

Open

Planning Committee

Agenda

6pm
Tuesday, 17 January 2023
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

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

Councillor B Brookes	Councillor V Caulfield
Councillor H E Dyke	Councillor C Edginton-White
Councillor P Harrison	Councillor M J Hart
Councillor F M Oborski MBE	Councillor C Rogers
Councillor D Ross	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

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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, 17 January 2023

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 13 December 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.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	
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Part 2

Not open to the Press and Public

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

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

13 DECEMBER 2022 (6PM)

Present:

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

Observers:

Councillors: J F Byng and M Rayner.

PL.23 Apologies for Absence

Apologies for absence were received from Councillors: C J Barnett (Vice-Chairman) and H E Dyke.

PL.24 Appointment of Substitutes

Councillor R H Coleman was a substitute for Councillor C J Barnett
Councillor P Dyke was a substitute for Councillor H E Dyke

PL.25 Declarations of Interests by Members

No declarations of interest were made.

PL.26 Minutes

Decision: The minutes of the meeting held on 18 October 2022 be confirmed as a correct record and signed by the Chairman.

PL.27 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 605 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 605 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.

PL.28 Planning Appeal Decisions Since April 2022

The Committee received a schedule showing the appeal decisions since the start of

the 2022/23 financial year.

Decision: The Committee noted the contents of the report.

There being no further business, the meeting ended at 7.42pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

13 December 2022 - Schedule 605 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.

Application Reference: 21/0672/FUL
Site Address: Land on The South Side of, Kidderminster Road, Bewdley, Worcestershire
The Committee received representations from Mr M Watkins (objector), Cameron Austin-Fell (application agent) and Councillor J Byng (Ward member) prior to a decision being made.
Deferred to enable the applicant to provide an up to date Traffic Assessment and to allow Bewdley Town Council to comment which the LPA will encourage them to do, and whilst acknowledging that it is not a requirement that an alternative boiler system to that proposed be provided that it should be explored with the applicant, and comments bought back when the application is bought back.

Application Reference: 22/0415/FUL
Site Address: Land Adjacent, 11 Stourport Road, Bewdley, Worcestershire
The Committee received representations from David Clarke (objector) but due to his unavoidable absence from the meeting due to illness a statement was read out by the Senior Planning Officer on his behalf, prior to a decision being made.
APPROVED subject to the following conditions;
<ol style="list-style-type: none"> 1. Time Limit 3 years 2. Approved Plans 3. Restrict Use of Building to Use Class E(b) (sale of food and drink) 4. Restrict Opening Hours (as proposed) 5. No change in site levels 6. No external lighting 7. No outside music at anytime 8. Provision of litter waste bins 9. Provision of cycle storage facilities 10. Removal of chairs and tables when the kiosk is not in operation 11. No external plant/equipment to be installed 12. Flood Mitigation Measures to be implemented, retained and maintained 13. Bat survey to be submitted prior to any vegetation removal 14. Biodiversity Enhancement Measures to be submitted and agreed
Notes
a. The applicant is advised to contact the Environment Agency to discuss the need for an Environmental Permit. An Environmental Permit may be required

for works in, under, over or near a main river (including where the river is in a culvert), works on or near a flood defence or for works in the flood plain of a main river

- b. The application site is at risk of flooding from the Severn. Future users are therefore strongly advised to sign up to the free Floodline Warning Direct service via www.gov.uk/sign-up-for-flood-warnings or by calling the Environment Agency's Floodline on 0345 988 1188 and to construct a business Flood Emergency Plan covering place of refuge, flood evacuation and safe access and escape routes for the property.

Application Reference: 22/0607/FUL

Site Address: 20 Roden Avenue, Kidderminster, Worcestershire, DY10 2RF

The Committee received representations from Councillor M Rayner (Ward member) prior to a decision being made.

APPROVED subject to the following conditions;

1. Implementation within 3 years
2. In accordance with the submitted drawings/details
3. Submission of material details
4. Submission of boundary treatment
5. Access and parking
6. Electric Vehicle charging Points
7. Construction Environmental Management Plan
8. Surface Water Drainage
9. Removal of PD rights
10. Scheme of Ecological Enhancement Measures to be implemented
11. No trenches to be left open or uncovered overnight
12. Tree root protection plan
13. Nesting birds
14. Details of artificial boxes
15. Landscape plan and maintenance
16. Small Landscaping scheme to include new tree planting and any trees that die or get removed within 5 / 10 years have to be replaced
17. Retention of Landscaping
18. No gates shall be erected at the site at any time
19. Water efficiency
20. Renewable energy

Note

- a. Severn Trent Water

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
22/0316/FUL	Land At Os 379942 276049 Habberley Road Bewdley Worcestershire	Delegated Approval	12

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
22/0971/TPO	Land At Os 383990 277713 Chester Road North Kidderminster Worcestershire	Approval	34
22/0992/RG3	1-10 Worcester Street And 1-3 Oxford Street Kidderminster Worcestershire DY10 1EA	Approval	39

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

17 January 2023

PART A

Application	22/0316/FUL	Date	26.04.2022
Reference:		Received:	
Ord Sheet:	379942 276049	Expiry	26.07.2022
		Date:	
Case Officer	Richard Jennings	Ward:	Wribbenhall And Arley

Proposal: Residential development (Class C3) with a vehicular access point onto Habberley Road, open space, sustainable urban drainage systems and all other ancillary and enabling infrastructure

Site Address: Land At Os 379942 276049, Habberley Road, Bewdley, Worcestershire, ,

Applicant: Owl Homes

Summary of Policy	<p>SP.1, SP.2, 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.35, SP 36, SP.37, DM7, DM.8, DM.23, DM.24, DM.26, and SA.B4 of the Wyre Forest Local Plan (Adopted April 2022)</p> <p>Design Guidance SPD Planning Obligations SPD Affordable Housing SPD National Planning Policy Framework Planning Practice Guidance</p>
Recommendation	DELEGATED APPROVAL SUBJECT TO S106 AGREEMENT
Reason for Referral to Committee	“Major” Planning Application

1.0 Planning History

1.1 There is no planning history for this site.

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2.0 Consultations and Representations

2.1 Bewdley Civic Society – We would support this application if it could be linked to measures that would mitigate the traffic issues at Catchem's End and in so doing counter balance the environmental damage to the Green Belt. Concerns are raised about the potential impact on the Green Belt and the subsequent environmental damage, the impact on local ecology and upon highway safety.

2.2 Bewdley Town Council – Recommend Approval.

2.3 Highway Authority – Recommend Approval following an initial deferral of the application a revised Transport Assessment Addendum has been submitted (TAA) (ref: 22/034/0101-03a) on the 25 October 2022 to address the concerns. That document provides the basis of this response. The points which are pertinent to the addendum are:

- Validity of the traffic / speed survey data which were collected during a natural pandemic which may have influenced recorded traffic flows and speeds.
- Confirmation that sight lines can be maintained free of obstruction.
- Additional Swept Path and tracking analyses.
- Road Safety Audit (Stage 1) undertaken following confirmation of the results of the Swept Path Analysis and access design.
- Justification for the provision of footways leading to/from the site along Habberley Road.
- Confirmation that visibility sight lines from the proposed access off

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 are no justifiable grounds on which an objection could be maintained.

There is no highway objection to the application subject to the following conditions (Conformity with submitted details, Road Safety Audit, Car Parking, Electric Vehicle Charging Points, Cycle Parking, Residential Travel Welcome Pack, Construction Environmental Management Plan and Street lighting), obligations (£1,910 for bus provision and infrastructure requirements) and informatives (No Unauthorised Alteration of Highway and Section 278 Agreement).

2.4 Worcestershire Regulatory Services (Noise Nuisance) – No Objection. The submitted noise assessment appears satisfactory and predicts that both internal and external noise levels will meet the recommendations of BS8233:2014. A condition is recommended requiring the submission of a revised site layout plan detailing the extent, height, construction and surface density of the recommended boundary fencing and confirm the sound reduction of the chosen trickle ventilators will meet the recommendation of the noise assessment for approval.

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Construction Environmental Management Plan (CEMP): The submitted CEMP is acceptable in terms of the proposed measures to monitor and mitigate emissions of noise, vibration and dust during the construction phase, and this can be secured by way of condition.

- 2.5 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to conditional approval. We have looked over the documents submitted and our historical records for the site, it appears to have been open field/pastures, we note there is a substation on the South East boundary, we recommend a condition to ensure appropriate remedial works if unexpected contamination is found during the construction phase.
- 2.6 Worcestershire Regulatory Services (Air Quality) – No objection subject to conditions to secure cycle parking, electric vehicle charging points and low emission boilers. The proposed development is for 44 dwellings with parking provision for 92 vehicles and is located approximately 1.6km north east of the Welch Gate Air Quality Management Area (AQMA). An Air Quality Assessment (AQA) was not included with the proposal, however, the Transport Statement calculated that there will be an annual average daily traffic (AADT) of 224 vehicles. This is below the EPUK/IAQM criteria recommended for an AQA to be undertaken outside of an AQMA. Therefore, WRS have no adverse comments to make with regards to air quality. The following air quality mitigation measures are recommended:
- 2.7 Worcestershire Children First – During the course of the application updated sufficiency figures for 2022 have been received which show that there is currently insufficient space for early years children within the Bewdley area and therefore request a financial contribution to support early years provision. A contribution toward all relevant phases of education is sought in line with the Worcestershire County Council Policy on S106 Education Contributions to provide additional education facilities within a 2 mile radius as follows:
- Early Years (EY) Contribution = £72,248
- 2.8 North Worcestershire Water Management Officer – The current FRA is currently inadequate, however, approval is recommended subject to the developer submitting a revised Flood Risk Assessment that demonstrates compliance with Local Plan Policy SP.31 and NPPF par 167. The FRA needs to validate the modelled surface water flood risk as well as assess flood risk associated with the existing highway drainage system present on the site. It needs to include flood mitigation measures to ensure that the development will be safe from surface water flooding, including from the highway drainage system. In addition, it needs to demonstrate that the development, including the proposed mitigation measures will not increase the flood risk elsewhere. Relevant conditions will be applied to ensure the findings and recommendations of the revised FRA are completed in accordance with the findings of the report.
- 2.9 WFDC Arboricultural Officer – No Objection. The proposal should be supported as the revised site layout and design is much improved in relation to the existing arboricultural features.

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Conditions for a tree protection plan, pre-start meeting with myself, their site foreman and their retained Arb Consultant along with details about the landscaping at 1:50 scale are required.

- 2.10 WFDC Conservation Officer – No objection - There appear to be no heritage assets (designated or undesignated) on this site. The heritage evidence base which was compiled for the Local Plan identified two undesignated heritage assets included on the Local Heritage List for Bewdley close to the site:

LLB50 - a house dating from C19 included for its local architectural interest.

LLB14 ' a terrace of four houses dating from C19 included for its local architectural interest.

The heritage evidence base considered that development on the site will have a negligible impact on the significance of either LLB50 or LLB14. This does not necessarily mean that the proposed development will not impact on these properties in other ways but from a heritage standpoint the impacts are negligible.

The heritage evidence base suggested that there was low potential for below ground archaeology. Any requirements concerning archaeology should be identified by Worcestershire Archive and Archaeology Service.

The applicant has, unusually, not submitted a separate heritage statement to accompany this application and appears to rely instead on the heritage evidence base as produced by the District Council to identify and describe the significance of heritage assets with potential to be affected by the development and has included this as an appendix to the Planning Statement.

Provided that the decision-maker is satisfied that this application complies with the NPPF then no further submission appears to be required.

- 2.11 Severn Trent Water – No objection subject to the inclusion of the following conditions:
- 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.
- 2.12 WFDC Countryside and Technical Services Manager – No objection subject to conditional approval. The bat report is out of date so we will require a condition to ensure a pre commencement Bat Survey is undertaken. This condition will also require a plan showing the dark corridors to recommend how bat connectivity and foraging can be maintained by the development. In terms of badgers, we will need to condition a pre commencement additional Badger survey and to ensure all works have measures to prevent itinerant animals such as Badger from becoming trapped or injured. This to be included in the CEMP. In terms of Hedgehog, no hedgehogs were

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identified in the limited surveying, but multiple records of hedgehog exist nearby. We will however require a hedgehog mitigation plan showing habitat connectivity being retained. Finally, in terms of birds, a condition should be imposed to ensure that all clearance works are carried out outside of the bird nesting season. The additional proposed habitat improvements being produced will offset any loss of opportunity for ground nesting birds.

- 2.13 WFDC Landscape Officer – No objection. I note the scheme has been substantially redesigned compared with the pre-application submission in 2020. I welcome the proposal to retain much of the existing central hedgerow. It's severance to accommodate the spine road is unfortunate, but I can see is unavoidable. The tree survey and accompanying plans indicate areas where removal of vegetation is necessary to accommodate the development. Having considered these and the site layout plan it appears that the volume of tree planting has been reduced, again when compared with the 2020 plan. Retention of the central hedgerow is a positive, but there is still a need to both compensate for the loss of any existing vegetation and deliver an additional net gain in soft landscaping to also support biodiversity net gain. The inclusion of floristically enhanced grassland around the central hedgerow and the two surface attenuation features is welcome, but it's not clear why there are now fewer trees proposed for inclusion on the eastern boundary adjacent to those features, and how this relates to the off-site mitigation referred to in the Planning Statement. I recommend these matters are clarified prior to determination of the application.

Further to clarification of the above matters, I recommend that detailed design, species selection, planting schedules, aftercare and monitoring of the landscape scheme, along with matters of biodiversity and habitat should be combined into a Landscape and Ecological Management Plan (LEMP) for delivery. This should be secured by a suitably worded condition.

Providing the above matters are satisfactorily resolved, then I have no objection to the application on landscape grounds.

- 2.14 WCC Archaeology - No objection - There are no known archaeological concerns or issues with this application.
- 2.15 Neighbourhood/Site Notice Representations – 20 letters of objection received from local occupiers and residents and the concerns raised have been summarised below:
- The number of houses will put too high a strain on existing roads, school places and local medical care, dental surgeries and general services and amenities
 - Increase in volume and speed of traffic - Habberley Road is already very busy, being the main route into Bewdley from anywhere north of Kidderminster - at least 60 extra cars to add to the existing traffic volume
 - Emergency services will face serious delays as a result of the inevitable congestion
 - The roundabout, together with the surrounding roads, is already heavily congested

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- Construction traffic, delivery wagons, contractors parking along roads on footpaths
- The transport documents attached are biased and unhelpful
- A traffic survey was conducted in August, during the main school holiday period, so will not be relevant for most of the year
- Travel Plan supporting document submitted by the developer (document no. 2022_034_101_01) aims to establish baseline travel behaviour based on 2011 census data
- The development is 1200m from Bewdley town centre. The 'maximum' walking distance suggested by the Chartered Institution of Highways and Transportation is 800m meaning most people will not walk but will drive – Significantly add to local noise and pollution levels
- Deterioration in air quality
- Overdevelopment - recipe for major accidents
- This will clearly kill off the possibility of completing the bypass
- Loss of privacy taken from the existing residents of New Road - none of the other three, uninhabited boundaries has one, single new house anywhere as close to it as we have 15 houses clustered against ours - review and reconsider the layout of the site to reduce the negative impact on the residents
- On the eastern strip, no existing houses adjoin, 12% (5) of the new dwellings are situated on an area representing nearly a quarter of the total site. On the western strip, ALL affected houses adjoin, 36.5% (16) are situated on roughly a fifth of the total site
- Proximity to existing adjoining properties
- The density of site
- The layout, spacing, orientation and building type, coincide to produce a devastating effect on the general amenity
- There is a soak away within the field that makes me wonder if the site or sections of the site are not suitable for building on
- Devastating effect upon the existing environment – frequented by a not insignificant number of bats - destroy natural habitats and foraging areas for this and many other species of wildlife, including mammals and birds together with myriad insect species
- Foul drainage system - using unnecessary energy and creating noise, together with potentially hazardous health issues
- The effect of tarmac & concrete on water drainage building up on wrong side of future flood barrier
- Cause disruption
- Should be rejected in favour of a more evenly balanced distribution of dwellings
- Many of the trees shown in the plan along the western boundary just do not exist
- There are currently 2 proposed new housing developments on the outskirts of Bewdley (i. land off Kidderminster Rd & ii. this project on the land South of Habberley Rd) both of which will have an impact on the road network along Kidderminster Road, Catchems End and Habberley Road. There is also a proposed development of 140+ houses at the other end of Habberley Road (Low Habberley), approximately 1.5 miles further up Habberley Road - approximately 200+ properties, this development will cause a considerable increase in cars

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- Building on so much of the beautiful green space will spoil the beauty of the town – With mental health issues at an all time high, people need green spaces to escape the pressure and stress of everyday life - erosion of more Green Belt
- Increased risk of flooding
- Effects on local ecology
- Impact on the Green Belt and the subsequent environmental damage - climate change
- Clearly many thousands of pounds will have been spent on producing the various reports. I suspect that they will all be biased towards the company that has paid for them
- Of course, access could instead be onto the roundabout on the Kidderminster Road - but then why not put access straight through and thus complete the bypass....?
- there are several brownfield sites already benefitting from connection to such services which could be re-developed to provide dwellings
- the original Council proposal of 35 dwellings on this particular site crept up to 41 (mentioned in the application) and ended up at 44 - a 26% increase. How can that be allowed to come about? Are we to have it explained to us? Will it be necessary to make a FOI request to satisfy ourselves that the answer is fair and reasonable?
- Existing residents seem to have been located either at the bottom of the priority list or not even on the list at all - This Plan needs modification to make it reasonably acceptable to all
- We would support this application if it could be linked to measures that would mitigate the traffic issues at Catchem's End and in so doing counter balance the environmental damage to the Green Belt

3.0 Site Location and Description

- 3.1 The Applicant seeks full planning permission for the redevelopment of agricultural land with the building of 41 residential dwellings (a reduction from the 44 originally proposed) including 10 affordable and associated new vehicular access from Habberley Road; publicly accessible open space; drainage; and internal infrastructure. The site is allocated for housing under Policy SA.B4 of the Adopted Local Plan.
- 3.2 The site comprises a 1.5-hectare (ha) rectangular parcel of land located between the B4190 Habberley Road and A456 Kidderminster Road, adjacent to New Road with hedgerows and trees located to the north and south of the Site. Trees are also present along the eastern and western boundaries of the Site. The site is located approximately 1.6km north-east of Bewdley town centre. To the north, the site is bounded by the B4190 Habberley Road, to the south scrub land, to the east open space, and to the west residential rear gardens. Situated to the north east of the Site is Bewdley Pines Golf Club, located approximately 320 metres from the Site. To the immediate east of the Site is the former Health Hotel and grounds. Beyond the Hotel and grounds are two residential properties and open fields which are situated within the West Midlands Green Belt. To the immediate south of the Site is the West Midlands Safari Park.

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- 3.3 Proposed house types will comprise of a range of sizes from one to four bedrooms predominantly in conventional two-storey houses in detached, semi-detached and terraced layouts.
- 3.4 The dwellings would be traditional in appearance utilising a mixture of render and brickwork to add to character. Each dwelling will have in plot parking, in a combination of garage with parking spaces to the side of the house or along the frontage. Garden sheds and space to store bins are provided for each dwelling. This would accord with the adopted Streetscape Design Guide.
- 3.5 The main access (serving vehicles and pedestrians) to the site will be from the B4190 Habberley Road.
- 3.6 The development density based upon a developable site area of 1.09 hectares equating to a satisfactory density of approximately 38 dwellings per hectare.
- 3.7 The application has been accompanied by a Design and Access Statement; Planning Statement; Acoustic Report; Affordable Housing Delivery Statement; Sustainability Statement; LVIA; Archaeology DBA; Arboricultural Assessment with AIA; Transport Assessment; Travel Plan, FRA, Drainage Strategy; Biodiversity Metric 2.0 Calculation Tool and Ecology Assessment.

4.0 Officer Comments

- 4.1 The main considerations for this application are:
 - Principle of development
 - Impact on Landscape Character and Heritage Assets
 - Density, Design and Proposed Residential Environment
 - Biodiversity and Trees
 - Highway Safety and Access
 - Flood Risk and drainage
 - 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

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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)
 - 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 (the '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 The Wyre Forest District Local Plan sets out the vision and strategic context for managing and accommodating growth within the District up until 2036 and seeks to achieve sustainable development. The objectives of the Local Plan which are relevant to this application, include: addressing housing need to ensure the requirements of existing and future residents are met; maximising the opportunities for the inclusion of green infrastructure; safeguard and enhance biodiversity; conserve the significance of heritage assets; encourage healthier lifestyles; achieve more sustainable travel patterns and reduce the need to use the private car which will contribute to an improvement in air quality; and to protect the District's water supply and quality, and reduce the risk of flooding and climate change.
- 4.6 The application site is situated adjacent to the urban edge of Bewdley. The Wyre Forest District Local Plan, in Table 3.0.1 and Policy SP.5, seeks to retain Bewdley as a thriving market town which meets the needs of the local community whilst preserving the town's historic character. To preserve the character of the historic townscape and settlement of Bewdley town, the Local Plan resists further windfall developments in Bewdley and only permits new housing growth on three site allocations, with one being the subject of this application. It is therefore anticipated that the housing growth for Bewdley during this plan period would be around 227 additional homes.

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- 4.7 The site is allocated for housing under site allocation policy SA.B4 of the Local Plan and therefore the principle of development in terms of land use and location has already been accepted by the Council through the plan-making stage and cannot be questioned in this application.
- 4.8 The site allocation indicated approximately 41 dwellings could be accommodated on this site and advised that a substantial area of green infrastructure along the eastern boundary will ensure the revised green belt boundary is fully demarcated. Any development on this site should meet the following criteria:
- (i) The development should respect the scale, morphology and materials of the adjacent historic suburban character.
 - (ii) The site access is to be taken from Habberley Road, with the existing trees/hedgerow retained along this northern boundary except where removal is required for a visibility splay.
 - (iii) Well established trees and hedgerows on the site should be retained/supplemented and new planting should be extended north to connect with the hedgerow along the B4190 and provide screening of the development from the hotel grounds. The development should provide robust landscaping to the eastern boundary.
 - (iv) The potential to open up the existing highway drain to form part of the green infrastructure provision should be explored as part of the development proposals and implemented, if feasible.
 - (v) Provision of a new footpath connecting the development to Kidderminster Road should be explored as part of the development proposals and implemented, if feasible.

IMPACT ON LANDSCAPE CHARACTER AND HERITAGE ASSETS

- 4.9 Paragraph 172 of the Framework advises that planning decisions should contribute to and enhance the local environment by amongst other things, recognising the intrinsic character and beauty of the countryside. Policy SP.22 'Landscape Character' of the Wyre Forest District Local Plan states that new development must protect and where possible enhance the unique character of the landscape.
- 4.10 The site comprises two fields (only the eastern parcel however, is to be developed for housing), which is currently agricultural land and the is well enclosed by existing vegetation/trees and hedgerows around the perimeter of the site. The site is bounded by the B190 (Kidderminster Road) to the north, the A456 to the south and residential development to the west. As such, there is little appreciation of the surrounding countryside from within the site. The Inspector in her final report on the Local Plan also advised that *"... built development of the eastern parcel will limit openness at this edge of the town, but the surrounding road network, trees and hedgerows strongly bound the site, and will contain urban sprawl or encroachment into the countryside. Sensitive layout and design of the development will mitigate the visual impact."*
- 4.11 The County's Landscape Character Type assessment advises that the application site falls within the 'Sandstone Estatelands' Character Type, which includes the following key characteristics: arable land use; hedgerow boundaries to fields; planned enclosure pattern with straight roads and field boundaries; and rolling topography. The submitted landscape strategy shows that the existing boundary hedgerows would be retained,

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and your Officers consider that there would be opportunities to include hedgerows within the application site as part of the reserved matters application for landscaping.

- 4.12 The submitted Landscape and Visual Impact Assessment (LVIA) has taken account of Heritage Assets such as Listed Buildings (those within the West Midlands Safari Park and along Kidderminster Road) and the nearby Conservation Areas in that they contribute to the overall present-day landscape character, context and setting of an area.
- 4.13 Having considered the surrounding landscape the layout of the site incorporates a strategy for green infrastructure and open space that responds to the landscape context. The approach provides a robust interface between the settlement edge and the wider countryside to the east which includes the retention of the existing hedgerow and trees along the south-eastern boundary (adjacent to the A456); retention of a set back to the Kidderminster Road, provision of a substantial area of public open space in the northern tip of the site to maintain a sense of openness with the inclusion of additional landscape and an attenuation basin, retaining a stand-off of built from to the route of the public footpath to the west, incorporating open space and landscape proposals in this area to create an interface with this route and providing a connection into the public footpath to the west to create local access and enhance connectivity.
- 4.14 The LVIA concludes that overall, the context provided by the existing settlement edge and the combined screening effects of topography, and existing vegetation and built form means that the effect on landscape character and local visual amenity would be very limited in scale and therefore, the proposed development is acceptable in landscape and visual terms.
- 4.15 The proposed development of 41 dwellings on this existing open field will no doubt result in change in the landscape due to the urbanising effect of the proposed development. The WCC Landscape Advisor raised no objection to the proposals providing the future management of the boundary trees is safeguarded (to reduce any risk that shading caused by the proximity of trees will removal of these trees in the future by new occupants). Discussions took place with the applicant following initial comments from the WFDC Landscape Officer which secured amendments to the proposed species (of hedgerows and trees) proposed on site. No objection was raised subject to a condition requiring a LEMP with accompanying method statement to detail the creation and establishment of semi-natural habitats, public open space, trees, hedgerow and scrub planting.
- 4.16 Your Conservation Officer raised no objection to the proposals, and generally agreed with the conclusions of the LVIA.
- 4.17 Your officers concur with the Conservation Officer views and are satisfied that the proposals, together with the imposition of conditions recommended above will ensure limited harm to the landscape character and setting of heritage assets, in accordance with Policies SP.22, DM 23 and SA.B3 of the Local Plan and the Framework.

DENSITY, DESIGN AND PROPOSED RESIDENTIAL AMENITY

- 4.18 The development density based upon a developable site area of 1.09 hectares equating to 38 dwellings per hectare. Policy SP.9 'Housing Density and Mix'

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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. Although the net density falls below the minimum set out in the Policy SP.9, your Officers consider the proposals to be acceptable, with a well designed layout specifically taking account of its edge of settlement location and the requirement to deliver 40% green infrastructure across the site.

- 4.19 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).
- 4.20 The applicants have taken on board comments made by Officers during the initial phase of the application which has essentially resulted in a softer, more organic layout to better reflect the urban grain of the local area. The proposals have evolved to also take into account the specific requirements of the policy of the since, allocated site and a reduction to 41 dwellings is proposed from the initial 44.
- 4.21 The design and external appearance of the houses proposed would provide variety, visual interest and well designed houses. The proposed building and hard-surfacing materials, boundary treatment and layout of roads would ensure that the development creates a distinctive place that people can navigate around easily and through the site. Further local design detailing has been added to the proposed dwellings to ensure it draws fully on the local architectural characteristics of the locality and these have included the introduction of:
- Brick banding is now proposed as blue brick rather than red (echoing the properties of Habberley Road)
 - Tile crease cills instead of brick soldier cills.
 - Double arched window header rather than single, with blue brick detailing.
 - 4 bar cottage style windows, opposed to single bar.
 - Chimneys to feature plots
- 4.22 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 are several 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, it is not considered that this choice of road layout would fail to provide a permeable development given that there are two recreational footpaths running through the site which allow pedestrian movement and which connect the site to the public footpath to the west. It is therefore considered that the proposals would provide a well-designed development, in

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accordance with Policies SP.13, SP.29, SP.37, DM.24 of the Local Plan and Paragraphs 126 – 132 of the Framework.

- 4.23 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. It would result in the provision of 10 affordable dwellings, (4 shared ownership and 6 affordable rent), and 31 open market homes providing a mixture of 1,2,3 and 4 bedroom homes which will meet the need of the local population. The applicant has advised that the proposed dwellings would accord with Policy SP.13 of the Local Plan which requires at least 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)).
- 4.24 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 to protect the amenity of occupiers of existing dwellings. Internally, all dwellings 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.
- 4.25 A noise assessment was undertaken to support the application and it is confirmed that The submitted noise assessment appears satisfactory and predicts that both internal and external noise levels will meet the recommendations of BS8233:2014. A condition is requested by WRS requiring works to be undertaken in accordance with the findings of the Construction Environmental Management Plan (CEMP).

BIODIVERSITY

- 4.26 Local Planning Authorities have a duty to have regard to conserving biodiversity as part of decision making of planning applications. Policy SP.23 'Protecting and Enhancing Biodiversity' and Paragraphs 174(d) and 180 of the Framework all require new developments to deliver measurable net gains in biodiversity through the promotion and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations and to minimise, avoid or at the last resort compensate for the loss of biodiversity.
- 4.27 In terms of biodiversity net gains, the Countryside and Technical Services Manager has confirmed that an off site contribution is required as the metric produced demonstrated that measurable net gain in biodiversity could not be achieved on site. The developer has agreed with Wyre Forest District Council that the Council deliver 10.5 units based on the DEFRA metric. This to be provided off site on the nearby former golf course at Burlish Meadows with all costs including maintenance being incurred by the applicant. The required BNG level is therefore achieved and will form a requirement of the accompanying S106 agreement and the proposal therefore complies with the requirements of Policy SP.23.

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- 4.28 With regards to potential harm to protected species, the application is supported by an Ecological Appraisal which assesses the likely impact of development of the site on Bats, Badger, Dormouse, Water Vole and Otter. Impacts on hedgehog, Wood Mouse and Fox were also considered.
- 4.29 In relation to bats, the assessment confirms that foraging bats must remain uninterrupted by the development and therefore a condition requiring a qualified ecologist to develop a plan showing the location of dark corridors that will allow bats to commute and forage across the development site. This plan then to be used to produce a lighting strategy which will be reviewed and commented on by a qualified ecologist and submitted to the LPA for approval. Once agreed, this plan will be implemented and reviewed by a qualified ecologist, no more than 6 months from the implementation of the site lighting. The findings of this review being used to make any necessary amendments to ensure commuting and foraging opportunity for bats across the site is maintained. A letter from a qualified ecologist being submitted to the LPA in conformation of this. This would form the subject of a carefully worded condition.
- 4.30 Due to the fact that Badger are dynamic animals and levels of Badger activity can rapidly change it is recommended that an update survey is carried out prior to commencement of site works. The ecology report revealed no records of Water Vole or Otter within or adjacent to the site and it concludes that these species are likely to be absent from the site.
- 4.31 Slow Worm, Grass Snake and Common Lizard were also recorded within the wider survey area under the applicant's ownership. As such, the report recommends that mitigation measures will be implemented, to include a translocation of any reptiles utilising the site prior to works commencing. This precautionary mitigation strategy will also be appropriate for GCNs, should any be encountered during site works. The Countryside and Technical Services Manager is satisfied with this approach and conditions and your officers concur with this view.

TREES

- 4.32 Initial concerns with regards to appropriateness of the proximity to the protected trees of plot 34, 35 and 44. The trees are large and situated on the on the east, so there would be limited sunlight during the morning. Concerns regarding potential requests by future occupiers to remove or reduce these trees has now been alleviated by a revised layout plan which improves the separation distances between these proposed dwellings and the existing trees. Conditions regarding new tree planting and landscaping will be applied to the consent and Officers are now satisfied with the scheme which is considered policy compliant on arboricultural grounds.

HIGHWAY SAFETY

- 4.33 Local residents have raised significant concern about the impact of this development on traffic congestion and free flow of traffic along Kidderminster Road and around the traffic island to the east of the site. Residents are concerned that the traffic generated by the proposals, in addition to existing traffic levels and recently approved development with the Triangle, would exacerbate the existing traffic and parking issues in the locality and potentially increase road accidents. Local residents believe the supporting information submitted with the application was undertaken at sub-

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optimal times of the year – some stating that surveys were conducted in August during the School holiday period.

- 4.34 The application is accompanied by a comprehensive Transport Assessment which provides details on accident data and a summary of the detailed junction capacity assessments which have been undertaken to understand the impact of the development proposals on the operation of the local highway network. Due to the timings of the initial survey, the Highway Authority recommended an initial deferral with the applicant required to undertake a second traffic flow/speed survey. This was duly undertaken in July 2022 and not August as mentioned within some of the neighbour representations and it has provided detail of the normal highway network conditions in accordance with DfT guidance document WebTAG Unit M1-2 Data Sources and Surveys. The Applicant has provided a full report within Appendix A of the Transport Addendum, and the Highway Authority raise no further objection on traffic generation grounds or impact of the development on the surrounding Highway network.
- 4.35 All plots have cycle parking to meet standards set out within the WCC Streetscape Design Guide, in either the form of a garage or shed.
- 4.36 Your officers concur with the views of the Highways Authority that there would be no cumulative residual severe impact on the impact of the local network.
- 4.37 In terms of accessibility, the Transport Assessment demonstrates that the site is well connected to the existing pedestrian network; well located for travel by bus; that there is a variety of key amenities within preferred maximum walking and cycling distance.
- 4.38 In order to maximise the use of the public bus services the applicant has agreed to the financial contributions to fund an extension of the existing bus service network. In addition to the above, a condition is also recommended requiring a CEMP to be prepared and submitted for approval, setting out the proposed hours of operation, routing, access proposals and site details. The development accords with Paragraphs 110(a) and 112(a) of the Framework which advise that developments should ensure that appropriate opportunities to promote sustainable transport modes are taken up given the type of development and its location and to give priority first to pedestrians and cyclist and to ensure appropriate facilities are provided that encourages public transport use.

FLOOD RISK AND DRAINAGE

- 4.39 A Flood Risk Assessment, Drainage Strategy and Flood Risk Addendum were submitted with the planning application, the latter to address initial comments made from North West Water Management.
- 4.40 The current FRA is currently inadequate and has not addressed all of the issues raised by the Watercourse Officer, however, approval is recommended by the Watercourse Officer subject to the developer submitting a revised Flood Risk Assessment that demonstrates compliance with Local Plan Policy SP.31 and NPPF par 167. The applicant has confirmed that this work is currently under way and the

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additional information will be provided to the Watercourse Officer shortly. The FRA must validate the modelled surface water flood risk as well as assess flood risk associated with the existing highway drainage system present on the site. It needs to include flood mitigation measures to ensure that the development will be safe from surface water flooding, including from the highway drainage system. In addition, it must demonstrate that the development, including the proposed mitigation measures will not increase the flood risk elsewhere. Only upon a no objection from the Watercourse Officer should permission be granted and relevant conditions will then be applied to ensure the findings and recommendations of the revised FRA are completed in accordance with the findings of the report.

- 4.41 Severn Trent Water also raise no objection to the proposals but suggest a condition be imposed on any approval requiring the submission and approval of plans for the disposal of foul and surface water. The Environment Agency were consulted and did not wish to make any comment.
- 4.42 The development would accord with Policy SP.32 of the Local Plan and Paragraphs 152, 167 and 169 of the Framework, which require major developments to incorporate sustainable drainage systems and to ensure that vulnerable development is located in areas of lowest flood risk and that developments do not increase flood risk elsewhere.

SUSTAINABILITY AND RENEWABLE ENERGY

- 4.43 The applicant has provided an updated, revised green energy statement for the development which consists of the following and is considered to go far above and beyond the Policy requirement of 10% renewable, with no mains gas supply to be brought onto site. All of the proposed new dwellings will benefit from compliance with the Building Regulations 2022, including the most recent uplift in Part L (Conservation of Fuel and Power). A fabric-first approach will include an increased external wall cavity width with full fill blown insulation, insulated beam and block floors, Hi Therm lintels and 'U' Values (the rate of transfer of heat through a structure) for walls, floors and roofs that are either equal to or in excess of the requirements of the most recent iteration of the Building Regulations.
- 4.44 Most importantly, the proposed development will rely solely on electric for space and water heating and each home will be individually equipped with an air source heat pump for this purpose. Air source heat pumps are much more efficient than gas boilers, run quietly, are cost effective in their operation and represent one of the most modern ways of heating a home. The above measures will ensure that the development is at the forefront of energy efficiency and will deliver a reduction in Carbon emissions of 31% in comparison to new-build properties under the previous Regulations. In addition, as this is a site-wide commitment, all residents will benefit from the chosen strategy whether the property is an Open Market sale or an Affordable tenure home. The combination of an improved building fabric with air source heat pumps will ensure the aforementioned significant reduction in Carbon emissions and provide the most cost-effective way of heating and maintaining warmth in a new home for all occupiers across the tenure mix.
- 4.45 Planning conditions are attached to secure this provision in accordance with Policy SP.37 of the Local Plan.

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OTHER MATTERS

- 4.46 The applicant has agreed to provide and maintain a defibrillator in perpetuity on site and this would ensure the health of future occupiers and benefit the local community.

PLANNING BALANCE

- 4.47 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.
- 4.48 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 10 affordable dwellings. The development would also support the local economy during both the construction and operational phase and would deliver measurable gains to biodiversity, play provision and include energy saving measures.
- 4.49 There would be limited 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-story buildings located in the site. Given the retained tree belt and proposed public open space along the eastern boundary, closest to the traffic roundabout, it is considered that the overall harm to the landscape character to be limited.
- 4.50 It is therefore considered that the proposed development would accord with the development plan as a whole.

PLANNING OBLIGATIONS

- 4.51 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
- 4.52 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

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4.53 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. £1,910 for bus provision and infrastructure requirements

WCC Monitoring fees that are applicable at the time of the signing of the S.106 agreement.

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

- Affordable Housing Provision

a. 25% (10) Affordable Housing Provision to be delivered, with 25% social rent and 35% shared ownership in accordance with Policy SP.10 as shown on Drawing No. 1011-AD-002R.

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

- Education

a. Early Years (EY) Contribution = £72,248

This contribution will be used to provide additional facilities at a local Early Years facility within 2 miles radius of the development.

WCC Monitoring fees that are applicable at the time of the signing of the S.106 agreement.

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

- Worcestershire Clinical Commissioning Group (CCG)

a. A contribution of £29,167 prior to the commencement of development

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

- Green Infrastructure and Biodiversity Management

a. Delivery of off-site net gain, physical works and ongoing maintenance - £153,300.00

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 Local Plan.

- Off-site Public Open Space

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a. A financial contribution of £32,828.76 towards provision of environmentally friendly play provision at Habberley Valley.

Trigger: To be paid prior to commencement

This provision accords entirely with Policies DM.7 and DM.8 of the Local Plan.

- Management Company
A Management Company to be set up to cover the maintenance and management of the SuDS, Public Open Space (excluding residential plots), unadopted footpaths as shown on Drawing No. 1011-LE-503B and in line with the Landscape Environmental Management Plan (LEMP) to be secured through a planning condition.
- WFDC Monitoring Fee
Monitoring fees to be applicable at the time of the signing of the S.106 agreement and to be in accordance with WFDC S106 Monitoring Fee Schedule.

5.0 Conclusion and Recommendations

- 5.1 The site is allocated for housing and the proposed layout has been informed by local character and context. It will provide a varied mix of open market and affordable homes to meet the housing needs of this and the future generation.
- 5.2 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. The internal road layout complies fully conform with the WCC Streetscape Design Guide and will be adopted by the County. It would provide a safe environment for all road users and the vehicular access is off Habberley Road in accordance with the site allocation requirement (Policy SA.B4). The investment in the creation of environmentally friendly play provision at Habberley Valley would not only benefit future occupiers but also the wider community. The development will promote active lifestyles and sustainable modes of travel.
- 5.3 The overwhelming public benefits of the development would outweigh the minor impact on landscape character. The loss of the open agricultural fields to housing development would result in minimal harm to landscape character, however, the degree of harm would be reduced in the long term when the new tree planting matures. It has also been accepted by consultees that suitable mitigation can be provided to ensure residential amenity to future occupiers can be safeguarded by the provision of an acoustic fence, and that measurable biodiversity net gains can be achieved. The planning system should be genuinely plan-led and as the application relates to a site allocation for housing and would not result in any identified harm, it is considered that the proposals would represent sustainable development and would accord with the Wyre Forest District Local Plan as a whole.
- 5.4 It is therefore recommended **DELEGATED APPROVAL** subject to;
- a) The submission of a satisfactory Flood Risk Assessment which is compliant with both the requirements of Policy SP.31 of the Adopted Local Plan and the requirements of

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the NPPF par 167 and subsequent no objection being received from the North Worcestershire Water Management Officer.

b) The signing of a S.106 agreement as set out at paragraph 4.55; and

c) The following conditions;

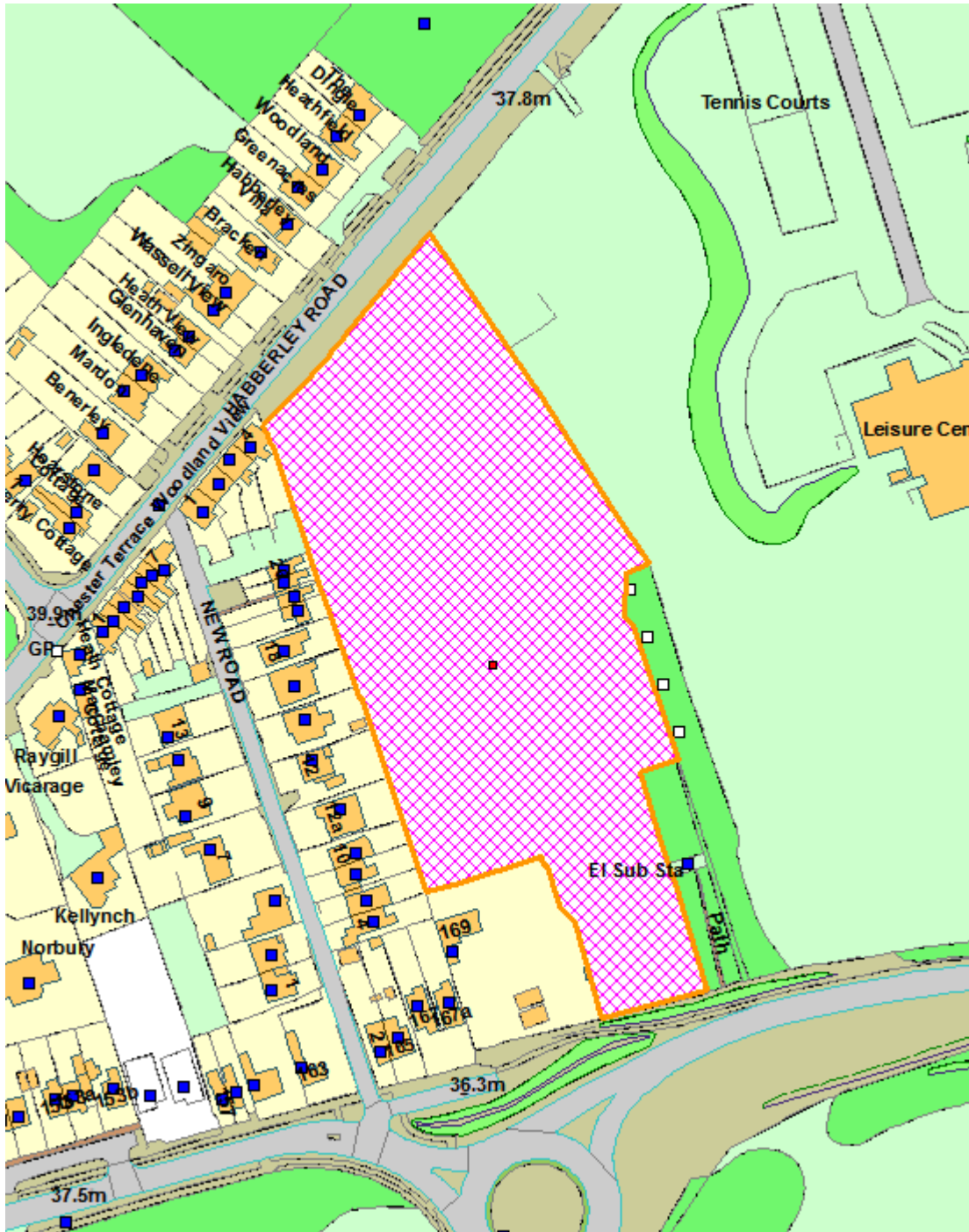
1. 3-year Time Limit
2. Require external materials and hard surfacing details
3. Require site and finished floor levels, including details of any retaining walls
4. Implementation of Landscaping Scheme
5. Require details of Defibrillator
6. Retention of all identified retained trees and hedgerows
7. Construction Environmental Management Plan (Noise)
8. Electric Vehicle Charging Provision
9. Secure Cycle Storage
10. Air Source Heat Pumps to all dwellings
11. Rainwater butts
12. Details of provision of PV Panels that accords with the recommendations set out in the submitted Sustainability Statement
13. Require water efficient measures
14. Provision of M4(2) dwellings
15. 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
 - d. Mitigation measures to avoid harm to nearby SSSI
16. A walkover badger survey and scheme of mitigation if required
17. Production and implementation of dark corridors for bat foraging.
18. To require external lighting scheme
19. Landscape Environmental Management Plan (LEMP) including management/maintenance/monitoring of soft landscaping and on-site habitats.
20. No Clearance Within The Bird Nesting Season.
21. Hedgehog Mitigation Plan
22. Additional Badger Survey And Mitigation
23. Scheme for Surface Water Drainage Strategy
24. SuDS Management Plan
25. Construction Surface Water Management Plan
26. Details of disposal of foul and surface water
27. Written Scheme of Investigation for Archaeology implementation
28. To require highway lighting details
29. Construction Environmental Management Plan (Highways)
30. Access and Parking arrangements
31. Visibility Splays

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32. Removal of Permitted Development Rights for future boundary treatment forward of the principle elevation of any dwelling house
33. To require details of screening for any substation or pumping station to be installed
34. A revised noise assessment / technical note to demonstrate that the glazing/ventilation products will meet the recommended sound insulation specifications of the originally submitted noise assessment for approval.
35. List of approved plans

NOTES

- Section 106 Agreement
- Inform developer that battery storage is necessary for dwellings with PV solar 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
- 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 At Os 379942 276049 Habberley Road Bewdley Worcestershire

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PART B

Application Reference:	22/0971/TPO	Date Received:	30.11.2022
Ord Sheet:	383990 277713	Expiry Date:	25.01.2023
Case Officer	Alvan Kingston	Ward:	Broadwaters

Proposal: Fell 3 x Hazel coppice stools, 1 Sycamore and an English Elm

Site Address: Land At Os 383990 277713, Chester Road North, Kidderminster, Worcestershire, ,

Applicant: Mr Bruce Whitmore

Summary of Policy	SP.23, SP.24, SP.25
Recommendation	APPROVAL
Reason for Referral to Committee	Cllr. Mary Rayner has requested the application be referred to planning committee.

1.0 Planning History

1.1 There is no planning history for the application site.

2.0 Consultations and Representations

2.1 Ward Members – Cllr. Mary Rayner has submitted an objection which reads as follows: *“I do not have a problem with the building. I do have a problem with two other issues that of the safety of pedestrians and the wall along by the footpath and the second one is the trees. I would like the same number of trees planted as there are being cut down. I would therefore like it to go to full planning committee”*.

2.2 Kidderminster Town Council – No Objection.

2.3 Neighbour Representations – There have been six representations received for this application. Four representations object to the proposed work and two support the application.

3.3.1 Representation 1: Mr Mark Watkins of 72 Coronation Way, Kidderminster:

Comment Reasons:

- Affect local ecology
- General dislike of proposal
- Information missing from plans
- Not enough information given on application
- Out of keeping with character of area

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- Over development

Comment: I strongly Object

“These beautiful trees should be left alone to age until they fall, they are not near any properties so I do not understand why they should be removed to build a wall. The trees are protected by TPO's (Tree Protection Order) and should not be touched. The trees are very established and are used by a lot of birds as a habitat and to nest for breeding young year after year.

There are red listed birds that use these trees and need protecting under The Wildlife & Countryside Act 1981. The application form states there are diagrams / drawings attached which are missing. We are too fast at destruction the wall could be built in a different location to stop the land moving.

This land and trees should be left alone not destroyed and flattened to create access to the shops and to create a BMX track, which I assume is going to be a business”.

3.3.2 Representation 2: Mrs Tracy Thomas of 340 Chester Road North, Kidderminster.

Comment: *Too many trees are being removed from this area. There is wildlife in this area that must be protected at all costs.*

3.3.3 Representation 3: Mr David Henley of 342 Chester Road North Kidderminster

Comment: *This is good news. The land was a mess, the new fence protects the properties above and looks aesthetically pleasing. The trees will be protected by the The lack of maintenance on the land previously meant it was an eyesore and home owners adjacent bar 1 never bothered to look after it so at least it has been tidied up.*

3.3.4 Representation 4: Natalie McNeill of 348 Chester Road North Kidderminster

Comment Reasons:

- Affect local ecology
- Other - give details

Comment: *We object to this Application due to below reasons. Why do the trees have to be cut down if there is not anything wrong with them? Why can't they use their knowledge to prevent the disease happening in the first place.*

With the correct maintenance surely, they keep the trees healthy. I agree it needs looking after especially from the main road as it does not look tidy but once the bushes/ivy are tidied along with paths and drains I cannot see how cutting down trees will make the paths look any tidier as they are in the bank not on the path.

It does not state where the path is going to be placed on the planning so are we to assume it will be on the main road. It is a very steep bank going down onto the main road, is it a path they want to add or a road. Parking on the road is tight sometimes and that is residents with a visitor stopping by. Where would the cars park? The top of the land is tight for parking as it is as it is a cul-de-sac. If cars start parking against the kerb how will cars get off the drive and can emergency services get down the road.

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The retaining wall is a good idea, as it would be nice to keep the woodland protected not only for the wildlife living in there but the safety of the houses opposite and above the woodland area. But the trees should also be a priority.

3.3.5 Representation 5: Kyle Whitmore of 79 Broom Crescent, Kidderminster

Comment: Firstly, I would like to thank the new owner for tidying up this eyesore and securing this land to stop the fly tipping and the dumping of garden waste/rubble which has occurred in the past. It would be nice to see this land being utilised other than just becoming a hazard and a dumping ground. The retaining wall will put other peoples mind at rest as there is currently nothing in place to prevent the road/bank from subsiding further. There is clear evidence of this erosion/ subsidence taking place and it needs to be addressed.

3.3.6 Representation 6: Mrs Sharon Trigg of 352 Chester Road North, Kidderminster.

Comment Reasons:

- Affect local ecology
- Increase danger of flooding
- Information missing from plans
- Not enough info given on application

Comment: I do have some concerns/questions, but my comments are largely positive. I love the trees opposite our houses & seeing the birds/squirrels over there is wonderful. The planting is good for the environment & local wildlife, helps reduce flooding, acts as a barrier to reduce the noise from the main road & is generally lovely to look at. However, the land needs to be made safe from further slippage so if a retaining wall will protect the site for the future then it is the right thing to do. If certain trees/shrubs are to be removed to build the wall then I would like to see a stipulation made for replacement trees/shrubs.

I agree the pavement on Barnsley Hill requires a major tidy up - the path has been reducing in size each year due to the woodland overspill. The new fence along our cul-de-sac looks good & protects all our properties - & the amount of litter in the street has drastically reduced since the walkway through the wood has been closed off.

I would like further information regarding the planned access as I am confused as to where the proposed gate will be on the land. It is not clear if this is from the Barnsley Hill side towards the old.

Yew Tree pub site or from the cul-de-sac. Will this be a small gate for people or larger access for vehicles?

I am concerned about any increase in cars parking along the cul-de-sac as the road is narrow and parking is already tight.

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3.0 Site Location and Description

- 3.1 The trees within this application are located within a small secondary woodland on land between the main Chester Road North and the side road, of the same name, that services properties 339 to 370.
- 3.2 All 5 trees are growing close together at the bottom of the bank in line with 316 and 344 Chester Road North. The condition of the wood in this location is very poor with building material and household rubbish dumped throughout.
- 3.3 Looking at historical maps the land in question was ornamental woodland between 1884 and 1926 where it looks like the trees were cleared. Woodland was again present in 1926, but cleared again by 1939. The current woodland is a mixture of good quality oak and hazel, mixed with low grade sycamore and Robinia.

4.0 Officer Comments

- 4.1 The bottom of the bank, in the location referred to in paragraph 1.2, looks to have been eroding for several years. This is illustrated by the exposed root systems of the three application hazel coppice stools on the edge of the bank. To stop the erosion of soil, and potential slippage of ground, it seems reasonable for the applicant and owner of the land to build a retaining structure, which does not require formal planning approval.
- 4.2 Unfortunately, the five trees within this application site are close to the location of the required retaining wall and so its construction will impact on the root systems of all 5 trees, impacting on their health and increasing chances of failure.
- 4.3 The three application hazels are small and have little public visual amenity value, as they are not clearly visible from public vantage points. The elm is young and again has little public visual amenity value. In addition, there is a good chance it will become infected with Dutch elms disease (DED) within the next 10 years or so. There is a case to retain it until it does succumb to DED but cannot if the retaining wall is to be built. The Sycamore is a reasonable specimen, which officers would like to see retained, however it too has little public visual amenity and cannot be retained if the wall is to be built.
- 4.4 Officers have noted all six representations and can see that there are strong feelings for and against the proposed removal of 5 trees from the woodland block. However, the objections, to the proposed works, are worded in a way that point to a significant amount of the trees within the woodland being removed, which is not the case. Therefore, for the reasons given in Para. 4.3, officers do not feel that the proposed works, in isolation, will have any impact on the amenity of the woodland or surrounding landscape, the ecology or biodiversity value of the site or the potential to increase flooding.
- 4.5 It is agreed that the application form submitted is not clear in the works that are being applied for, so officers have had a site meeting with the applicant to clarify the proposed works and ensure only the works necessary are listed in the description of works.
- 4.6 There has been 7 trees removed on an exemption, within the wood, due to their poor health and potential to cause harm or damage, all of which will need to be replaced.

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4.7 If permission is granted to the proposed works a condition to plant 5 native trees will be added, in line with the request of Cllr. Rayner.

5.0 Conclusions and Recommendations

5.1 Officers consider the proposed works, to be acceptable to facilitate the construction of the retaining wall and that the 5 application trees have a low public amenity.

5.2 It is therefore recommended that **APPROVAL** be granted, subject to the following conditions:

1. TPO1 - Non-standard Condition '2 year restriction of Consent Notice'.
2. C16 – Replacement tree planting of 5 native species.
3. C17 - TPO Schedule of Works

5.3 Schedule of Works

Only the following works shall be undertaken

Fell 3 x Hazel coppice stools, 1 Sycamore and 1 English Elm

PART B

Application Reference:	22/0992/RG3	Date Received:	21.12.2022
Ord Sheet:	383277 276708	Expiry Date:	18.01.2023
Case Officer:	Richard Jennings	Ward:	Blakebrook And Habberley South

Proposal: Prior Notification for demolition of nos. 1, 2 to 6 and 7 to 10 Worcester Street and nos. 1 to 3 Oxford Street

Site Address: 1-10 Worcester Street And 1-3 Oxford Street, Kidderminster, Worcestershire, DY10 1EA,

Applicant: Mr Clayton Maponga

Summary of Policy	N/A
Recommendation	Approval with Conditions
Reason for Referral to Committee	WFDC are the applicant

1.0 Planning History

No relevant planning history.

2.0 Consultations and Representations

2.1 Highways Authority – No objection in principle to the Prior Notification for proposed demolition works which are recognised as being a key part of the Future High Streets Fund (FHSF) Program. However, further details of the Demolition Method Statement are required, to include HGV movements associated with the demolition and details of any impact on the highway network to include traffic management procedures, temporary closures and / or stopping up orders will also need to be agreed.

2.2 Countryside and Technical Services Manager – No objection subject to conditions. It is recommended that prior to the demolition works commencing on buildings identified as having roost potential, a bat emergence survey shall be undertaken by a licenced and experienced ecologist during the appropriate bat survey season, earliest being May 2023. The results of this survey used to produce a bat mitigation strategy and if necessary form the basis of a Protected Species Licence application. The Bat mitigation strategy being submitted to the local planning authority for approval and all recommended pre-commencement mitigation to be implemented prior to any demolition works being undertaken that could impact on any roosts.

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- 2.3 Worcestershire Regulatory Services (Noise Assessment) – The submitted Preliminary Outline Demolition Method Statement appears comprehensive in terms of the proposed measures to monitor and mitigate emissions of noise, vibration and dust during the demolition activity. When a demolition contractor has been appointed, they should submit a detailed Demolition Method Statement for approval prior to the proposed works commencing.

3.0 Site Location and Description

- 3.1 The application relates to No.1, No. 2 to No.6 and No.7 to No.10 Worcester Street Kidderminster and No. 1 to No. 3 Oxford Street, Kidderminster.
- 3.2 Nos.1, No. 2 to No.6 and No.7 to No.10 Worcester Street comprise three-storey buildings accessible from both: Worcester Street at ground floor level, and the car park next to Bromsgrove Street at upper floor level. There is a difference of levels between both access streets of approximately 10m high, with the rear wall of the ground floor consisting of a concrete retaining wall. Between No. 2 to No.6 and No. 7 to No. 10 Worcester Street, there is an alleyway formed by steps connecting Worcester Street to the car park in Bromsgrove Street
- 3.3 Nos. 1 to No. 3 Oxford Street comprise a three-storey building accessible from both Oxford Street at ground floor level, and Worcester Street at upper floor level and there is a difference of levels between both access streets of approximately 3.3m high with the rear wall of the ground floor consisting of a concrete retaining wall.

4.0 Officer Comments

- 4.1 The application has been submitted in accordance with Condition B.2 (b), (i) of the Town and Country General Permitted Development Order 2015 Class B, Schedule 2 Part 11. A site notice has been displayed. The only matters to be considered in this prior approval application are the method of demolition and the means of restoring the site.
- 4.2 In terms of the method of demolition, the applicants are proposing the removal of the superstructure and breaking up of the existing ground floor slab and foundations with installation of temporary works suitable to provide temporary stability to existing retaining walls of the existing buildings. It is proposed that all demolition works will be undertaken either by hand or by plant using hydraulic powered demolition pulverising attachments. Compressors and generators will be of a super silenced type. The sounding of vehicle horns on site would be strictly forbidden, unless in an emergency capacity. All site plant would also be effectively silenced and located in such areas of the site to minimise noise levels generated. Furthermore, all demolition debris would be broken up into manageable sizes and loaded onto lorries, to be transported off site for crushing and re-use or disposal in approved landfill.
- 4.3 The Highway Authority and Worcestershire Regulatory Services raise no objection to the principle of the method of demolition, however, consider it necessary to require a planning condition to be attached to require a more detailed demolition method

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statement to include heavy goods vehicle movements, details of any impact on the highway network to include traffic management procedures, temporary closures and / or stopping up orders and measures to ensure no significant noise, vibration or dust issues. Your Officers consider that this condition is necessary and reasonable given that a comprehensive demolition method statement would be prepared once a demolition contractor has been appointed to undertake the works.

- 4.4 Your Officers consider that the means of restoring the site are acceptable. It is proposed that site hoardings would be erected around the site which would be solid and a minimum 2.4 metres above ground level. In addition, all exposed party walls would be made good and finished in accordance to Party Wall agreement details.
- 4.5 The applicants have submitted a preliminary Roost Assessment which has concluded that there is no evidence of bats or bat usage within any of the buildings, however it was identified that potential roosting features could exist in locations such as gaps in the brick work, behind facias boardings, hanging tiles, roofing tiles and leaf flashing and free flight access was available through broken windows and doors.
- 4.6 The applicant has confirmed that a further survey would be undertaken at the start of the bat activity season in May 2023 when the weather conditions are suitable. As recommended by the Countryside and Technical Services Manager a condition is attached to secure the implementation of a Bat emergence survey during the appropriate bat survey season, and for all mitigation measures to be carried out prior to any demolition works. The Countryside and Technical Services Manager raises no objection subject to the imposition of this condition.

5.0 Conclusion and Recommendations

- 5.1 Your Officers and the relevant consultees raise no objection to the proposed method of demolition and to the proposed restoration of the site, subject to the submission of a detailed demolition method statement/management plan to safeguard highway safety and the amenity of adjoining occupiers/residents during the demolition and a further bat survey being undertaken.
- 5.2 Officers recommendation is that prior approval is required and to approve with the following conditions:
 - 1. Requires the prior submission of a demolition method statement/management plan.
 - 2. Requires the prior submission of a Bat Emergency Survey report.
 - 3. Requires the scheme to be in accordance with the approved plans