey Rear Extension

Site Address: 32 Bowpatch Road, Stourport On Severn, Worcestershire, DY13 0ND,

Applicant: Mr & Mrs Tony Kay

Summary of Policy	UP7 UP8 CC2 CP11 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to Committee	APPLICANT IS A SERVING OFFICER OF THE COUNCIL

1.0 Planning History

1.1 No relevant planning history.

2.0 Consultation Responses

2.1 Parish Council - Recommend Approval.

2.2 No neighbour responses received.

3.0 Site Location and Description

3.1 This application refers to a detached bungalow off Bowpatch Road, Stourport on Severn.

3.2 The proposal of the application is for a single storey rear extension in order to create a large open plan kitchen/dining area. The proposed development will be subservient to the existing dwelling house and will improve the character of the entire existing dwelling house.

22/0506/HOU

4.0 Officer Comments

- 4.1 Policy DM.25, 'Design of Extensions and Alterations', of the Wyre Forest District Local Plan states that extensions should not have a significant adverse effect on the amenity of neighbouring residents or any surrounding properties. The proposed single storey rear extension will be in accordance with the 45-degree code and will not have any adverse impacts on any neighbouring properties. The rear extension will not consist of any changes to windows of the existing property and will not impact on any neighbouring properties.
- 4.2 An additional obligation of Policy DM.25 is that extensions and any alterations to the property are in keeping with the original characteristics, materials, form, and detailing of the property. The rear extension is therefore proposed to be in keeping with the original dwelling house, and will be subservient to the existing property, constructed from materials to match those of the existing dwelling house. A condition is attached to further ensure this.
- 4.3 Policy DM.24, 'Quality Design and Local Distinctiveness', of the Wyre Forest District Local Plan states that the proposed development should integrate positively into the existing street scene. As the proposal is to the rear of the property, it will only be partially visible from the street scene, therefore will not result in an unsuitable feature.

5.0 Conclusion and Recommendations

- 5.1 The siting design and materials of the proposed extensions to the dwelling are considered acceptable and will not detract from the appearance of the property or its setting. In addition, the proposal will not have any serious adverse effect on the residential amenity of neighbouring properties. The proposal therefore complies with Policies DM.24 and DM.25 of the Wyre Forest District Local Plan.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions;
1. A6 (Full with no reserved matters)
 2. B3 (Finishing materials to match)
 3. A11 (Approved Plans)

PART B

Application Reference:	22/0543/S73	Date Received:	01.07.2022
Ord Sheet:	383118 276687	Expiry Date:	26.08.2022
Case Officer	Julia Mckenzie-Watts	Ward:	Blakebrook And Habberley South

Proposal: Removal of condition 2 of Planning Application 20/0664/FUL to allow 24 hour opening

Site Address: Part Ground Floor, 1 High Street, Kidderminster, Worcestershire, DY10 2DJ,

Applicant: Merkur Slots Ltd (UK)

Summary of Policy	SP1 SP2 SP37 DM9 SP18 SP20 SP23 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Parish Council has objected

1.0 Planning History

20/0664/FUL - Change of use of Part of Ground Floor (132.2 sq.m) from retail to an Adult Gaming Centre, following subdivision of unit: Approved subject to conditions.

2.0 Consultation Responses

2.1 Kidderminster Town Council – Object to the application.

Members considered the application and agreed that the despite the argument provided by the applicant the reasons for imposing condition 2 on the original planning approval remain extant.

2.2 Crime Risk Manager – No objection.

I have spoken to the police officer who is responsible for the area where this application is situated. Since its opening there have not been any issues at the premises, therefore the police do not have any grounds to object to this application.

2.3 Worcestershire Regulatory Services (Noise Nuisance) – No objection.

22/0543/S73

2.4 Highway Authority – No objection.

3.0 Site Location and Description

- 3.1 Number 1 High Street is currently utilised by Merkur slot as an adult gaming centre located to the side of the BHSF charity shop within the primary shopping frontage of Kidderminster Town centre. An application for the change of use of Part of Ground Floor (132.2 sq.m) from retail to an Adult Gaming Centre was approved under application 20/0664/FUL.
- 3.2 The current application seeks the removal of condition 2 attached to the previous application in order to allow opening 24 hours a day as opposed to the approved hours of 8:00am and 00.00am hours Sunday to Thursday and 8:00am and 2.00am Fridays and Saturdays.

4.0 Officer Comments

- 4.1 Town centres are crucial to the social, economic and environmental wellbeing of the District. The National Planning Policy Framework (the 'Framework') paragraph 86 states that "planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Policy SP.18 of the Wyre Forest District Local Plan relates to Town Centre Development and states that support will be given to safeguarding, maintaining and enhancing the vitality and viability of the existing retail centres throughout the District.
- 4.2 The gaming centre relies on evening / night time trade and therefore the previously imposed closing hours are considered very early by the applicant hence the current application to seek 24 hour opening. The previous approval was given with hours conditions attached due to concerns raised by the Crime Risk Manager regarding 24 hour opening.
- 4.3 Kidderminster Town Council have objected to the application and have advised that despite the argument provided by the applicant the reasons for imposing condition 2 on the original planning approval remain extant in their view.
- 4.4 As a result of this objection, the agent has provided an Operational Management plan which details how the client manages the premises and how it would be managed 24/7, so that there is minimal disturbance to the neighbouring properties. Key details include the following:

Dispersal Policy

The premises will not attract large crowds of people and there will not be a mass departure of rowdy people. It is unusual for customers to loiter outside the premises. However, the following steps will be taken at all time:

- Staff will encourage customers leaving the premises to respect neighbours and not generate noise when exiting the premises.

22/0543/S73

- Waiting outside the premises will be discouraged.
- Customers found to be loitering near the building will be politely encouraged by staff to move on.
- Staff, on request, will provide relevant information to customers who require a taxi or directions to the nearest station or bus stop.

Security Measures

CCTV systems are installed with coverage of all public areas including all entry and exits points. CCTV will be clearly advertised to customers with screens visible by staff when working in the service area. The comprehensive CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days. Viewing of recordings shall be made available upon the request of Police or an authorised officer of the Licensing Authority, subject to data protection legislative requirements.

General Crime & Disorder

Merkur Slots Ltd will make every effort to liaise with the Police over reducing involvement in any incident. Staff are trained to identify suspicious activity and have the ability to interrogate real-time machine data to identify criminal activity and fraudulent incidents which are logged and escalated where appropriate.

- 4.5 The Crime Risk Manager has been consulted on the application and has confirmed that the police officer who is responsible for the area has not had any issues at the premises since its opening and therefore the police do not have any grounds to object to the proposed 24 hour opening. Worcestershire Regulatory Services have also offered no objection as a comprehensive noise assessment was submitted with the original application.
- 4.6 With the Operational Management Plan, it is considered by Officers that 24 hour operation will enable the premises to be staffed and managed throughout the day and night, improving the environmental quality and provide a sense of security which justifies the removal of condition 2.
- 4.7 In respect of the planning conditions attached to Planning Approval 20/0664/FUL, it is noted that condition 1 relates to a time limit with the use was to be implemented and no longer applies. Condition 2 shall be removed, if Members are mindful to approve this application. I consider it necessary and directly related to require the submitted Operational Management Plan to be adhered too at all times and for the CCTV systems to be always in operation.

5.0 Conclusion and Recommendations

- 5.1 The Policy SP.18 of the Wyre Forest District Local Plan and the National Planning Policy Framework promotes development which supports the economy at sustainable locations and encourage competitive town centres. It is considered that the increased opening hours would further increase vitality and viability of this part of the town centre and help to secure the long-term use of this part of the building whilst having minimal adverse effect on the surrounding area.

22/0543/S73

- 5.2 The proposal complies with the National Planning Policy Framework and the requirements of Policy SP.18 of the Wyre Forest District Local Plan.
- 5.3 Officers therefore recommend **APPROVAL**, subject to the following conditions:
1. Premises shall operate in accordance with the Operational Management Plan at all times
 2. CCTV system to remain in full operation at all times when the premises is open and be maintained

PART B

Application Reference: 22/0641/HOU
Ord Sheet: 382872 278033
Case Officer: Megan Skelding

Date Received: 02.08.2022
Expiry Date: 27.09.2022
Ward: Franche And Habberley North

Proposal: Single Storey Front and Side Extension

Site Address: 3 Hawkstone Close, Kidderminster, Worcestershire, DY11 5EG

Applicant: Matt Hogan

Summary of Policy	CP11 UP7 UP8 CC2 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to Committee	Applicant is member of WFDC staff

1.0 Planning History

1.1 No Planning History

2.0 Consultations Responses and Neighbour/Site Notice Representations

2.1 No consultations or representations received.

3.0 Site Location and Description

3.1 The application site is a semi-detached dwelling off property on Hawkstone Close, Kidderminster.

3.2 The proposal for the host dwelling is for a single storey and side extension to create a large hallway and extended large garage for extra car space for the applicants.

4.0 Officer Comments

4.1 Policy DM.25, 'Design of Extensions and Alterations', of the Wyre Forest District Local Plan states that extensions should not have a significant adverse effect on the amenity

22/0641/HOU

of neighbouring residents or any surrounding properties. The proposed single storey rear extension will be in accordance with the 45-degree code and will not have any adverse impacts on any neighbouring properties. The rear extension will not consist of any changes to windows of the existing property and will not impact on any neighbouring properties.

- 4.2 An additional obligation of DM.25 is that extensions and any alterations to the property are in keeping with the original characteristics, materials, form, and detailing of the property. The rear extension is therefore proposed to be in keeping with the original dwelling house, and will be subservient to the existing property, constructed from materials to match those of the existing dwelling house. A condition is attached to secure this.
- 4.3 Policy DM.24, 'Quality Design and Local Distinctiveness', of the Wyre Forest District Local Plan states that the proposed development should integrate positively into the existing street scene. As the proposal is to the rear of the property, it will only be partially visible from the street scene, therefore will not result in an unsuitable feature.

5.0 Conclusions and Recommendations

- 5.1 The siting, scale, design, and materials of the proposed extension to the dwelling are considered acceptable and will not detract from the appearance of the property or its setting in the street scene. In addition, the proposal will not have any serious adverse effect on the residential amenity of neighbouring properties. The proposal therefore complies with Policies SP.20, DM.24 and DM.25 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
- 5.2 I therefore recommend that **APPROVAL** subject to the following conditions.
 - 4. A6 (Full with no reserved matters)
 - 5. B3 (Finishing materials to match)
 - 6. A11 (Approved Plans)