

Open

Planning Committee

Agenda

6pm
Tuesday, 14 February 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 H E Dyke

Councillor P Harrison

Councillor F M Oborski MBE

Councillor D Ross

Councillor V Caulfield

Councillor C Edginton-White

Councillor M J Hart

Councillor C Rogers

Councillor L Whitehouse

Information for Members of the Public:-

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

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

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

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

Public Speaking

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

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

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

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright , Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

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

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

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

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

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

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

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

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

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or 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, 14 February 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 17 January 2023.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	Decisions Contrary to the Officer Recommendation To consider what actions need to be taken when the Planning Committee are minded to make a decision contrary to the Officer Recommendation.	59
7.	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.	

8.	<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

9.	<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

17TH JANUARY 2023 (6PM)

Present:

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

Observers:

Councillors: J F Byng and R H Coleman.

PL.29 Apologies for Absence

Apologies for absence were received from Councillor: D Ross.

PL.30 Appointment of Substitutes

Councillor I Hardiman was a substitute for Councillor D Ross.

PL.31 Declarations of Interests by Members

No declarations of interest were made.

PL.32 Minutes

Decision: The minutes of the meeting held on 13 December 2022 be confirmed as a correct record and signed by the Chairman.

PL.33 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 606 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 606 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

There being no further business, the meeting ended at 6.33pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

17 January 2023 - Schedule 606 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: 22/0316/FUL
Site Address: Land At Os 379942 276049, Habberley Road, Bewdley, Worcestershire
Councillor C Barnett entered the meeting during the presentation at 6.16pm, she did not take part in the debate or vote on the matter.
The Committee received representations from Councillor J Byng (Ward member) prior to a decision being made.
DELEGATED APPROVAL subject to;
<ul style="list-style-type: none"> a) A further detailed Flood Risk Assessment to be submitted to the satisfactory of Policy SP.31 and 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; <ul style="list-style-type: none"> 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 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: <ul style="list-style-type: none"> 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
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

Application Reference: 22/0971/TPO
Site Address: Land At Os 383990 277713, Chester Road North, Kidderminster, Worcestershire
APPROVED subject to the following conditions: <ol style="list-style-type: none">1. TPO1 - Non-standard Condition '2 year restriction of Consent Notice'2. C16 – Replacement tree planting of 5 native species3. C17 - TPO Schedule of Works Schedule of Works: Only the following works shall be undertaken Fell 3 x Hazel coppice stools, 1 Sycamore and 1 English Elm

Application Reference: 22/0992/RG3
Site Address: 1-10 Worcester S1-10 Worcester Street And 1-3 Oxford Street, Kidderminster, Worcestershire, DY10 1EA
APPROVED subject to the following conditions: <ol style="list-style-type: none">1. Requires the prior submission of a demolition method statement/management plan2. Requires the prior submission of a Bat Emergency Survey report3. Requires the scheme to be in accordance with the approved plans

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
22/0153/FUL	Old Bliss Farm Barns Old Bliss Farm Gorst Hill Rock Kidderminster Worcestershire DY14 9YG		12

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
22/0840/FUL	162 ,164 And Land Rear 165 Sutton Park Road Kidderminster Worcestershire DY11 6LF		20
22/1006/LBC	Quayside At Os 378830 275380 Stourport Road Bewdley Worcestershire		38
22/1034/FUL	Quayside At Os 378830 275380 Stourport Road Bewdley Worcestershire		38

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE****14 February 2023****PART A**

Application	22/0153/FUL	Date	02.03.2022
Reference:		Received:	
Ord Sheet:	374440 272698	Expiry	27.04.2022
		Date:	
Case Officer	Richard Jennings	Ward:	Bewdley And Rock

Proposal: Erection of 1.no 4 bedroom house and 1no. 3 bedroom bungalow with improved access, following demolition of agricultural building

Site Address: Old Bliss Farm Barns, Old Bliss Farm, Gorst Hill, Rock, Kidderminster, Worcestershire, DY14 9YG,

Applicant: Mr R Shimwell

Summary of Policy	DM.24, SP.27, SP.20, SP.11, SP.23, SP.22, SP30 amd SP.32 of the Wyre Forest Local Plan (Adopted April 2022) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	Parish Council Objection and Register to Speak

1.0 Planning History

- 1.1 21/1090/PNR – Conversion of Barn to Dwelling House - Prior Approval Granted 14.01.2022
- 1.2 23/0018/PNR - Change of Use of Agricultural Buildings to Dwelling Houses (Use Class C3) - Prior Approval Granted 3.02.2023

2.0 Consultation and Representations

- 2.1 Rock Parish Council – The council re-considered this previously submitted application in light of recent decisions by inspectors where Class Q approval should have been given considerably more weight when determining applications. Following a detailed

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debate Council resolved to recommend refusal again to this application because this site is outside the settlement boundary which was, recently approved by the Planning Inspector, for construction of new dwellings, it is on agricultural land and over development of the site. The housing needs for Rock Parish, established by WFDC's Housing Needs survey, have been more than satisfied, 14 local residents have opposed this application along with Worcestershire County Highways objects to this development" It was further resolved Councillor Sally Watkins would represent the Parish Council should this matter be referred to the Planning Development Control Committee.

2.2 North Worcestershire Water Management – No objection subject to the following condition being attached:

“No works in relation to site drainage shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method for the disposal of surface water and treated effluent should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal water drainage assets. The foul and surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.”

2.3 Countryside and Technical Services Manager – No objection subject to conditions.

The application site has negligible biodiversity value. The following mitigation measures will need to be conditioned to assure no Biodiversity harm and the deliverance of Net Gain. Conditions recommended are as follows:

- Site clearance works will be undertaken outside of bird nesting (Feb to Aug) season or the services of an ecologist employed to prevent harm to nesting birds.
- A landscaping plan be produced to include native planting prior to being implemented.
- 2 x Bird box provision to be delivered following the recommendations of Nov 2021 PEA.
- A CEMP is produced and implemented taking on the recommendations of the PEA to include excavations are covered and a means of escape provided. The CEMP should also flag actions in the unlikely event Great Crested Newts are found.
- No new lighting will be provided without prior agreement by the LPA that has potential to impact on adjacent trees or hedge lines.

2.4 Highway Authority – No objection subject to conditions. The latest plan showing the amended visibility splays with an offset of 1000mm to the left on exit and this drawing as accepted. Nonetheless, as before, the Highways recommendation of refusal due to the lack of locational sustainability and lack of a genuine choice of transport modes still stands (Paragraph 110 and 112 NPPF). The shared driveway is to be tarmac surfaced however due to the level differences, further drainage details are required. It is also noted that there is a telegraph pole in this location which will be directly

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adjacent to the proposed access and must not be impacted by these works. The proposed access is to be laid out as a verge crossing and the verge is to be reinstated as part of the existing access closure and all access works in the highway must be carried out by WCC contractors Ringway as per the note below.

2.5 Worcestershire County Council's Archaeologist – No objection. The development affects an undesignated heritage asset recorded on the Historic Environment Record 'WSM61445 Old Bliss Farm, Rock', which is an early 19th century farmstead typical of the local area. The proposed development does not directly impact the recorded historic buildings on the site (WSM53795 Farmhouse, Old Bliss Farm and WSM32174 Threshing Barn, Old Bliss Farm) and there is no suggestion that the farm lies on the site of earlier settlement. Although there will be some impact to the setting of the heritage assets, it is considered that this will be a minor adverse impact to heritage assets of local significance. No objection.

2.6 Neighbour/Site Notice Representations – 12 letters of neighbour objection received in relation to the proposal, the main points raised are summarized below.

- The Parish Housing Needs Plan (2019). Housing numbers are now exhausted
- The development of larger gardens will result in a greater level of domestication including garden buildings etc.
- Highway implications
- Impact on Biodiversity
- Visual dominance
- Lack of adequate public transport
- Lack of justification for 2 dwellings as opposed to one.
- The proposal will 'open the floodgates' to anyone wishing to construct a new dwelling in the Parish
- Lack of compliance with the development plan policies
- Impact on existing levels of services, electric supply etc
- Several large dwellings have already been constructed in the vicinity over recent years.
- Lack of pavements for pedestrians
- The proposal is outside the settlement boundary
- Poor design
- The development should be for agricultural purposes
- The current barn which has consent, could be retained making the possibility of 3 new dwellings on site

3.0 Site Location and Description

3.1 The site consists of a disused steel frame barn, finished in blockwork and cladding extending to approximately 0.11ha located off the A448 Stone Hill highway, between Mustow Green and Kidderminster within the West Midlands Green Belt.

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- 3.2 Prior approval was granted for the conversion of the existing barn to a single dwelling house under application 20/0649/PNR in October 2020 and a subsequent Prior approval this year (23/0018/PNR) has lawfully established the use of the building as two residential dwellings.

4.0 Officer Comments

POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN

- 4.1 The proposal is for the construction of 2 new build dwellings in lieu of a current live consent for the conversion of a barn currently on site into 2 dwellings. The application proposes demolition of the barn and utilisation of the barns volume into 2 new build energy efficient homes. The resulting volume of the new build dwellings will be lower than the existing barn as will the height and massing of the proposed development. The applicant therefore proposes that the resulting built form will be of a lesser visual impact.
- 4.2 Several letters of objection have been received regarding the proposal, however in the main they fail to fully take into account the current extant consent and realistic fall-back position which exists. Members should be aware that this fall-back position of a class Q fall-back position has been tested repeatedly on appeal and as part of a recent appeal case at a neighbouring Worcestershire authority it was once again concluded by the Inspector that *“the Class Q approval has created a fallback position that is a material consideration to this appeal. As such, the principal of residential use on site has already been established”*.
- 4.3 Having confirmed therefore that we are dealing with lawful residential volume, the proposal must be treated as a replacement dwelling(s) and therefore we must solely consider the requirements of Policy SP.11 section 3 (Replacement Dwellings) and its clear requirements, and not as is the case in many of the objections raised, including that of the Parish Council, Section 1 (Rural exception Sites) and its associated Parish needs and settlement boundary requirements which are not relevant in this case where lawful residential principle already exists.

DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.4 The proposed dwellings will result in the creation of 2 smaller units in lieu of the previously approved very large conversion, however cumulatively, they result in a reduction in volume, massing, size and footprint. The original approved residential conversion scheme has a volume of 1855 cub/m, with the proposed scheme having a total volume of 1580 cub/m, which represents a substantial reduction in mass. The height of the original building is 7.4m and the 2-storey replacement maintains this height. The remainder of the replacement volume in the form of a bungalow results in a significant reduction in ridge height of 5.3m. Therefore, ensuring that the overall massing of the cumulative, proposed development will be significantly lower, in accordance with Policy DM.29 of the Wyre Forest District Local Plan.
- 4.5 Class Q of the The Town and Country Planning (General Permitted Development) (England) Order 2015 places little reliance on design and often only serve to produce functional, utilitarian dwellings merely by amending existing, very large, unsympathetic steel frame buildings of little architectural merit, as is the case in this instance. The

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resulting replacement new build dwellings are of good design and proportion, giving the opportunity to incorporate many of the local rural architectural characteristics to ensure the resulting buildings sit harmoniously within their setting and do not appear as an incongruous feature in the landscape as would be the fall-back position.

- 4.6 The new build, replacement dwellings are of modern design whilst still reflecting the surrounding agricultural heritage of the area, adopting a material pallet gaining inspiration from surrounding buildings. All materials including cedar timber cladding and facing brickwork would be the subject of a condition requiring their agreement with the Local Planning Authority. The replacement of the former agricultural building brings the opportunity to construct code 6 compliant sustainable homes far superior to the conversion which they seek to supersede. The dwellings would benefit from 4kw solar panels, a ground source heat pump in order to give maximum thermal efficiency, rainwater harvesting, and biodiversity gains in the form of roosting/nesting opportunities. The layout itself overlays the existing building which relates well to the adjacent buildings and the character of the area, and therefore removes any concerns raised as part of the neighbour representations that the barn may also be retained as to construct the new dwellings the barn has to be demolished. Overall, the design and layout is acceptable and provides high quality design in accordance with the development plan.
- 4.7 The property provides adequate amenity area and will not impact on surrounding properties. The resulting residential amenity of the new build replacement dwellings will be far superior to that of the approved conversions for which they seek to replace. The resulting impact on neighbouring amenity between the extant consent and the proposed replacement is considered negligible. The proposed development therefore would accord with Policies SP.20 and DM.24 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

BIODIVERSITY

- 4.8 The Countryside and Technical Services Manager has commented that the site is of little biodiversity interest due to their construction method. Carefully worded conditions will ensure that nesting birds are not negatively impacted by the proposed works, no new lighting is erected on site without prior approval by the LPA to ensure protected nocturnal species are unaffected by the development, a CEMP is produced to ensure the development process has no other impact on important species in terms of the physical works taking place and that a landscaping plan is produced to ensure the final development results in an overall betterment of the site in terms of biodiversity potential. The proposed development would therefore accord with Policy SP.23 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

HIGHWAYS AND ACCESS

- 4.9 Following the submission of additional information by the applicant, the Highway Authority have submitted revised comments confirming that a conditional approval is satisfactory should the final details not be received prior to approval.
- 4.10 The proposal is therefore in accordance with Policy SP.27 of the Wyre Forest District Local Plan and the National Planning Policy Framework, subject to the imposition of the Highways Authority suggested conditions and results in a proposal which has no negative impact on either Highway safety or the local network.

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5.0 Conclusion and Recommendations

- 5.1 The proposal relies on a realistic fall-back position in the form of an extant Class Q consent to convert the existing farm buildings into residential use. The applicants advance the positive benefits of the proposal both in terms of sustainability credentials and design. Members are advised that the formation of two smaller dwellings from the existing, lawful, residential volume from which the site already benefits, should not be considered under the criteria for Rural Exception Sites and its heavy reliance on addressing local housing need, but should be considered as a replacement dwelling, which is addressed separately under the same policy. The subdivision of this lawful residential volume into two smaller units also carries no Parish need requirement or settlement boundary locality, as would be the case in any other subdivision or replacement of an existing lawful dwelling. When the proposal is correctly considered against the replacement dwelling criteria, it is clear that it represents a fully policy compliant development Principle.
- 5.2 With the principle of development established, this merely leaves two overriding issues for consideration. Thus being whether the proposal is not materially larger than that which it replaces and secondly that Highway safety and neighbouring residential amenity are not unduly impacted above and beyond that of the existing lawful fall-back position. Firstly, it is clear that the resulting dwellings are volumetrically smaller than the approved conversion which constitutes the Fall-back position. In terms of Highway safety, the Highway Authority are satisfied with a conditional approval, therefore, any refusal on Highways grounds would be practically impossible to defend on appeal. With regards to neighbouring residential amenity, separation distances would be far greater than required in new build situations and result in a far greater separation distance than that which exists under the current conversion consent.

When considering all of the benefits on balance, including the reduction in massing of the resulting buildings, the improved sustainability credentials of new build and the clear design improvements over and above the conversion of the modern farm building, along with the social, economic and environmental benefits, I consider that the overall impact of the new build dwellings is far lower than the lawful fall-back position, and I consider the proposal to be fully policy compliant on all counts.

- 5.3 It is therefore recommended for **APPROVAL** subject to the following conditions:

- 1) 3 year time limit to commence development
- 2) List of approved Plans
- 3) Require material details
- 4) Site clearance works will be undertaken outside of bird nesting (Feb to Aug) season or the services of an ecologist employed to prevent harm to nesting birds
- 5) Require Landscaping Scheme
- 6) Require Implementation of Landscaping Scheme
- 7) 2 x Bird box provision to be delivered following the recommendations of Nov 2021 PEA
- 8) Construction Environmental Management Plan (Biodiversity)
- 9) Prevent new external lighting being installed
- 10) Require visibility splays
- 11) Require access, turning areas and parking facilities for both dwellings

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- 12) Require details of highway drainage
- 13) Require existing vehicular access to be closed
- 14) Require cycle storage
- 15) Require electric vehicle charging points
- 16) Scheme for foul and surface water drainage
- 17) Removal of permitted development rights Class A and E (extensions and outbuildings)

NOTES

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email: worcestershirevehicle.crossing@ringway.co.uk and Tel: 01905 751651. Applications can also be made online via the Worcestershire County Council website. The applicant is solely responsible for all costs associated with construction of the access.

Mud on the highway

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site during the construction phase of the development.



Economic Prosperity and Place Directorate

Old Bliss Farm Barns Old Bliss Farm Gorst Hill Rock Kidderminster Worcestershire DY14 9YG



Crown Copyright 100018317

PART B

Application Reference:	22/0840/FUL	Date Received:	17.10.2022
Ord Sheet:	381626 275537	Expiry Date:	16.01.2023
Case Officer:	Helen Hawkes	Ward:	Foley Park And Hoobrook

Proposal: Demolition of existing buildings (The Grange and 164 Sutton Park Road) and construction of 18 dwellings, provision of open space and, landscaping, surface water attenuation and associated enabling works

Site Address: 162 ,164 And Land Rear 165 , Sutton Park Road, Kidderminster, Worcestershire, DY11 6LF,

Applicant: Cameron Homes Ltd

Summary of Policy	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.K15 of the Wyre Forest Local Plan (Adopted April 2022) Design Guidance SPD Planning Obligations SPD Affordable Housing SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	DELEGATED APPROVAL SUBJECT TO S106 AGREEMENT
Reason for Referral to Committee	“Major” Planning Application

1.0 Planning History

- 1.1 The Grange, 162 Sutton Park Road
20/0033/FUL - Demolition of existing building and erection of 8 dwellinghouses, some with garages, together with new internal road and landscaping: Approved 16.12.2020. This consent remains extant until 16.12.2023.
- 1.2 164/165 Sutton Park Road
18/0649/OUTL - Outline consent for the erection of 3no. Dwellinghouses with all matters reserved: Approved 13.12.2018. This consent expired on 13.12.2021.

2.0 Consultations and Representations

- 2.1 Kidderminster Town Council – Supports the application.

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- 2.2 Worcestershire Regulatory Services (Noise) - No objection to the application in terms of road traffic noise adversely impacting future residents. If the application is approved, in order to minimise any nuisance during the demolition and construction phases, from noise, vibration and dust emissions, the applicant should refer to the WRS Demolition & Construction Guidance and ensure its recommendations are complied with. [Officer comment – An informative is attached to make the developer aware of the WRS Demolition & Construction Guidance]
- 2.3 Arboricultural Officer – No objection and has advised that most of the protected trees would be impacted less by the revised layout and that the revised landscape scheme is acceptable.
- 2.4 Wyre Forest Housing Enabling Officer – No objection and supports this application which includes 2 shared ownership properties. It is also advised that based on the fact that only two properties will be subject to our affordable housing policy it would seem reasonable to expect that the two properties to be shared ownership tenure as opposed to social rent due to the practicalities of a Registered Provider landlord in terms of management.
- 2.5 NHS Herefordshire and Worcestershire – No objection subject to a developer contribution to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculates the level of contribution required in this instance directly relating to the number of dwellings to be £14,443. Payment should be made before the development commences. Herefordshire and Worcestershire ICB therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.
- 2.6 WCC Strategic Planning and Environmental Policy - In terms of minerals and waste, the site is not within 250m of any safeguarded waste management site, therefore waste safeguarding does not arise. It is technically within a mineral safeguarding area for solid sand. We would encourage the applicant to make the best use of any on-site resources as part of the development in the interests of sustainability, but would not formally require this, because the site comprises the redevelopment of an existing urban site and a site allocated in the WFDC Local Plan. As such, we consider the site to be exempt from the need for formal mineral safeguarding. We would not require a Minerals Resource Assessment, and nor would we insist upon a specific minerals condition.
- 2.7 Worcestershire Regulatory Services (Potential Contaminated Land) - WRS has reviewed available documents and records in respect of potential contaminated land (PCL) issues at the above application site. The age of the nursing home to be demolished appears of an age where asbestos is likely to be present. A previous application on the site also mentioned concerns with the presence of a boiler and the amount of made ground. A minimum Phase 1 risk assessment should be undertaken, that should also identify the requirement for the importation of clean cover for landscaping. WRS recommend that a planning condition is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.

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- 2.8 Worcestershire Children First - No education contribution required for this application.
- 2.9 Worcestershire Water Management Officer – Following a revision to the planning application, it is now proposed to have individual soakaways to 12 properties which would be provided without impacting the trees. The remainder properties will go to a smaller basin, which will also still receive the highway runoff. The statement of the Director of Georisk (doc 22103_LO.002_310123_Statement on groundwater seepage_Sutton Park Road) confirms that no issues with seepage are expected from the proposed SuDS basin. The calculations with the 1:200 yr + 40% event (contained in doc 22111-Sutton Park Road-2023.01.30-Exceedance check) do show that even during this event there is still 463mm freeboard available in the basin. Based upon all the information now provided (using soakaways where possible and a basin; SuDS designed for exceedance events; seepage confirmed to be not an issue; and foul drainage only using pumping station if gravity connection cannot be achieved) I am happy to remove my objection to the scheme. Planning conditions should be attached to require the surface water drainage to be installed and maintained in accordance with the submitted details; SuDS Management Plan; Construction Surface Water Management Plan and a Foul Water Drainage condition.
- 2.10 Severn Trent Water – No objection subject to the inclusion of a condition to require details of the final drainage plans for the disposal of foul and surface water flows. An informative should also be attached to make the developer aware that there may be a public sewer located within the application site.
- 2.11 WCC Archaeologist - No objection. The County HER has been consulted and there are there are no known archaeological sites or areas highlighted as having potential within the vicinity of this development.
- 2.12 Worcestershire Regulatory Services (Air Quality) – Worcestershire Regulatory Services (WRS) have reviewed the application in relation to local air quality. The size of the proposal is above which for when WRS recommend that standard air quality mitigation measures (EV charging points, secure cycle parking, and low nox boilers) are incorporated as part of the development. This is to encourage the uptake of low emission modes of transport and to help alleviate pollution increases in the area. WRS therefore recommend that conditions are attached on any planning permission granted to require the standard air quality mitigation measures.
- 2.13 Wyre Forest Countryside and Technical Services Manager – No objection. The application has demonstrated that measurable biodiversity net gain can be achieved on site and that the harm to protected species can be suitably avoided or mitigated, subject to conditions to require a Construction Environmental Management Plan, External Lighting Details, Landscape Environmental Management Plan and to require a further bat and badger survey if the site clearance works have not been completed by September 2023

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2.14 Highway Authority – No objection subject to conditions. It is noted that there is an extant permission on this site (20/0033/FUL) for 8 dwellings with access and visibility previously agreed. Tactile paving will be required on the footway on either side of the access with details to be submitted as part of the S278 Agreement, please see the informative below. Vehicle parking provision per dwelling complies with standards and cycle parking can be accommodated within the garages however external cycle parking is required for Plots 16 and 17. Moreover, the vehicular access to Plots 16 and 17 should be widened to 4.1 metres to allow 2 vehicles to pass with pedestrian visibility particularly to the right on exit maximised. Dropped kerb works will be required to extend the corresponding vehicular crossing. It is acknowledged that a full Travel Plan has been submitted however the requirement for 18 dwellings is a Travel Welcome Pack which should be distributed to each dwelling at the point of first occupation. Guidelines as to the expected contents are provided separately and electric vehicle charging facilities per dwelling are also expected. Worcestershire County Council has a duty to consider the transport needs of elderly and disabled residents and a service must be provided for all elderly and disabled residents where no suitable bus service exists. Based on an analysis of the site location, a contribution of £415.00 towards community transport is requested. It is understood that the site will remain private and will not be put forward for adoption by the Highway Authority nonetheless, no drainage or effluent from the proposed development should be allowed to discharge into any highway drain or over any part of the public highway.

2.15 Neighbourhood/Site Notice Representations - 8 Letters of objection received from local residents during the initial consultation of the application, and the concerns raised are summarised below:

- Three storey buildings close to homes in Perrin Avenue would be an invasion of privacy;
- Higher number of dwellings compared to the previous planning consent (which was only for 8 dwellings) and lower quality homes impacting on the general exclusivity and desirability of the area;
- Impact on health and wellbeing of neighbouring residents;
- Increase in noise and nuisance;
- Lack of public transport or shops in the vicinity of the site;
- Impact on already stretched services;
- Loss of trees and hedgerows would harm wildlife;
- Traffic generation (at least 36 extra cars), which would cause added danger to people especially, children and elderly;
- Discrepancy in location plan as the application site encroaches into the gardens of properties in Tomkinson Drive [Officer comment – This has now been corrected in the revised scheme];
- The SUDS requirement reflects the extent of all the hard surfacing and such a pool could create worrying problems regarding the safety of children and potential insect infestation in the warmer weather that we can now experience; and
- Lack of details about tree management and control of saplings.

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3 Letters of objection and 1 Letter of support has been received following re-consultation on revised scheme from local residents. A summary of the comments received are given below:

- Pleased to see that some of the concerns previously raised have been addressed however it should be required that the shared hedgerow between the application site and Perrin Avenue is retained;
- Too many properties planned for the amount of space;
- Gardens look incredibly small;
- Loss of privacy due to the removal of trees;
- Trees and bushes missing from the plans;
- Affect local ecology;
- Close to adjoining properties;
- Conflict with local plan;
- General dislike of proposal;
- Inadequate access;
- Inadequate public transport provisions;
- Increase in traffic;
- Increase of pollution;
- Loss of privacy;
- Noise nuisance;
- Not enough information given on application;
- Out of keeping with character of area;
- Over development;
- Strain on existing community facilities;
- Visibility issues when leaving the site due to roadside trees and traffic speeds;
- No mention on who will remove and keep control of the ivy issue, which is destroying neighbouring fences; and
- Introduction of smaller lower priced homes would adversely impact on the desirability of this area of Kidderminster.

3.0 Site Location and Description

- 3.1 The application site is located on the northeast side of Sutton Park Road, within the urban area of Kidderminster. The site measures 1.16 hectares and comprises: the land and buildings associated with 'The Grange' a former care home which is now vacant; a vacant and dilapidated dwelling at 164 Sutton Park Road which sits behind The Grange and is accessed by a long driveway located between The Grange and 165 Sutton Park Road; and the site also includes part of the rear garden belonging to the dwellinghouse at 165 Sutton Park Road, which has a road frontage to Sutton Park Road.
- 3.2 The site contains a significant number of mature trees and hedgerows, sited mainly around the site boundaries as well as to the rear of The Grange site and along the driveway leading to 164 Sutton Park Road. Some of the trees are subject to tree preservation orders (TPO 267 and TPO 439). The topography of the site gently falls from west to east and the ground level of the former The Grange site is around one

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metre lower than the existing bungalows in Perrin Avenue. The Grange site comprises man-made land which has been built up to provide a levelled site for the care home buildings and the rear boundary of The Grange site falls steeply down to the residential plot of 164 Sutton Park Road. The application site contains two vehicular access points off Sutton Park Road, with one serving The Grange and the second serving 164 Sutton Park Road, via the long driveway. The site falls within Flood Zone 1 and there are no listed buildings on or adjacent to the site or areas of high ecological importance near to the site.

- 3.3 The site is bounded on all sides by existing residential properties. To the west, is a two-storey property that fronts onto Sutton Park Road and then there are bungalows adjoining the site located in Perrin Avenue, which are on higher ground level than the application site and are screened by a 3-metre-high hedgerow. To the east, the site is adjoined by two-storey properties in Tomkinson Drive and to the southeast are two-storey properties that front onto Sutton Park Road.
- 3.4 The residential plots at 164 and 165 Sutton Park Road are allocated under Policy SA.K15 for residential development and within the sub-text of the policy it states that *“A limited number of dwellings could be provided off a single private road (5 including 2 retained dwellings)”*.
- 3.5 The application seeks full planning permission for the erection of 18 dwellings, following the demolition of the existing buildings (The Grange and 164 Sutton Park Road), including associated public open space, sustainable urban drainage systems, landscaping, engineering works and parking.
- 3.6 The applicant has been able to apply Vacant Building Credit (VBC) to offset the current floorspace associated with the existing vacant buildings with proposed residential development to reduce any associated affordable housing requirement in accordance with Policy SP.10 of the Wyre Forest District Local Plan and the National Planning Policy Framework (NPPF). The VBC calculation results in a requirement for 1.13 affordable homes and it has been proposed that 2 shared ownership homes would be offered which has been accepted by the Council’s Housing Enabling Officer. The remaining 16 dwellings would be provided as open market.
- 3.7 The 16 open market dwellings would be positioned around a new cul-de-sac road off Sutton Park Road with areas of open space provided to help soften the streetscene. All houses would have a direct relationship with the new cul-de-sac road or to a private driveway and sufficient separation distances between the dwellings has been provided to ensure an acceptable living environment for future occupiers and to safeguard the amenity of neighbouring residents. The proposed shared ownership dwellings would be sited together, adjacent to 165 Sutton Park Road, and would share the access off Sutton Park Road, which is currently serving 164 Sutton Park Road. All dwellings have been sensitively sited following a sunlight/shadow study to ensure the retention of most of the trees and hedgerows within the site. All dwellings would be provided with PV panels to provide minimum 10% renewable energy in accordance with Policy SP.37 and each dwelling would have sufficient storage space for batteries associated with the PV panels. To ensure long term sustainable management of surface water runoff, an attenuation basin would be provided to the rear of 165 Sutton Park Road which would be dry for most of the year and only functional during significant rainfall.

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- 3.8 The dwellings would be traditional in appearance utilising a mixture of render and brickwork and traditional canopy features to add to character. Each dwelling will have on-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.
- 3.9 The application has been accompanied by a Design and Access Statement; Planning Statement; Transport Statement; Travel Plan; Biodiversity Metric 3.1; SUDS Management Strategy; Health Impact Assessment; Tree Survey and Arboricultural Impact Assessment; Flood Risk Assessment and Drainage Strategy; Ecological Impact Assessment; and Sunlight/Shadow Study.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Policy Context and Principle of Development
- Design and Siting
- Climate Change
- Biodiversity
- Highway Safety and Access
- Flood Risk and Drainage
- Other Matters
- Planning Balance
- Planning Obligations

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.3 The Development Plan for Wyre Forest comprises the Wyre Forest District Local Plan (adopted 2022). Policies SP.1 and SP.2 sets out the spatial strategy for the district in directing how and where new development should be distributed. Read together, the policies provide a strategy for the distribution of development and require the scale and location of new development to take account of local circumstances and infrastructure capacity; actively managing patterns of growth so that significant development is focused upon locations which are or can be made sustainable. Policy SP.2 also states that the Spatial Development Strategy and the site allocations in this Plan are based upon the following principles (amongst others):
- 'Provide for and facilitate the delivery of sufficient accessible housing (bullet point 1(a))
 - 'Encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land' (bullet point 1(c))

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- 'Focus most development in and adjacent to the urban areas, where both housing needs and accessibility to more effective public service provision are greatest' (bullet point 1(f))
- 4.4 The NPPF contains a presumption in favour of sustainable development and for decision making this means: Approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c). The NPPF also requires planning decisions to support the Government's objective of significantly boosting the supply of homes (paragraph 60) and to promote and support the development of under-utilised land and buildings (paragraph 119). Paragraphs 110 of the NPPF also requires new developments to be in locations that can take up appropriate opportunities to promote sustainable transport modes and are not at risk of flooding.
- 4.5 The application site represents a brownfield site with an extant permission for residential development (under application reference 20/0033/FUL) and the remainder of the site, which is allocated for housing in the Local Plan (under Policy SA.K15) and was subject to planning permission for 3 additional dwellings under application 18/0649/OUTL which has now lapsed. From planning history, a total of 11 additional dwellings could have been delivered on the site if planning approvals 18/0649/OUTL and 20/0033/FUL had been implemented. This application seeks to develop the entire site in one and provide a more comprehensive and coherent development compared to the previous consents.
- 4.6 The amount of development is considered to be acceptable for this site when taking into account the character of the surrounding area which contains similar plot sizes and the density of the development would represent 16 dwellings per hectare which although below the minimum requirement of 35dph as set out in Policy SP.9, is considered to be appropriate for this site given the separation distances required between the dwellings and mature trees on site to ensure the retention of these important trees, which have high amenity value. It is also comparable to the density of 18 dwellings per hectare on Perrin Avenue, which adjoins the site to the north. It is therefore considered that the proposed development would reflect the spacious character of this mature residential suburb.
- 4.7 Also, the application site is well located with good accessibility to local shops, services and facilities including public transport services and is not located within an area of high risk of flooding. I am also not aware of any other constraints that would prevent the redevelopment of this site for housing, and Worcestershire Regulatory Services have raised no objection in relation to potential contaminated land and noise subject to safeguarding conditions. I have attached the conditions accordingly.
- 4.8 I therefore consider that the proposed housing development of this mostly brownfield site, which is located within a sustainable location of Kidderminster is acceptable in principle and that the proposals would support the Government's objective in boosting the housing land supply in appropriate locations.

DESIGN AND SITING

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- 4.9 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).
- 4.10 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.
- 4.11 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 has been accepted by the Housing Enabling Officer that the scheme can apply vacant building credit, in line with Policy SP.10, as The Grange and 164 Sutton Park Road are not in use and they were not made vacant for the sole purpose of redevelopment. In addition, your Officers agree with the applicant that the extant permission is materially different compared to this scheme in terms of the number of dwellings. As such, it has been accepted that the scheme only needs to provide 2 affordable homes instead of the 5 given that vacant building credit can be applied to this application. The applicant has also confirmed that 20% of the dwellings will meet Building Regulation M4(2) standards providing accessible and adaptable dwellings in accordance with Policy SP.13 and that all dwellings would meet internal floorspace standards set out in the National Described Space Standards (NDSS). Each proposed dwelling would have on-plot parking which would be sited either to the front or side of the dwellings to ensure they do not diminish the streetscene and the parking provision would accord with the Adopted Streetscape Design Guidelines.
- 4.12 Initially, the proposed scheme included a row of two-and-half storey dwellings directly behind the bungalows in Perrin Avenue and two dwellings directly to the rear of 165 Sutton Park Road with the attenuation basin and associated pumping station in the north-eastern corner of the site. However, following significant concerns raised by local residents about loss of outlook, privacy and noise associated with the pumping station and concerns raised by your Officers including the Arboricultural Officer, the developer has responded and amended the scheme to have two-storey dwellings directly behind the bungalows in Perrin Avenue and aligned the plots with the plots in Perrin Avenue. They have also confirmed that the existing 3.5 metre hedgerow would be retained. In respect of the concerns raised by the residents in Tomkinson Drive, the attenuation basin and associated pumping station has now been relocated to the rear of 165 Sutton Park Road, and the dwellings have been repositioned to provide 'bookends' to the turning head of the cul-de-sac to provide a sense of enclosure to the cul-de-sac and attractive road ends. Furthermore, the revised layout ensures that there are no dwellings directly to the rear of 165 Sutton Park Road which is completely overshadowed by existing trees and was not supported by the Council's Arboricultural Officer on grounds that future occupiers of these dwellings would have likely put

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pressure on the council to have these TPO trees removed or reduced significantly. Following re-consultation of the revised plans, a number of residents have written in to confirm that they are pleased with the latest revisions subject to the existing hedgerow being preserved.

- 4.13 In terms of residential amenity, the proposed development would provide appropriate separation distances between the rear elevations of the proposed houses and the existing rear gardens of neighbouring properties to ensure no significant loss of privacy and to maintain an acceptable outlook for existing residents. In response to the concerns raised by residents in Perrin Avenue, the proposals have been amended to reposition the two-and-half storey dwellings away from the western boundary shared with bungalows in Perrin Avenue and the applicant has agreed to a planning condition to require the existing hedgerow that runs along the western boundary of the site to be retained at a height of 3.5 metres when taken from the ground level of Perrin Avenue. I note that some trees would be removed to the rear of the properties in Tomkinson Drive, however, the Arboricultural Officer has advised that these trees are not worthy of protection due to their low amenity value. The development has also been carefully designed to ensure no proposed dwellings overlook the rear gardens of properties in Tomkinson Drive. The proposed dwelling in Plot 1 has also been designed to accord with the 45 degree code when measured from the nearest habitable room window at 160 Sutton Park Road. Your Officers therefore consider that every effort has been made by the developer to ensure a sympathetic development that safeguards the amenity of neighbouring residents in terms of privacy, light and outlook. The development therefore accords with Paragraph 130f of the NPPF.
- 4.14 Your Officers also consider that the proposed development would provide a high quality living environment for future occupiers with all properties having a road frontage and secure rear gardens and the layout of the site in terms of the siting of buildings including the building line, spacing between buildings and dual aspects given to corner plots would ensure natural surveillance of the public realm and a coherent and attractive development. All residential gardens would be 10 metres in length and would be an appropriate size for 3, 4 and 5 bedroom homes. Garden sheds and garages would also be provided for cycle storage and all houses would have external access to their rear gardens to access their refuse bins and remove garden waste.
- 4.15 No objection has been raised by the Arboricultural Officer and the Highway Authority in terms of the site layout. Therefore, your Officers are of the view that the proposals would provide a well-designed development, in accordance with Policies SP.9, SP.10, SP.13, SP.20, SP.27, DM.24 and DM.26 of the Local Plan and Paragraphs 109, 126, 130, 131 of the NPPF.

CLIMATE CHANGE

- 4.16 Policy SP.37 requires all residential development to include electric vehicle charging points and to reduce carbon emissions and secure sustainable energy solutions by incorporating energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements. Applications are required to include an Energy Assessment. Paragraph 157 of the NPPF advises that 'In determining planning applications, local planning authorities should expect new development to (amongst

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others) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 4.17 The proposed development would incorporate PV solar panels, SuDS and vehicle electric charging points and a condition is attached to secure a Residential Travel Plan to promote sustainable modes of travel in line with Policy SP.27 and SP.37 of the Wyre Forest District Local Plan and the NPPF. The applicant has also confirmed that sufficient battery storage would be provided for the PV solar panels.

BIODIVERSITY AND TREES

- 4.18 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. Policy SP.23 expects proposals to deliver measurable net gains in biodiversity.
- 4.19 The submitted Ecological Impact Assessment concludes that the site contained no Great Crested Newts and badgers and had low potential for roosting bats. There was evidence during the ecology surveys of birds, reptiles and hedgehogs, common toad and polecat and the survey report has recommended appropriate mitigation measures to avoid and minimise harm to these protected species during the development of the site. The Countryside and Technical Services Manager raises no objection to the application in relation to protected species subject to conditions to require a Construction Environmental Management Plan to ensure the recommended mitigation is implemented, external lighting details and to require a further bat and badger survey to be undertaken if the site clearance works are not completed by September 2023.
- 4.20 The application has come with a Defra Biodiversity Metric 3.1 to demonstrate that the proposals would provide 24.89% additional hedgerow units to the site. In terms of all other biodiversity habitat enhancements, it has been agreed with the applicant that it would be more appropriate to extend the rear gardens of Plots 12-15 to incorporate the TPO trees within their residential plots and ensure there is no underused land directly behind these plots that could accumulate waste or cause antisocial behaviour. Building for Healthy Life guidance advises that housing developments should "Avoid pieces of 'leftover' land that serve no useful public or private function". This has resulted in area proposed for bramble scrub planting to be omitted and instead it has been agreed that the scheme would provide orchard tree planting to ensure an overall biodiversity net gain can be achieved. The development would accord with Policy SP.23 and paragraphs 174 and 180 of the NPPF. Planning conditions are attached to require full details of biodiversity habitat creation and enhancement and biodiversity delivery and monitoring within a Landscape Environmental Management Plan (LEMP).
- 4.21 The proposed development will require the removal of 48 trees, 11 tree groups and 1 hedgerow within the site to facilitate its implementation. It is noted that many of the trees to be removed would require removal should the extant planning consent for the site (Ref: 20/0033/FUL) be implemented. The trees to be removed comprise 17 individual trees and 1 group of a moderate retention value, Category B, 23 individual

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trees, 10 groups and 1 hedgerow of a low retention value, Category C and 8 individual trees that were considered to be unsuitable for retention irrespective of the proposed development, Category U. The Council's Arboricultural Officer raises no objection

subject to Tree Protection Measures, retention of trees and hedgerows to be retained and new replacement tree planting. Your Officers concur with this view and consider that the scheme provides appropriate mitigation to offset the loss of existing trees and hedgerows on site, in accordance with Policy DM.26 of the Wyre Forest District Local Plan and Paragraph 131 of the NPPF.

HIGHWAY SAFETY

- 4.22 Paragraph 110 of the NPPF seeks to ensure that applications for development have taken opportunities to promote sustainable transport modes, achieve a safe and suitable access for all users, that the design of streets and parking areas reflect current national guidance and any significant impacts on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 112 adds that applications for development should give priority to pedestrian and cycle movements, address needs of people with disabilities, create places that are safe, secure and attractive, allow for the efficient delivery of goods, and access by service and emergency vehicles and be including provision for EV and low emission vehicles.
- 4.23 Policy SP.27 of the Local Plan also requires proposals to demonstrate that:
- a. the location and layout of the development will minimise the demand for travel;
 - b. they offer viable sustainable transport choices, which a particular focus on active travel modes with attractive and well-designed walking and cycling networks;
 - c. they address road safety issues; and in particular,
 - d. they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.
- 4.24 A Transport Statement has been submitted in support of the application which notes that the proposed scheme would result in 11 two-way trip generation during the AM peak hour and 10 in the PM peak hour (less than one additional vehicle movement every five minutes on average) which is not expected to result in a noticeable impact on the operation of the local highway network. Your Officers agree with this conclusion and consider that the development would have a negligible impact on the local highway especially when compared to its lawful use as a care home and two dwellings. The Transport Statement has also considered the cumulative impact of the proposed development with other nearby site allocations and recent planning consents for housing in the local area and has concluded that the development when taking into account other committed or planned developments would not result in a severe impact on the local network. In addition, a Road Safety Audit (RSA) has been undertaken following a request made by the Highway Authority to determine whether the proposed vehicular access would have substandard visibility due to the retention of the street tree. The RSA raised absolutely no issue of highway safety in respect of the tree within the visibility splay and only made on recommendation to require new street lighting at the proposed junction to improve pedestrian safety because it was observed during the RSA that the nearest lighting column is currently obscured by overhanging vegetation.

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4.25 The Highways Authority have undertaken a robust and comprehensive assessment of the submitted details including the Transport Assessment and Road Safety Audit and have offered a no objection to the proposed development subject to conditions. The existing vehicular access that serves 164 Sutton Park Road would provide access to Plots 16 and 17 which would be widened to 4.1 metres to allow 2 vehicles to pass with adequate pedestrian visibility. 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. Your Officers agree with the Highway Authority that the proposed development of the site for 18 dwellings following the demolition of the care home and 164 Sutton Park Road would not give rise to any highway safety issues or lead to a severe impact on the local network when taking into account the proposed trip generation and nearby committed and allocated housing developments.

4.26 The development therefore accords with Policy SP.27 of the Wyre Forest District Local Plan and Paragraphs 109, 110 and 111 of the NPPF. The conditions recommended by the Highway Authority and the financial contribution towards Community Transport Services have been agreed with the applicant and attached/secured through a Section 106 Agreement.

FLOOD RISK AND DRAINAGE

4.27 Policies SP.30, SP.31 and SP.32 establish policy in respect of sewerage systems, water quality, flood risk management and Sustainable Drainage Systems (SuDS)

4.28 A Flood Risk Assessment and Drainage Strategy were submitted with the planning application. This document makes it clear that the proposed development would include an attenuation basin and has been designed to ensure long term sustainable management of surface water and that there would be no flooding to new or existing properties within the area as a result of the proposals.

4.29 An attenuation basin would be provided as part of the proposed sustainable drainage strategy and within the drainage attenuation there would be the opportunity to create wildflower wetland planting. The applicant has confirmed that there would be no seepage from the proposed basin. During the course of the application, the applicant has been asked to assess the 1:200 year + 40% flood event and it has been concluded that a 463mm freeboard would be provided around the basin to prevent the basin from overflowing during this flood event. At all other times it is expected that the basin would be dry and that the water would not become stagnate or infested with insects, which was a concern raised by local residents.

4.30 The North Worcestershire Water Management Officer has advised that *“Based upon all the information now provided (using soakaways where possible and a basin; SuDS designed for exceedance events; seepage confirmed to be not an issue; and foul drainage only using pumping station if gravity connection cannot be achieved) I am happy to remove my objection to the scheme”*. Planning conditions are attached to ensure the implementation of the surface water drainage strategy and to require a SuDS Management Plan, Construction Surface Water Management Plan and details of the disposal of foul water drainage as set out in the submitted details.

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- 4.31 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. A condition has been attached accordingly.
- 4.32 The development would accord with Policies SP.30, SP.31 and 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.

OTHER MATTERS

- 4.33 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

- 4.34 The site relates to a brownfield site with the remaining site allocated for residential development under Policy SA.K15. The site is also located in a sustainable location within the urban area of Kidderminster where large scale housing provision is to be focused in the district (Policy SP.2).
- 4.35 In terms of the economic benefits, the development would deliver a number of economic benefits for example money being invested in construction on the site; construction jobs and associated indirect jobs being supported; potential new construction employment opportunities; new household spending in Wyre Forest District; potential new jobs within Wyre Forest District; an increase in the viability of local retail uses, services and businesses; and an increase in the viability of existing public services. Such matters have a positive impact on the local and wider economy which weighs in favour of the application.
- 4.36 In terms of the social benefit, the proposals would support the Government's objective of significantly boosting the supply of homes in sustainable locations. In addition, any impact on infrastructure including public open space, as a result of the development, would be addressed through a financial contribution towards the nearest park (Brinton Park), which would mitigate the adverse impacts that would otherwise rise. The applicant has agreed to provide this contribution through the s.106 agreement. I therefore attach weight in favour of the application in regard to the additional housing supply.
- 4.37 Lastly, the impacts on the environment would be appropriately mitigated given that the proposals would include energy saving measures to help reduce climate change, a satisfactory drainage strategy, appropriate tree protection and tree replacement planting and almost 40% biodiversity net gains.
- 4.38 It is therefore considered that the proposed development would accord with the development plan as a whole.

PLANNING OBLIGATIONS

- 4.39 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:

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- 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

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

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

4.41 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 financial contribution of £415.00 is required for Community Travel Services, to be paid prior to the first occupation of any dwellinghouse.

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

2no. shared ownership dwellings to be provided on Plots 16 and 17. This provision accords with Policy SP.10 of the Local Plan.

- Green Infrastructure and Biodiversity Management

A Management Company to be set up to cover the maintenance and management of the SuDS, Public Open Space (excluding residential plots) and Defibrillator. 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.

- Health Infrastructure

A financial contribution of £14,443 towards health provision.

- Off-site Public Open Space

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£23,822.64 contribution towards improvements, enhancements and provision at Brinton Park, Kidderminster. This provision accords entirely with Policies DM.7 and DM.8 of the Local Plan.

- Monitoring Fees

WFDC monitoring fees in accordance with the s.106 Monitoring Fees Schedule (adopted October 2022) that are applicable at the time of the signing of the S.106 agreement.

5.0 Conclusion and Recommendations

- 5.1 The application site represents a brownfield site with an extant permission for residential development and the remainder of the application site is allocated for housing in the Local Plan. The proposals would deliver a holistic residential development which would respect the mature trees and privacy and outlook of neighbouring properties. It would not increase the risk of flooding to existing or to prospective occupiers of the site and mitigation measures have been agreed to ensure that any harm to biodiversity is avoided or minimised in accordance with local and national planning policy and it has been demonstrated that measurable biodiversity net gains can be achieved.
- 5.2 The development would have economic, social and environmental benefits and would provide housing in an acceptable location within Kidderminster which can promote sustainable modes of travel. Furthermore, the proposals have been sensitively designed to ensure a high standard of amenity can be maintained for existing occupiers of neighbouring properties and for future occupiers and that the majority of mature trees and hedgerows can be retained. The proposals would not result in an unacceptable impact on highway safety and the cumulative residual impact on the local network is unlikely to be severe. It is therefore considered that that the proposed development would represent sustainable development and would accord with the Wyre Forest District Local Plan as a whole.
- 5.3 There is a minor issue relating to the layout of Plots 12-15 which require their rear gardens to be extended to ensure good place-making and therefore the recommendation is for **delegated** authority to **APPROVE** subject to the following:
- i. satisfactory amendment to the submitted layout which seek to enlarge the rear gardens to Plots 12-15 to ensure there is no 'leftover' land and areas where waste could accumulate and to deter anti-social behaviour;
 - ii. The signing of a S.106 agreement as set out at paragraph 4.40; and
 - iii. The following conditions;
 1. 3-year Time Limit
 2. Require finished site level details, including details of any retaining walls
 3. Require Landscaping Scheme and Implementation

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4. Require boundary treatment and enclosure details
5. Require Defibrillator
6. Retention of all identified retained trees
7. Retention of the hedgerow to rear of Plots 2-5 at a minimum height of 3.5 metres from the ground level of the application site
8. Electric Vehicle Charging Provision
9. Secure Cycle Storage
10. Low Emission Boilers
11. Details of provision of PV Panels that accords with the recommendations set out in the submitted Sustainability Statement
12. Require water efficient measures
13. Provision of M4(2) dwellings
14. Construction Environmental Management Plan (CEMP - Biodiversity) to include:
 - a. Implementation of Tree Protection Fencing and Pre-start meeting with Council's Arboricultural Officer
 - b. Vegetation clearance to be undertaken outside of bird nesting season
 - c. Implementation of mitigation measures as set out in the Ecological Impact Assessment submitted with the application
15. Require external lighting scheme
16. Require further bat and badger surveys if site clearance works have not been completed by September 2023
17. Landscape Environmental Management Plan (LEMP) including a revised Defra Biodiversity Metric, habitat creation and enhancements and biodiversity delivery and monitoring plan
18. Require Bird and Bat boxes
19. Implementation and Maintenance of Surface Water Drainage Scheme
20. SuDS Management Plan
21. Construction Surface Water Management Plan
22. Details of foul water drainage
23. Require highway lighting details
24. Construction Environmental Management Plan (Highways)
25. Access and Parking arrangements
26. Widening of Plots 16 and 17 to 4.1 metres for the first 15 metres
27. Travel Information Pack to promote sustainable forms of access to the site
28. Removal of Permitted Development Rights for future boundary treatment forward of the principle elevation of any dwellinghouse
29. Removal of Permitted Development Right for future two-storey rear extensions to Plots 2-5
30. To require details of screening for any pumping station to be installed
31. Potential Contaminated Land condition
32. List of approved plans

NOTES

- Section 106 Agreement

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- Inform developer that battery storage is necessary for dwellings with PV solar panels
- Severn Trent Water – Public sewer

- 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
- Protection of Visibility Splays
- Works adjoining highway
- Construction Environment Management Plan
- WRS Demolition & Construction Guidance

PART B

Application Reference:	22/1006/LBC & 22/1034/FUL	Date Received:	03.01.2023
Ord Sheet:	378830 275380	Expiry Date:	28.02.2023
Case Officer	Julia Mckenzie-Watts	Ward:	Wribbenhall And Arley

Proposal: Proposed works to Grade I Listed Severn Bridge, Grade II Listed Quay Wall and Grade II Listed Pleasant Harbour associated with flood risk management scheme.

Site Address: Quayside At Os 378830 275380, Stourport Road, Bewdley, Worcestershire, ,

Applicant: Environment Agency

Summary of Policy	SP.20, SP.21, SP.23, SP.27, SP.30, SP.31, SP.32, DM.23, DM.24 and DM.26 of the Wyre Forest Local Plan (2022) Design Guidance SPD Planning Obligations SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for Referral to Committee	Planning Manager requests that the planning application goes to the committee

1.0 Planning History

1.1 No relevant planning history.

2.0 Consultation Responses

2.1 Bewdley Town Council – Recommend approval. For the longevity of the Quayside it is agreed that this needs doing.

2.2 Countryside and Technical Services Manager – No objection. The application has come with a suitable Biodiversity Net Gain(BNG) report and Preliminary Ecological Assessment. The delivery of the BNG is dependent on off-site mitigation. A report has been produced that demonstrates that it is possible to enhance the biodiversity on areas of WFDC nature reserve and this would provide sufficient BNG to compensate for losses in BNG the scheme will create. Whilst general agreement has been reached with WFDC, details of where and precisely what actions will be needed to deliver the BNG have yet to be finalised. Planning conditions is recommended to secure a walk-over Otter survey; external lighting strategy; a Landscape Environmental Management Plan (LEMP) based on the BNG delivery described in the submitted Daclour Maclaren Biodiversity Net Gain report December 2022; a Construction Environmental Management plan to secure measures to prevent materials being washed or blown

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into the river Severn, including plans to prevent this happening during flood events; additional ecological report if any channel river works are required or if a Kingfisher is identified during the construction phase; and to require site survey for any reptile or nesting birds prior to vegetation clearance works.

2.3 Canal and River Trust – No comment.

2.4 Arboricultural Officer – No objection subject to conditions to secure appropriate mitigation measures with new trees planted wherever possible. A condition for a watching brief would be beneficial, so that retained trees can be assessed by a qualified Arboriculturist when any tree roots above 25mm that need to be severed as this way the safety of retained trees can be addressed with remedial works or removal and replacement.

2.5 Historic England - No objection. The proposals are the result of longstanding discussions with the Environment Agency, the Local Authority, and relevant parties. The designs avoid and minimise harm to heritage assets wherever possible, whilst bringing the welcome protection of a number of listed buildings. The scheme also presents positive opportunities for heritage benefits through an enhanced public realm, interpretation and an improved understanding of the town following research and archaeological investigation. Some very limited impacts will occur as a result of physical works to the Bridge, Quayside and through visual impacts in the Bewdley Conservation Area. These should be weighed against the evident public and heritage benefits this scheme affords.

The historic settlement of Bewdley attributes its name to the French ‘Beaulieu’, meaning ‘beautiful place’. This is a sentiment shared by architectural historians Nikolaus Pevsner and Alan Brooks who describe Bewdley as “the most perfect small Georgian town in Worcestershire”. Bewdley’s historic relationship with the River Severn is a fundamental part of its identity and heritage significance, providing a principal crossing point and opportunity for trade from at least the 14th century. Prior to the development of nearby Stourport with the arrival of the canals in the late 18th century, Bewdley was among the most important inland ports of the West Midlands. This has left a rich tapestry of historic buildings, with a lasting presence of the town’s prosperity in the character of its townscape today and recognised by the Bewdley Conservation Area and countless listed buildings therein. A central feature of the town and the conservation area is Severn Bridge, celebrated for its particularly well-executed design that incorporates sandstone details alongside an elegant cast iron balustrade. The bridge is a rare complete design by Thomas Telford; the country’s foremost civil engineer of the period, constructed by his contractor John Simpson in the 1790s. Its exceptional architectural and historic interest is recognised by its Grade I listing, representing the very top 2.5% of all listed buildings nationally. Severn Bridge also remains on Historic England’s Heritage at Risk Register due to the need for ongoing repairs, and damage from regular vehicle strikes.

The design results in alterations to parts of the Grade I listed Severn Bridge. Most notably this involves removing a small section of the flanking balustrading along Beales Corner to enable access for demountable flooding equipment to be deployed. This approach has been designed to minimise disruption to the bridge, keeping alterations to an area which has already been partly reconstructed. This would lead to

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some very limited harm to its significance and appreciation of its original design. We suggest that any fabric to be removed is securely stored so it can be used in the bridge's continual maintenance and repair. The works will clearly result in some physical impact on the quayside structure itself, although this has been minimised or avoided where possible. Proposed alterations have been integrated well into the wider landscaping, retaining the open character of the quayside and enhancing its use as a small public open space. The proposed wall along Stourport Road has been designed for minimal physical disturbance on historic quayside wall, due to be retained in-situ alongside foundations of the flood wall. Investigation as part of the project's development has gleaned some more detailed understanding of the quayside structure. This has also included an enhancement of its listing description and clarity of the extent of its listing.

A combination of low-level walls and demountable barriers are proposed, clearly designed to avoid or minimise any impact on important views down and across the river. This is most successful along Beales Corner and Severn Bridge where the scheme will form part of the public realm and quayside for the majority of the year. The scheme's visual impact is demonstrated in the proposed visualisations and section drawings. This is arguably most acute in views across the river towards the Stourport Road, where the proposed permanent wall is at its highest. Some isolated tree felling and vegetation clearance is likely to make the structure more prominent here, especially in the winter months in the years immediately after its construction. This will be minimised in the longer term by replacement trees. The aesthetic of the scheme and its ultimate contribution to the conservation area and setting of numerous listed buildings will depend greatly upon the use of quality and appropriate materials and finishes. We therefore strongly recommend that the Council engages its expert Conservation Officer to ensure the proposed structures, all surfacing materials and public realm works are integrated with and compliment the character of the town. Public realm works also provide a positive opportunity for interpretation through proposed information panels and artwork designed within surfacing. It is recommended the applicants continue to liaise with the local authority to consider the ongoing management of the demountable elements of the scheme, ensuring the least visual impact for the majority of the year when not in flood.

As highlighted at project meetings to-date, given the frequency of vehicle strikes to Severn Bridge, and its place on the Heritage at Risk Register as a result, we would strongly urge the Town, District and County Councils to consider integrating traffic calming measures for Beales Corner alongside these works. This may provide the best way of reducing risks to the Grade I listed bridge and the general public, whilst avoiding the disruptions and costs experienced when strikes occur at present. The project also provides a welcome opportunity for the relevant parties to carry out routine vegetation clearance and maintenance to the bridge and quayside walls. With the above in mind we would draw your attention to the statutory duties of the local authority set out in sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Also, of the requirements of sections 12 and 16 of the National Planning Policy Framework (NPPF). In this instance, paragraph 202 of the NPPF should be applied, weighing any harm against the evident public and heritage benefits this scheme affords.

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[Officer comment – It is acknowledged that the Grade I Severn Bridge is on Historic England’s Heritage at Risk Register and that traffic calming measures have been recommended by Historic England to further afford protection of the bridge and to improve pedestrian safety while crossing the bridge however this is not a material consideration for this application which is seeking only to install flood defence infrastructure. Conditions are attached to secure: high quality finished materials in the proposed structures and hard surfacing; soft landscaping details; historic interpretation through information panels and/or artwork designed within surfacing; and to require a maintenance plan to be submitted and agreed by the local planning authority as recommended by Historic England]

- 2.6 Bewdley Civic society - The Society supports the overall approach taken by the Environment Agency and gives general support to the applications. Regarding the Long sections 1-1, 2-2 and 3-3, the representation of the existing walls does not accurately reflect the non-horizontal bonding of the brickwork, which is a local feature. The Society asks that, for the new walling, the bonding and facing bricks should reflect the size, colour and texture of the existing walls, especially on the face bounding the public footpath.

The Society welcomes and gives strong support to the use of a fully demountable barrier through the municipal gardens. The Society urges that the quality of the finished surfaces and landscaping be of the highest order around the fully demountable barrier. The Society asks that the finished brick surfaces on the eastern elevation of the permanent wall running from municipal gardens to the south of Millside Court, be varied to reflect the properties opposite, and land ownership boundaries, resulting in a less uniform and monolithic appearance. We ask please that samples of all the materials to be used including a sample section of the brick wall with glass panel over should be made available on site or at the contractor's compound for us to inspect and approve. The Society supports the use of private access points through the permanent flood wall between Stourport Road and the southern end of Millside Court. The Society asks that private secondary pedestrian gates be installed, also, so that the private land can be kept secured, should the landowners so wish. The section of footway from Stourport Road through to Telford's Bridge is well used by school children, visitors to the Severn Valley Railway and local residents and whilst the proposed scheme shows no reduction in its already narrow width it is disappointing that this major undertaking has not taken the opportunity to increase the pedestrian space more appropriate to its busy use. It is already a common sight to see pedestrians having to step into the road and the Society believes the proposed arrangement of solid wall and glass screen sections at back of footway will encourage users to stop and take in the view of the river and Severnside South, thereby adding to this tendency. The tightness of the kerb radius where the footway leads onto the bridge. This appears to be one of the reasons serious damage is too frequently being caused to the bridge structure by long vehicles but is also a considerable concern in regard to pedestrian safety. The situation is further exacerbated by the shallow height of the kerb. We urge that the County Council widen the footway and increase the kerb radius, if at all possible, on highway grounds. The Traffic Report advises on the need for road and footpath closures during the construction stage and the need for a temporary safe crossing point to be established adjacent the Black Boy Inn [Bewdley Inn]. We believe that the County Council should consider making this a permanent

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arrangement. We refer to the proposed surface materials, walls, railings, soft landscaping and tree planted areas and especially the glass panels.

- 2.7 Highway Authority - A robust assessment of the planning application has been undertaken and based on the analysis of the information submitted and consultation responses from third parties, the Highway Authority concludes that there are no justifiable grounds on which an objection could be maintained, and thus it has no objection subject to conditions.

Pedestrian and Cycle Network - National Cycle Network (NCN) Route 45 runs along the B4190 and the B4195. For most of this, it runs on carriageway. An exception is the section between the Leisure Centre and the A456 junction, where cyclists can use a shared use path. NCN 45 is a long-distance route that connects Bewdley with Chester in the north and Salisbury in the south. Within the local area, it provides access to Worcester, Stourport on Severn and Bridgnorth. Flooding events at Beales Corner can result in the closure of NCN 45. Pedestrian access can also be affected by flooding events and this includes Public Rights of Way (PRoW). PRoW 543(B), which connects the B4190 east of Riverside North to Pewterer's Alley, is particularly prone to flooding.

Permanent Scheme Impacts - After construction of the FRMS is complete, access to all roads and PRoWs would be restored. The scheme is expected to reduce disruption to the existing transport network by increasing resilience against flood events. In the case of a flood event, some temporary transport impact is likely during the setup of the barriers. Approximately 50-80m of flood defences can be put up per hour, depending on the required wall height. Thus, 4-6 hours are likely required to erect the full length of flood defences. For comparison, the initial deployment of the barriers on the western bank (Severnside South) takes approximately 6 hours, however this covers a slightly longer distance than the proposed left bank wall. The overall deployment time for the FRMS is expected to be less than that of the currently used temporary system, hence reducing the impact of deployment on the local road network.

Deployment will require closure of both lanes of the B4190 between Severn Bridge and Beales Corner as well as the closure of the southern footway on the B4190 for the time of installation. This is to provide the space required for delivering the equipment and erecting the FRMS using a forklift. Similar impacts are expected when flood defences are removed after a flood event.

Once installed, the southern footpath and carriageway would have to remain closed to provide crash protection for the FRMS. Pedestrians could then either be rerouted onto the closed carriageway or onto the northern footway. This a significant reduction in disruption to the traffic network as both the B4190 and B4195 can remain partially open once the barriers are deployed. Furthermore, the improved flood protection (1% AEP compared to 10% AEP of the existing temporary system) reduces the likelihood of flooding of the carriageway which in the past has led to delamination of the tarmac surface of the road. This, in turn, required a road closure for repair.

Construction Proposals - Construction of the proposed FRMS is anticipated to be completed over an estimated period of 12 months. The necessary piling working area extends into the carriageway and thus requires a full road closure of the western section of the B4195 and a partial closure of the B4190. Construction will be phased to minimise disruption, and where possible will be programmed so that both roads are

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not closed at the same time. However, this may not always be possible, and there may be some overlap between the two closures. The Transport Statement advises a detailed Construction Traffic Management Plan (CTMP) will be developed for approval prior to the start of the works. This will outline measures to minimise the impact of construction on traffic and transport within Bewdley. The Highway Authority tends to request a Construction Environmental Management Plan (CEMP), which is similar to a CTMP, but considers more aspects of the construction phase. The works will be managed from a temporary construction compound located within a section of open land owned by Bewdley Rowing Club between Riverside North and the Butt Town Caravan Park. The compound will contain the Site office, worker welfare facilities and workforce parking. Additionally, materials such as bricks and rebar may need to be stored at the compound. The construction compound will be fenced. The Highway Authority would need to understand the potential impact on Riverside North, in terms of construction traffic and need for any traffic control to protect the public. This would be addressed within the CEMP.

During construction, the following road closures will be required:

- Closure of the southern lane of the B4190 between the western end of Severn Bridge and the B4195 junction. This is expected to last approximately 28 weeks but may potentially last for the full duration of construction; and
- Closure of the B4195 from the B4190 junction to Millside Court. This is expected to last 35 weeks but may also extend for the full duration of construction.

It is expected that inbound traffic for Bewdley will be intercepted at the B4190/A456 junction and rerouted via the bypass to then access the town centre via the southwestern end of the B4190. At this stage, the proposals for managing diverted inbound traffic along the B4190 have not been finalised and these will need to be detailed in the CEMP in agreement with the WCC highways officers. Traffic wishing to access Ricketts Place will be managed locally by reducing traffic management as required. Alternatively, residents may wish to access the street from the north via Westbourne Street. Whilst Ricketts Place is ordinarily a one-way street, it is understood that residents access the road from the north during flood events when access via the B4195 to the south is blocked. As Ricketts Place is a private road, this change will not require a Traffic Regulation Order (TRO). It is expected that traffic wishing to access the B4195 from the B4190 will be diverted via Westbourne Street. Users approaching from the A456 will be notified of the through-route closure at the B4195/A456 junction and can then follow the signposted diversion for the A4190 inbound lane if they wish to access central Bewdley. During construction, the closure of the southern footway along the B4190 and B4195 between Severn Bridge and Millside Court will be required. Closure of PROW 543(B), between the B4190 and Pleasant Harbour House, during weeks 1 to 23 for piling and construction works will also be required.

The Highway Authority notes the required closures. All attempts should be made to minimise the length of closure, especially for the B4190 and B4195. Should planning consent be granted, the Applicant and their consultants must discuss and agree closures, diversions and advance notification requirements with the Highway Authority, Emergency Services and affected bus operators. The Applicant is also advised that

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the granting of planning consent does not automatically grant the right to close a PRoW. A separate application, to the WCC PRoW Team would be required and it is recommended, therefore, that early discussions are held to agree the process and timescales.

Construction Trip Generation - The Transport Statement discusses expected trip generation for the construction phase. Trips will be generated by staff, workforce, HGV, and plant traffic and this will likely vary from week to week, with peak flows envisaged during weeks 3-26 of construction. A reduced level of flow is envisaged during weeks 26-50 after the bulk of the structural work has been completed. The Transport Statement estimates the following:

- Peak flows: 124 two-way vehicular movements per day
- General flows: 94 two-way vehicular movements per day

Most vehicles would be small, being cars or vans. The daily construction traffic movements are low compared to the existing traffic movements on the B4190 and the B4195, which will be significantly reduced when road closures are put in place and, hence, no significant impact on traffic flow is expected. The Highway Authority accepts this conclusion.

Highway Impact - The construction phase will result in various impacts on the highway network.

Walking and Cycling - Access to at least one footway is to be retained along the proposed road closures on the B4190 and B4195. Hence, pedestrians may have to switch sides using the proposed temporary crossing, but overall, both roads can still be accessed. The closure of PROW 543(B) increases the travel distance between the B4190 and Pleasant Harbour House from 80m to 260m, which corresponds to a journey time increase from 1 minute to 3 minutes. Cyclists on the NCN 45 traveling southwards (i.e., on the outbound B4190 lane) can use the general traffic diversion via Westbourne Street to access the B4195. This increases the journey by 240m / 1 minute. Northbound cyclists can dismount at the B4195 closure and push their bike along the footway for the section where the carriageway is closed. They can then continue cycling on the Severn Bridge. This will increase journey times by 3 minutes. Overall, delays for pedestrians and cyclists are minor and hence no significant impact on these user groups is expected.

Public Transport - The closure will impact on bus routing. Inbound buses that are currently traveling along the B4190 are expected to follow the general traffic diversion using the A456. This will result in all buses travelling north / eastbound through Bewdley, operating on a one-way loop. The Transport Statement advises that consideration has been given to how impacts on buses using the B4195 Stourport Road could be managed. The general traffic diversion using Westbourne Street is unlikely to be feasible for regular use by buses due to the configuration of the B4190/Westbourne Street junction. There does not appear to be any scope for buses to access the B4195 by another route, and there does not appear to be a safe way of providing a temporary bus stop on the A456 to provide access to the eastern end of Stourport Road. Three coach parking bays are located on the grounds of the Bewdley School. There may be potential for school services using the B4195 to utilise these,

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entering and exiting the school from the east. However, this requires engagement with both Bewdley School and Bewdley Primary School. If the above is not possible, loss of service for the duration of the closure will occur along the B4195, as is the case during current flood events. When the B4195 is closed at the western end, buses are diverted around the A456 in both directions during floods. Engagement with bus operators and the WCC Public Transport Team will take place as part of the development of the CTMP to determine the most appropriate form of mitigation, including diversions and changes to timetabling as well as requirements for temporary crossings at alternative bus stop locations. Impact on the Severn Railway Heritage Station is limited as it can still be accessed from the east via the A456. However, the brown tourist signage directing users to the site will have to be modified for the duration of the closures.

Highway Network - The Transport Statement states the proposed road closures are expected to have a similar impact on inbound traffic as a typical flood event, although outbound traffic will be unaffected. Nonetheless, it is acknowledged that the inbound B4190 diversion will impact on drivers, adding approximately 10km (10min) to journeys in the worst case. The B4195 diversion using Westbourne Street is not expected to have significant impacts on distance or time. As with the Severn Railway Station, brown tourist signage at the B4190/A456 northern roundabout will have to be modified to stop users from trying to access the town centre from the north. The daily construction traffic movements are low compared to the already existing traffic movements on B4190 and B4195 and hence no significant impact on traffic flow is expected. Care would be taken to minimise site traffic along the B4195 during school drop off and pick up times. This reduces the risk of accidents involving children and prevents worsening of the general congestion reported during those times. The Highway Authority acknowledges construction of the FRMS will have an impact on the local highway network, especially for buses and motorised traffic, but this is unavoidable, given the nature of the works and their proximity to the public highway.

Layout - Supporting information for the application includes various plans that show the proposed layout of the scheme. Drawings P20619-00-001-GIL-0805/04 'Final landscape Masterplan 1 of 2' and P20619-00-001-GIL-0806/04 'Final landscape Masterplan 2 of 2', show the scheme in a clear simplified manner. As mentioned previously, the FRMS will be 295m in length and comprise a mix of permanent walls of varying heights, together with a combination of temporary demountable flood barriers and permanent glass panel flood barriers. The Highway Authority notes the proposal also shows incursion into the public footway via a demountable barrier at two locations, including adjacent to the pumping station. It is not clear if there are any permanent works necessary within the footway to allow this and this would need to be clarified and approved. Ideally, there should be no potential trip hazards introduced that could cause a safety issue.

Structural Check Approval - The proposal will certainly impact the adjacent highway limits (B4190 & B4195) carriageway and footways, which will abut the proposed works. There is a potential issue with the impact the proposed wall construction will have given it is on the riverside embankment, in such close proximity to the public highway. The WCC Structures Team must be consulted in advance of any works commencing and, as a minimum, a S167 HA 1980 review must be undertaken for the structure and proposals accepted by WCC.

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The same S167 checking requirement will be needed for the impact on the footpath / PRow where it is proposed to install a solid wall.

S278 - It is noted there are existing verge locations where resurfacing work is to be undertaken to effectively widen the existing footway. It is unclear to what extent the existing footway may require to be resurfaced or whether construction will impact on it. This will need to be assessed and agreed with the Highway Authority. It is likely the Applicant may have to enter a S278 Agreement with WCC to cover such works.

Construction - The Transport Statement advises a CTMP would be prepared and submitted for approval. As stated previously, the Highway Authority usually requires a CEMP to be submitted for approval. Impact of construction on the local highway network will be significant and a rigorous temporary traffic management regime will need to be agreed with various agencies. Given the length of construction and its disruption, clear, extensive advance publicity will be essential. The CEMP requirement will form a condition of part of any successful planning consent.

2.8 Worcestershire County Council's Public Rights of Way Team – No objection. Bewdley Parish Footpaths BW-543 and BW-640 are within the development area. The flood gate required proposed on footpath BW-640 and formal authorisation will be required for the installation of a gate and its closure for safety reasons during a flood. This should be raised with the public rights of way team prior to works commencing on the gate.

Detail of the exact specification to be reinstated on footpath BW-543 will need to be agreed in writing with the public rights of way team prior to the removal of the existing path. In addition we would ask that detail of how works on the path will be managed be included in any CEMP produced for the site. It seems likely that the construction will require the temporary closure of the footpaths for periods to ensure public safety. If such a temporary closure is required then application should be made to the public rights of way team at least 8 weeks prior to the proposed works commencing. The comments above are in relation to the status of the footpath and it should be noted that the public rights of way team are not the landowners in any of these locations so can only give a view on impacts on the overlying highway rights. The Definitive Map is a minimum record of public rights of way and does not preclude the possibility that unrecorded public rights may exist, nor that higher rights may exist than those shown.

2.9 Conservation Officer – No objection to the proposed construction of flood defences alongside the River Severn in Bewdley. The proposed scheme has been subject to a series of pre-application discussions with the Environment Agency, Worcestershire County Council and Historic England. Whilst it was my preference for a completely demountable scheme (which would present the least impact on the wider conservation area) the environment agency from the outset stated that this was not feasible and that a scheme comprised of both de-mountables and permanent defences was the only way forward. The designs do cause some harm to heritage assets including physical works to the bridge itself and visual impact of the new flood wall as seen from the public realm on both sides of the river, however this is minimised wherever possible and this is offset by the protection of several listed buildings from repeated flooding. Whilst property level protection measures have to some extent been

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successful in holding back flood waters they are not designed to hold back the more severe floods.

The scheme also creates an enhanced public realm in the vicinity of the Grade I listed bridge as well as numerous public benefits including being able to keep the bridge open during flood events and providing the opportunity to better understand the archaeology of the site during the construction phase. The applicant has provided a Cultural Heritage Desk Based Assessment and a Heritage Statement which accord with the requirements of the NPPF.

Direct impact on the listed buildings - These provide a detailed historical background to the development of the present Grade I listed bridge and how its environs have changed over the past one hundred years in particular. The quayside walls are also considered along with the surviving abutments of the former medieval bridge. The works are detailed on the accompanying drawings. These involve not only permanent flood defences along the river itself but also back from the river towards Pleasant Harbour House. The justification for the works is the removal of the temporary barriers which have failed somewhat spectacularly in recent years causing the inundation of historic properties lying behind them. The scheme is comprised of various full-height defences including walls with glazed panels on top, walls with demountables on top and demountables set within the pavement. The alterations to parts of the Grade I listed Severn Bridge include removing some of the flanking balustrade facing the river at Beales Corner to facilitate vehicular access to deploy the demountable panels when floods are expected. Whilst being invasive in that historic fabric is removed, this does allow traffic to continue travelling over the bridge once the demountable panels are in place. There is a degree of less than substantial harm to the Grade I Bridge as a result. Key to the scheme is the creation of a more usable public open space between the bridge and quayside walls. The quayside walls will be impacted by the works at several locations and the County Archaeologist has stipulated schemes of recording and investigation which should mitigate some of the more harmful impacts.

Impact on the wider Conservation Area - The fully demountable panels will have very little permanent visual impact on the Conservation Area except when deployed in times of flood. The low walls at Beales Corner will present little in the way of harmful permanent impacts, and these are designed to receive demountable panels in times of flood. I think that the glass panels have been brought too far towards Beales Corner, as seen in visualisation 2B where they obscure part of the view towards Bewdley from Kidderminster Road (not Stourport Rd as stated on the drawing) and would prefer these to start further south down Stourport Road. The success or otherwise of the glazed panels will depend on their being very well maintained as otherwise these are prone to algae and greening up. Along the Stourport Road the impact of the glazed panels is most extreme I would think the amount of glazing will be less than that shown in the visualisation with more frame elements. The loss of some vegetation on the river bank will emphasise this especially in the winter months. It is here that I would have preferred less permanent glass panels and more demountable panels, even if only to provide unobscured views of the river from some of the Grade II* listed properties on the other side of the road. How well the scheme integrates into the townscape will be a matter of selection of materials and finishes. It is therefore disappointing that these have not been more firmly specified at this stage of the project it is somehow inevitable that projects of this nature end up costing more than

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anticipated and value engineering can often reduce the quality of finishes and materials to a level below that anticipated by the decision makers.

- 2.10 North Worcestershire Water Management - For this application I have reviewed:
- Flood Risk Assessment, Arup, Dec 2022
 - Surface water drainage drawings - existing and proposed - sheets 1 and 2

The proposed scheme will according to the Flood Risk Assessment (FRA) provide the same standard of protection as that provided on the opposite (right) bank by the Severnside defence. This corresponds to a level of protection in excess of 1% Annual Exceedance Probability, including a 300mm minimum freeboard. This is approximately comparable to an event 630mm greater than the highest known event observed in 1947, which was 5.82 on the Bewdley Gauge.

Fluvial flood risk - In reducing flood risk for the Beales Corner area from fluvial flooding, the proposed flood defences remove this area from the flood plain, slightly reducing the conveyance of the river in severe events. The FRA details that this results in negligible increases in water levels upstream of the scheme in all but the most severe climate change scenario. The impact has been summarised for the present day 10% AEP and 1% AEP scenarios, as well as the 2125 1% AEP scenario, using a comparison between the baseline model and the 'with scheme' model. The baseline model includes the current temporary defences. The model results are presented in figures 25 - 27. The FRA concludes that the scheme does not result in increased flood depth within properties or any additional properties becoming at risk of flooding (based on property threshold data).

Ground water flood risk - Groundwater monitoring and 2D numerical seepage analysis has been undertaken to assess the potential impact of the proposed scheme on groundwater flooding. The groundwater modelling identified that during periods of normal flow in the River Severn, groundwater flows south-west towards the river. When the river is in flood, this is reversed, with groundwater flowing north-east away from the river. The flood defence foundation design comprises contiguous piles topped with a below ground watertight pile cap. When river levels are high, the piles and pile cap will partially restrict the groundwater flow rates towards the properties to the north-east of the scheme, with no increase in groundwater levels as a result of the proposed works (in comparison to the Baseline for the same flood event). During normal river flow conditions when groundwater flows towards the river, the piles will present a slight impedance to the groundwater flow towards the river. The FRA advises that this may result in a minor increase in groundwater levels behind the wall. It also concludes that the change in groundwater levels is at such a depth that this does not result in an increased risk of basement flooding. It is therefore considered that the scheme does not increase the risk of groundwater flooding. Basement flooding from elevated groundwater due to elevated river levels will continue post scheme delivery. Therefore, residents will likely need to continue managing this risk as currently.

Surface water drainage - Current surface water sewerage arrangements include two STW surface water drainage systems discharging at Beales Corner and from Stourport Road, a gully discharging to river bank near Ricketts Place, and a private drainage system for Millside Court. During flood events currently, when the temporary barriers are deployed, the surface water drains cannot discharge into the River Severn

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due to high river levels. STW deploy two temporary pumping stations which force surface water into the river via the existing piped networks. The EA additionally deploy temporary pumping systems to pump seepage water and residual surface water over the temporary barriers.

The two STW surface water drainage systems discharging at Beales Corner and from Stourport Road are unaffected by the proposed scheme and will remain unchanged. The scheme does allow the temporary pumping station to be relocated to the grassed area near Millside Court and improve the road access as a result.

For the Ricketts Place gully the FRA includes:

"This gully is at the lowest point within the defended area and the gully outlet flap valve seals during high river levels with surface water ponding at this low point, unless the EA deploy temporary pumping to remove surface water. The FRMS scheme proposes to permanently divert the flow from this gully into the Severn Trent Stourport road surface water system and during high river levels, the Severn Trent temporary pumping system would pump the accumulated surface water at this location to the river via the existing headwall."

For the Millside Court drainage system the FRA includes:

"This system has a non-return valve to prevent flooding behind the temporary barriers, but it does not have an active pumping system so during high river levels and a local rainfall event it must surcharge and ultimately spill via the covers / gullies into the private parking and road area. The FRMS proposes to include a piped facility whereby, when the private drainage system surcharges, the flows would divert to the Severn Trent Stourport road drainage system and the Severn Trent temporary pumping system would pump to the river via the existing headwall."

The new hardstanding area in the green area adjacent to Beales Corner is to slope towards the river, with a new unattenuated outfall onto the bank (as shown on drawing sheet 2). It includes a sump to allow pumping of surface water drainage if required.

Although the principle of the proposed scheme is believed to be sound, based upon the current submission it is not possible to fully assess the impacts of the proposed scheme. Further discussions are required with the applicant in relation to:

- using an 'undefended' baseline (pre temporary barriers) to demonstrate the likely impacts for properties that will not benefit from the currently proposed scheme
- the expansion of the area for which modelling results are presented in the FRA to include all areas that may be impacted
- the quantification of the ground water risk associated with the proposed scheme
- adding the proposed surface water improvement measures for Ricketts Place and Millside Court drainage to the Surface water drainage drawings

[Officer comment – Further discussions are to be held with the applicant and any forthcoming comments from the North Worcestershire Water Management Officer will be reported on the Addenda and Corrections Sheet]

- 2.11 Worcestershire County Council's Archaeologist – No objection subject to conditions to require Written Scheme of Investigation for Archaeology and recording and an interpretation strategy for the historic environment. In terms of the below ground

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impacts, it is highly likely that the groundworks will uncover significant archaeological remains, similar in nature to those uncovered on the opposite bank during previous flood alleviation works. Geotechnical monitoring and desk-based research have indicated that archaeology is likely to be of local and regional significance rather than national. Although there is likely to be impact to, and loss of, below-ground archaeological remains, this must be balanced against the preservation and protection of upstanding heritage assets, which include a number of nationally designated heritage assets at high risk from future flood events. This has been carefully considered and we concur that the development will benefit the historic environment, subject to approval of the design details. The scheme is supported by documentation that meets the criteria of Policy DM.23 in the Wyre Forest Adopted Local Plan and NPPF paragraph 194 in establishing the significance of, and potential impacts to, heritage assets including archaeological remains, and there is no objection to the scheme and no requirement at this stage for further information in relation to below-ground archaeological remains. There will however be damage to or loss of below-ground archaeological remains, and some upstanding built structures. Conditions should be included on the grant of consent to ensure that any archaeology uncovered is properly excavated and recorded. The archaeological mitigation required will take the form of a combination of watching brief during works and, in more sensitive areas, stripping and archaeologically excavating in advance of the works starting. There will also be a need for recording of any built heritage (e.g. bridge and quay structures) prior to loss/damage. The precise scope and extent of the archaeological mitigation will be detailed in the Written Scheme of Investigation agreed as a condition of consent.

In all archaeological projects, greater public benefits may be achieved by means of community engagement. This scheme offers an ideal opportunity to share the results of the project with the local community given its nature, and it would be appropriate to include a condition for an interpretation strategy. Given the nature of the works, it would not be appropriate to include public participation in fieldwork or open days, but a programme of online dissemination through social media during and/or after the fieldwork would be entirely appropriate. The Local Planning Authority may also consider more permanent on-site interpretation or digital dissemination appropriate depending on the results of the archaeological works.

- 2.12 Neighbourhood/Site Notice Representations - 1 Letter of support received from a local resident. They have advised that the scheme has been thoroughly prepared with all interested parties having their input. It will be an asset to Bewdley with both extra protection against flooding for the residents of Beales Corner, Kidderminster and Stourport Roads as well as the means for the Telford Bridge being kept open in most circumstances.

3.0 Site Location and Description

- 3.1 Bewdley has a long history of flooding with major flooding events recorded in 1947, 1965, 1998, 2000, 2002, 2004, 2008, 2014, 2020, 2021 and most recently 2022. The site lies within the Bewdley Conservation Area and within a area of a number of listed buildings including the Grade I listed Severn Bridge.

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- 3.2 The Environment Agency (EA) is seeking full planning permission and listed building consent for the development of a Flood Risk Management Scheme (FRMS) along a section of the left (east) bank of the Severn, adjacent to Stourport Road in Bewdley.
- 3.3 The proposed Flood Risk Management System (FRMS) will include the construction of approximately 300 linear metres of wall of varying heights and makeup between the B4190 and B4195 (Stourport Road) and the eastern bank of the Severn. Additionally, a new flood wall running along the western extent of Public Right of Way 543(B) linking the Severn Bridge (Severn Bridge) with Pleasant Harbour will also be constructed.
- The FRMS will be 295m in length and comprise a mix of permanent walls of varying heights, which will be used in combination with either temporary demountable flood barriers or permanent glass panel flood barriers, to ensure a consistent level of reduced flood risk along the left bank when fully mobilised. It is intended that these demountable flood risk management assets will be kept in a local depot and taken to Site and erected when there is increased risk of flooding. This process is expected to take between 4-6 hours less than that of the currently used temporary system, which will reduce the impact of deployment on the local road network. The demountable flood risk management assets, therefore, present a more resilient solution than the temporary assets which have been used to date.
- 3.4 A temporary fenced construction compound located within a section of open land owned by Bewdley Rowing Club between Riverside North and the Butt Town Caravan Park. The compound will contain the Site office, worker welfare facilities and workforce parking, materials such as bricks and rebar may need to be stored at the compound.
- 3.5 It is estimated the construction period for the FRMS is approximately 12 months.
- 3.6 An Environmental Impact Assessment (EIA) screening opinion has been undertaken and concluded that no EIA is required.
- 3.7 The application has been accompanied by a heritage statement, a Preliminary Ecological Appraisal, Environmental Report, Environmental Action Plan, Landscape Assessment, BNG Assessment, a Flood Risk Assessment and a Transport Statement.

4.0 Officer Comments

- 4.1 The main considerations in the assessment of this application are:
- Policy Context
 - Historic Environment
 - Highway Safety
 - Flood Risk and Drainage
 - Biodiversity
 - Trees

BACKGROUND INFORMATION

- 4.2 The UK is already experiencing the impacts of climate change. This includes, extreme weather events, such as the flood event in Bewdley in February 2022, when significant flooding occurred, properties and businesses were directly affected. Roads

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require to be closed, including access to the B4190 Severn Bridge, resulting in lengthy detours for traffic along the A556 Bewdley Bypass. The proposed development seeks to secure new Flood Risk Management Scheme (FRMS) within the town of Bewdley to minimise vulnerability to flooding and provide greater resilience to climate change.

- 4.3 The proposed FRMS for the left bank will comprise a hybrid permanent/demountable raised wall extending from Pleasant Harbour House at Beales Corner (to the north), along the left bank of the Severn to the carpark at Millside Court (to the south). The intention is that this new FRMS will operate in conjunction with the existing FRMS along the right bank of the Severn and will greatly reduce flood risk to properties and infrastructure located along the length of Bewdley’s riverfront. The project will provide improved flood protection to residential and commercial properties as well as improving the flood resilience of vehicle and pedestrian routes. The proposed FRMS will maintain traffic flows through the town allowing residents and local businesses to continue as normal by keeping Severn Bridge open whilst the scheme is operational. Once completed, the FRMS will improve the resilience of the local highway network by minimising the duration of road closures due to flooding events.
- 4.4 This application has involved extensive pre-application discussions with the Environment Agency, Worcestershire County Council, Wyre Forest District Council and Historic England to reach an agreeable scheme.

POLICY CONTEXT

- 4.5 The National Planning Policy Framework, 2021 (NPPF) sets out the Government’s planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued concurrently. These are an economic objective, a social objective, and an environmental objective. At the heart of the NPPF is a presumption in favour of sustainable development which for decision-making means approving development proposals that accord with an up-to-date Development Plan without delay. Wyre Forest District Local Plan, 2022, also seeks to achieve sustainable development and is the starting point for all decision making of planning applications.

HISTORIC ENVIRONMENT

- 4.6 The application site is located in an area of high historic significance as recognised by Historic England, County’s Archaeologist, Bewdley Civic Society and your Conservation Officer. The proposed development involves alterations to the Grade I listed Severn Bridge, which is on Historic England’s Heritage at Risk Register and the works within the setting of a number of statutory listed buildings and the Bewdley Conservation Area.
- 4.7 There is a statutory requirement on decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, as set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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- 4.8 Great weight should be given to the conservation of designated heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraphs 193 and 194). Whether harm is substantial or less than substantial (to use the terms of the NPPF) is a matter of planning judgement.
- 4.9 Paragraph 18 of the National Planning Practice Guidance (NPPG) provides guidance on how the possibility of harm to heritage can be assessed. What matters is the impact upon significance and when assessing the degree of harm, it is important to be clear on whether the impact affects a key element of special architectural or historic interest. It is the degree of harm to the significance of an asset rather than the scale of development that must be assessed, and harm can arise from works to an asset or from development in its setting.
- 4.10 Severn Bridge is a Grade 1 listed and is a central feature of Bewdley Town and makes a positive contribution on Bewdley Conservation Area. Its significance derives from its prominent location in the townscape and due to its architectural and historic importance having been designed by Thomas Telford; the country's foremost civil engineer of the period and constructed by John Simpson in the 1702. The proposed scheme has been sensitively designed and would involve the loss of some fabric to the bridge to enable access for demountable flooding equipment to be deployed however this part of the bridge has already been partly reconstructed. Your Officers agree with the views of Historic England and the Conservation Officer that the development would lead to very limited harm to the significance and appreciation of the original design of the bridge and that this would amount to a degree of less than substantial harm.
- 4.11 As highlighted by your Conservation Officer the key to the scheme is the creation of a more useable public open space between the bridge and quayside walls and the ability to retain access over the bridge in extreme flood events following the installation of the proposed flood defence. It is therefore considered that these public benefits along with developing resilience to households and businesses during flooding would result in overwhelming public benefits that outweigh the less than substantial harm to the Severn Bridge as a heritage asset. A planning condition is attached to require any fabric removed from the bridge to be securely stored so it can be used in the bridge's continual maintenance and repair and to require a comprehensive landscaping scheme.
- 4.12 The proposed flood wall including the glazed panels along Stourport Road have been designed sympathetically to the historic character and appearance of Bewdley Conservation Area and to minimise obstruction of views of the river from some of the Grade II* Listed properties on the other side of the road. Your Officers agree with the comments received from Bewdley Civic Society, Historic England and your Conservation Officer that it will be vital to secure high quality materials, finishes and a

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long-term maintenance scheme to ensure the development does not significantly diminish the visual amenity of the area nor the setting of surrounding listed buildings. Conditions are therefore attached accordingly. Conditions are attached to secure appropriate and high quality materials, finishes and railings to ensure the development is in keeping with the character and appearance of the area. A condition is also attached to require a maintenance scheme

- 4.13 Views from Bewdley town and across the river towards Stourport Road will inevitably change due to the need to fell trees and vegetation clearance and the height of the proposed permanent wall. However, your Officers concur with Historic England that the impact on views would be minimised in the long term by replacement trees and a condition is attached to require a comprehensive landscaping scheme.
- 4.14 To conclude, the proposals would cause less than substantial harm to the Grade I listed bridge which is a view also shared with Historic England. The proposed Flood Risk Management Scheme at Bewdley would deliver overwhelming public benefits including flood resilience to the Grade I listed building and properties at Beales Corner, a number of these which are designated assets. It will also maintain vehicular access across the bridge at times of flooding and the provision of both new and improved public realm with greater accessibility to the riverside. In addition, the proposals would improve understanding of the town following archaeology investigations and new historic interpretation boards. The scheme would also support the local economy, which is significantly impacted each time the River Severn floods within Bewdley and causes the bridge to close to traffic. Lastly, the proposed development would help to ensure pedestrian routes, the National Cycle Network Route 45 (which runs along the B4190 and the B4195) and the Public Right of Way (543(B) (which connects the B4190 east of Riverside North to Pewterer's Alley) to remain open where they have previously had to be closed due to flooding events.
- 4.15 It is therefore considered that the public benefits of the proposed development would outweigh the less than substantial harm that would be caused to designated heritage assets. Accordingly, the requirements of Policy SP.21 and DM.23 of the Wyre Forest District Local Plan and NPPF paragraph 202 are met.

HIGHWAY SAFETY

- 4.16 No objection has been received from the Highways Authority subject to the inclusion of conditions. The proposed flood defence infrastructure would reduce disruption to the local network by increasing resilience against flood events because it would allow the B4190 and B4195 to remain partially open to traffic and pedestrians once the barriers are deployed. Also, the overall deployment time for the proposed scheme is expected to be less than the currently used temporary flood defence system. Furthermore, the proposed flood defence reduces the likelihood of flooding of the carriageway which in turn reduces the risk of road damage due to flooding and the road having to be closed for repair work.
- 4.17 The submitted Transport Statement advises that the construction of the proposed flood defence is expected to be completed over an estimated period of 12 months and to minimise disruption to traffic movement and traffic flow it has been noted in the Transport Statement that the construction works would be programmed to avoid any long periods where both roads have to be closed at the same time.

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- 4.18 The Highway Authority have requested a condition to be attached to require a Construction Environmental Management Plan to ensure all aspects of the construction phase are agreed including measures to avoid mud on the road and hours of construction work. Whilst the construction phase will result in various impacts on the highway network as highlighted by the Highway Authority, it is considered that the impact is unlikely to result in a detrimental impact on highway safety. Other impacts on the bus service and Severn Railway Heritage Station are likely to be mitigated and the impact would be limited. A condition has been attached accordingly to require a comprehensive construction environmental management plan to help alleviate issues to the road network, bus services and railway station during the duration of the construction phase.
- 4.19 Any changes to the carriageway and footways during the proposed wall construction would need to be subject to a review under the section 167 of the Highway Act 1980 and agreed by Worcestershire County Council. A section 278 may also be required if any existing footways would require resurfacing following the construction works. A Note is attached to make the applicant aware of these requirements.
- 4.20 The Public Right of Way (PRoW) team raise no objection subject to an informative to make the applicant aware that they will need to submit a separate application for the temporary closure of a PRoW as planning consent does not automatically grant such a closure and their obligations when working close to a PRoW. Your Officers are of the view that the proposed development would not result in a detrimental impact on the PRoW and would therefore accord with Paragraph 100 of the NPPF which requires developments to protect and enhance public rights of way.
- 4.21 Your Officers therefore consider that subject to the conditions in order to satisfy highways the proposals would comply with Policy SP.27 of the Wyre Forest District Local Plan and the NPPF.

FLOOD RISK

- 4.22 Policy SP.31 of the Wyre Forest District Local Plan sets out that in line with the NPPF and NPPG the Council will steer new development to areas with the lowest probability of flooding. The applicant has submitted a Flood Risk Assessment (Arup, Dec 2022) and surface water drainage drawings. At the time of writing the committee report, North Worcestershire Water Management are seeking clarification on aspects of the submitted Flood Risk Assessment as it is considered that the submitted FRA is not comprehensive to accord with local and national policy.
- 4.23 A meeting is to be held between North Worcestershire Water Management Officer and the applicant prior to the planning committee to obtain a comprehensive picture of the scheme and its wider impacts. The applicant has submitted further information and has stated that *“The scheme is designed primarily to reduce fluvial flood risk and that there will always be residual fluvial and pluvial flood risk that residents need to be prepared for. The scheme is designed to allow natural ground water levels to react as naturally as possible both before, during and after a flood event. To help manage this risk the Environment Agency will endeavour to undertake surface water pumping under its permissive powers and shall continue to work with the Highway Authority and Severn Trent Water who all have a role in helping manage surface water, to continue*

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to collaboratively reduce risk post scheme delivery. The Environment Agency's position is that the current FRA meets the requirement of national planning policy and will not need further work and that they believe that the comments and concerns of North Worcestershire Water Management Officer can be addressed at the meeting as the proposal as submitted reduces flood risk to many people in the town and far outweighs the small residual risk outlined in the FRA".

- 4.24 After the timetabled meeting and following the subsequent provision of any further information if required, any forthcoming comments from the North Worcestershire Water Management Officer will be reported in the Addenda and Corrections Sheet. Your Officers are of the view that this matter can be addressed however, if this matter cannot be addressed, the application will be refused.

BIODIVERSITY

- 4.25 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.
- 4.26 In terms of biodiversity net gains, the Countryside and Services Technical Manager has confirmed that the application has been accompanied by an acceptable Biodiversity Net Gain (BNG) report and PEA, which would include biodiversity habitat creation and enhancements on areas of Wyre Forest District Council's nature reserve. This would provide sufficient BNG to compensate for losses in BNG, which would need to be secured through a Section 106 Agreement.
- 4.27 To ensure the impact on protected species is either avoided or mitigated in accordance with local and national planning policy and legislation, planning conditions are attached to require: a pre-commencement walk over to check for Otters; to prevent the installation of new external lighting; and to secure a Construction Environmental Management Plan. In addition, conditions are also to be attached to ensure that all works within the river are carried out outside of sensitive times for fish species and that any works involving the use of significant vibration to be undertaken outside of fish migration and spawning periods. It would also be required that prior to any vegetation clearance works a further survey is undertaken for reptiles and birds.
- 4.28 Subject to the above planning conditions and planning obligation, the proposed development would accord with Policy SP.23 of the Wyre Forest District Local Plan and the NPPF.

TREES

- 4.29 The scheme is compliant on arboricultural grounds as appropriate mitigation measures with new trees to be planted are proposed. A condition for a watching brief is to be added to the approval so that retained trees can be assessed by a qualified Arboriculturist when any tree roots above 25mm that needs to be severed as this way the safety of retained trees can be addressed with remedial works or removal and replacement considered by a professional.

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4.30 It is therefore considered that the proposal is in compliance with Policy DM.26 of the Wyre Forest District Local Plan and the NPPF.

5.0 Conclusions and Recommendations

5.1 The NPPF sets out that the degree of harm to heritage assets should be weighed against the public benefits of the scheme, which seek to protect the historic town of Bewdley from flood events, whilst ensuring the bridge remains open to traffic. More specifically, Beale's Corner contains a group of significant heritage assets, which themselves would benefit directly from being protected increasingly subject to flood events. A significant public benefit is the provision of a new public realm which offers better access for all to the riverside and the riverside heritage assets, together with new interpretation board and an improved understanding of the town following research and archaeological investigation. No objection has been raised by the Highway Authority and it is considered that the development would achieve measurable net gains in biodiversity. Your Officers are also of the view that the matter relating to flood risk and drainage will be addressed and any forthcoming comments from the North Worcestershire Water Management Officer would be reported on the Addenda and Correction Sheet to committee. To conclude, this is a locally significant infrastructure project for Bewdley and would help to minimise vulnerability to flooding and provide resilience to climate change.

5.2 It is therefore recommended **APPROVAL** subject to:

- i. satisfactory Flood Risk Assessment and surface water drainage drawings to: demonstrate the 'undefended' baseline; to expand the area the assessment has been undertaken to include all areas that may be impacted; to quantification of the ground water risk associated with the proposed scheme; to include the proposed surface water improvement measures for Ricketts Place and Millside Court drainage to the Surface water drainage drawings; and no objection submitted within the re-consultation period by the North Worcestershire Water Management Officer;
- ii. The signing of a S.106 agreement to secure off-site biodiversity net gains; and
- iii. The following conditions;
 - 1) 3 year time limit to commence development
 - 2) Require details of materials including bond and finishes
 - 3) Require details of railings
 - 4) Require Landscaping Scheme (including replacement trees)
 - 5) Implementation of approved Landscaping Scheme
 - 6) Require long-term maintenance scheme including cleaning programme for all glazed areas
 - 7) Secure storage of fabric removed from the Grade I listed bridge and strategy for its reuse in future repair works
 - 8) Construction Environmental Management Plan (Ecology and PRow)
 - 9) Construction Environmental Management Plan (Highways).

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- 10) Landscape Construction Environmental Management Plan
- 11) Walk over survey (Ecology)
- 12) Prevent external lighting being installed
- 13) Require river works to be carried out outside of sensitive times for fish species.
- 14) Works involving the use of significant vibration will be scheduled not to impact on fish migration and spawning periods
- 15) Prior to vegetation clearance works being undertaken a walk-over reptile and bird survey of the site to be undertaken and report of findings to be submitted and agreed in writing by the Local Planning Authority including a scheme of mitigation if required
- 16) Submission of Written Scheme of Investigation for Archaeology
- 17) Publication and recording of Written Scheme of Investigation
- 18) Heritage Interpretation panels and artwork within the surfacing
- 19) Drainage conditions
- 20) Temporary diversion of footways and permissive routes
- 21) Detail of the exact specification of footpath BW-543
- 22) Watching brief to be submitted (trees)
- 23) Approved list of plans

NOTES

- A. Public Right of Way
- B. Section 278 Agreement
- C. Section 167 Review of existing footpath(s) and PRow
- D. Construction Environmental Management Plan (CEMP - Highways)

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

14 February 2023

Decisions Contrary to the Officer Recommendation

HEAD OF SERVICE:	Head of Strategic Growth
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APPENDICES:	None

1.0 PURPOSE OF REPORT

1.1 To consider what actions need to be taken when the Planning Committee are minded to make a decision contrary to the Officer Recommendation.

2.0 RECOMMENDATION

2.1 To agree that where members of the Planning Committee propose a motion contrary to officer recommendation (whether to approve or refuse) that a decision is treated as a "minded to" decision and rests for one cycle to allow additional information to be presented to the Committee based on the details set out in this report.

3.0 BACKGROUND

3.1 Planning decisions should be taken in accordance with the local development plan (in so far as it is relevant to the application) unless material considerations indicate otherwise.

3.2 All decisions, whether taken by the Council's appointed Planning Officer, or by the Planning Committee, are decisions made by Wyre Forest District Council, and may be subject to challenge either by judicial review or on appeal.

3.3 Planning Officers offer advice and make a recommendation, which may, on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its Members. The Planning Committee can accept, reject or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

3.4 Planning Committee decisions contrary to Planning Officer recommendation can be subject to appeal or to legal challenge and an associated cost application. Members should therefore ensure that the planning reasons for the decision are set out and based on proper planning reasons prior to any decision being made.

- 3.5 In the event that a Member tables a motion contrary to the recommendation of the Planning Officer, the Member proposing the motion to overturn the recommendation must set out the reasoning and material planning considerations relied upon for reaching such a decision prior to the motion being debated and the Committee voting on the same. Such reasoning should explain, as and when appropriate, why it is proposed to depart from the development plan and/or the departure from policy or policy interpretation relied upon and/or what material planning considerations are to be attributed determining weight.
- 3.6 To avoid an unreasonable decision being made on a planning application it is recommended that any motion that is contrary to a Planning Officer's recommendation is rested for a committee cycle, to allow the Planning Team to prepare a note relating to the reasoning given by the member(s), accompanied by either draft reasons for refusal or draft reasons for approval with conditions for further consideration by the Committee.
- 3.7 As part of the deferral of decision-making on the application the Committee, Chair of the Committee, or Planning Manager, may seek legal advice and further consultee comments on the robustness of the reasons for refusal or the reasons and conditions of approval. Any advice will be provided to the Committee in advance of the resumption of the consideration of the planning application to allow them to consider the advice. This may lead to a further delay of more than one cycle.

4.0 KEY ISSUES

- 4.1 It is a matter of established planning guidance, that Members of the Planning Committee can take a differing view to that of Officers, and they are not bound by recommendations set out in the officer's report. When a differing view is taken, it is a statutory requirement that full reasons are given which are clearly set out.
- 4.2 To ensure a robust planning decision is made that can be defended if an appeal was to be lodged by the applicant against a refusal or if a judicial review was to be launched by someone aggrieved by an approval, it is recommended that the Planning Committee defers the consideration of the application to the next Planning Committee meeting to:
- a. allow additional information/clarification to be provided (including provision of legal advice); and
 - b. enable consideration of additional information based on the reasoning for the original proposal to approve or refuse the planning application.
- 4.3 It should be noted that appeals can be determined either through the written, hearing or public inquiry procedure and, depending on the reason for refusal, may incur significant costs in defending the appeal if external consultants and legal representatives have to be called in to support the local planning authority. Similar significant costs can arise in respect of defending an application for judicial review.

- 4.4 It is important that all reasons for refusal are based on robust and sound justification and evidence that takes into account national and local policies. When a departure from the Development Plan is to be made then clear material considerations should be identified within the reason for refusal or approval. Your Officers will be able to confirm what is deemed to be ‘material’ which can be reported back to the Planning Committee following the deferral. It is imperative that all reasons for refusal or approval that relate to a departure from the Development Plan are based on ‘material’ considerations that are directly related to the proposed development and/or the circumstances of the site. Material considerations can include highway safety, traffic, noise, effect on listed buildings and layout, density and design, but cannot relate to issues concerning loss of view or the negative effect on the value of properties.
- 4.5 Local Planning Authorities are required to make planning decisions within set statutory timescales and our performance (in terms of speed and quality of decisions) is monitored by central government. Data showing the performance of local planning authorities against the speed and quality measures are published by the Department for Levelling Up, Housing & Communities on a quarterly basis. If poor planning decisions against the Development Plan are made and subsequent planning appeals are upheld then our performance would fall into ‘special measures’. Where Local Planning Authorities have been designated as underperforming due to slow or poor decision making, applicants have the option to submit their applications for major and non-major development directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination, taking the decision-making process from the Council. This also means that the Council does not receive the application fees.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are financial implications in defending an appeal both in respect of the Council’s own costs, but also significant implications should the Council be found to be unreasonable in being unable to provide adequate evidence in defence of an appeal. Costs are not a material planning consideration in deciding whether to approve or refuse an application but are relevant when considering whether the Council has adequate evidence to defend an appeal as that goes to the reasonableness of the decision taken. Similar issues arise in respect of defending an application for judicial review. Costs cannot be accurately quantified in advance but can easily run into five figures or more for each appeal or challenge.
- 5.2 Unreasonable behaviour may be either procedural or substantive. Unreasonable substantive behaviour includes running points which have no legal basis or substantive points with no evidence. Planning Policy Guidance states (para 28):

“The aim of the costs regime is to:

- encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case
- encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay,
- discourage unnecessary appeals by encouraging all parties to consider a revised planning application which meets reasonable local objections.”

5.3 If the Council were to be designated as underperforming and put into ‘special measures’ then there would be a potentially significant cost implication for the Council, for example, loss of planning fees income.

6.0 LEGAL AND POLICY IMPLICATIONS

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the National Planning Policy Framework further states that local planning authorities should approve development proposals that accord with an up-to-date development plan without delay.

7.0 RISK MANAGEMENT

7.1 The financial implications if an appeal or judicial review was to progress will need to be included within the Council’s Risk Register. Whilst not being able to prevent it, the purpose of the proposed arrangements to defer an application should mitigate against the risk of an appeal or challenge and/or costs award as it will enable all members to be clear of the basis of and evidence for their decision at the point that it is taken.

8.0 EQUALITY IMPACT ASSESSMENT

8.1 There are no equality impact implications to be considered.

9.0 CONCLUSION

9.1 It is concluded that, if a “minded to” motion is made that would result in a decision that is contrary to Officers’ recommendation, that the planning application is deferred to the next Planning Committee to allow Officers to prepare a report that sets out the draft reasons for refusal or the reasoning and conditions of approval to ensure a robust and reasonable decision is made on planning applications.

10.0 CONSULTEES

10.1 Principal Solicitor

11.0 BACKGROUND PAPERS

11.1 N/A