

Open

Planning Committee

Agenda

6pm
Tuesday 19 December 2023
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor R Drew
Vice-Chairman: Councillor D Little

Councillor J Aston

Councillor L Carroll

Councillor P Harrison

Councillor N Martin

Councillor C Rogers

Councillor B Brookes

Councillor H E Dyke

Councillor M J Hart

Councillor F M Oborski MBE

Councillor D Ross

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, Principal Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email:

louisa.bright@wyreforestdc.gov.uk

Disclosure of Interests

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in ADVANCE of each meeting whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer or other legal officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where the matter relates to an ORI they may not vote on the matter unless granted an advance dispensation.

Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where a matter affects the NRI of a Member or co-opted Member, the Code of Conduct sets out the test which must be applied by the MEMBER to decide whether disclosure is required. Again please ensure you have spoken in ADVANCE to the relevant legal officer and determined whether it is appropriate to declare the NRI and leave.

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

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

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

Wyre Forest District Council

Planning Committee

Tuesday 19 December 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 interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. 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 14 November 2023.	8
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

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

Not open to the Press and Public

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

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

14TH NOVEMBER 2023 (6PM)

Present:

Councillors: R Drew (Chairman), D Little (Vice-Chairman), J Aston, B Brookes, L Carroll, P Dyke, P Harrison, M J Hart, N Martin, F M Oborski MBE, C Rogers and D Ross.

Observers:

There were no members present as observers

PL.23 Apologies for Absence

Apologies for absence were received from Councillor: H E Dyke.

PL.24 Appointment of Substitutes

Councillor P Dyke was a substitute for Councillor H E Dyke.

PL.25 Declarations of Interests by Members

No declarations of Interest were made.

PL.26 Minutes

Decision: The minutes of the meeting held on 19 September 2023 be confirmed as a correct record and signed by the Chairman.

PL.27 Applications to be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 613 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 613 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 6.26pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

14 November 2023 - Schedule 613 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: 22/0899/OUT
Site Address: Land At Os 385100 280950, Caunsall Road, Caunsall, Kidderminster Worcestershire
<p>APPROVED subject to:</p> <p>a. the following conditions:</p> <ol style="list-style-type: none"> 1. Time Limit for Reserved Matters 2. Reserved Matters Details (scale, layout, appearance and landscaping) 3. Require development to be in accordance with the Site Location Plan and Proposed Access to Serve Proposed Residential Development Plan 4. Require details of materials, boundary treatment to include gaps in fences for hedgehogs, proposed site levels and finished floor levels 5. Require development to achieve water efficiency standard of 110 litres per person per day 6. Require Energy Report to demonstrate 10% of predicted energy requirements to be provided through renewable or low carbon sources 7. Secure implementation of Tree Protection Plan 8. Require retention of hedgerows except for hedge to be removed to facilitate access 9. Require remediation scheme and validation report for potential ground contamination 10. Unexpected contamination 11. Require scheme for a surface water drainage strategy to be provided within the red line site boundary of the site 12. Require management plan detailing future maintenance responsibilities for SuDS assets 13. Require construction surface water management plan 14. Require drainage plans for disposal of foul and surface water flows 15. Require Written Scheme of Investigation (WSI) for Archaeology 16. Require Implementation and recording of agreed WSI 17. Construction Environmental Management Plan (Biodiversity) 18. Require visibility splays to be provided and retained 19. Require details of access including pedestrian footway 20. Electric vehicle charging points 21. Details of on-site parking and turning provision and layout to be submitted and approved 22. No development above dampproof course shall be carried out until a scheme for the heating system, in accordance with the Wyre Forest District Local Plan (2022), which is to be used by each dwelling house hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The

development shall be implemented in accordance with the approved scheme and thereafter maintained

23. Require submission of a Lighting Plan
24. Require installation of bird nesting and bat roosting facilities
25. A Reasonable Avoidance Methodology produced by a qualified Ecologist
26. No works within the bird nesting season without the assistance of a qualified ecologist
27. The production of a Landscape Environment Management Plan (LEMP) to include all improvement measures required to deliver appropriate BNG
28. All drainage and/or any other infrastructure shall be provided within the red line as defined on the site location plan
29. Remove all Permitted Development rights for any walls, gates and fences to the front of the dwellings and access road

NOTES

- Reserved Matters relating to scale, layout and landscaping shall ensure a sensitive design approach is undertaken that considers landscape character and views from/to heritage assets and incorporates a robust landscape buffer and buildings
- PV solar panels
- The revised Energy Report pursuant to condition 6 shall consider the inclusion of solar/photovoltaic panels, air source and ground source heat pumps including battery storage for PV panels
- No construction work outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays
- No burning of any material during construction and site preparation works
- Section 278 Agreement
- Construction Environment Management Plan

Application Reference: 23/0663/LBC

Site Address: Former Worcester Cross Factory And Offices, Weaving Sheds And Worcester Cross, Worcester Street, Kidderminster, Worcestershire

APPROVED subject to:

- a. the following conditions:
 1. 3-year Time Limit to commence development
 2. Programme of Archaeological works (Historic Building Recording and Watching Brief)
 3. 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.
23/0631/FUL	River Bank House Bridge Road Cookley Kidderminster Worcestershire DY10 3SH	Approval	13
23/0617/RES	Os 379576 274909 Land At Stourport Road, Bewdley (The Triangle Site) Bewdley Worcestershire	Delegated Approval	22
23/0621/FUL	Mary Moors Farm Eymore Wood Lane Trimpley Bewdley Worcestershire DY12 1PF	Approval	50

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
22/0339/FUL & 22/0340/LBC	Gainsborough House Hotel 23 Bewdley Hill Kidderminster Worcestershire DY11 6BS	Delegated Approval (22/0339/FUL) Approval (22/0340/LBC)	63
23/0002/FUL & 23/0003/LBC	Lickhill Manor Lower Lickhill Road Stourport On Severn Worcestershire DY13 8RL	Delegated Approval (23/0002/FUL) Approval (23/0003/LBC)	73
23/0334/FUL	Unit 6 27 Lisle Avenue Kidderminster Worcestershire DY11 7DF	Approval	85
23/0553/HOU	14 Church View Bewdley Worcestershire DY12 2BZ	Approval	94

23/0587/HOU	24 Lingfield Road Bewdley Worcestershire DY12 1JZ	Approval	98
23/0614/RG3	1 To 6 Worcester Street Kidderminster Worcestershire DY10 1EA	Approval	103
23/0716/HOU	16 Malvern View Chaddesley Corbett Worcestershire DY10 4SJ	Approval	119

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19 December 2023

PART A

Application	23/0631/FUL	Date	23.08.2023
Reference:		Received:	
Ord Sheet:	384477 280529	Expiry	18.10.2023
		Date:	
Case Officer	Richard Jennings	Ward:	Wyre Forest Rural

Proposal: Retrospective change of use to a mixed use comprising residential dwelling and cafe (Use Class E) and retention of cafe building (2.4 x 2.4 metres), gazebo with sides for covered seating, and outdoor seating

Site Address: River Bank House , Bridge Road, Cookley, Kidderminster, Worcestershire, DY10 3SH

Applicant: Kristin Jones

Summary of Policy	SP.16, SP.20, SP.21, SP.23, SP.27, DM.22, DM.23 and DM.24 of the Wyre Forest District Local Plan Design Guidance SPD WCC Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Reason for Committee	Request to Speak by Objector
Recommendation	APPROVAL

1.0 Planning History

1.1 No planning history.

2.0 Consultee Responses/Neighbour/Site Notice Representations

2.1 Wolverley and Cookley Parish Council – No objection subject to a condition restricting the permission to a temporary approval for two years as well as a condition restricting opening hours.

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- 2.2 Tree and Biodiversity Officer - No objection subject to a condition restricting all external lighting on the site.
- 2.3 Conservation Officer – No objection subject to conditional approval. Whilst the proposal is not fully in-keeping with the character of the conservation area and a heritage statement has not been provided, it is noted that the structure is temporary in nature. When the harm is weighed against the public benefits it is concluded that the proposal does cause less than substantial harm to the conservation area. Therefore, I recommend a temporary approval, which will be reviewed in 2 years time, at which a more detailed heritage statement will need to be drafted.
- 2.4 Canal and River Trust – No objection to the principle of development. In order to prevent increased litter on the canal towpath the trust ask for the Council to consider whether a condition should be imposed to restrict consumption to on-site only with no takeaway goods available. Whilst the applicants’ comments regarding checking for litter on the towpath are noted, the litter may occur at some distance from the site, as users continue to walk along the canal. This is not only unsightly but could be a danger to wildlife.
We also note the applicants’ comments regarding occasional lighting. If any lighting is needed for special events this should be minimal and angled away from the canal corridor with no light spill over the water space.
- [Officer comment – Planning conditions have been recommended to restrict the use to on-site consumption only with no takeaway goods available and to require details of external lighting to be submitted and agreed]
- 2.5 WCC Archaeologist - No objection.
- 2.6 North Worcestershire Water Management Officer – No objection. The site is not at risk of fluvial or pluvial flooding. The coffee hut is located directly adjacent to the towpath of the Staffordshire and Worcestershire Canal. The application form details that surface water from the roof of the coffee hut will be disposed of via SuDS; no further details have been submitted. There would in my opinion be no reason to withhold approval of this application on flood risk grounds, providing that collated roof water is being disposed of on the site, so it is not being discharged to the nearby Canal or the river Stour.
- 2.7 Worcestershire Regulatory Services (Noise Nuisance team) – No objection to the development.
- 2.8 Neighbour/Site Notice Representations
2 letters of objections have been received from nearby occupiers and their concerns can be summarised as follows:
- The application is inaccurate.
 - The proposed opening hours conflict with the residential nature of the site.
 - The application proposes no screening
 - No roadway access to support the additional rubbish/recycling.
 - The site has no mains drainage, suitable handwashing facilities or toilet facilities.
 - Greenery removed to facilitate the development.

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- No Consideration to the Canal Conservation Area.
- Noise issues
- Overlooking of neighbouring gardens
- The peak of the traffic clashes with enjoyment of residential amenity
- The applicant has listed an increase in compost waste to dispose of food waste
- The business is not registered on the food hygiene standards register

8 comments in support of the application have been received from nearby occupiers and their comments can be summarised as follows:

- New local business adding to the area without spoiling the ambience of the village
- Integrates well with its surroundings
- The environment has been kept natural
- Popular by walkers etc
- Adds to the ambience of the village
- A very quiet, discrete place
- The wooden servery is very low key and unobtrusive
- A lovely additional facility to our village
- No use of vehicles to access the site so very sustainable.
- It is a wonderful asset to our thriving village.
- Great meeting place for villagers
- Provides an enterprising but simple business for the community.
- Natural and unobtrusive
- Peaceful and sociable whilst little visual or other impact
- Promotes walking and cycling
- The owners take real pride in this enterprise

3.0 Site Location and Description

- 3.1 The application relates to a detached two-storey dwellinghouse (known as 'River Bank House'), which fronts onto the Staffordshire and Worcestershire Canal towpath and includes garden to either side of the house and to the front. The side garden to the north-east of the house includes a wooden café building and gazebo with sides to be used for an outdoor seating and tables and a picket fence and gate to the towpath. This part of the garden has been used as an authorised café, attracting customers from the towpath. To the rear of the site is the River Stour. The site is washed over by the West Midlands Green Belt and lies in the open countryside with the defined settlement boundary to Cookley Village located on the opposite side of the canal. The site has no vehicular access and is only accessible via foot, bike or boat.
- 3.2 The application seeks to regularise the mixed use of the site for residential and café use and the 'retention of a café building and gazebo with sides'.

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- 3.3 The small café business operates between 1000- and 1600-hours Monday to Sunday. It comprises twelve covers and serves refreshments by way of tea, coffee, soft drinks and cakes. It currently has one full time and one part time employee. In terms of waste, the applicant has advised that biodegradable products are used wherever possible and that the waste is put in a compost heap and anything else is recycled or taken to the waste bins at a local facility. No external lighting is proposed.

4.0 Officer Comments

- 4.1 The main considerations that apply to this application are:

- Background Information
- Principle of Development (Green Belt)
- Residential Amenity
- Historic Environment
- Biodiversity and Trees
- Flood Risk and Drainage
- Other Matters

BACKGROUND INFORMATION

- 4.2 This retrospective planning application results from an enforcement complaint, case reference 23/00107/ENF, and subsequent investigation by the Council's Planning Enforcement Officers where it was observed that refreshments were being served to the wider public together from a wooden café building and gazebo with sides for outdoor seating and a further outdoor seating area had been erected in the side garden. It was concluded by the Planning Enforcement team that a material change of use had occurred from a dwelling house to a mixed use comprising residential and a café within the domestic curtilage. The applicant had already applied for a license for the café use, registered for business rates and liaised with the Canal and River Trust but did not realise that the small-scale café business use had crossed the threshold of a material change of use in planning terms and required planning permission.
- 4.3 The homeowner was invited to submit a retrospective planning application by the Planning Enforcement team following positive consultation with the Parish Council who had offered to support a two-year temporary consent. This application now attempts to resolve the outstanding breach of planning control having worked with the Planning Enforcement team since the receipt of the initial complaint.
- 4.4 The café building and gazebo with sides are constructed in timber and are relatively small in scale and are not dissimilar to a typical garden shed/gazebo. They do not appear visually out of keeping with the domestic setting of the dwellinghouse or the area more generally.
- 4.5 Furthermore, the café building and gazebo with sides are situated within 5 metres of the dwellinghouse within the existing residential curtilage and are not considered to be a disproportionate addition, and therefore, would not be inappropriate development in the Green Belt when considered against Paragraph 149(c) of the National Planning Policy Framework (the 'NPPF') and Policy SP.22 of the Wyre Forest District Local

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Plan. The outbuildings do not appear as an encroachment into the surrounding countryside and are considered to preserve the visual aspect of the Green Belt openness. In terms of the spatial aspect, the outbuildings add very little volume in terms of built development.

- 4.6 It should also be noted by Members that due to their small scale; the café building and gazebo with sides could have been erected under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 if they were to have remained in incidental use to the dwellinghouse. It is therefore considered (when setting aside the matter of use) that the two outbuildings are acceptable on their own planning merits and that it would not be expedient to enforce against them.

PRINCIPLE OF DEVELOPMENT (GREEN BELT)

- 4.7 The current application, as amended, seeks full planning permission for a mixed use of the site for residential and café use, and the retention of the café building and gazebo with sides used for customer seating occupying the site.
- 4.8 Having reached the conclusion above that the removal of the café building and gazebo with sides would not be warranted, it is considered that the retention of these would not result in any further harm to the Green Belt by way of inappropriateness, or conflict with the five purposes of including land in the Green Belt.
- 4.9 It is also considered that the use of the side garden and existing retention of café building and gazebo with sides would not be inappropriate in the Green Belt, given that the re-use of the existing café building and gazebo with sides and change of use of land is an identified exemption to inappropriate development under Policy DM.22 of the Wyre Forest District Local Plan and Paragraphs 150d and 150e of the NPPF.

RESIDENTIAL AMENITY

- 4.10 Two objections have been received from local residents who have concerns that the seating area has been located directly opposite their rear gardens encouraging foot traffic to stop and view their property, concerns over the noise travelling to neighbouring properties including the noise from the bell installed by the applicant in order to notify them of visitors, and the proposed opening hours of the café.
- 4.11 The boundary fence of the nearest neighbouring property is approximately 6 metres from the application site and approximately 19 metres from the rear elevation of this property. The property has a large mature tree in the rear garden adjacent to the canal which provides screening and the primary use of the neighbouring properties rear garden is elevated above the canal and away from the application site.
- 4.12 Your Officers are of the view that the relationship between the café use and the nearest neighbouring properties would not give rise to unacceptable harm in terms of noise, odour or nuisance and is therefore considered to be acceptable.
- 4.13 Due to the location of the café, it will be a 'car free' development with accessibility only by foot and as such there will be a generally low number of customers. In addition, due to the nature of the goods to be supplied, customers are unlikely to be visiting the site for long periods of time which would result in significant noise disturbance.

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- 4.14 Worcestershire Regulatory Services have been consulted and have stated that they have no objections to the proposal. However, Officers consider that a temporary two-year consent would allow the ongoing assessment of any noise impact of the seating area and daytime use on the amenity of the area. The applicant proposes café opening hours of 10am to 4pm Monday to Sunday. Planning Conditions to limit the hours of use to those applied for and to prevent external lighting and takeaway service have been recommended to protect the amenity of neighbouring residents. Therefore, your Officers are of the view that the café use is unlikely to result in noise and disturbance to the detriment of neighbouring residential properties to warrant a refusal of the application.

HISTORIC ENVIRONMENT

- 4.15 The application site falls within the Staffordshire and Worcestershire Conservation Area where Policies SP.21 and DM.23 of the Wyre Forest District Local Plan apply. The Council's Conservation Officer has commented that whilst the proposal is not full in-keeping with the character of the conservation area and a heritage statement has not been provided, it is noted that the structure is temporary in nature. When the harm is weighed against the public benefits it is concluded that the proposal does cause less than substantial harm to the conservation area.
- 4.16 Your Officers advise that only a temporary approval is recommended, which would be reviewed in two years, at which point a more detailed Heritage Statement would need to be submitted to retain a permanent café use.
- 4.17 Your Officers also concur with the views of the Conservation Officer that the public benefits of the scheme in terms of retaining jobs, supporting the rural economy and the social aspects of the development, although relatively low key, carries moderate weight that outweighs the less than substantial harm to the Conservation Area. It is also noted that the Canal and River Trust raised no objection to the application.
- 4.18 Your Officers therefore consider that with suitably worded conditions in relation to a temporary consent that the proposal would comply with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan and the NPPF.

BIODIVERSITY AND TREES

- 4.19 Policy SP.23 of the Wyre Forest District Local Plan requires all 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. Paragraphs 174 and 185 of the NPPF also seek to ensure that new developments minimise harm to biodiversity and achieve net gains.
- 4.20 The proposal would have no impact on the trees or vegetation on the site and therefore there is unlikely to be any impact on ecology. The Council's Trees and Biodiversity Officer has offered no objection subject to a condition relating to no lighting being installed on the site. Officers consider that the proposals would not result in any harm to biodiversity subject to a condition with regards to no lighting at the site and the proposal is therefore in accordance with Policy SP.23 of the Wyre Forest District Local Plan and the NPPF.

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FLOOD RISK AND DRAINAGE

- 4.21 The site's location is not at risk of fluvial or pluvial flooding. The retention of café building and gazebo with sides are located directly adjacent to the towpath of the Staffordshire and Worcestershire Canal. The submitted application form details that surface water from the roof of the outbuildings would be disposed of via SuDS; no further details have been submitted and it is the views of the North Worcestershire Water Management Officer that there would be no reason to withhold approval of this application on flood risk grounds, providing that collected roof water is being disposed of on the site, so it is not being discharged to the nearby Canal or the river Stour.
- 4.22 Your Officers therefore consider that the proposed development subject to the addition of an appropriately worded Planning Condition would accord with Policies SP.31 and SP.32 of the Wyre Forest District Local Plan and the NPPF.

OTHER MATTERS

- 4.23 Policy SP.35 requires new development to incorporate adequate facilities into the design to allow occupiers to separate and store waste for recycling and recovery unless existing provision is adequate.
- 4.24 The applicant has stated that biodegradable products wherever possible are used and are put in a compost heap with the remaining rubbish recycled at a local facility. The Canal and River Trust have been consulted and in order to prevent increased litter on the canal towpath the trust have suggested that a condition is imposed to restrict consumption to on-site only with no takeaway goods available. This is due to the fact that litter may occur at some distance from the site as users continue to walk along the canal and this is not only unsightly but could be a danger to wildlife. A condition has been recommended to require the inclusion of a litter bin on site, that waste is cleared and the bins emptied each day and that all drinks and food are consumed on site only.
- 4.25 An objector has queried whether or not toilet facilities are required at the site. The applicant has stated that visitors to the site approximates to ten per day and therefore under health and safety legislation, as advised by Worcestershire Regulatory Services, there is only a requirement to provide toilet/wash hand basin if the number exceeds 12 covers or where there are more than three tables proposed. A condition has therefore been recommended to restrict the number to no more than 11 covers or customers at any one time to ensure that additional toilet facilities on site are not required.
- 4.26 Matters of food licensing and food waste disposal have been mentioned within the neighbour objections. The food offered on site is extremely limited to tea, coffee, soft drinks and cakes and therefore the waste produced is minimal. In any case, food hygiene, safety and disposal are not material planning considerations of this application and would be appropriately dealt with by Licensing as and when required, which falls outside of the planning remit.
- 4.27 Officers are of the view that the mixed residential and cafe use is acceptable in principle, that the development would be of an acceptable design and scale and adds a positive contribution to the character and appearance of the local area in a location that is sustainable and well connected to the centre of Cookley. Conditions are

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recommended to restrict opening hours, no lighting to be installed, to restrict the number of covers and to prevent takeaway goods. The development has therefore addressed the concerns raised by neighbours in terms of rubbish removal / recycling, toilet facilities, noise and opening hours, and as such the proposal is considered to be in accordance with Policies SP.20, SP.33, SP.35 and DM.24 of the Wyre Forest District Local Plan and the NPPF and would not result in any harm to the amenity of existing residents in the locality of the site.

5.0 Conclusion and Recommendations

- 5.1 It is considered that it is not expedient to seek the removal of the built café buildings. The retention of the café use, the outdoor seating area and ancillary café buildings / timber gazebo with sides would not result in an adverse impact on the amenity of neighbouring residential properties in terms of noise, nuisance or litter. Due to the low-key nature, scale and location of the development within the existing residential curtilage, with no vehicular access, it is considered that the proposed use of part of the existing residential garden for a small café use would preserve the openness of the Green Belt and would not harm the visual amenity of the surrounding area including the Staffordshire and Worcestershire Conservation Area. A two-year temporary consent has been recommended to enable the Local Planning Authority the ability to monitor the use for a period and ensure the café operates within the limits of the recommended conditions and ensure no harm arises for the neighbouring properties located opposite the canal in terms of noise and disturbance.
- 5.2 All public comments received have been carefully considered and taken into account in the assessment of the application and no statutory consultee have raised an objection to the application subject to conditions. The proposal is considered to represent sustainable development and would be in accordance with the Development Plan and the NPPF.
- 5.3 It is therefore recommended that the application is **APPROVED** subject to:
- a. the following conditions:
 1. Two year temporary consent
 2. The café hereby approved shall only be open to public between the hours of 10:00 to 16:00 on any day
 3. No external lighting
 4. Provision of litter waste bins
 5. No more than 11 covers or customers at any one time
 6. No change from a café use within Use Class E
 7. No takeaway goods to be available at anytime
 8. All collected roof water from the outbuildings shall be disposed of on the site and at no time shall it be discharged to the nearby Canal or the river Stour
 9. Removal of permitted development rights for any further outbuildings
 10. The development to be retained in accordance with the approved plans

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Strategic Growth

River Bank House Bridge Road Cookley Kidderminster Worcestershire DY10 3SH

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PART A

Application Reference:	23/0617/RES	Date Received:	18.08.2023
Ord Sheet:	379576 274909	Expiry Date:	17.11.2023
Case Officer:	Helen Hawkes	Ward:	Wribbenhall And Arley

Proposal: Submission of reserved matters (scale, layout, appearance and landscaping) pursuant to outline consent 21/0097/OUT for the erection of 79 dwellings, landscaping, parking and associated works

Site Address: Os 379576 274909, Land At Stourtport Road, Bewdley (The Triangle Site), Bewdley, Worcestershire, ,

Applicant: Mr B Jowett

Summary of Policy	<p>SP.1, SP.2, SP.6, SP.9, SP.10, SP.12, SP.16, SP.20, SP.21, SP.23, SP.27, SP.28, SP.29, SP.31, SP.32, SP.37, DM.7, DM.8, DM.23, DM.24, DM.32 and SA.B2 of the Wyre Forest District Local Plan (2022)</p> <p>Design Guidance SPD Planning Obligations SPD Affordable Housing SPD Health and Wellbeing SPD WCC Landscape Character Assessment WCC Streetscape Design Guide WCC Minerals Local Plan National Planning Policy Framework National Planning Practice Guidance National Design Guide Building for a Healthy Life</p>
Reason for Committee	‘Major’ Planning Application and Request to Speak by Objector
Recommendation	DELEGATED APPROVAL

1.0 Planning History

1.1 21/0097/OUT - Outline planning application for up to 100 dwellings with all matters reserved apart from access: Approved 29.09.2022.

2.0 Consultee Responses/Neighbour/Site Notice Representations

2.1 Bewdley Town Council – Recommends Approval.

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2.2 Bewdley Civic Society – No objection.

The Bewdley Civic Society commented on application 21/0097/OUT. With regard to application 23/0617/RES our overall view is that it is on the whole satisfactory since some of the issues we raised have been mitigated.

We do note that the number of units has reduced from 100 to 79, this is to account for the additional open space as required by the outline permission and the 10m nature strip between the old wall and the development site. This is welcomed by the Bewdley Civic Society.

We also welcome that the old Gertrude Jekyll Garden is to become an open space/play area. However, we note that the archaeological survey required under condition 22 does not appear to have been carried out. Hence, we reserve judgement on whether the proposed garden/open area is adequate.

Finally in our comments on 21/0097/OUT we raised the issue of the heritage wall. This wall has become locally listed and any development in this area should take heed of this status.

[Officer comment – In regard to the Archaeological survey work of the open space/play area, the applicant has confirmed that ‘The archaeological works for the walled garden area are being undertaken w/c 11th December and should be completed by 13th December. Works for the rest of the site will be undertaken separately’. The County’s Archaeologist has also confirmed that the written scheme of investigation has been agreed and that it is not a requirement of Condition 22 attached to the Outline Consent that the evaluation takes place prior to the determination of the Reserved Matters application. The County’s Archaeologist has also advised that the applicant can evaluate in two phases and submit the findings in order to discharge Condition 22 and 23 of the Outline Consent.

In respect of the Locally Listed red brick wall at the northern end of Sandbourne Lane, originally the wall to Sandbourne House, this wall is to be retained and protected as required under Condition 39 of the Outline Consent. The applicant has also confirmed that the development would provide hedgerow planting adjacent to this wall to protect it in the long term and that because the applicant does not own the wall they have no rights to do works to the wall and that it is intended that it will remain as existing and that there would be no footpath links created to Sandbourne Lane that would cause damage to the wall]

2.3 WFDC Arboricultural Officer – No objections to the proposed development as no arboricultural features with a high amenity value are directly impacted. The landscape master plan looks to be adequate with roadside tree planting included. Details of species should be submitted at pre-app stage with a diverse choice of trees species throughout the site.

2.3 WFDC Senior Planning Policy Officer – No objection to the self-build plots.

2.4 Highway Authority – No objection subject to conditions. The conditions to follow on Addenda and Correction Sheet.

2.5 Natural England – No comments to make on this application.

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- 2.6 Housing Enabling Officer – No objection to the housing mix, tenure or siting of affordable properties and welcome the provision of bungalows in the development.
- 2.7 Worcestershire Regulatory Services (Noise Nuisance) – No objection subject to conditions. The submitted noise assessment (Cundall 1039565 -RPT-AS-001 Rev B Dated 7 August 2023) appears satisfactory and predicts that internal and external noise levels should be acceptable in terms of BS8233. When the applicant has decided which glazing and ventilation products will be installed, they should submit details of their sound insulation specifications and confirm that they meet the recommendations of the noise assessment for approval. The applicant should also submit a plan / table detailing the glazing and ventilation for each dwelling. It is also noted that the scheme includes the installation of air source heat pumps for each dwelling, The applicant has updated the submitted plan titled ‘Air Source Heat Pump Layout’ (drawing number BEW-ASHP-001 Rev. D) to show that the installation of the air source heat pumps would adhere to IOA guidance.
- 2.8 Worcestershire Regulatory Services (Potential Contaminated Land) – No objection. It is advised that WRS have reviewed the report, and while much of the investigation pertains to ground water and geology, the gas monitoring (the methodology and results WRS are in agreement with) confirms what we have been told in previous reports. There is no reference to a remedial strategy, or the recommendations made by my colleague on 29 April 2022. In his response, Neil Kirby on behalf of WRS summarised with: *“The report is appropriate and WRS agree with the methodology and conclusions, WRS recommend that part 1 to 3 of the condition is discharged. A remediation scheme for the investigation and removal of any Arsenic contaminated soil in area of WS10 should be submitted”*. This recommendation still applies, and the Unexpected Contamination recommendation made to the Outline application remains in place until project completion.
- 2.9 Worcestershire Regulatory Services (Land and Air Quality team) – No objection. WRS reviewed and commented on the outline application reference 21/0097/OUT in February 2021, in which the standard air quality mitigation measures (electrical vehicle charging points, secure cycle parking, low NOx boilers) were recommended. WRS consider that these recommendations are still relevant to the reserved matters application and should be included as part of any permission granted.
- [Officer comments – Conditions 35 (Electrical Vehicle Charging Points), 36 (Cycle Storage Facilities) and 37 (Low NOx boilers) have been attached to the Outline Consent and therefore it is unnecessary to impose these conditions again. The details for Electric Vehicle Charging Points and Cycle Storage are considered to be acceptable and as such, conditions 35 and 36 can be formally agreed as part of this Reserved Matters application. It is proposed that all dwellings would have an air source heat pump as opposed to a gas boiler, meaning that the development would be gas free and means that Condition 37 is no longer relevant]
- 2.10 North Worcestershire Water Management Officer – No objection. The final drainage statement (RPS, 29 Nov 2023) has been reviewed, which now includes the following to address earlier comments:
- level for level compensatory flood storage details (appendix K).

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- Correspondence from the Environment Agency demonstrating no concerns regarding the proposed infiltration SuDS in relation to groundwater protection zone (appendix J).
- change in drainage scheme to discharge only roof water of plots 25-36 to soakaway and driveways to permeable paving (Levels and Drainage concept drawing AC5954_RPS_xx_xx_DR_C_600-01, appendix A, Rev P12, 29 Nov 2023).
- Updated simple index approach to include the 3 discharge routes: most of the site to basins with the exception of plots 25-36 for which the roofs will go to individual soakaways and driveways to permeable paving (section 1.6). All SuDS provide sufficient treatment prior to discharge.

The information now provided is sufficient to discharge the surface water drainage condition (condition 16 attached to the Outline Consent) as well as condition 19 of the Outline Consent (flood risk assessment) which was requested by other consultees. It is noted that the drainage statement also seeks to meet condition 20, also requested by others, which reads:

“There shall be no raising of ground levels within Flood Zone 3, the 'high risk', 1% annual probability floodplain”.

As the proposal actually includes limited raising of ground levels at the back garden of plot No36, the submitted information does not meet this condition as such. However, the level by level, volume by volume compensatory flood storage (detailed in appendix K) has made the proposed raising acceptable.

2.11 WFDC Tree and Biodiversity Officer – No objection. The following documents have been submitted, reviewed and formally agreed; these are:

- Badger Survey (Condition 24 of Outline Consent)
- Otter Mitigation Strategy (Condition 25 of Outline Consent)
- Otter survey and report (Condition 26 of Outline Consent)
- Botanical survey and report to be carried out prior to any vegetation clearance (Condition 27 of Outline Consent)
- Construction Environmental Management Plan for Biodiversity (Condition 28 of Outline Consent) – It is noted that the submitted Construction Environmental Management Plan for Biodiversity is a comprehensive document and as such, condition 28 of the Outline permission can be formally agreed.
- Landscape and Ecological Management Plan (LEMP) (Condition 29 of Outline Consent) -
- BNG Calculation (Metric version 4.0) – This is acceptable and can be achieved.

The revised BNG Calculation shows a biodiversity net loss of 1.68 units and it has been agreed that the 1.68 units would be provided off-site by the Council at a cost of £31,483. The BNG Calculation and off-site BNG provision is acceptable and in accordance with Local Plan Policy SP.23.

The proposed landscaping scheme is considered to be acceptable and provides a good variety of tree species that is in keeping with the character of the area and would provide a high-quality public realm.

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2.12 WFDC Conservation Officer – No objection.

The proposal site does not contain within it any heritage assets but is located within proximity of non-designated heritage assets, most notably a locally listed wall which directly abuts the site.

The scale of modern development does raise an increased risk of harm to these heritage assets; however, it is concluded overall that the potential harm is less than substantial.

No heritage assets will be directly affected, with only the setting of some impacted. Considering the boundary treatments proposed in the supplied plans, I would conclude that this harm will be mitigated considerably. The benefits of the proposal are in the provision of additional well-designed housing and living space, which is an objective of the National Planning Policy Framework.

Overall, I would conclude less than substantial harm which is mitigated by the boundary treatments and the status of the nearby heritage assets as non-designated. I recommend approval.

2.13 Severn Trent Water Limited – No comments received.

2.14 Environment Agency – No objection subject to conditions.

Thank you for your consultation of the amended plans relating to the above planning application, received by us on 30 November 2023. Our previous response under our ref: SV/2023/112062/01-L01 to this reserved matters application requested some further detail. We reiterated the conditions that we suggested and that were attached at outline stage. One condition related to designing the site in line with the FRA and another condition related to no ground level raising in Flood Zone 3.

Flood Plain Storage Compensation: Contrary to the outline condition (no.20 of 21/0097/OUT), some ground raising has been proposed within Flood Zone 3 and we requested confirmation of the amounts to be raised and lowered within the Flood Zone in our previous response. I refer to the final Drainage Statement, revised 29 November 2023. The 'Details regarding compensatory storage' section states that 'Flood compensation is provided on a volume for volume and level for level basis' and plans in Appendix A show that the volume raised is set to be 19.235m³, with the amount lowered set to be 21.079m³, giving an overall betterment of 1.844m³. We would consider this acceptable in this instance and would suggest the following condition to secure such:

Condition: Prior to development flood storage compensation shall be carried out in accordance with the details submitted within the Drainage Statement dated 29.11.2023, unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

Reason: To minimise flood risk and enhance the flood regime of the local area. As previously mentioned, the proposed design includes a minimum standoff distance from the Riddings Brook of 10 metres, however, any works (including floodplain storage compensatory works) within 8 metres of the top of the bank of the Riddings Brook (designated Main River), may require a permit from us under the Environmental Permitting (England and Wales) Regulations 2010.

For more advice to confirm whether a permit is required, what type, and exemptions please contact Enquiries_Westmids@environment-agency.gov.uk. Also go to: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

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Finished Floor Levels: We previously offered comments upon finished floor levels in our previous response to this reserved matters application (our ref:SV/2023/112062/01- L01).

We noted our previous condition which states:

‘Condition: The development permitted by this planning application shall only be carried out in accordance with the approved Flood Risk Assessment dated January 2021 reference BMW-2897_FRA.

Reason: To protect future occupiers from flood risk for the lifetime of the development.’ Was included in the outline approval (21/0097/OUT).

We would take this opportunity to reiterate the following from our previous response:

‘As confirmed within the FRA finished floor levels (FFLs) are required to be a minimum of 600mm above the 1 in 100 years plus climate change (35%) flood level which will mean FFL’s ranging from 22.96 to 24.14mAOD’. ‘We also note the Drainage Statement (dated 7 November 2023) which seeks to address condition 19 (Finished Floor Levels). Appendix A – Levels and Drainage Concept contains a diagram which also confirms the appropriate Finished Floor Levels. The council may wish to confirm these FFLs with an appropriate condition’.

2.15 Design Out Crime Officer – No objection.

It is acknowledged that the Planning Statement has given consideration for appropriate fencing, gating and defensive planting scheme. As security and safety for all is paramount, the following should be noted:

- An appropriate lighting scheme for residential properties is required.
- Additional details are required to how the ‘secure’ cycle stores are to be locked and managed, as cycle crime is still prevalent, and impacts on residents in Worcestershire.
- It is noted that the rear footpath has been removed from consideration and footpaths to the rear of gardens would not be supported as this makes them vulnerable. Please note Secured by Design Homes 2023 8.10 ‘Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.’
- Gates to the side of dwellings that provide access to rear and shared gardens must be robustly constructed, be the same height as the fence (minimum 1.8m) and be capable of being locked (operable from both sides of the gate). Such gates must be located on or as close to the front of the building line as possible.
- All residential doors should be dual certified for both security, smoke and fire, the doors should meet security standard PAS24:2022 or equivalent and have the appropriate fire rating.
- An effective management and maintenance schedule is required for the public open space areas.
- Can you advise as to any additional details regarding the management and storage of refuse bins, and whether residents will be required to hand deliver these.
- The principles and standards of the Secured by Design initiative give excellent guidance on crime prevention through the environmental design and on the physical measures. Within Secured by Design guide, details the police preferred specification. The applicant should be encouraged to apply for this award. Details can be found at www.securedbydesign.com
- A Planning Condition for Secured by Design (SbD) accreditation is recommended.

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[Officer comment – The applicant has advised that the development would incorporate Secure By Design measures to comply with Part Q ‘Security in Dwellings’ of the Building Regulations which covers doors and windows to resist physical attack by a burglar. Your Officers consider it necessary to recommend a condition to require a scheme of Security Measures to be submitted and agreed in writing by the LPA to address security of cycle storage facilities, refuse storage facilities and side external gates and it is also noted that Condition 11 of the Outline Consent relates to the LEAP and includes a requirement to submit details of when the LEAP will be reviewed and the maintenance responsibilities of the management company. Condition 11 has not been discharged and remains outstanding. The applicant would also need to enter into a Section 278 Agreement with the Highway Authority which would ensure appropriate streetlighting of the adoptable public areas]

2.16 WCC Archaeologist – No objection.

It is advised that Condition 22 on the Outline Consent requires a programme of archaeological work to be undertaken prior to development commencing. The written scheme of investigation has been agreed and I understood the evaluation would take place prior to submission of the reserved matters application. It is not a requirement of condition 22 that the evaluation takes place prior to determination of the Reserved Matters, however, I strongly advise that the evaluation is undertaken at the earliest opportunity. Delaying the evaluation increases the risk to the applicant as it removes the option of designing around any significant/expensive archaeology if the RM is determined in advance of evaluation work.

The site is bounded by the Locally Listed red brick wall at the northern end of Sandbourne Lane, originally the wall to Sandbourne House. This is also recorded in the County HER under WSM73632. Condition 39 of the outline permission requires the Local Listed wall to be retained and protected. Whilst the landscaping masterplan does not appear to conflict with the retention of the heritage asset, the wall is not mentioned anywhere in the documents or specifically marked on the plans as being retained. Conservation advice should be sought as to whether this is adequate and whether the proposed boundary treatments pose no harm to the setting of the heritage asset.

2.17 Neighbour/Site Notice Representations

15 letters of objection received from nearby occupiers, and their concerns have been summarised as follows:

- Already traffic congestion and parking problems
- Pedestrian safety issues, in particular to school children
- Insufficient traffic assessment
- Increase in traffic
- Impact on emergency services gaining access to houses due to increase in traffic and parking pressure on roads
- Inadequate access
- Inadequate public transport provisions
- Bewdley School plans to further develop its site, which should be fully co-ordinated with the proposed housing development

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- Lack of attempt to offer a local traffic solution
- Impact on Thomas Telford designed Grade I Historic Bridge over the River Severn
- Insufficient details submitted about the existing historic brick walls which are to be retained and whether a footpath link is proposed from the play area
- Increase flood risk and drainage issues
- Impact on locally listed buildings and conservation area
- Character of locally listed buildings and Conservation Area will be lost with high density non-vernacular housing close to the heritage buildings
- Brownfield sites should be developed first before green field/belt sites
- Essential services already overstretched
- Strain on existing community facilities
- High density housing on one of the main gateways to Bewdley is not what visitors want to see and would drive tourist income away
- Play area will cause noise nuisance to existing houses.
- Disruption to local wildlife, ecology and habitats, in particular Otters and crevice nesting birds
- Need external nest boxes to save swift birds.
- Close to adjoining properties
- Conflict with local plan
- Development too high, overdevelopment and more open space needed on development.
- General dislike of proposal
- Loss of green space
- Increase of pollution and noise nuisance
- Impact on air and water quality
- The area needs retirement homes, homes for senior living, social housing, bungalows and housing for young people.
- No reference to the establishment of a 'sinking fund' to ensure the upkeep of the historic wall that runs along Sandbourne Drive and the boundary of this site.
- Lack of detail about battery storage given that this is an all-electric site.

[Officer comment – Objections relating to: highway congestion; existing on-street parking problems; site access; public transport provision; impact on Bewdley bridge due to traffic congestion and strain on existing community facilities as a result of the development, are no longer material considerations given that the principle of development (location, land use and amount of development for up to 100 dwellings) and means of access have already been accepted by the Outline Consent and it would be unreasonable of the Council to refuse this subsequent Reserved Matters application on these grounds because only the outstanding matters relating to appearance, landscaping, layout and scale remain to be determined.

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Comments relating to future expansion plans of Bewdley School are not relevant and it would be unreasonable to withhold making a planning decision on this application given that no tangible application has been made by Bewdley School at this moment in time.

In respect of the retention of the locally listed brick boundary wall immediately adjacent to Sandbourne Lane, a planning condition was attached to the Outline Consent that required the retention of this wall, and stated:

Condition 39

The locally listed red brick boundary wall that forms part of the northeast boundary of the site adjacent to Sandbourne Lane shall be retained and protected during the construction phase and thereafter retained in perpetuity, any loss or damage to the wall shall be repaired like for like and within a period of one month of identifying works required to rectify any loss or damage. Reason In order to accord with Policy DM.23 and SA.B2 of the Wyre Forest District Local Plan, which requires retention of the former walled garden.

Reason

In order to accord with Policy DM.23 and SA.B2 of the Wyre Forest District Local Plan, which requires retention of the former walled garden]

The site allocation policy SA.B2 also requires this wall to be retained and therefore I do not consider that this requirement needs to be revisited in this application.

The development seeks to provide air source heat pumps as the heating source for the homes and would not require battery storage within the homes. The air source heat pumps would be secured under Condition 9 of the Outline Consent which requires the development to demonstrate how it would incorporate energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirement]

3.0 Site Location and Description

- 3.1 The application site lies adjacent to the eastern edge of the built-up area of Bewdley and comprises an existing agricultural field that has been used for the grazing of animals and includes a small animal shelter. The site is broadly triangular in shape, with access off Stourport Road. It is bounded to the southwest by Stourport Road (B4195) with Bewdley Leisure Centre and the River Severn beyond. To the east, the site is adjoined by the A456 and to the northwest by the Riddings Brook with Sandbourne Road beyond that contains dwellings. The site gently rises from 22 metres above Ordnance Datum in the south to 28 metres above Ordnance Datum in the north, with a raised bank along the eastern boundary. Beyond this the A456 lies within a cutting, approximately 3 metres lower in height than the site. The southern corner of the site lies adjacent to the traffic light-controlled junction between the B4195 and A456 and opposite this junction is a field that has been planted out in trees and Blackstone Picnic site beyond.

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- 3.2 The application site lies within the setting of several heritage assets. These include the locally listed brick wall immediately adjoining the northeast boundary of the site which formed part of the walled garden to Sandbourne House. The locally listed residential conversions at 18 to 20 and 22 to 24 Sandbourne Drive. The Severn Valley Railway which includes the locally listed Sandbourne Viaduct, located to the north of the site. The viaduct forms an important feature of the local landscape. The Grade II* listed Winterdyne House is situated around 450 metres to the southwest of the site and due to the elevated position of Winterdyne House, there is a degree of intervisibility between the site and listed building. The Bewdley Conservation Area is also situated approximately 250 metres northwest of the site, and views of the site can be gained to and from Maypole Piece, a largely undeveloped hill, located within the conservation area. The Bewdley Conservation Area Character Appraisal advises that one of the important components to the conservation area is its rural setting of the town and at present, this site makes a positive contribution to the rural open countryside and rural setting of the town.
- 3.3 The Devil's Spittleful and Blackstone Farm Fields (Site of Special Scientific (SSSI) with national importance to nature conservation) are located approximately 516 metres east of the site. The site lies mainly in Flood Zone 1 with a small area along the western boundary adjacent to an existing watercourse (Riddings Brook) that falls within Flood Zone 3. The river Severn lies approximately 250 metres to the west of the site. The wider area to the east, south and west comprises agricultural fields and open countryside.
- 3.4 The site is allocated for residential development under Policy SA.B2 of the Wyre Forest District Local Plan, which released the site from the West Midlands Green Belt and confirmed that the site has an indicative capacity of 100 dwellings and sets out a criteria for development to follow on this site.
- 3.5 This application seeks approval of all outstanding reserved matters (appearance, landscaping, layout and scale) for the erection of 79 dwellings, following the approval of the Outline application in September 2022 which included means of access.
- 3.6 The proposed houses would have a traditional design style incorporating chimneys, pitched roof dormers and porches, canopies and brick window cill and brick soldier course. The development would include a mix of dwelling types, architectural features and external materials to ensure visual interest is achieved and dwellings located forward of the building line or on corner plots would include a dual aspect to ensure active frontages facing the public realm.
- 3.7 The development would include 25% affordable properties and 2 custom build plots to accord with Policies SP.10 and SP.12 of the Local Plan. The house types and tenures proposed are as follows:
- 13no. Social Rent homes (4no. one bed, 6no. two beds, 3no. three beds);
 - 7no. Shared Ownership homes (4no. 2 beds, 2no. 3 beds, 1no. 4 beds); and
 - 59no. Open Market homes (15no. 2 beds, 22no. 3 beds, 13no. 4 beds, 9no. 5 beds)

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- 3.8 The proposed scheme includes 5 bungalows and 16 M4(2) and 1no. M4(3) standard homes to accord with Policy SP.13 of the Local Plan. All dwellings would be 2 storeys maximum height and 20 dwellings would include a garage. All dwellinghouses would have adequate rear gardens and off-street parking provision.
- 3.9 The site measures 3.4 hectares in total site area and the net developable area would cover 2.28 hectares, which equates to a density of 35 dwellings per hectare (in accordance with Policy SP.9 of the Local Plan). The development would include 1.34 hectares (40%) of Green Infrastructure, in accordance with Policy SP.28 of the Local Plan, which would comprise public open space and SuDS (including permeable paving and soakaways).
- 3.10 A Children's playground (Local Equipped Area for Play) is proposed in the north-eastern corner of the site in accordance with the indicative Masterplan approved under the Outline Consent. The development includes a comprehensive landscaping scheme which includes 93 new trees to be planted across the site. Two pedestrian and cycle links are proposed to Stourport Road in addition to the main vehicular access point approved under application 21/0097/OUT.
- 3.11 The surface water drainage for this development would comprise an infiltration basin located adjacent to the western boundary second basin is proposed in the extreme southern portion of the site with soakaway and permeable paving provided to plots 25-36. The development also involves changes to the ground levels to offset noise nuisance from the A456 and achieve an acceptable development across the site which results in some rear gardens having a split level.
- 3.12 Amendments have been received in relation to design, biodiversity and highway matters and additional information has been submitted to demonstrate that the site would have suitable drainage and would not result in increased flooding elsewhere beyond the site boundary. The submitted layout plan indicates a pumping station and an electrical substation, however, no elevation plans have been submitted as part of this application.
- 3.13 The application has been supported with a Drainage Statement; Biodiversity Metric 4.0 calculation; Landscape Environment Management Plan; Fire Engine Tracking Plan; Tanker Vehicle Tracking Plan; Home Deliver Vehicle Tracking Plan; Refuse Vehicle Tracking Plan; S38 Adoption Plan; Forward and Junction Visibility Plan; Tree Protection Plan; Site Investigation Report; External Finishes Schedule; Planting and Landscaping Details; Otter Survey; Tower Mustard Survey; Environmental Noise Report; House Type Brochure; Planning Statement; BNG Metric Calculation (version 4.0), LEMP and External Lighting details.

4.0 Officer Comments

- 4.1 The main considerations that apply to this application are:
- Planning Policy Context and Planning History
 - Appearance, Layout and Scale

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- Residential Amenity
- Heritage Environment
- Biodiversity
- Trees and Landscaping
- Highway Safety and Parking Provision
- Drainage, Flood Risk and Contamination
- Renewable Energy and Defibrillator

PLANNING POLICY CONTEXT AND PLANNING HISTORY

- 4.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 4.3 Paragraph 11 of the National Planning Policy Framework (the 'NPPF') sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up to-date development plan without delay.
- 4.4 Wyre Forest District Council has an up-to-date Development Plan and therefore planning decisions should be plan-led, in line with Paragraph 15 of the NPPF.
- 4.5 It is important to note the planning policy context for this site. Policy SA.B2 of the Wyre Forest District Local Plan allocates the site for residential development to provide approximately 100 dwellings. The development of this allocated site is subject to compliance with all relevant development plan policies and a number of specific criteria set out in Policy SA.B2, which are as follows:
- i. Vehicular access should be taken from Stourport Road.
 - ii. The northern part of the site adjacent to the Severn Valley Railway viaduct should remain as open space with no built development as this is the site of the former walled garden (non-designated heritage asset).
 - iii. The development should respect the setting of the locally listed viaduct (northern boundary) and coach house and barn (to west of site).
 - iv. The development should be designed to minimise any adverse impact on both the Severn Valley Railway and Bewdley Conservation Area. Building heights should be restricted to the equivalent of 2 storeys to minimise impact on views from/to surrounding heritage assets.
 - v. Enhanced green infrastructure should be provided alongside the Riddings Brook with a buffer strip provided alongside the brook.

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- vi. A noise survey should be undertaken to establish existing background noise levels across the site and to mitigate noise impact from road traffic. Should the findings of the survey indicate that these may adversely impact upon the amenity of new residents, then measures should be incorporated within the development to mitigate against this.
 - vii. Hedgerows should be protected and supplemented, especially along the northern boundary to promote connectivity to nearby woodland.
- 4.6 In September 2022, the Council granted Outline Consent for the erection of up to 100 dwellings (including 25 affordable homes and 2 self-build/custom plots) on the site, together with associated green infrastructure and access off Stourport Road. Whilst the outline application was accompanied by two indicative Masterplans, all other matters (appearance, landscaping, layout and scale) were reserved for subsequent consideration in a Reserved Matters application.
- 4.7 The loss of this undeveloped field and the principle of building up to 100 dwellings with access from Stourport Road, as set out by Policy SA.B2 of the Local Plan, has already been accepted by the Council when outline Consent was granted. The principle of development, together with means of access, is therefore firmly established, and cannot be revisited in this application.
- 4.8 This application seeks approval of all outstanding reserved matters relating to appearance, landscaping, layout and scale for a development comprising 79 dwellings.
- 4.9 It is noted that the amount of development has reduced from 100 to 79 dwellings and the applicant has advised that after further detailed design work it became apparent that it was not feasible to accommodate the full 100 dwellings on the site. The applicant has also highlighted that the indicative Masterplan submitted as part of the Outline application showed a high proportion of apartments that were not considered in keeping with the semi-rural nature of the location where the overriding demand would be for family houses and the requirement to provide an adoptable internal road that accords with the standards of the Highway Authority together with adequate parking provision. The combination of these factors has resulted in the total number of dwellings being lower than the number of houses that had been anticipated in the Local Plan site allocation policy and in the Outline Consent. Your Officers also note that the amount of development set out in the site allocation policy is only indicative which allows the number of dwellings to go either up or down at application stage and does not represent a fixed amount of development for the site allocation.

APPEARANCE, LAYOUT AND SCALE

- 4.10 Paragraph 126 of the National Planning Policy Framework (NPPF) advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 goes onto state that planning decisions should ensure that developments: function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout, appropriate and effective landscaping; establish a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive,

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welcoming and distinctive places to live; and create places that are safe, inclusive and accessible and which promote health and wellbeing.

- 4.11 All development within Wyre Forest District will be expected to exhibit high quality design and help to create and reinforce local distinctiveness as set out in Policies SP.20 and DM.24. The sites allocating policy also requires specific elements to be delivered as part of the overall development of the site and restricts building heights to two storeys only.
- 4.12 There is a statutory requirement on decision makers to have special regard to the desirability of preserving Heritage Assets or their setting or any features of special architectural or historic interest which they possess, as set out in sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies SP.21 and DM.23 of the Wyre Forest District Local Plan and Section 16 of the NPPF seek to ensure all developments protect, conserve and enhance heritage assets and their settings.
- 4.13 The site comprises an enclosed field located to the south of the settlement boundary to Bewdley. There are important changes in level across the site, including a rise from the centre of the site up to the eastern boundary, which provides an embankment with tree and shrub screening to the A456. The existing development in the surrounding area comprises mainly two-storey modest size detached and semi-detached housing. In terms of detailing, dwellings are largely finished in brick with some examples of partial or full render.
- 4.14 The proposed scheme incorporates a number of positive design features which are found in the surrounding area, including houses with chimney breast, bay windows, mock Tudor cladding and brick detailing. The development includes variation in architectural styles, house types and finished external materials to ensure that there is variety across the site and dwellings situated on corner plots or at key focal points within the site have side facing habitable room windows at first floor to ensure dual frontages and a high-quality street scene. This, together with the retention of the trees and hedgerows to the boundaries of the site, except for the small loss of hedgerow to facilitate the vehicular access and pedestrian links, and new street tree planting would ensure that the development successfully integrates with its surroundings, exhibits high quality design, and contributes to the sense of transition from the open countryside to the south of the site into Bewdley Settlement.
- 4.15 The buildings would not exceed two-storeys in height and the scale of development would be consistent with the aims of the Site Allocation Policy SA.B2.
- 4.16 The proposed site layout reflects the position of the vehicular access point to Stourport Road as approved by the Outline Consent and accords with the overarching design principles outlined within the indicative Masterplan in terms of the siting of the play area in the north-eastern corner of the site; a meandering spinal road across the site; and dwellings facing onto Stourport Road frontage.

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- 4.17 The development provides a coherent site layout with all dwellings having a direct road frontage and dual aspect to provide natural surveillance of the public realm. All rear gardens would be enclosed by other rear gardens within the development or by the site boundary to Riddings Brook and the A456 behind dense vegetation screening. A good separation distance between houses is also provided to ensure no undue overlooking of neighbouring properties.
- 4.18 The local equipped area of play (LEAP) in the north-eastern corner of the site reflects the position for the LEAP in the indicative Masterplan of the Outline Consent. This was considered an appropriate location for a children's play area which would create a pleasant environment away from Stourport Road and the internal spinal road and lie close to Severn Valley railway line. It was also considered during the Outline application stage that it would be best to have the LEAP and public open space adjacent to the locally listed boundary brick wall to allow the management company access if any vegetation adjacent to the wall required maintenance and it was also considered that the LEAP, with minimal ground work, would preserve any archaeological remains associated with the former historic walled garden that previously occupied this part of the site. No objections have been raised by the Conservation Officer or County's Archaeologist and conditions 22 and 23 are attached to the Outline Consent to require a written scheme for investigation of archaeology, implementation and recording, which would need to be discharged prior to the commencement of development.
- 4.19 The LEAP would measure 490 square metres and includes 12 different play equipment, park benches and litter bins in accordance with the requirements set out in Policy DM.8 ('Provision for Open Space, Sports Pitches and Outdoor Community Uses in Housing Development') of the Wyre Forest District Local Plan, the Adopted Planning Obligations SPD and Condition 11 attached to the Outline Consent. The play area would incorporate a range of play equipment to ensure inclusive play and equipment shaped as trains to reflect the nearby Severn Valley railway line that passes the site. A circular recreational footpath is also proposed around the play area to promote health and wellbeing and additional natural surveillance of this part of the site. The dwellinghouse on Plot 36 has been designed to have side facing habitable room windows to provide natural surveillance of the public open space and play area. Whilst the details of the play equipment, litter bins and benches are considered to be acceptable no details have been submitted about signage nor how the LEAP would be reviewed and the maintenance responsibilities of the management company. As such, condition 11 attached to the Outline Consent is not agreed as part of this application and remains outstanding.
- 4.20 The indicative Masterplan submitted as part of the Outline Consent did indicate that the proposed dwellings would face onto Riddings Brook, however, this layout has not been carried across to the proposed site layout and it is now proposed that dwellings would back onto the brook. The design rationale for backing onto Riddings Brook is a result of the need to minimise activity and lighting that front onto this brook/wildlife corridor. The corridor is required to provide a route for Otters who use this watercourse to commute between the river Severn and existing pools to the northeast of the site. Otters are sensitive to light and human activity. In the proposed arrangement, by backing the dwellings onto the corridor, the level of activity is significantly reduced thereby helping to mitigate the impact of the development on

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Otters and other protected species. Also, to prevent future issues in terms of maintenance, a gate has been provided to the back of these houses to allow the management company to access this corridor in the future. Your Officers consider that the proposed layout of the dwellings backing onto Riddings Brook allows for a wildlife sensitive design and that there would be long-term future maintenance of this corridor to ensure no cumulation of waste or overgrowth occurs behind the rear gardens of these properties.

- 4.21 The indicative Masterplan of the Outline Consent also proposed a linear swale between the proposed dwellings and the existing brook to the north of the site and between the proposed dwellings and Stourport Road to the west, however this SuDS approach has not been carried across to the proposed site layout and instead an oval shaped infiltration basin is proposed adjacent to Stourport Road along with a pumping station in the northwest corner of the site. This change in the site layout is considered to be acceptable given that it creates an attractive, spacious and green frontage to Stourport Road. The North Worcestershire Water Management Officer also raises no objection to the revised sustainable drainage systems for this development.
- 4.22 The site would provide 40% of the total site area as Green Infrastructure (GI) to accord with the requirements of Policy SP.28 of the Wyre Forest District Local Plan, which requires at least 40% GI to be provided for greenfield sites over 1 hectare in site area. The GI would be provided as public open space, including a Locally Equipped Area of Plan (LEAP), the brook/wildlife corridor and two infiltration basins, plot soakaways and permeable paving. The Section 106 Agreement secured as part of the Outline Consent requires a management company to be appointed to maintain these areas.
- 4.23 The Section 106 Agreement secured by the Outline Consent required 25% of the total number of dwellings to be provided as affordable and 2 self and/or custom build plots. The proposed development of 79 dwellings in total would deliver 20 affordable properties (13 social rent and 7 shared ownership) and two self/custom build plots to accord with Local Plan policies SP.10 and SP.12. The development therefore accords with Policies SP.10 ('Affordable Housing Provision') and SP.12 ('Self Build and Custom Housing') of the Wyre Forest District Local Plan and no objection has been raised by the Council's Housing Enabling Officer to the application. Furthermore, the development would provide 5 bungalows in accordance with Policy SP.13 ('Housing for Older People and others with special housing requirements') which requires major developments to consider such provision within their developments.
- 4.24 In addition, the Outline permission, under Condition 6, required 20% of the total number of dwellings to be designed to M4 Category 2 (accessible and adaptable) dwellings standards and at least 1% of the total affordable housing provision to be designed to M4 Category 3 (wheelchair accessible) dwellings standard to accord with the requirements of Policy SP.13 of the Wyre Forest District Local Plan. The proposed scheme shows that 16 homes would be M4 Category 2 and 1 affordable home (1% of the total affordable housing provision) would be M4 Category 3. The development therefore accords with Policy SP.13 and Condition 6 of the Outline Consent. The development would need to be implemented in accordance with the approved plans which includes the number and plots to be M4(2) and M4(3).

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- 4.25 Overall, the proposed development would provide a high-quality design that does not significantly deviate from the approved Outline Consent. It would contribute positively towards the character of the surrounding area and setting of Heritage Assets in the wider area. The proposed site layout would retain a wildlife corridor along the Riddings Brook and the historic wall to Sandbourne Lane. Also, the development would provide an appropriate mix of house sizes and types, with a children’s play area, to create a well-balanced and inclusive community. The development would accord with Policies SP.10, SP.12, SP.13, SP.20, SP.21, SP.23, SP.28, DM.8, DM.23, DM.24 and SA.B2 of the Wyre Forest District Local Plan and the NPPF in terms of appearance, layout and scale. A planning condition has been recommended to remove permitted development rights for new front boundary treatments/enclosures to ensure the quality of the site is not diminished over time by potentially unsympathetic developments.

RESIDENTIAL AMENITY

- 4.26 Paragraph 130(f) of the NPPF advises that planning should always seek to secure high quality design and a high standard of amenity for existing and future users. Paragraph 185(a) requires new developments to avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.27 Policies SP.33 (‘Pollution and Land Stability’) and DM.24 (‘Quality Design and Local Distinctiveness’) of the Wyre Forest District Local Plan require new developments to be designed to avoid any significant adverse impacts from pollution and provide adequate level of privacy, outlook, sunlight and daylight and should not be unduly overbearing.
- 4.28 During the Outline application stage, traffic noise from the A456 and the potential impact of this on the rear gardens of those houses closest to the eastern boundary adjacent to the A456 were identified as being the most sensitive area of the site from a noise perspective. Additionally, discussions during the pre-application stage also highlighted the desire to achieve an acceptable boundary treatment along this part of the site that would not result in a solid close boarded fence running along the boundary with the A456. The proposed site layout has taken into account previous discussions and considerations and has reduced the number of dwellings that back onto the A456 and those plots that do (Plot Nos. 59 – 68) would be cut into the existing bank to ensure a two-metre-high fence is not required and an acceptable noise level can be achieved. Worcestershire Regulatory Services raise no objection to the development in terms of noise nuisance to future occupiers.
- 4.29 Condition 15 of the Outline Consent required a scheme of noise mitigation measures to be submitted as part of any reserved matters application relating to layout to demonstrate that the development would be designed to protect future residents from traffic on the adjacent A456. The application has come forward with a revised noise impact assessment that has considered the change in site layout and included noise mitigation measures. Worcestershire Regulatory Services have confirmed that this Assessment is sufficient but recommends that a condition is imposed to require the applicant to submit the sound insulation scheme for the glazing and ventilation products once they have been chosen. Your Officers are satisfied that Condition 15 of the Outline Consent has been met and a condition is recommended in this application to require details of the glazing and ventilation products once they have been chosen prior to the commencement of development.

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- 4.30 In terms of the proposed play area, this would be sited 20 metres from the proposed dwellings and a sufficient distance from existing dwellings in Sandbourne Lane, therefore it is not considered that the use of the play area would result in a detrimental impact on the amenity of existing and future occupiers in terms of noise and disturbance. The children's play area would have direct sightline from the internal road and the dwelling in Plot 36 would have side facing windows to provide natural surveillance of the public open space and the children's play area to deter anti-social behaviour in this area.
- 4.31 The proposed site layout would provide adequate light, privacy and outlook to all habitable rooms. All rear gardens would be secure, useable and private. A planning condition has been recommended to ensure all first-floor side facing non-habitable room windows are installed with obscure, non-opening glazing to prevent overlooking of neighbouring properties. Your Officers therefore consider that the development would provide future users with an acceptable level of amenity in accordance with Policies SP.33 and DM.24 of the Wyre Forest District Local Plan and the NPPF.

HERITAGE ENVIRONMENT

- 4.32 There is a statutory requirement on decision makers to have special regard to the desirability of preserving Heritage Assets or their setting or any features of special architectural or historic interest which they possess, as set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies SP.21 and DM.23 of the Wyre Forest District Local Plan and Section 16 of the NPPF seek to ensure all developments protect, conserve and enhance heritage assets and their settings.
- 4.33 During the consideration of the Outline application, the impact on nearby heritage assets was carefully considered through a comprehensive Landscape and Visual Impact Assessment which showed the importance of maintaining the building height of the development to two storeys as required by the site allocation policy to preserve the setting of heritage assets. The development incorporates proposed building heights no higher than two storeys and the area of the former walled garden to the historic Sandbourne House would be used for public open space and the children's playground to ensure minimal excavation works.
- 4.34 The Conservation Officer has considered the current proposals, in terms of appearance, scale, layout and landscaping and has raised no objection to the development. Whilst your Officers accept that the proposed development would change the setting of nearby heritage assets as the site would go from an open, undeveloped field to one of housing, however, this change in the historic environment would not be significant given that it would be a logical expansion of the settlement that would be bounded by roads and together with the sympathetic building height and traditional architectural style and materials of the proposed dwellings and substantial tree planting would ensure the development complements the surrounding built environment and only results in a less than substantial harm to the significance of heritage assets, which was concluded at the Outline application stage.

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- 4.35 Paragraph 202 of the National Planning Policy Framework advises that *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’*.
- 4.36 The proposed scheme seeks to make a contribution to the minimum housing requirement as set out in Policy SP.1 of the Local Plan and the provision of 20 affordable homes and 2 self-build plots would deliver public benefits that carries significant weight in favour of the development and outweighs the less than substantial harm to the significance of nearby heritage assets. The applicant has also confirmed that the locally listed brick wall to the boundary shared with Sandbourne Lane would not be impacted by the development and would be retained as required under Condition 39 of the Outline Consent.
- 4.37 The proposed development would accord with Policies SP.21 and DM.23 of the Local Plan, Section 16 of the NPPF and sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require new developments to conserve, preserve and enhance the significance of heritage assets.

BIODIVERSITY

- 4.38 The NPPF in paragraph 174(d) requires developments to minimise impacts on and provide net gains for biodiversity. Policy SP.23 of the Wyre Forest District Local Plan requires developments to support the conservation, enhancement and restoration of biodiversity and requires all developments to achieve 1% measurable net gains in biodiversity.
- 4.39 The application site is currently a greenfield with a mature hedgerow boundary, scattered trees around the edges of the site and a valued wildlife corridor along the watercourse.
- 4.40 A revised Biodiversity Net Gain Metric (version 4.0) has been submitted in support of the application which shows that the biodiversity baseline value is 9.96 units and following the development and habitat creation (comprising wet meadow grass SuDS, wildflower meadow, climber planting and ornamental planting in private plots, private garden turfs, species rich amenity areas, 23 small trees and 31 medium trees), the biodiversity value of the site would be 8.38 units. This results in a small loss of 1.67 units compared to the baseline value and to ensure a 1% measurable net gain in biodiversity, the developer has agreed to fund the Council £31,483 to deliver, maintain and monitor off-site BNG in the form of neutral grassland on Burlish Meadows. This would be secured by a Unilateral Undertaking. The development would also provide a 10% net gain in hedgerow units. The development therefore would accord with Policy SP.23 (‘Protecting and Enhancing Biodiversity’) of the Wyre Forest District Local Plan which requires a measurable net gain in biodiversity to be achieved by new developments. It should be noted that the Environment Act 2021 does not come into effect until 1 January 2024 for major developments and therefore it would be unreasonable to request 10% biodiversity net gain.

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- 4.41 Concerns have been raised by local residents about loss to wildlife and in particular harm to the conservation of swifts and Otters. A revised Landscape Masterplan has been submitted which confirms that 7 swift boxes would be provided on buildings as well as bat boxes, retille houses, bug hotels and all close boarded boundary fences would have hedgehog gaps. Updated Otters and Botanical surveys, as required by Conditions 26 and 27 of the Outline Consent, have been carried out to ensure appropriate mitigation measures are undertaken to minimise harm during the construction phase and post development of the site. The Tree and Biodiversity Officer is satisfied that these surveys were comprehensive and that the appropriate mitigation measures have been recommended which would need to be implemented as required by Conditions 26 and 27 of the Outline Consent.
- 4.42 Amended plans have been received to retain a 10-metre wildlife protection zone for the protection of Otters along Riddings Brook, with the proposed dwellings backing onto this Zone and the play area/footpath set back outside of this Zone. The Tree and Biodiversity Officer has confirmed that this protection zone is acceptable and that it would retain an appropriate wildlife corridor for the conservation of Otters and other protected species.
- 4.43 The applicant has submitted a Construction Environmental Management Plan for protection of biodiversity during the construction phase, as required by Condition 28 of the Outline Consent. The Tree and Biodiversity Officer raises no objection to these details and as such, condition 28 can be formally agreed subject to all construction works and associated activity adhering to the agreed CEMP as outlined by Condition 28. The applicant has also submitted an acceptable badger survey, otter survey including mitigation strategy and a Botanical Survey.
- 4.44 Overall, the proposed development would not result in an unacceptable impact on protected species and would achieve measurable net gains in biodiversity, in accordance with Policy SP.23 of the Wyre Forest District Local Plan and Paragraphs 174 and 185 of the NPPF.

TREES AND LANDSCAPING

- 4.45 Paragraph 130(b) of the NPPF requires new developments to have appropriate and effective landscaping. Paragraph 131 sets out that planning should require new streets to be tree-lined. Also, that planning should ensure that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 4.46 Policy DM.26 ('Landscaping and Boundary Treatment') of the Wyre Forest District Local Plan require landscaping schemes and boundary treatments to contribute to the character of the area and be demonstrably maintainable.
- 4.47 The application site is not located within a Conservation Area and there are no Tree Preservation Orders on the site. The development would retain existing trees around the site boundary, including those along the brook, the A456 and within the southern corner of the site. The Council's Tree and Biodiversity Officer is satisfied that the retained trees can be adequately protected during the construction phase of the development and post development. Your Officers also note that Condition 10 of the Outline Consent required the development to be undertaken in accordance with the

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recommendations as set out within the Arboricultural Impact Assessment, dated 7 June 2020, ref. EA-2020-043 (AIA) by Eden Arboriculture and including Tree Protection Plan (ref. EA-2020-043 (TPP)). The applicant has submitted revised tree protection measures to reflect the new site layout and a new planning condition has been recommended to secure these details which supersedes Condition 10.

- 4.48 The proposed development would require a small section of hedgerow to be removed to accommodate the proposed vehicular access and pedestrian/cycle links to Stourport Road and the Outline Consent, Condition 12, required all existing hedgerows around the perimeter of the site (other than those to be removed to facilitate the new access) to be retained.
- 4.49 In terms of soft landscaping, tree planting is proposed to the internal spinal road and at key locations and shrub planting is proposed to open space areas and to strengthen the existing screening to the A456 and to existing hedgerows. Overall, a total of 93 trees are proposed which would make a positive contribution towards the green infrastructure of the site and would help to integrate the development into the wider landscape.
- 4.50 The application is supported by a boundary treatment plan. It is proposed to provide 1.8-metre-high close boarded fences to all rear boundary treatments and common boundaries between rear gardens. For corner plots where rear boundaries are adjacent to a public footpath, road or public open space, it is proposed that these boundaries would be enclosed with a brick screen wall. 1.1-metre-high loop top black metal railing is proposed around the play area. As no details have been submitted in relation to the proposed pumping station and electrical substation, a condition has been recommended to require details of elevation materials, boundary treatment and plant screening to these developments.
- 4.51 Overall, the proposed landscaping scheme and boundary treatments are considered to be acceptable and would accord with Policies SP.20, DM.24 and DM.26 of the Wyre Forest District Local Plan and the NPPF.

HIGHWAY SAFETY

- 4.52 Policy SP.27 of the Wyre Forest District Local Plan requires proposals to demonstrate that they address road safety issues and that the layout minimises the demand for travel.
- 4.53 The NPPF in paragraphs 110 requires the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance. In paragraph 111, the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.54 The Outline application considered a development for up to 100 dwellings and concluded that there would be no unacceptable impact on highway safety and that the cumulative residual impact on the local network would not be severe. Planning conditions were attached to the Outline Consent to ensure the approved access, including the required visibility splays at the access point are provided prior to the first

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occupation of the development. A condition to secure a Construction Environmental Management Plan was also attached to the Outline Consent to safeguard the local roads during the construction phase. The Section 106 Agreement secures a financial contribution of £50,500 towards highway improvements and infrastructure comprising of the following:

- a. £4,500 for the provision of new post and flag signs along with provision of an uncontrolled pedestrian crossing point with tactile paving on the Stourport Road near to the development.
- b. £8,000 for the introduction of a TRO, road markings and signage to prevent parking on Stourport Road in the vicinity of the access.
- c. £10,000 towards installation of a number of dropped kerbs and tactile pavings within the locality of the site and to include:
 - Installation of tactile pavings at the junction of Stourport Road and Sandbourne Lane x2 - £1,000;
 - A dropped kerb and 2x tactile pavings at the entrance to Bewdley Leisure Centre - £1,500;
 - Installation of tactile pavings at the junction of Sandbourne Drive and Stourport Drive x 2 - £2,500;
 - Dropped kerbs and tactile pavings at the junction of Sandbourne Drive and Sandstone Road x2 - £2,500; and
 - Dropped kerbs and tactile pavings at the junction of Brook Vale and Sandstone Drive x2 - £2,500.
- d. £6,000 to improve signage on the Active Travel Corridor to enhance the link between the development site and Stourport High School, Sixth Form Centre, sporting facilities at Kingsway (Stourport) and the employment centres of Kidderminster and Stourport.

- 4.55 In addition, the applicants would need to enter into a Section 278 agreement to secure the implementation of a series of offsite highway improvement works in the vicinity of the site.
- 4.56 Given that the principle of vehicular access to the site and the impact on highway safety and to the local network were considered and accepted as part of the Outline Consent, no further discussion is necessary in the consideration of this reserved matters application.
- 4.57 The proposed site layout shows an internal spinal road that meanders from the approved access point off Stourport Road towards the eastern boundary of the site, adjacent to the A456, then the road curves around towards the north-eastern corner of the site where it finishes as two cul-de-sac ends close to the public open space and children's play area. The spinal road has been designed to adoptable standards.
- 4.58 Also, the development would include smaller cul-de-sac roads and shared drives leading off the spinal road and these would remain unadopted.

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- 4.59 Amended plans have been received to show that refuse, fire engine, home delivery vehicles can access and turn within the site and that adequate parking provision and cycle storage would be provided for each dwellinghouse in accordance with the adopted Streetscape Design Guide.
- 4.60 The Highway Authority have reviewed the application and have worked closely with the applicant to overcome the initial deferred comments and their final written response will be reported in the Addenda and Corrections Sheet to the Planning Committee. Your Officers are of the view that the development would accord with Policy SP.27 of the Wyre Forest District Local Plan and the NPPF in terms of the proposed internal road layout and parking provision.

DRAINAGE, FLOOD RISK AND CONTAMINATION

- 4.61 All of the built development proposed would be located within Flood Zone 1, the low-risk Zone and only part of the rear garden to Plot 36 would fall within Flood Zone 3, the 'high risk' category as defined by the Environment Agency's Flood Zone Map due to its proximity to Riddings Brook.
- 4.62 Paragraphs 161-162 of the NPPF details the requirement for a risk-based sequential test in determining applications, especially for vulnerable development such as residential. The Council have already applied the sequential test during site selection and allocation of this site in the Local Plan, which can no longer be contested.
- 4.63 As part of this application, the applicant has submitted a Drainage Statement, which has been revised during this application, to demonstrate that the development would have suitable drainage of surface water runoff and water treatment through infiltration into the underlying ground is utilised throughout the site, which seeks to address condition 16 of the Outline Consent which reads as follows:

Condition 16

'No works in relation to site drainage shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of water drainage measures and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the drainage strategy submitted with the application (BWB, May 2020). The detailed designs of the basin shall be informed by the results of additional seasonal monitoring of groundwater levels on the site. If groundwater conditions allow the proposed basin shall an infiltration basin. If an infiltration basin is not possible then a detention basin is acceptable, limiting the discharge to the Riddings Brook to 8.6 L/S up to the 1 in 100-year event plus a 40% allowance for climate change and a 10% urban creep allowance. The scheme shall include a detailed water quality treatment assessment that confirms that sufficient treatment will be provided by the surface water drainage scheme in accordance with the simple index approach detailed in the SuDS manual (Ciria C753). The approved surface water drainage scheme shall be implemented prior to the first use of development and thereafter maintained in accordance with the agreed scheme.'

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4.64 The North Worcestershire Water Management Officer has reviewed the revised Drainage Statement and considers that this is sufficient to formally agree condition 16 and that the development would have suitable drainage and management of on-site surface water run-off.

4.65 The Outline Consent also imposed the following condition to protect future occupiers from flood risk, which was recommended by the Environment Agency and states:

Condition 19

'The development permitted by this planning application shall only be carried out in accordance with the approved Flood Risk Assessment dated January 2021 reference BMW 2897_FRA.'

4.66 The proposed Site Sections Plan and the Levels and Drainage Concept Plan contained within the Drainage Statement show that the Finished Floor Levels of the dwellings would range from 22.96 to 24.14mAOD, which accords with the approved Flood Risk Assessment finished floor levels to protect future occupiers from flood risk. The Environment Agency have confirmed that the proposed finished floor levels (FFL) are acceptable and advise that the development would conform with Condition 19. The North Worcestershire Water Management Officer has raised no objection to the formal agreement of condition 19.

4.67 Condition 20 of the Outline Consent also required *'no raising of ground levels within Flood Zone 3, the 'high risk', 1% annual probability floodplain.'* The applicant has advised that due to changes in the site layout compared to the indicative Masterplan that was considered under the Outline application, the ground levels of a small proportion of the rear garden to Plot 36, which falls within Flood Zone 3, has needed to be raised. To address the conflict with Condition 20, the proposed development would lower on a level by level basis an area outside of the developable footprint to the rear of gardens of Plots 33-35 to compensate for the loss of floodplain storage and they have calculated that the proposals would provide an overall betterment of 1.844m³ floodwater storage on site. The Environment Agency have confirmed that this is acceptable and have suggested a planning condition, if the Council is minded to approve the application, to require the flood storage compensation to be provided prior to development. The North Worcestershire Water Management Officer has also confirmed that the flood compensatory storage is acceptable. Your Officers consider that the applicant has evidenced that the development, despite the limited conflict with condition 20 attached to the Outline Consent, would not result in flood risk to the proposed dwellings or an increased flood risk to existing dwellings in the vicinity of the site. A condition has been recommended accordingly as suggested by the Environment Agency.

4.68 Your Officers therefore consider that a comprehensive review of the proposed drainage strategy and flood risk has been carried out by statutory consultees and that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, in accordance with Policies SP.31 (Flood Risk Management) and SP.32 (Sustainable Drainage Systems (SuDS)) and the NPPF (Paragraphs 159-169).

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- 4.69 In terms of potential contamination land, the applicant has submitted a preliminary risk assessment including a scheme for site investigation and risk assessment and report to agree Condition 13 of the Outline Consent. WRS have reviewed the submitted details and confirm that Parts 1,2,3 of the condition can be agreed, but Parts 4, 5 and 6 remain outstanding due to no remediation scheme and validation report being submitted. This condition is therefore only part discharged.

RENEWABLE ENERGY AND DEFIBRILATOR

- 4.70 Planning Condition 9 of the Outline Consent requires *'No development above ground level shall proceed until details of the means by which the development will incorporate energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements have been submitted to and approved in writing by the Local Planning Authority'*. To comply with this condition, the applicant has submitted a plan to show that all dwellinghouses would be installed with an Air Source Heat Pump, which is welcomed and accords with the requirements of Condition 9 attached to the Outline Consent and Policy SP.37 of the Wyre Forest District Local Plan.
- 4.71 The application also includes the provision of a defibrillator to be provided adjacent to the footpath link to Stourport Road in the northwest corner of the site, as per the requirement of Condition 8 of the Outline Consent. However, because the applicant has not confirmed the timescales when the defibrillator would be installed, the details submitted are not sufficient to fully agree Condition 8 and this Condition remains outstanding.

5.0 Conclusion and Recommendations

- 5.1 The development would be a high-quality detailed design that would reflect the semi-rural, peri-urban characteristics of its location and provide a transition between the open countryside to the south and east and the built development within Bewdley Town. The development would provide high-quality living accommodation for residents, including a mix of dwelling sizes, types and affordability with adequate private amenity space, along with two self-build plots for those on the register. The development would provide a locally equipped area of play for the area and the development has been designed to promote walking and cycling. The development would not have an adverse impact on highway safety and would provide acceptable internal road layout and parking provision. The proposals would also provide appropriate carbon reduction measures, as well as appropriate site drainage and ecological protection and mitigation measures and biodiversity enhancement. Furthermore, it would not negatively affect the wildlife corridor along the brook and would be acceptable in terms of its flood risk.
- 5.2 Outline Consent has been granted, which establishes the principle of development for up to 100 dwellings including access on this site. The current reserved matters application seeks a reduced quantum of development, for 79 dwellings, which results in a lower impact on the local road network in terms of additional traffic generation and traffic movement. It has also been evidenced by the Transport Assessment for this site that the housing development would not exacerbate the existing on-street parking problems and highway safety issues relating to school traffic.

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- 5.3 The details submitted in respect of the reserved matters relating to appearance, landscaping, layout and scale for the erection of 79 dwellings are considered to be acceptable and in accordance with the site allocation policy and other relevant policies contained within the Wyre Forest District Local Plan and the National Planning Policy Framework.
- 5.4 It is therefore recommended that the application is **DELEGATED APPROVED** subject to:
- a. the completion of a Unilateral Undertaking to secure £31,483 for off-site BNG to deliver neutral grassland at Burlish Meadows;
 - b. the following conditions:
 1. Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all external materials to be used in the construction of the dwellings (including canopy roof, porch roof, dormer roof, window and door frame details) and all hard surfacing details of the site have been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.
 2. To require details of the pumping station and electrical substation, including boundary enclosure and planting to screen the pumping station/substation.
 3. To require a site layout plan and details set out in a table of Finished Floor Levels for each dwellinghouse to demonstrate conformity with the 'Site Sections' dated 26.06.2023 (document ref: AAC5954-RPS-cc-cc-DR-C-501-01) and Drainage Statement (Appendix A - Appendix A – Levels and Drainage Concept diagram).
 4. To require a site layout plan and details set out in a table to show sound insulation specifications for all glazing and ventilation products for each dwellinghouse to demonstrate that the development meets the recommendations of the noise assessment (dated August 2023).
 5. To require details of the specifications of the air source heat pumps to be installed to each dwellinghouse.
 6. To require all first-floor side facing landing, dressing room, shower room, bathroom and en-suite windows to be installed with obscure non-opening glazing.
 7. To require details of streetlighting.
 8. To require details of communal refuse storage including code lock for Plots 75-78.
 9. Implementation of the approved surface water drainage details.
 10. Removal of Permitted Development Rights for boundary fences/walls and enclosures to the front of the principle elevation of each dwellinghouse.
 11. Tree Protection Fencing to be installed in accordance with approved plans and a pre-commencement site meeting to occur with the Council's Tree and Biodiversity Officer.
 12. Prior to development flood storage compensation shall be carried out in accordance with the details submitted within the Drainage Statement dated 29.11.2023, unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.

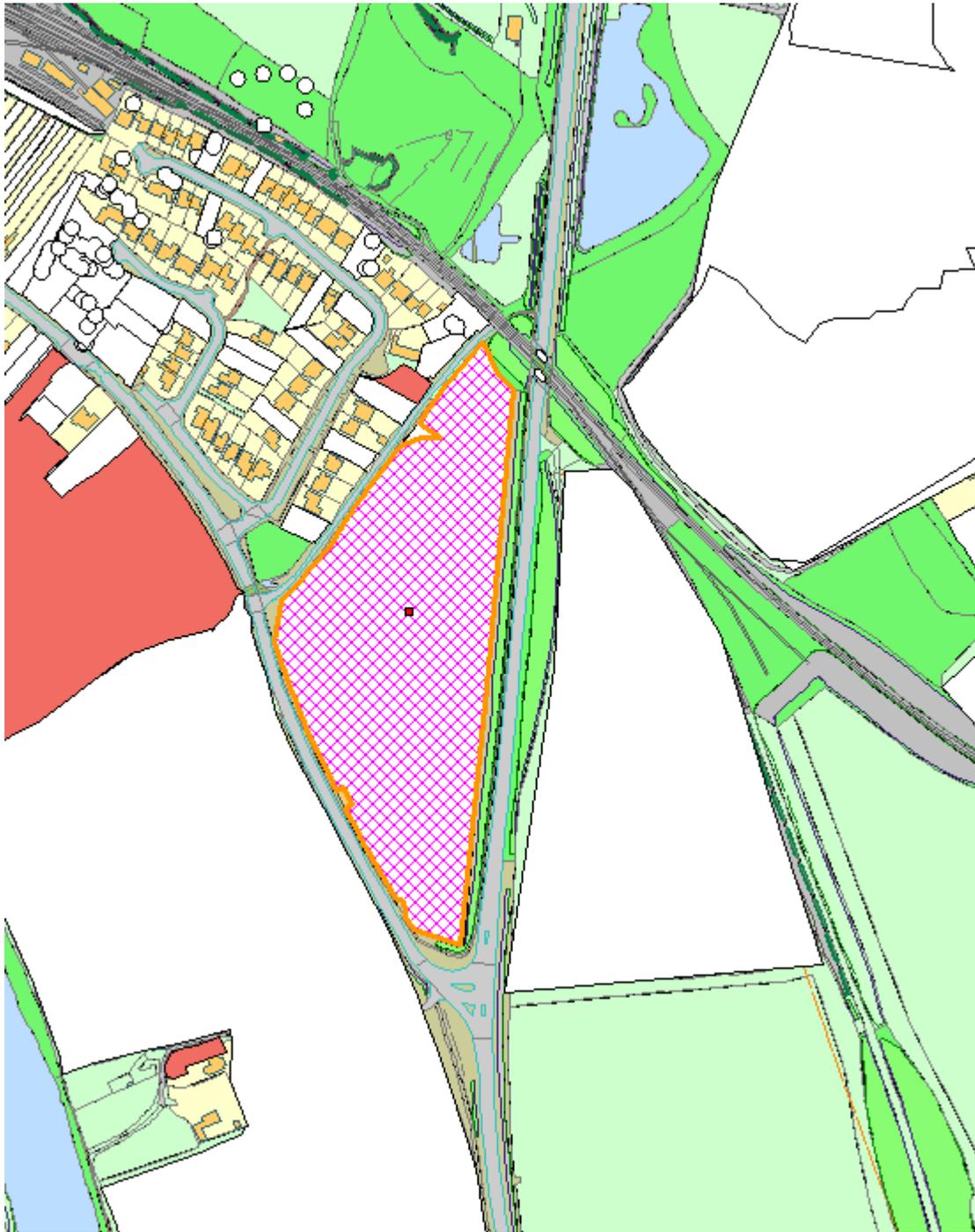
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13. To require a Scheme of Security Measures to ensure security of cycle storage facilities, communal refuse storage facilities and side external gates
14. Highway conditions
15. To require development to be in accordance with Approved Plans.

Informative

- a. Environment Agency Permit for flood risk activity within 8 metres of the top of the bank of the Riddings Brook.
- b. Section 106 Agreement
- c. Conformity with Conditions attached to the Outline Consent 21/0097/OUT, these include: 5 (Boundary treatment and hard surfacing details); 6 (Category M4(2) and Category M4(3)); 13 Parts 1-3 (Land contamination site investigation and risk assessment); 16 (Scheme for surface water drainage strategy); 24 (Site walk over badger survey within one month of commencement of development); 25 (Otter Mitigation Strategy); 26 (Additional Otter survey and report); 27 (Botanical survey and report to be carried out prior to any vegetation clearance); 28 (Construction Environmental Management Plan for Biodiversity); 35 (Details of electrical vehicle charging points); 36 (Cycle Storage), 37 (Details of Low NOx boilers).
These conditions are not discharged until the approved details have been fully implemented.
- d. Attention is drawn to the following outstanding Conditions attached to 21/0097/OUT which have not been agreed by this application. These are Condition 5 (Part not discharged: Materials/Site Levels) but superseded by Condition 1 attached to this application; 7 (Measures to reduce water consumption); 8 (Defibrillator); 9 (Details of renewable/low carbon sources to provide 10% of predicted energy requirements); 11 (Local Equipped Area of Play); Condition 13 Parts 4 – 6 (Land contamination remediation scheme and validation report); 15 (specifications of sound insulation measures for glazing/ventilation products); 17 (Management and Maintenance Plan for SuDS assets); 18 (Construction surface water management plan); 21 (Drainage plans for disposal of surface and foul water flows); 22 (Archaeological Written Scheme of Investigations); 23 (Implementation of WSI); 29 (Landscape and Ecological Management Plan), 30 (External lighting); 33 (Construction Environmental Management Plan for Highways); 34 (Details of unadopted footpaths); 38 (Incidental Recovery Plan for Minerals).

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Strategic Growth

Os 379576 274909 Land At Stourport Road, Bewdley (The Triangle Site) Bewdley Worcestershire

Crown Copyright 100018317



PART A

Application	23/0621/FUL	Date	21.08.2023
Reference:		Received:	
Ord Sheet:	378283 278283	Expiry	16.10.2023
		Date:	
Case Officer	Emma Bailey	Ward:	Wribbenhall And Arley

Proposal: Conversion of former agricultural buildings to 1No. dwelling (part retrospective)

Site Address: Mary Moors Farm , Eymore Wood Lane, Trimpley, Bewdley, Worcestershire, DY12 1PF

Applicant: Mr M Wenman

Summary of Policy	SP.1, SP.2, SP.9, SP.20, SP.21, SP.22, SP.23, SP.29, SP.30, SP.31, SP.32, SP.33, SP.37,DM.22, DM.23, DM.24, DM.26, DM.29 of the Adopted Wyre Forest District Local Plan Design Guidance SPD WCC Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Reason for Committee	Officer recommendation to support contrary to Parish objection and Request to Speak by Objector
Recommendation	APPROVAL

1.0 Planning History

1.1 No planning history.

2.0 Consultee Responses/Neighbour/Site Notice Representations

2.1 Kidderminster Foreign Parish Council – Objection.

Wyre Forest Officers were alerted to this new development well over 12 months ago, when we contacted Enforcement Officers, about a new roof being installed on these barn buildings. We would refer you to an email sent by Jane Light (Hill Farm Residents Association) to Wyre Forest District Council Enforcement in July 2022 where she states:-

In your previous respect to Mr Houston, you said that the barn works were only remedial so didn't need planning permission. My understanding of 'remedial' by

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reading the planning departments legislation is snagging and fixing an existing building.

This is not the case here. The one structure at Mary Moors is now double in size and height and, in our opinion, does not class as 'remedial' and would require planning permission.

There is now a second structure that has been erected, a large log cabin, this also appears to have not had planning permission. Is there a reason why Mr Wenman is not obtaining planning, is he immune to legalities and is there are reason why our reports and concerns are not being looked into?"

We understand that work is already well under way, the roof replacement undertaken well over 12 months ago being the start, which was obviously not just 'remedial' but done in preparation for this development. We are very unhappy that this is, in essence, a retrospective application, in that the work began 18 months ago. Indeed, we note that the Bat Survey submitted with the current application was carried out after the roof had been replaced, and so obviously should not be given any weighting to act in favour of this application and should not be taken in account. Indeed, we would question if the initial works were even, in fact, legal, given that a bat roost was reported to be present in these buildings prior to the roofing works, and we would respectfully suggest that Wyre Forest District contact the appropriate wildlife authorities who could deal with this contravention in a legal way, alongside yourselves as the planning authority.

In light of the above, this Council cannot support this application. However, we welcome the sympathetic renovation and preservation of such buildings, but only in the strict guidelines laid down prior to commencement of any part of the development. We understand that the applicant has aspirations to open up a new chalet/caravan park on his Green Belt land and note that the new self-build (which is large for a normal house) could easily be converted to communal use (clubhouse/café/restaurant/management).

With this in mind, then should the District Council Planning Authority be inclined to approve the application despite our objections, we would request that the following condition is stipulated as part of the permission:-

The proposed structure is to be solely used as a single domestic dwelling. No future application for 'Change of Use' to any form of communal building to be permitted at any time during the lifetime of the building.

One further point:-

We have reports from existing chalet tenants that their water supply on the applicant's land is often unreliable. Before any further building work is considered, we would suggest that the water supply is checked, and the required remedial action is taken. (Adding another large building can only make matters worse).

2.2 Tree and Biodiversity Officer – No objection subject to conditions.

The submitted Ecology report has identified no presence of bats in the building but has highlighted the potential for forage and commuting disturbance to bats through lighting and the potential for nesting birds. Conditions are therefore recommended with respect to the submission of a Construction Environment Plan, external lighting plan and an Ecological Enhancement Strategy. In regard to comments concerning the destruction of a bat roost, we cannot carry out any action without clear substantial evidence.

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2.3 Natural England – No objection.

Natural England considers that the proposed development will not have significant adverse impacts on designated sites Wyre Forest SSSI.

2.4 Conservation Officer – No objection.

The building is regarded as a non-designated heritage asset. As a redundant building it is at risk of deterioration, and it is agreed that the building is no longer suitable for modern agriculture practice. The conversion is considered to be sympathetic to the original building. Materials should be re-used and re-purposed where possible.

2.5 North Worcestershire Water Management Officer – No objection subject to conditions relating to a scheme of foul and surface water drainage, and advisory notes concerning the developer's legal obligations to prevent pollution into the nearby brook, also that they may need to obtain land drainage consent and an environmental permit separate to obtaining planning consent.

2.6 Worcestershire Regulatory Services (Potential Contaminated Land team) – No objection subject to conditions in respect to unexpected contaminated land and landfill and ground gases.

2.7 Highway Authority – No objection.

It is noted that access is adequate in terms of layout and sightlines, and there is sufficient parking available. However, the site is isolated in its location and occupiers will be reliant upon a private car.

2.8 Neighbour/Site Notice Representations

70 letters of objection received to the development. The key points raised are listed as follows:-

- The applicant is trying to evict over 150 families from their homes and they are embroiled in a High Court battle
- Works have been taking place for some time, why is permission only being sought now
- Most of the works have taken place overnight
- Works that have taken place so far are not in-keeping with the barn
- Discrepancies with submitted planning statement
- Planning Enforcement have been involved with the site
- Surrounding land has previously been used for the siting of six caravans
- Hedgerows/trees/an orchard have been removed, looks like a construction site
- A pond with Great Crested Newts has been filled in
- Ant mounds in the nearby SSSI haven't been maintained and so they have migrated
- Adders and hares are present nearby
- There are ancient forests and woodland nearby
- The applicant has built roads that are capable of being used by high volumes of traffic
- Bats/owls/buzzards existed in the barns prior to the roof being replaced

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- The site has been spelt incorrectly so nobody knows that the application exists/can't object
- The applicant wants to use the site as a park home site
- The applicant wants to use buildings to form a leisure complex of shops and pubs
- The surrounding land is being used for the grazing of 100s of horses which have escaped onto the railway line of SVR
- SVR emergency access past Mary Moors to react to lineside fires has been closed off
- The access road between Hill Farm and Trimpley has been closed for the applicant's own private use despite being a public road, if Northwood Lane is closed for any reason Hill Farm residents are stranded
- Impact upon the Green Belt
- Not conversion works, proposed extensions
- Impact upon services/utilities, there is already a strain on water supply/sewage disposal facilities in the area
- Impact upon neighbouring occupiers
- Increase in traffic
- Will set a precedent for further works taking place on site
- Applicant has re-routed local watercourses
- There is a history of land slips in the vicinity
- Question floor layout, building could be converted into apartments, doesn't need cycle parking/gym, question number of external doors
- No need for the development, dwellings should be built closer to town, the building should be used for animals and agricultural storage, the works that have taken place so far should be reversed, there is a farmhouse next door that is habitable, the applicant owns several homes
- Inappropriate scale, character, appearance and design
- Loss of a view, highly prominent
- Is a greenfield site
- Applicant is not local
- Impact from noise pollution
- Impact from light pollution
- Impact during construction period
- No site notice has been displayed
- No development should be permitted in the Green Belt
- Dwellings are being left empty on the applicant's land
- Will create a nuisance to existing residents
- It is rumoured that a house has already been built inside the old barns
- Enforcement isn't aware of all the building works that have taken place
- Increase in waste
- The existing building negatively impacts its setting
- Applicant is only looking to profit from the proposals

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[Officer comment – In regard to the comment that no Site Notice was displayed, it can be confirmed that the Case Officer did display a Site Notice at the site on 22.09.2023]

3.0 Site Location and Description

- 3.1 The application site lies within the open countryside and is washed over by the Green Belt. It is located around 2.0 miles north-west of the main town of Kidderminster as the crow flies. Access to the site is via a part-unmade gated access track around 0.3 miles long off Eymore Wood Lane.
- 3.2 The site comprises of a range of brick, stone and tile farm buildings set out in a horseshoe shape (subject to this application), Bewdley House is a brick and tile farmhouse, and a limited range of structures and associated paraphernalia, with the subject barn being in a prominent elevated position with wide reaching rural views across to the west.
- 3.3 The subject barns may be reasonably regarded as a non-designated heritage asset by virtue of their age and construction.

4.0 Officer Comments

4.1 The main considerations that apply to this application are:

- Planning Policy Context
- Design, Amenity and the Historic Environment
- Landscape and Biodiversity
- Potential Contaminated Land
- Drainage
- Highway Safety
- Other Matters

PLANNING POLICY CONTEXT

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The Council benefits from an adopted development plan which has been found to accord with the National Planning Policy Framework (NPPF). The NPPF constitutes guidance for local planning authorities and is a material consideration to be given weight in determining applications.
- 4.3 The Council's development plan consists of the Wyre Forest District Local Plan (April 2022) and adopted Neighbourhood Plans.

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- 4.4 The site lies within the open countryside, where Policy SP.2 of the Wyre Forest District Local Plan sets out that new residential development is restricted to a very limited number of circumstances including the conversion of rural buildings, discussed in greater detail under Policy DM.29. Specifically, support is offered by this policy where:-
- a. The rural building(s) are permanent structures of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations, significant building works (or complete reconstruction), or the addition of any new buildings within the curtilage.
 - b. The rural building(s) are in keeping with their surroundings and the conversion works would have no significant detrimental effect on the fabric, character or setting of the building.
 - c. The proposed development enhances and safeguards heritage assets and the pattern and form of the buildings within historic farmsteads.
 - d. Suitable access arrangements can be made, without the need for extensive new access roads onto the public highway or within the site itself.
 - e. There is no adverse impact on the countryside, landscape and wildlife or local amenities.
 - f. Appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and maintained for the lifetime of the development.
- 4.5 The NPPF is also supportive of the re-use of rural buildings in the Green Belt under Para 150(d) provided that the subject building/s are of 'permanent and substantial construction'. Upon review of the findings of a structural survey report submitted in support of the scheme (Dragon Structural, August 2023) and following an officer site visit, Officers are of the view that the barns meet this criteria as a range of permanent and substantial buildings.
- 4.6 Support is therefore offered to the conversion of this building in principle, provided that it meets with the relevant policy criteria of DM.29, in addition to any other material planning consideration.

DESIGN, AMENITY AND THE HISTORIC ENVIRONMENT

- 4.7 The NPPF sets out a framework of considerations that should be taken into account by decision-makers in assessing whether a development is acceptable from a design point of view. It ties good design as being a core part of what is 'sustainable development' – creating better places for communities to live, work and visit. Para 134 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

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- 4.8 Policies SP.20 and DM.24 of the Wyre Forest District Local Plan and the Design Guidance SPD builds upon this framework, re-iterating clear support to proposals that are of high design quality. They encourage developers to seek opportunities to enhance the sense of place and local identity through good design to create distinctive, functional and sustainable places, and protect living conditions of nearby occupiers.
- 4.9 Policies SP.21 and DM.23 also encourage the preservation of the district's heritage assets (designated and non-designated) including their settings as a finite resource, and DM.29 relates to the re-use and adaption of rural buildings and the importance of preserving and where possible enhancing their rural character.
- 4.10 Policy SP.37 additionally supports the effort to reduce carbon emissions following the Council's declaration of a Climate Emergency in 2019. This policy is underpinned by Wyre Forest District Council's Corporate Plan (2023-2027) and Climate Change Action Plan, which aspires to achieve net zero carbon emissions across the district by 2050.
- 4.11 No objection to the proposal has been made by the Council's Conservation Officer, who considers that the scheme preserves the historic interest and agricultural character of the existing barn with only minor alterations to its fabric to facilitate its re-use. The conversion of this building will further ensure its long-term maintenance for the benefit of the barn itself, its rural setting and the wider contribution that it makes to the historic environment of the district.
- 4.12 Furthermore, it is not anticipated that its re-use would result in any loss of privacy or amenity to any neighbouring occupier, with the nearest residential dwelling being Bewdley House, which forms part of the farmstead of Mary Moores and is set back and off-set from the application site on the opposite side of the access road. There are no adjoining neighbours to this range of barns.
- 4.13 The development is therefore considered to be acceptable in terms of design and impact on the heritage environment, in accordance with Policies SP.20, SP.21, DM.23, DM.24 and SP.37 of the Wyre Forest District Local Plan and the NPPF.

HIGHWAY SAFETY

- 4.14 Policy guidance with respect to highways and transport is issued by Worcestershire County Council as the Highways authority covering Wyre Forest and principally consists of the WCC Streetscape Design Guide, Standing Advice and is informed by the DfT Manual for Streets documents 1 and 2.
- 4.15 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.16 Critically, vehicular traffic from new development should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development. Satisfactory access and provision for the parking, servicing, and manoeuvring of vehicles should be provided in accordance with the recognised standards.

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- 4.17 Consultation with the Highway Authority confirms that the access road is sufficient to accommodate the buildings re-use without significant alteration or addition, and the level of parking available is satisfactory. While the building is acknowledged as being outside of any settlement boundary, as a proposal to convert an existing building of historic interest there is no reasonable alternative and will secure the barns long term maintenance, as described earlier in this report.
- 4.18 The development is therefore considered to be acceptable in terms of highway safety, access and parking provision and would accord with Policy SP.27 of the Wyre Forest District Local Plan, the Adopted Streetscape Design Guide and the NPPF.

LANDSCAPE CHARACTER AND BIODIVERSITY

- 4.19 The application site lies within the open countryside which engages consideration of Policy SP.22 of the Wyre Forest District Local Plan. Policy SP.22 considers both the single and cumulative impact of new development upon the district's landscape and encourages their protection and sympathetic enhancement where appropriate. Para 174 of the NPPF similarly supports this policy, where amongst other things 174(b) encourages the recognition of the 'intrinsic character and beauty of the countryside', with Policy DM.22 also concerned with preserving and enhancing Green Belt openness.
- 4.20 Additionally relevant is Policy SP.23 which concerns biodiversity. This policy requires new developments to make a positive contribution to the natural environment through biodiversity net gain, provision of habitat and availability of appropriate foraging opportunities, which is broadly in accordance with Para 174(d) of the NPPF. Landscaping schemes should, in accordance with Policy DM.26, be appropriate for a site's context, with trees, hedgerows and other natural defining features retained wherever possible. Emphasis is placed on the planting of native species to support existing and encourage new biodiversity to the area and strengthen landscape character.
- 4.21 In the exercise of its functions the Council is required to give due regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), and this is enshrined throughout national and local planning policy.
- 4.22 Circular 06/2005 states that the presence of a protected species is a material consideration when a development is being considered which would be likely to result in harm to the species or its habitat. It goes on to state that 'it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted' (Para 99).
- 4.23 The application is supported by a Preliminary Roost Assessment (PRA) (Biome Consulting, June 2023) which found no evidence of bats and no requirements for further surveying work to be carried out, although recommendations and precautions have been made regarding external lighting, nesting birds and opportunities for ecological enhancement.

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- 4.24 The Council's Tree and Biodiversity Officer is in broad agreement with the findings of the PRA, recommending conditions with respect to the submission of a Construction Environment Management Plan to protect the natural environment during construction works, an external lighting scheme and an ecological enhancement strategy, and these conditions have been recommended.
- 4.25 Turning to landscape, it is noted that no physical extensions or additions to the building are proposed, with the curtilage of the converted building also being limited to discrete areas to prevent visual harm arising across the buildings wider setting, particularly from the west. Planning conditions have been recommended to remove permitted development rights, require details of all external materials (including hardstanding, boundary treatments and joinery) and the submission of a landscaping scheme to protect the landscape and as well as preserve Green Belt openness.
- 4.26 The development is therefore considered to be acceptable in terms of its impact on landscape character and biodiversity and would accord with Policies SP.22 and SP.23 of the Wyre Forest District Local Plan and the NPPF.

DRAINAGE AND FLOOD RISK

- 4.27 Policies SP.30 and SP.32 of the Wyre Forest District Local Plan are consistent with the NPPF in that they require developments to be located in areas with the lowest risk to flooding, and for new developments to incorporate effective on-site management of water to minimise the risk of flooding both on-site and its surrounds.
- 4.28 Pertinent to flood risk, Para 167 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan
- 4.29 The North Worcestershire Water Management Officer was consulted for their views on the development. In the absence of information concerning surface and foul water drainage a condition is recommended for the submission of these details prior to commencement. Advice notes are also recommended advising the developer of their legal obligation to prevent pollution discharging into a nearby watercourse, and how to obtain land drainage consent and/or an environmental permit in order to carry out the proposed works, which may be required separate to and outside of obtaining planning permission.

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- 4.30 The development is therefore considered to be acceptable in terms of drainage and would not be at risk of flooding or increase the risk of flooding elsewhere, in accordance with Policies SP.30 and SP.32 of the Wyre Forest District Local Plan and the NPPF.

POTENTIAL CONTAMINATED LAND

- 4.31 As a site that was previously used for agricultural purposes there is a potential risk of contaminated land. The site also lies within 250m of a registered landfill site or significant area of unknown filled ground which has the potential to produce landfill gas from degradation processes. In accordance with Policy SP.33, proposals may be supported where contaminated land can be adequately remediated, which accords with Para 120(c) of the NPPF which amongst other things encourages the remediation of despoiled, degraded, derelict, contaminated or unstable land.
- 4.32 Worcestershire Regulatory Services raise no objection to the development provided that any subsequent approval notice contains conditions with respect to the reporting of any unexpected, contaminated land, and to undertake a gas risk assessment to establish whether any gas protection measures to realise the development are needed. Officers are in agreement with these recommendations and would apply these conditions to any subsequent approval notice.
- 4.33 The development is therefore considered to be acceptable in this regard.

OTHER MATTERS

- 4.34 The Council is in receipt of objections concerning the destruction of bat/bird roosts. However, Officers are unable to investigate these allegations where no clear and substantial evidence has been provided. While the destruction of a roost is acknowledged as a criminal offence, personal accounts of bats and birds being observed in or around this building prior to the roof of the barn being replaced is not sufficient for further action to be taken.
- 4.35 Objections relating to water pressure/supply in the local area would need to be resolved with the relevant landowner/water provider outside of this planning process.
- 4.36 Objections concerning unauthorised works taking place outside of what is proposed as part of this planning application would need to be raised and investigated separately with Planning Enforcement. This application considers the re-use of an existing building to a dwellinghouse only.
- 4.37 Objections concerning potential future development aspirations by the applicant is not a material planning consideration.
- 4.38 Objections concerning rights of access and legal issues between the landowner and tenants are not planning considerations.

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4.39 The Council has fulfilled its statutory duty publicising the planning application through the display of a site notice in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015, with photographs to evidence that this has taken place. Where site notices have been removed, obscured or defaced, it is at the Officer's discretion whether to replace this notice as set out at Part 6 of this Order. In this case, Officers considered that the significant public response to the application did not warrant the replacement of this site notice.

5.0 Conclusion and Recommendations

5.1 The proposed re-use of this disused barn would constitute appropriate development in the Green Belt, given that the building is of a substantial and permanent construction and its conversion would not require additional extensions, substantial alterations nor any significant building works. The development would improve the surrounding landscape and area and would not result in a detrimental impact on biodiversity, drainage, flood risk or upon highway safety. Economically and socially, the additional household would slightly increase the spending power of the local community to the benefit of local businesses and services and would support the rural community.

5.2 Based on the information submitted against the above considerations, the proposal is considered to represent sustainable development and would be in accordance with the Development Plan.

5.3 It is therefore recommended that the application is **APPROVED** subject to:

a. the following conditions:

1. 3 Year Time Limit to Implement Scheme
2. To require details of all external materials, including hard surfacing, boundary treatments and joinery
3. To require details concerning a water efficiency standard of 110 litres per person per day
4. To require details demonstrating how the development will incorporate energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements
5. To require any instances of unexpected contaminated land to be reported
6. To require a gas risk assessment to inform whether any gas protection measures are required
7. To require an external lighting scheme
8. To require a landscaping scheme and ecological enhancement strategy
9. To require a surface water and foul water drainage scheme
10. To require a Construction Environment Management Plan
11. To require installation of an electric vehicle charging point
12. Removal of permitted development rights with respect to any extension or alteration to the dwellinghouse, including additional windows or dormer windows;

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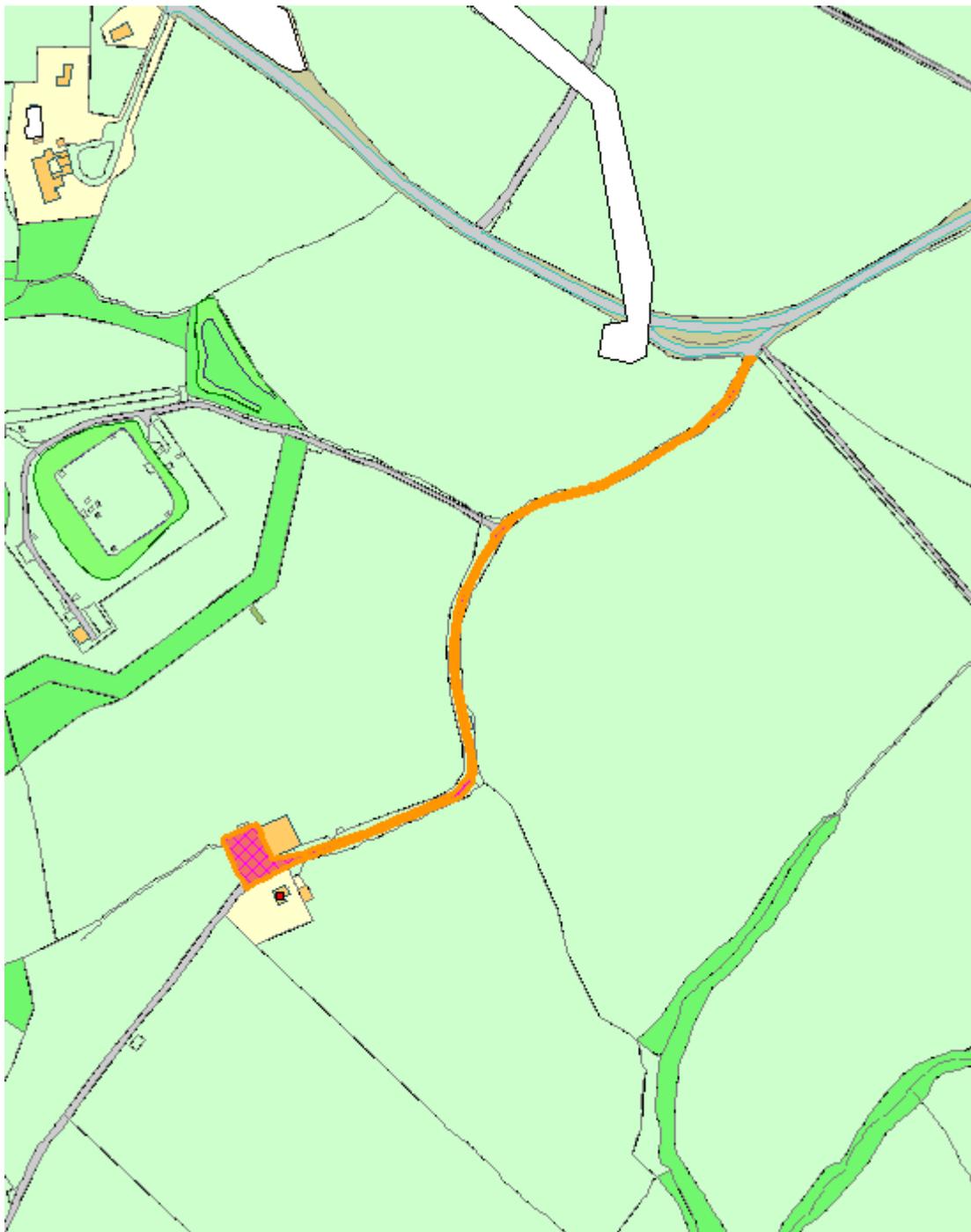
any addition or alteration to the roof; the formation of additional hard surfacing; the erection of any gates, fences or walls; and the construction of any free-standing building within the residential curtilage

13. To require development to be carried out strictly in accordance with the approved plans and drawings

NOTES

- a) That land drainage consent may be required separate to this planning consent
- b) That an environment permit may be required separate to this planning consent

23/0621/FUL



Strategic Growth

Mary Moors Farm Eymore Wood Lane Trimpley Bewdley Worcestershire DY12 1PF

Crown Copyright 100018317



PART B

Application	22/0339/FUL & 22/0340/LBC	Date	11.08.2022
Reference:		Received:	
Ord Sheet:	381926 276262	Expiry	10.11.2022
		Date:	
Case Officer	Richard Jennings	Ward:	Blakebrook And Habberley South

Proposal: Change of use of hotel (C2) to 27 no. self-contained flats (C3) comprising 15 x 1-bed, 8 x 2-bed and 4 x 3-bed, including associated works

Site Address: Gainsborough House Hotel, 23 Bewdley Hill, Kidderminster, Worcestershire, DY11 6BS,

Applicant: Baybridge Estates

Summary of Policy	<p>SP.2, SP.37, SP.29, SP.32 DM.3, DM.23, SP.21, SP.10 SP.27, DM.9, SP.20, SP.22, SP.23, SP.17, SP.27, SP.31, SP.32, DM.26 and DM.24 of the Wyre Forest District Local Plan 2022 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance Planning Obligations SPD Affordable Housing SPD Streetscape Design Guide</p>
Reason for Referral to Committee	'Major' Planning Application.
Recommendation	DELEGATED APPROVAL (23/0339/FUL) AND APPROVAL (23/0340/LBC)

1.0 Planning History

The relevant planning history for this application is as follows:

- 1.1 WF547/86 – Extensions to existing Hotel: Approved 16.09.1986
- 1.2 WF341/78 – First floor staff flat: Approved 02.05.1978
- 1.3 WF1342/78 – Extension to kitchen store: Approved 30.01.1979
- 1.4 WF1037/76 - Erection of two administration Offices: Approved 11.01.1977

22/0339/FUL & 22/0340/LBC

2.0 Consultation and Representations

2.1 Kidderminster Town Council – Support the proposal.

2.2 Highway Authority – No objection subject to conditions.

It is noted that the following initial concerns were previously raised:

- Access width/ ability for 2 cars to pass
- Visibility splays/85th%ile speeds
- Provision of a car parking layout plan
- Details of refuse collection strategy, particularly how bins would be taken to and stored on the kerbside such as not to prejudice highway safety

Items 1, 3 and 4 can be addressed by appropriately worded planning conditions set out below. With regards to matter 2, on balance, it is accepted that the extant permission is for use of the site as a hotel with conference facilities and that the vehicular trips generated by the proposed development would represent a reduction in two-way vehicle movements at the access. The Highway Authority is therefore unlikely to be able to successfully sustain an objection in relation to visibility splays.

2.3 North Worcestershire Water Management Officer – No objection.

This application is for conversion only and does not include external changes to the building it would I believe be unreasonable to expect this development to incorporate SuDS etc as per the Council's policy. Drainage arrangements will be covered by a future Building Control application. The connection to the sewer system and any changes to existing flows (relevant for foul water only) will need to meet Severn Trent's approval, even if the existing sewer connection is being re-used, please see <https://www.stwater.co.uk/building-and-developing/other-developments/flats-or-apartments/>

Therefore, there are no reasons to withhold approval of this application on flood risk or water management grounds.

2.4 Arboricultural Officer – No objection subject to a pre-start condition for a Tree Protection Plan in line with the recommendations of BS5837:2012, which should take all trees on the site into account and show how they will be protected during the conversion stage due to delivery vehicles.

2.5 Worcestershire Regulatory Services - No objection subject to conditions.

Worcestershire Regulatory Services (WRS) have reviewed the application in relation to local air quality. No significant concerns have been identified in respect of the development. It is noted that the proposal includes a reduction in the number of parking spaces. Given the reduction in parking area and that the application is for conversion of an existing building it does not meet the criteria for when WRS would normally recommend standard air quality mitigation measures conditions. It would be beneficial however if some provision for electrical vehicle charging and secure cycle parking could be included as part of the proposal.

2.6 WCC Archaeologist – No objection.

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2.7 Conservation Officer – No objection.

The original building has been disfigured by modern extensions on all sides. These have no architectural merit. I agree with the author of the heritage statement that listing in 1980 was surprising considering the extent of additional attached buildings in the curtilage by that date. It is in my opinion a likely candidate for removal from the National Heritage List for England, particularly now that all that survives is the first-floor front elevation and some areas of roof. The interior has been gutted and stripped of historic features. This building is evidence to the harm that incremental extensions can cause to the significance and character of a listed building. The original building is thus difficult to appreciate especially from the interior and only the three sash windows facing north on the first floor provide some indication of the style of the original dwelling. The proposals are comprehensive in terms of the internal remodelling of the hotel yet nothing of significance is likely to be harmed by this. Provided the three first floor front sash windows remain together with the hipped roofline of the original building there will be no further harm caused to the building over and above that caused already.

2.8 Worcestershire Acute Hospitals NHS Trust – No objection subject to a financial contribution being secured.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire ICB would therefore expect these impacts to be fully assessed and mitigated.

The development would give rise to a need for improvements to capacity, in line with emerging ICS estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.

A developer contribution will be required 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.

2.9 Worcestershire Children First – No objection.

This proposal for 100% flatted/apartment development will result in no education contribution being required as the pupil numbers generated from 27 flats would be too low to cause an impact in the area.

2.10 Neighbour/Site Notice/Press Notice Representations

1 local resident had registered to speak at committee, however, they have now withdrawn their request.

3.0 Site Location and Description

3.1 The application site relates to the former Gainsborough House Hotel situated on Bewdley Hill, to the western edge of Kidderminster town centre, which was originally formed through the change of use of an early 19th Century private residence, known as 'Summer Bank'. The property currently comprises 42 en-suite rooms, 6 function/conference rooms, a lounge bar restaurant, and car parking for 80 vehicles

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within a large garden setting. The building sits in extensive gardens and grounds of approximately 0.563 hectares. The building is Grade II listed and lies adjacent to the Blakebrook Conservation Area.

- 3.2 The current proposal seeks both Planning Permission and Listed Building Consent for the conversion of the Grade II listed former hotel building to form 27 no. self-contained, open market residential apartments. The proposal results in the following accommodation provision:
- 15 no. 1 bedroom units
 - 8 no. 2 bedroom units
 - 4 no. 3 bedroom units
- 3.3 All proposed physical works to the building to facilitate the proposed conversion are confined to the interior of the building, with no resulting structural changes to the exterior of the building or disturbance or removal of any trees to facilitate the development.
- 3.4 A marketing strategy to bring the hotel back into use was undertaken and substantiated, however, this unfortunately proved unsuccessful, and the hotel use was considered to be unviable.
- 3.5 Amendments to the initial proposal have been made which reduce the number of units from 33 to 27 following concerns raised by Officers about the internal size and layouts of each unit. The amended scheme has reduced the number of 1 bedroom units and increased the number of 2 and 3 bed units to ensure all apartments comply with the Nationally Described Space Standards and have an acceptable internal layout. The amendments also ensure a more inclusive and balanced range of units is achieved for this site.
- 3.6 The amended scheme has also made the following changes:
- Installation of new access corridors
 - Installation of new internal stairs
 - Installation of common areas
 - New dividing internal walls.
- 3.7 The design of the apartments sympathetically aligns the habitable rooms with existing windows to provide natural daylight to all units, and the new dividing internal walls align with the solid walls to ensure none are abutting windows.
- 3.8 Access to the proposed apartments would be by way of the original entrance doorways and common areas, with no new openings formed within the exterior walls of the building.
- 3.9 The application has been accompanied by a Design and Access Statement and a Heritage Statement.
- 4.0 Officer Comments**

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4.1 The main considerations of this application are:

- Principle of Development
- Historic Environment
- Residential Amenity
- Parking and Highway Safety
- Planning Obligations

4.2 Policy DM.3 of the Wyre Forest District Local Plan advises that proposals for the conversion of existing buildings into flats will be considered having regard to the intensity of the proposed use and the accessibility of the location to shops and other services. It further advises that proposals will be supported provided that:

- i. Conversion is not detrimental to the appearance of the building and the building and plots are of a suitable size for conversion.
- ii. Appropriate provision is made for parking, cycle parking, private amenity space and refuse storage.
- iii. The proposal will not be detrimental to the character of the area.
- iv. The internal layout minimises noise disturbance and overlooking to neighbours.

4.3 The National Planning Policy Framework (the 'NPPF') contains a presumption in favour of sustainable development and strongly seeks to deliver new housing and supports the re-use of existing buildings for uses that will promote sustainable modes of travel.

4.4 Based on the aforementioned policy consideration, your Officers consider that the proposed conversion of the building into 27 apartments, in this urban area of Kidderminster, with good accessibility by foot, bus and cycle to Kidderminster town centre, is acceptable in principle subject to the following site-specific considerations.

HISTORIC ENVIRONMENT

4.5 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be given to "the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses".

4.6 The NPPF recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the asset's conservation (paragraph 199) and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). The NPF also places great importance on development being good design and being designed to function well, visually attractive and ensure that they add to the overall quality of the area (paragraph 127).

4.7 Policy DM.23 of the Wyre Forest District Local Plan states that any development proposal affecting the District's heritage assets, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced. It also advises that the re-use of heritage assets will be encouraged where this is consistent with the conservation of the specific heritage asset.

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- 4.8 The application building is a designated heritage asset being a Grade II listed building. It is an early nineteenth century former house which was unfortunately swamped by numerous late-20th century extensions and alterations on all sides, and its interiors gutted to facilitate the change of use from a private house to a large modern hotel. Many of these modern additions and alterations took place following the buildings statutory listing in 1980.
- 4.9 The proposals would ensure that physically, the building remains unchanged in terms of its external appearance, and most importantly, the front elevation to Bewdley Hill, remains unchanged as part of the proposed conversion.
- 4.10 The submitted Heritage Statement advises that the original building has unfortunately been swamped in the centre of the development which is evident today by numerous extensions, conservatories and other buildings and additions. The remainder of the hotel complex is modern, with very little predating the 1970's and of little architectural merit. The former gardens which were tended until sometime in the 1960's, have largely been developed or hard surfaced to provide additional car parking.
- 4.11 The Conservation Officer agrees that the proposals would cause 'less than substantial harm' and that this building is a classic example of the harm that incremental extensions can have on the significance and character of a listed building. It is also agreed that the original building is difficult to appreciate especially from the interior and externally, the only evidence of the buildings original style is that of the three sash windows facing north on the first floor.
- 4.12 The Conservation Officer also agrees that the internal re-modelling is extensive, however, it impacts modern divisions in the main, and therefore has little impact on the original internal fabric of the building.
- 4.13 Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.14 In terms of the public benefits, the proposed scheme would increase the amount of people living sustainably, within close proximity to the town centre, which would help to boost the housing land supply and make a positive contribution to the vitality and viability of the town centre. It would also secure an optimum viable use of this heritage asset, which would ensure its longevity, future maintenance and help to sustain and enhance the remaining special historic, architectural interest of this building and the adjacent conservation area.
- 4.15 Your Officers are satisfied that the less than substantial harm to the significance of the designated heritage assets would be outweighed by the public benefits of the proposal in terms of the provision of much needed housing in a sustainable location, the increased support to the vitality and viability of the town centre and the long term optimum use of the building, in accordance with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan and the NPPF.

RESIDENTIAL AMENITY

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- 4.16 Paragraph 174(e) of the NPPF seeks to ensure new development is not put at risk to unacceptable risk of noise pollution. A construction Management Plan is required by condition to ensure that the construction phase of the development does not unduly impact on existing neighbouring residents.
- 4.17 The application site is situated in an edge of town centre location, surrounded by existing residential uses in the main. There is likely to be minimal noise nuisance or disturbance resulting to the future occupiers of the proposed apartments or neighbouring residents by the proposed development, and movements to and from the site are likely to be more commensurate with the surrounding land uses than the former hotel and function uses.
- 4.18 The proposed living accommodation would provide acceptable room sizes in line with the minimum standards set out in the Government's nationally described space standards and all habitable rooms would have a source of natural daylight and ventilation. Your Officers therefore consider that the proposed apartments would provide acceptable living environments for future occupiers and that the proposal would not result in an over intensive use of the building. The proposed scheme would therefore accord with Policies DM.3, SP.33 and DM.24 of the Wyre Forest District Local Plan and the NPPF.

PARKING AND HIGHWAY SAFETY

- 4.19 Policy DM.3 of the Wyre Forest District Local Plan highlights that in town centres, parking requirements may be relaxed where this is not possible or desirable.
- 4.20 The application site however, benefits from both a sustainable location in terms of proximity to the town centre as well as offering more than adequate on-site parking provision, due to its preceding use, and the site is also highly accessible in terms of other sustainable travel modes.
- 4.21 The Highway Authority have raised no objection and considers that the proposed scheme is acceptable on balance when considering the sites lawful fallback position as a large hotel and function complex. As recommended by the Highways Authority, conditions are attached to secure a Welcome Pack and cycle parking in order to promote sustainable travel, as well as vehicle access plans, a construction Traffic Management Plan and a Refuse Collection management strategy to ensure the proposed use operates in a manner which is safe and sympathetic to all Highway users.

PLANNING OBLIGATIONS

- 4.22 The legal tests for when a s106 obligation can be used, are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended and Paragraph 57 of the Framework. The tests are that an obligation must be:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- 4.23 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

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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

4.24 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 57 of the NPPF and Regulation 122(2), these are:

- Highways infrastructure
 - a. An off-site contribution is also sought by The Highway Authority The following obligations are also sought by Highways with a retention period of 10 years from first occupation:
 - £2,500.00 to provide improved hardstanding for the outbound stop near Oakfield Road (NaPTaN Stop ID: Bewdley Hill wocgmtm); and
 - £3,000.00 for the creation of a safe crossing point with tactile paving in the vicinity of the Oakfield Road bus stops. This would increase accessibility to from both sides of the road.

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

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

- Affordable Housing Provision
 - a. In accordance with policy SP.10, an affordable housing tenure mix of social rent and shared ownership is required at a ratio of 65/35. In this instance a commuted, off site contribution is sought which is calculated to be £336,500 and agreed by the applicant.

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

- Off-site Public Open Space
 - a. Based on the proposed accommodation schedule, an off-site contribution of £12,272.64 is sought and agreed by the applicant, towards improvements to Brinton Park, to which the site adjoins.

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

- Worcestershire Acute Hospitals NHS Trust

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- a. Based on the proposed accommodation schedule, a contribution of £14,443 is sought to mitigate the impacts of the proposal on primary healthcare provision within the catchment.

This provision accords entirely with Policy SP.16 of the Local Plan and the Planning Obligations SPD.

- WFDC S106 Monitoring fee

5.0 Conclusion and Recommendations

- 5.1 The conversion of this Grade II Listed former hotel building to apartments is entirely consistent with the objectives of the Wyre Forest District Local Plan and NPPF.
- 5.2 The design of the proposed conversion has been carefully considered to ensure that the exterior remains generally unchanged, whilst facilitating the proposed use, providing high level living conditions for future occupiers of the building. Whilst the internal works involve alterations to modern fabric in the main, it is considered that any less than substantial harm would be offset by the public benefits, including the need to secure an optimum viable and long-term use of this building, which is appropriate to its setting within a residential edge of town centre position. Your Officers therefore consider that the proposed development represents sustainable development and accords with relevant planning policies contained within the Wyre Forest District Local Plan and the NPPF.
- 5.3 Application 23/0339/FUL is therefore recommended **DELEGATED APPROVAL** subject to;
 - a) The signing of a S.106 agreement as set out at paragraph 4.24; and
 - b) The following conditions:
 1. Three-year time limit
 2. Require satellite antennas/aerials to be installed to the roof or rear elevation of the building only
 3. Vehicular Access
 4. Car and Cycle Parking Details
 5. Refuse Collection Management Strategy
 6. Construction Management Plan
 7. Residential Travel Plan Welcome Pack
 8. Tree Protection Plan
 9. Electric vehicle charging points
 10. Details of Heating System
 11. Development to be in accordance with the Approved Plans

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NOTE

- a) Alteration of Highway to Provide New or Amended Vehicle Crossover
- b) Section 278 Agreement
- c) Section 38 Agreement Details
- d) Drainage Details for Section 38
- e) No Drainage to Discharge to Highway
- f) Protection of Visibility Splays
- g) Affected Street Lighting / Illuminated Signs
- h) Extraordinary Maintenance
- i) Works Adjoining Highway
- j) Temporary Direction Signs to Housing Developments
- k) Construction Environmental Management Plan (CEMP)
- l) Travel Plan Requirements

5.4 Application 23/0340/LBC is therefore recommended **APPROVAL** subject to;

a) The following conditions:

1. Three-year time limit
2. Development to be in accordance with the Approved Plans
3. Retention of all original first-floor sash windows

PART B

Application Reference:	23/0002/FUL & 23/0003/LBC	Date Received:	08.01.2023
Ord Sheet:	379682 271818	Expiry Date:	09.04.2023
Case Officer	Julia Mckenzie-Watts	Ward:	Areley Kings And Riverside

Proposal: The conversion of a former nursing home into multiple holiday accommodation

Site Address: Lickhill Manor , Lower Lickhill Road, Stourport On Severn, Worcestershire, DY13 8RL

Applicant: Sasha Westby

Summary of Policy	<p>SP.19, SP.20,SP.21, SP.23, SP.27,SP.37, DM.22, DM.23, DM.24of the Wyre Forest District Local Plan (2022)</p> <p>Design Guidance SPD Planning Obligations SPD Affordable Housing SPD Health and Wellbeing SPD WCC Landscape Character Assessment WCC Streetscape Design Guide WCC Minerals Local Plan National Planning Policy Framework National Planning Practice Guidance National Design Guide Building for a Healthy Life</p>
Reason for Committee	‘Major’ Planning Application
Recommendation	DELEGATED APPROVAL (23/0002/FUL) APPROVAL (23/0003/LBC)

1.0 Planning History

1.1 No relevant planning history.

2.0 Consultations and Representations

2.1 Stourport-on-Severn Town Council – No objection however, they have expressed concern about the roadway in and out of the property which floods sometimes to significant depth. When a nursing home the residents could be removed to place of

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safety before that happened to avoid being trapped. As individual holiday let's how is this to be managed?

- 2.2 Conservation Officer – No objection subject to conditions. The application concerns the Grade II* listed Lickhill Manor. To support this application, the applicant has provided a Heritage Statement (dated December 2022). This statement is detailed and discusses the significance of the site, the potential harm/impact and the benefits of the proposal. The statement is of sufficient depth to properly assess the proposal, thereby ensuring it complies with paragraph 194 of the National Planning Policy Framework. The over-arching benefit of the proposal is that it will bring the building back into use, which is considered to be the best way of safeguarding the long-term conservation of a site. Moreover, that use is in keeping with the historic use of the site as a hotel. Holiday accommodation is considered the optimum viable use for the site. It is also noted that a number of alterations have been made over the years in which it was in use as a nursing home. These have caused cumulative harm to the significance of the site and is a consideration. The main elements of harm which will occur will be the creation of new doorways. Whilst efforts have been made to re-use existing openings, there will be some instances where removal of historic fabric will be required. It is noted that pre-app advice has been followed and the windows will be retained and repaired, which is supported. It is concluded that there will be some inevitable harm caused by the proposal but this will be outweighed by the potential benefits. I would conclude with a harm level of Less than Substantial in the mid-high range. I recommend approval, subject to a number of conditions:
Level 2 Building Recording Survey and approval of external materials.
- 2.3 Environment Agency - No objection subject to a Section 106 Agreement to secure a financial contribution of £5000 towards an early flood warning system.
- 2.4 Worcestershire Regulatory Services (Noise Nuisance team) – No objection.
- 2.5 North Worcestershire Water Management Officer – No objection subject to the a condition relating to the submission and approval of a flood warning plan. This site is at risk of flooding from the Severn. I understand that the proposed change of use would result in 25 self-contained holiday apartments. This would not alter the flood risk vulnerability qualification, which would remain 'more vulnerable'. The building itself is not at risk of flooding. As we know from when this property was still used as a care home, the main risk is the sole access/egress route becoming fully inaccessible in flood events. The inundation of the access/egress starts at 4.6m on the Bewdley gauge. The most extreme event recorded (1947) would have resulted in the access being 1.2m (4ft) under water and the more recent (and frequent) flooding reached levels nearing one metre (3ft). The FRA therefore rightly advises that safe access/egress is not possible during a flood event. The main mitigation for this risk is therefore to evacuate the building at an early stage of potential flooding. It is still considered that the submitted information downplays the flood risk to the access and therefore the expected frequency that evacuation of the entire building will be required. The flood vulnerability will not alter as a result of the proposed change of use, there is insufficient reason to object. It is important that it can be ensured that an appropriate flood evacuation plan will get put together by the manager of the holiday

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accommodation and will be maintained for the entire lifespan of the proposed use. Notwithstanding the currently submitted Flood Evacuation Plan I believe the submission of a flood management plan should be a condition. I suggest the following wording:

"A flood management plan shall be submitted and approved in writing by the local planning authority. It shall include a commitment to retain and update the Plan and include a timescale for revision of the Plan. The agreed recommendations shall be implemented in full prior to the first use of the development hereby approved."

I note that the timely evacuation of the site will rely upon flood warning services provided by the Environment Agency and therefore I welcome that a s106 will secure a contribution towards the flood warning system.

2.6 Tree and Biodiversity Officer – No objection subject to conditions.

The application has been provided with an acceptable tree protection plan and the development needs to adhere to this during the conversion works, especially, the temporary ground protection highlighted in paragraph 6.3.3 of the submitted Arboricultural Impact Assessment. A condition for a pre-start meeting is required to ensure the tree protection measures are installed prior to the start of the development. The bat survey provides acceptable mitigation including the proposed bat loft design.

2.7 Highway Authority – No objection subject to conditions.

The applicant has submitted additional detailed information as requested, to include a revised parking layout for 26 spaces on the frontage for guests, with pedestrian connectivity to the 'front door'. A further 5 overflow spaces are shown via a gated access to the side of the main building for staff and tracking details have been provided to show that this area is accessible by car. Refuse vehicle tracking has also been provided to show adequate manoeuvres on the frontage and refuse collection arrangements will need to be put in place. Cycle parking will be provided for staff and guests with further details required by condition.

The operation of the site means that staff will attend to service the apartments however there will be no reception staff based on site. Technical details have also been provided, specifically an analysis of the existing and proposed trip generation and whilst the Highway Authority's own interrogation of the TRICS database has derived slightly higher rates which indicates that the proposed short stay accommodation represents an intensification of use, on the basis that adequate visibility is available at the junction with the highway on Lower Lickhill Road, it is unlikely that an objection could be maintained. Moreover, in the recently submitted Technical Note, Drawing No. D03 provides details of the route from the junction to the site entrance, to include road widths, passing opportunities and speed reducing features and this is considered to be acceptable.

The final section of the route leading to the site is adjacent to public right of way (Footpath SV-569) and no objection to the proposal has been raised by the Public Rights of Way Team. To the north of this section, pedestrian connectivity to Elmfield Walk and onward to facilities in Lickhill, is available via footpath (SV-568).

Furthermore, the Applicant has previously provided details of the sustainable credentials of the site to include public transport links and this information should be collated into a Travel Information Pack and made available to staff and guests on an ongoing basis, to promote the sustainable travel options. A draft pack should be submitted for approval prior to first use of the site and guidelines as to the contents are provided separately. Electric vehicle charging facilities are expected however it is

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understood that this is now covered by Building Regulations Part S. Accessible parking x 2 spaces, should be provided. Whilst there is ample area within the curtilage of the site, a Construction Environment Management Plan condition is nonetheless recommended.

- 2.8 Historic England - No comment to make on the application and suggest that you seek the views of your specialist conservation and archaeological advisers.
- 2.9 Neighbour/Site Notice/Press Notice Representations
No representations received from local residents/occupiers.

3.0 Site Location and Description

- 3.1 Lickhill Manor is a vacant Grade II* listed former residential nursing home located on the urban fringe of Stourport-On-Severn and in the open countryside. The site is washed over by the West Midlands Green Belt and falls within Flood Zones 2 and 3 due its close proximity to the River Severn.
- 3.2 Vehicular access to the site is provided via a private road which travels south from Lower Lickhill Road. The access is shared with the nursery Tiny Toez and Lickhill Manor Caravan Park via a mini-island. The distance from Lower Lickhill Road to the site is approximately 500 metres.
- 3.3 The Historic Listing details states - country house c1700, but possibly built in 2 distinct phases, Brick with graded slate roof. Entrance front of 3 storeys and 7 bays, the upper storey a different brick and bond, possibly extending a house of the late C17, in the early C18,
- 3.4 The existing building last operated as a nursing home from 1986-2012 and was adapted to accommodate 38 patients and management within the building. The nursing home was altered by sub-dividing the cellular layout and added building extensions to the north and south ranges, which has a significant impact on the listed building's character and its setting. In 1956 a caravan park and camping site was opened to the front of the site.
- 3.5 The application seeks to bring the vacant listed building back into use for multiple holiday accommodation consisting of 25no. self-contained serviced apartments comprising 24 one bedroom / studio apartments and 1 two bedroom unit. There would be no changes to the front or rear elevations of the building itself and the existing front entrance would be the main access to the accommodation. The existing car park to the front would be reconfigured into a more regularised parking area and the provision of a small overflow car park with 5 staff spaces to be provided to the rear of the building.
- 3.6 The application has been supported by a Location Plan, Proposed site layout, Proposed elevations plans, Floor layout plans, Indicative landscaping scheme, Planning statements, Design and access statement, Heritage statement, Ecological Assessment, Transport statement, Tree survey / Arboricultural Impact Assessment, Energy Assessment, Heath impact Assessment and Site specific Flood Risk Assessment.

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4.0 Officer Comments

4.1 The main considerations in this application are:

- Principle of Development (Green Belt)
- Suitable location for holiday let accommodation
- Historic Environment
- Flood Risk and Drainage
- Biodiversity and Trees
- Highway Safety
- Planning Obligations
- Other Matters

PRINCIPLE OF DEVELOPMENT (GREEN BELT)

4.2 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 150(d) of the National Planning Policy Framework (the 'NPPF') and Policy DM.22 of the Wyre Forest District Local Plan consider that the re-use of buildings, of permanent and substantial construction is appropriate development provided they preserve its openness and do not conflict with the purposes of including land within it.

4.3 Due to the layout of the proposed car park there is no feasible way that the required parking provision for the holiday lets and staff parking can all be accommodated to the front of the site and therefore five staff parking spaces are to be provided to the rear located adjacent to an existing boundary fence. The access to the car parking spaces would be to the side of the building with the surface constructed using gopla to be grass filled with parking demarcation to lessen its impact. There is a boundary fence to the rear which is heavily tree screened and an existing brick wall to retained around the side and part of the front of the building and therefore the car park will be screened from any public vantage point or the views from the footpath along the River Severn.

4.4 Your Officers are satisfied that the application, which seeks to convert an existing building into holiday let complies with the NPPF and Policy DM.22 in that it is appropriate development. The small car park area with its tree screening and boundary fence / wall and use of gopla rather than tarmac or any paving would minimise the visual impact of the parking area and would only result in limited harm in terms of the spatial aspect. Overall, it is considered that the development would constitute appropriate development in the Green Belt and would be acceptable in principle, subject to the below site-specific considerations.

SUITABLE LOCATION FOR HOLIDAY LET ACCOMODATION

4.5 Policy SP.19 of the Wyre Forest District Local Plan refers to Sustainable Tourism and states that 'Support will be given to proposals that improve the quality and diversity of existing visitor/tourist facilities, attractions, accommodation and infrastructure, where development is compatible with the physical character of the area and does not cause any unacceptable impacts.' The policy goes onto state that 'Proposals linked to the Tourism Industry should incorporate sustainable transport links as the site should be readily and safely accessible by public transport wherever possible, especially between attractions and Kidderminster town centre.'

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- 4.6 The applicant has provided information within the submitted Transport Plan that there are sustainable transport links and infrastructure to promote ease of access across the Wyre Forest. Within 800 metres (10-minute walk) from the site is a Local Convenience Store (Spar), a local public house Stagborough Arms and a parade of local businesses which include hairdressers, tanning salon and charity shop. Pedestrian amenities near the site include a signalised pedestrian crossing with push button demand along Lower Lickhill Road which provides pedestrian access to the eastbound bus stop along Lower Lickhill Road connecting to the Stourport-on-Severn town centre. There is also a public footpath which runs along the boundary of River Severn to the town centre, to Bewdley in the opposite direction as well as to Lower Lickhill Road and there are cycle routes that pass the area.
- 4.7 Within close proximity of the site, approximately 550 metres (7 minutes' walk) are regular bus services which provide links to Kidderminster, the railway Station, the Severn Valley Railway, Stourport and Bewdley.
- 4.8 Your Officers are of the view that the application site has good accessibility to local amenities all within an acceptable distance and time by either walking or public transport and to local Tourist attractions in the district such as the West Midlands Safari Park, The Wyre Forest, Local Nature Reserves, Brinton Park and the Severn Valley railway station to name a few.
- 4.9 The location of the site is therefore considered to be appropriate for the proposed holiday let accommodation, in accordance with Policy SP.19 of the Wyre Forest District Local Plan.

HISTORIC ENVIRONMENT

- 4.10 Policy SP.21 of the Wyre Forest District Local Plan sets out that development proposals should protect, conserve and enhance all heritage assets and their settings, including assets of potential archaeological interest, subject to the provisions of Policy DM.23 (Safeguarding the Historic Environment). Their contribution to the character of the landscape or townscape should be safeguarded and protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of Wyre Forest District.
- 4.11 Policy DM.23 goes on to state that repairs, alterations, extensions and conversions of heritage assets must be sympathetically designed to respect the significance of the form, character and materials of the original heritage asset and its setting. Fixtures and fittings should be inconspicuously sited and proportioned and be designed sympathetically to reflect the significance of the asset.
- 4.12 The Conservation Officer has commented that the over-arching benefit of the proposal is that it will bring the building back into use before it starts to deteriorate any further and its re-use is considered to be the best way of safeguarding the long-term conservation of the site. Moreover, the proposed use is in keeping with the historic use of the site as a hotel and therefore holiday accommodation is considered the optimum viable use for the site due to the wider public benefits. The main elements of harm of the current proposal will be the creation of new doorways and whilst efforts have been

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made to re-use existing openings, there will be some instances where removal of historic fabric will be required. It is noted that pre-application advice has been followed and the windows will be retained and repaired, which is supported. The Conservation Officer has concluded that there will be some inevitable harm caused by the proposals but this will be outweighed by the potential benefits and it is concluded with a harm level of Less than Substantial in the mid-high range.

- 4.13 Your Officers concur with the views of the Conservation Officer in that the degree of harm caused to Lickhill Manor resulting from the proposal would be less than substantial. Paragraph 202 of the NPPF advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 4.14 The proposed development would deliver significant public benefits in terms of bringing this historic building back into a long-term viable use and supporting the tourism economy. The public benefits therefore outweigh the less than substantial harm to the significance of this heritage asset. The proposal therefore complies with Policies SP.21, DM.23 and the NPPF. Conditions have been recommended to require the submission of all building materials to be used on site and a level two building recording being carried out.

HIGHWAY AUTHORITY

- 4.15 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:
- a. The location and layout of development will minimise the demand for travel.
 - b. They offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
 - c. They address road safety issues.
 - d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.
- 4.16 Paragraph 111 of the NPPF advises that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 4.17 The Highway Authority have been consulted and have commented that the parking layout on the frontage is intensive with 26 spaces required based on the number of bedrooms, however the layout has been accepted as workable and preferable to the previous layout. 26 spaces are to be provided on the frontage for guests, with pedestrian connectivity to the 'front door'. A further 5 overflow spaces are shown via a gated access to the side of the main building for staff and tracking details have been provided to show that this area is accessible by car.
- 4.18 The Highway Authority have also commented that with regards to the TRICS they have carried out their own further analysis of the trip rates and the trips rates obtained are higher for the proposed use than those the agent has put forward and higher than the existing use, which indicates that the proposed use will result in an intensification of use of the site. Nonetheless, on the basis that there is adequate visibility at the

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junction with the highway on Lower Lickhill Road and at the internal junction points, no objections have been raised to the revised parking layout.

- 4.19 A minor concern regarding the final 100m length section of the route was raised by the Highway Authority as this section is narrow and treelined. However, on the basis that there is a speed reducing feature in the road, good forward visibility and a small section of verge either side if 2 vehicles do need to pass, it is considered by the Highway Authority that there would be insufficient grounds to substantiate a refusal of the application.
- 4.20 The proposals have been carefully considered by the Highway Authority, who have advised that the proposals are acceptable.
- 4.21 Your Officers are of the opinion that the proposal complies with Policy SP.27 in that in that sustainable transport links are readily and safely available (as set out above). The development would accord with the Adopted WCC Streetscape Design Guide and ensure that the layout of the development encourages walking and cycling and helps to reduce the reliance on private cars to travel. The development would not result in an unacceptable impact on highway safety and the cumulative residual impact on the local network would not be severe. The development therefore accords with the NPPF.

FLOOD RISK AND DRAINAGE

- 4.22 Paragraph 153 of the NPPF advises that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'. Paragraph 168 also notes that applications for changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.
- 4.23 Lickhill Manor is located predominantly in Flood Zone 1, the low risk Zone, however, the site is surrounded by areas of Flood Zones 2 and 3, the medium and high risk zones respectively.
- 4.24 The Environment Agency have been consulted as part of the application and have requested a developer contribution towards the management and maintenance of their Flood Warning Service, the operation of which is required to make the proposals acceptable in planning terms. Specifically, the development, in this instance, is only possible with a Flood Evacuation and Management Plan based on a service that the Environment Agency offer. The applicant has agreed to this financial contribution.
- 4.25 The North Worcestershire Water Management Officer has carefully considered the submitted documents and the proposed development and has raised no objection subject to a condition to secure a flood management plan. This shall include a commitment to retain and update the plan and include a timescale for revision of the plan. A condition has been recommended accordingly.
- 4.26 Your Officers therefore consider that the change of use to holiday let apartments is capable of being provided safely in accordance with Policy SP.31 and the NPPF

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subject to the addition of a flood evaluation condition and the signing of a s106 agreement agreeing a contribution of £5,000 towards the management and maintenance of the Environment Agency's flood warning system.

BIODIVERSITY AND TREES

- 4.27 Paragraphs 174(d) and 180 of the NPPF requires due regard to be had to wildlife habitats and biodiversity and to provide ecological enhancements. These requirements are echoed in Policy SP.23 of the Wyre Forest District Local Plan which also require new developments to achieve a measurable net gain in biodiversity A BNG Assessment and an Ecological assessment in the form of a bat roost survey have been submitted which have highlighted the presence of day roosts for low numbers of male and/or non-breeding female common pipistrelle and soprano pipistrelle bats.
- 4.28 The assessment also indicates the presence of a maternity roost for brown long-eared bats. Unfortunately, the majority of tiles were stolen from both lower extensions in October 2021; following which repair work was undertaken and these impacts are likely the cause of the relative lack of brown long-eared bats in summer 2022. Bat activity levels on site were found to be high, with both foraging and commuting activity present on the site, especially the areas containing trees to the west and east.
- 4.29 As the proposal calls for the conversion of the existing building, the roosts present within it would be destroyed, with the potential for direct harm to any bats present during works. Bat activity levels on site were found to be high, with both foraging and commuting activity present on the site, especially the areas containing trees to the west and east.
- 4.30 The recommendations of the survey are that a European Protected Species Mitigation Licence (EPSML) from Natural England will be required in order to legally carry out the proposed works. This will require a comprehensive mitigation plan / method statement; the agreement and implementation of the mitigation measures. From the proposed plans provided, it can be seen that the renovated building will include a roof void of sufficient dimensions to accommodate the new brown long-eared bat maternity roost.
- 4.31 The Council's Tree and Biodiversity Officer asked for clarification with regards to further details on the bat loft and how this is to be retained and enhanced, the information that has been submitted which is now considered to be satisfactory. The development therefore accords with Policy SP.23 of the Wyre Forest District Local Plan and the NPPF.
- 4.32 With regards to biodiversity net gains, the application includes a comprehensive landscaping strategy which shows enhancements to the communal garden with wild flower planting beneath trees within the lawn. The development therefore would achieve measurable net gains in biodiversity, in accordance with Policy SP.23.
- 4.33 In terms of trees on the site, the application is accompanied by an Arboricultural impact assessment as there is a TPO covering this site. It is proposed to remove trees T18, T20 from the site and tree T21 is to be removed and relocated. The Council's Tree and Biodiversity Officer is supportive of the proposals within the application provided the tree protection plan in Jim Unwin's Tree Protection Plan is adhered to. Especially, the temporary ground protection highlighted in Paragraph. 6.3.3 of the

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submitted Arboricultural impact assessment. Planning conditions have been recommended to require the development to be in accordance with the Tree Protection measures and to require a pre-start meeting to be undertaken with the Council's Tree and Biodiversity Officer to ensure the tree protection fencing has been installed correctly.

OTHER MATTERS

- 4.34 In terms of refuse arrangements, it is envisaged that deliveries and servicing will be undertaken as the previous care home use via the private road access. Deliveries would be undertaken from the car park to the front of the building. Wheelie bins are placed at the back of the building to be brought to the front once a week by staff and picked up by refuse vehicles. Emergency vehicles such as ambulance and fire appliances would gain access from the car park to the front of the building. Your Officers therefore consider that the proposed refuse arrangements are acceptable.
- 4.35 Policy SP.37 sets out that an Energy Statement will be necessary to demonstrate that at least 10% of the predicted energy requirement of the development will be sourced from renewable or low carbon sources. Due to the main building being listed there would be restrictions on what can and cannot be upgraded to the retained elements. However, the thermal envelope to the wings either side will be upgraded to current Building regulations.
- 4.36 Information has been put forward to show the following:

Total Energy Demand (kWh/year)	49,511.56
Electricity generated by renewables (kWh/year)	5,030.81
Overall Energy Demand (kWh/year)	44,480.75
% saving	11.31%

- 4.37 Through ease of installation and commercial costs it is proposed that the saving of energy requirement will be done through the installation of Photovoltaics (PV). A 11kWp PV system is proposed which will generate approximately 5030.81 kWh/year. Solar panels are to be installed on the central single storey roofs and the existing windows are to be roofs and the repair, upgrade and replacement.
- 4.38 Your Officers are therefore of the view that the measures put forward will comply with Policy SP.37 subject to a condition requiring the proposed location and further details of the solar panels.
- 4.39 Policy SP.16 of the Wyre Forest District Local Plan requires that all major development are supported by a health impact assessment. A Health Impact Assessment has been submitted as part of the application and the information considered in compliance with Policy SP.16.

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PLANNING OBLIGATIONS

- 4.41 The legal tests for when a s106 obligation can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended and Paragraph 57 of the Framework. The tests are that an obligation must be:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 4.42 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 57 of the Framework and Regulation 122(2), these are:
- Off-site public open space contribution of £2,301.12. for Burlish Meadows, in the form of natural / virtual play.
 - A contribution of £5000 towards the management and maintenance of the Environment Agency’s flood warning system
 - WFDC S106 Monitoring Fee

5.0 Conclusion and Recommendations

- 5.1 The re-use of this vacant Grade II* listed building for holiday let is welcomed as this would ensure the long-term viability and maintenance of this heritage asset. The works to facilitate the change of use would result in less than substantial harm to the significance of the heritage asset, however, the public benefits arising from the re-use of listed building and the provision of new holiday accommodation would outweigh this harm.
- 5.2 It is acknowledged that there would be a small level of harm to the openness of the Green belt to the rear by the provision of five parking spaces as currently this area is undeveloped, however when considering the planning balance, the harm is mitigated by the low key nature and design of the car park by way of its location and the materials chosen for its construction and the fact that it is located within the curtilage of the property and outside of public view and most importantly that this is offset against bringing the listed building back into use. The development would not result in any unacceptable harm to highway safety and mitigation has been secured to ensure no harm to protected species and flood risk to future occupiers. The development therefore represents sustainable development, which would support the local tourist economy and would accord with the Development Plan.
- 5.3 Application 23/0002/FUL is therefore recommended **DELEGATED APPROVAL** subject to:
- a) The signing of a S.106 agreement for the matters set out in paragraph 4.42

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b) The following conditions

1. Three-years to commence development
2. To require details of external materials
3. To require Level 2 Building Recording Survey
4. The building shall only be used for holiday let accommodation and for no other purpose including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2021, (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification.
5. No person(s) shall stay at the holiday let hereby approved for a period in excess of 3 weeks continuously at any one time, nor return to the holiday let until a period of at least 2 weeks has lapsed.
6. A written register of persons using the accommodation shall be recorded, including names, addresses of permanence residence and date of stay, and made available for inspection.
7. To require Flood Management Plan
8. Implementation of Access, parking and turning
9. Accessible parking spaces to be marked out
10. To require a cycle parking details
11. To require refuse Storage details
12. To require Travel Information Pack to be agreed and implementation
13. Pre-start meeting to inspect Tree Protection Measures
14. Implementation of Tree Protection Measures
15. Implementation of Landscaping Scheme
16. Implementation of Bat Roosts
17. To require External Lighting Strategy
18. Construction Environment Management Plan (Biodiversity/Highways)
19. To require Solar Panels details
20. Development to be in accordance with Approved Plans

5.4 Application 23/0003/LBC is therefore recommended **APPROVAL** subject to:

a) The following conditions:

1. Three-year limit to commence development
2. To require details of external materials
3. To require Level 2 Building Recording Survey

PART B

Application Reference:	23/0334/FUL	Date Received:	15.05.2023
Ord Sheet:	382620 275061	Expiry Date:	22.08.2023
Case Officer	Kelly Davies	Ward:	Foley Park And Hoobrook

Proposal: Retrospective application for change of use from class B to class E (Dance Studio)

Site Address: Unit 6 , 27 Lisle Avenue, Kidderminster, Worcestershire, DY11 7DF

Applicant: Mr Mole

Summary of Policy	SP.16, SP.17, SP.20, SP27, SP.33, DM.9, DM.24, DM.25 of the Wyre Forest District Local Plan Design Guidance SPD Health and Wellbeing SPD WCC Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Reason for Committee	Departure of the Development Plan
Recommendation	APPROVAL

1.0 Planning History

1.1 WF/0798/97 - Construction of unit for industrial use with car parking and loading/unloading area: Approved 20.01.1998.

2.0 Consultee Responses/Neighbour/Site Notice Representations

2.1 Kidderminster Town Council – No objection.

2.2 Planning Policy team - No objection.

The property is situated within Kidderminster falling within the South Kidderminster Enterprise Park, and it is understood that it has been operating as a dance studio since July 2018. The application site is located on land which is identified to be safeguarded for employment use. Therefore, the planning decision will be subject to satisfaction that the existing use of the dance studio and any other permissible future use as part of Use Class E is appropriate to continue in this location when taking into account any effect on neighbouring amenity.

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2.3 Highways Authority – No objection. Further to the previous deferral comments, the Applicant has submitted a further Revised Planning Statement which includes a breakdown of the times of the dance classes and the number of children attending each session and it is noted that classes are said to run 16.00 - 20.30 during the week, Saturday is the busiest day and the studio is closed on Friday and Sunday. The business employs one full-time worker.

Whilst the Applicant has failed to provide a parking survey to show how the site functions and what the demand for parking is, there is photograph evidence of the parking area which doesn't appear to be well used plus anecdotal evidence which suggests that those children who do arrive by car are dropped off and picked up on Lisle Avenue and only the younger children are dropped off and picked up at the site. As such, there is no long-term parking taking place and the majority of drop off and pick up activities will be outside the traditional peak traffic times.

Moreover, the site has been in operation as a dance studio for some considerable time (5 - 7 years) and there is an existing trip generation associated with the commercial site with associated vehicle manoeuvres.

The site is in a sustainable location with easy access by foot and whilst consideration could be given to the provision of cycle parking, it is noted that cycling is not permitted on the footpath which connects Lisle Avenue with Beauchamp Avenue and the residences beyond.

It is further noted that the low number of public objections are in relation to noise rather than parking. There is no accident record and no known capacity issues in this location on Lisle Avenue therefore the Highway Authority concludes that there would not be an unacceptable impact on safety or a severe impact on congestion as a result of the proposed development and it is unlikely that an objection could be maintained in relation to Paragraph 111 NPPF.

2.4 Worcestershire Regulatory Services (Nuisance Assessment team) – No objection subject to condition and informative. Following the deferral comment, revised details have been submitted which identify mechanical ventilation proposed for the unit but doesn't specify which model is to be used. As the inlet and outlet will need to be on a non-sensitive façade this should not cause disturbance but should be clarified to avoid uncertainty. Noise levels which have been commented on by residents should be capable of being kept under control with doors remaining shut and the amplified music level controlled during classes. To that end a condition is required:

"Amplified music and voice shall not be audible at the site boundary during opening hours."

Note to applicant-

If the level of music required to meet the inaudibility condition is not viable for the business, then a scheme of sound insulation for the building will be required through a further application to the local planning authority or request to vary the condition.

2.5 Neighbour/Site Notice Representations

3 letters of objection and 1 letter of support were initially received from nearby residents. Concerns are summarised as follows:

- Noise levels are too high
- Impact on property value
- Sound proofing should be installed

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- Waste material stored externally
- Information missing and not enough information submitted

Re-consultation on the application was carried out on the 07/08/23, following the submission of revised plans/documents to address the deferral comment received from the Highway Authority and Worcestershire Regulatory Services. Following this re consultation process, 1 objection was received from a nearby commercial occupier and 1 neutral comment was received. The subsequent concerns/comments have been summarised as follows:

- Opening times should be restricted if approved.
- Some of the parking spaces shown as additional parking do not belong to the dance studio.
- Inadequate parking

Final revisions were received on 04/10/23 and 26/10/23 in an attempt to address the outstanding objections, and a re-consultation process was again undertaken. No neighbour comments were received following this final process.

3.0 Site Location and Description

- 3.1 The application site consists of a 150 sq. m. (1,508 sq. ft.) industrial unit located to the rear of other industrial units that front onto Lisle Avenue, Kidderminster. The site has a small service yard for parking and deliveries with access from Lisle Avenue. It is adjoined by industrial premises to the east, south and west with the northern boundary adjoining the rear boundaries of residential dwellings in Beauchamp Avenue. These residential properties have relatively long gardens measuring around 30 metres in depth.
- 3.2 The wider site is generally safeguarded for employment purposes within the development plan. It also falls within the South Kidderminster Enterprise Park (SKEP) which is the subject of Policy SA.K24.
- 3.3 The proposal seeks retrospective consent for the change of use from a storage and distribution use (Use Class B8) to a dance studio (Use Class E).
- 3.4 The application has been revised during the determination period, due to potential noise issues being of major concern to neighbouring residents. The applicant proposes to install an air-conditioning unit to the rear of the premises to enable all windows and doors to remain closed during the operation of the use, minimising noise and disturbance to neighbours.
- 3.5 The opening hours have been amended to: 0900 - 1930 hours Monday to Friday and 0900 - 1700 hours on Saturdays. No opening on Sundays and Bank Holidays.
- 3.6 The applicant has submitted a personal statement to support the application. They have confirmed that the business has been in operation since July 2016, with 1 full time employee and more than 50 regular students, who compete, not only for personal

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pleasure and leisure, but also dance at competition level. Several of the students have also progressed into higher education in the field.

- 3.7 The business previously utilised rented halls across the district, however, this was not viable due to unforeseen cancellations and the general unpredictability of reliance on rented accommodation. The lack of a centralised location for parents and students was also severely impacting on the operations of the business. The application site provides the necessary space and facilities for the enterprise to function successfully and this is evidenced by the business growth in terms of student numbers and the success rates of the students who attend.

4.0 Officer Comments

- 4.1 The main considerations of this application are:

- Background Information
- Planning Policy Context and Principle of Development
- Residential Amenity
- Parking and Highways Safety

BACKGROUND INFORMATION

- 4.2 The lawful use of the application site falls under Use Class B8 (Storage and Distribution), however the applicant has confirmed and substantiated that the current use has operated since 2016.

- 4.3 S171B(3) of the Town and Country Planning Act 1990 (as amended) provides that where there has been a material change of use other than that of the creation of a dwelling, the relevant time period for taking enforcement action is 10 years i.e., in this case until July 2026. Therefore, enforcement action could still be taken in respect of the dance studio use.

- 4.4 No complaints from local occupiers or residents have been made to the Local Planning Authority or to Worcestershire Regulatory Services about the dance studio in terms of noise nuisance during the preceding 7 years of operation. However, should the studio continue operating without a valid planning consent, use rights will accrue and the dance studio would be lawful without any conditional control in terms of opening hours and noise levels, hence the invitation of the current application to adequately control the development.

PLANNING POLCY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.5 The application site lies within an existing employment area in Lisle Avenue, Kidderminster. This employment area is not listed in Table 9.0.1 'Employment Allocation Sites' and is therefore not allocated for employment land but is safeguarded for employment uses as defined by the Adopted Policies Map and Policy SP.17 of the Wyre Forest District Local Plan.

- 4.6 Policy SP.17 states that land and premises within these existing employment areas will be reserved for uses that fall within Use Classes B2 (General Industrial), B8

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(Storage and Distribution) as well as employment generating uses including Class E (Offices other than professional and financial services offices), research and development and light industrial uses and, where appropriate sui generis uses as outlined in criteria 5, Policy SP.17 ('A Diverse Local Economy') of the Wyre Forest District Local Plan. As the dance studio falls within Use Class E, it is not a use that is permitted by Policy SP.17. The development therefore is in conflict with Policy SP.17 of the Wyre Forest District Local Plan.

- 4.7 It is also noted that the National Planning Policy Framework (the 'NPPF') at Annex 2 defines leisure uses as 'main town centre uses'
- 4.8 Paragraph 87 of the NPPF advises that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 88 further notes that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 4.9 Policy DM.14 of the Wyre Forest District Local Plan also advises that 'Before out of centre sites are considered the sequential approach must demonstrate why there are no suitable or available sites within the Primary Shopping Area in the first instance and then edge of centre sites. When edge of centre and out of centre locations are considered, sites which are accessible and well connected to the town centre will be preferable'.
- 4.10 Whilst it is evident that ideally leisure development needs to be located within Town Centre locations, consideration needs to be given to the fact that this is a retrospective application in which the dance studio has been operating, without any complaints from adjoining occupiers, for over 7 years, and the alternative is a probable cessation of the use and the business operations.
- 4.11 Furthermore, the proposal represents a compatible use within this existing employment area, which is in line with Policy SA.K24, South Kidderminster Enterprise Park (SKEP), which states that any development proposals should be compatible with neighbouring areas and not prejudice the operation and amenity of existing employment in the area.
- 4.12 The site is also considered to be in a highly sustainable location, being located in close proximity to Stourport Road, which has a high frequency bus service providing transport to town centres within the district. The site is also easily accessible on foot and by cycle from surrounding residential areas. Furthermore, the Highway Authority have confirmed that the site is in a sustainable location.
- 4.13 The unit itself is relatively small in size, measuring only 150 sq. m. in floor area, which means the likelihood of it being leased or sold for any means of industrial use or employment generating use as defined by criteria 5 of Policy SP.17 is very unlikely. This coupled with the fact that the service yard is small for the use of heavy goods

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vehicles and the associated difficulties in accessing and manoeuvring result in the site being unlikely to fulfil the aspirations of the allocated use.

- 4.14 In addition, the unit is located behind Kemp Hospice and lies immediately adjacent to the rear of residential properties in Beauchamp Avenue, which prevents the unit being suitable for general industrial uses (B2) and distribution uses (B8), as these uses would not be compatible with residential properties due to noise and disturbance from the coming and going of vehicles and operations. The use of this light-weight steel frame building for any industrial uses is considered to result in a deterioration in the residential amenity enjoyed by neighbouring residential occupiers above and beyond the current proposal.
- 4.15 The application unit is not visible from Lisle Avenue due to its backland location and therefore is unlikely to be attractive to the majority of employment uses who require a street scene presence.
- 4.16 The application unit provides adequate space to enable the dance studio to operate efficiently, which is afforded by the open plan nature of this portal style building, allowing developing dancers the space and facilities required to train for competitions at a regional and national level, and the social benefits that result.
- 4.17 Your Officers do not consider it reasonable to require the applicant to explore alternative uses as required by Policy DM.14 given that they are now well-established at this site and have been operating since 2016 without issue. It is also considered that it would be difficult for the dance studio to find an alternative premises within the Primary Shopping Area of Town Centres or in an edge of centre location due to the large open plan floor area requirement. The continued use of the dance studio would not prejudice any other employment uses within this area and does not undermine the vitality and viability of the town centres within the district, as it is a leisure facility where people attending the dance studio are unlikely to combine their trip to shops and services within a town centre. Integration of leisure uses within sites allocated for employment uses is not uncommon throughout the district with gyms being an obvious comparative.
- 4.18 To conclude, the dance studio is a main town centre use which is operating in an out of centre location, and within a existing employment area that is reserved for employment generating uses as defined in Policy SP.17, and as such the development conflicts with Policies SP.17 and DM.14 of the Wyre Forest District Local Plan. Your Officers consider that material considerations exist in this instance which outweigh this departure of the Development Plan. The circumstances of this application are bespoke and therefore leave little risk of diminishing the principle of the relevant policy. The dance studio requires a very specific building with a large open floor area which this location fulfils. The dance studio has coexisted for many years with neighbouring employment uses and adjoining residential properties without any complaints. Furthermore, the dance studio delivers wider social benefits and is considered to be acceptable in terms of its sustainable location.

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RESIDENTIAL AMENITY

- 4.19 Policies SP.20 and DM.24 of the Wyre Forest District Local Plan seek high quality design and requires developments not to have an impact on neighbouring amenity.
- 4.20 This is further supported by paragraph 130 in the NPPF which highlights on criterion F) that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.
- 4.21 The rear gardens of Beauchamp Avenue back onto the sites northern boundary, with the far end of the gardens abutting the boundary fence. The rear gardens are some 30 metres in length, with the area of garden nearest to the development being utilised for garden sheds/storage areas in the main.
- 4.22 Whilst it could be argued that the Class E use of a Dance Studio in this locality would result in noise generation that would impact upon the nearby residents, it should be noted that up until the application was submitted no Planning Enforcement cases relating to noise and disturbance nor Worcestershire Regulatory Services noise complaints have been received. The proposed opening times will also enable further control of the development thus reducing any potential unsociable hours of operation.
- 4.23 Your Officers have accompanied Worcestershire Regulatory Services on a weekday evening site visit to assess the level of noise emitted by the use. Sound was not audible until within approximately 1 metre of the building itself. Therefore, in line with the recommendation made by Worcestershire Regulatory Services, a condition is proposed to ensure that sound emanating from the building is not audible at the boundary of the site to ensure that neighbouring residential amenity is fully safeguarded.
- 4.24 Further control over noise nuisance potential is achieved by way of the imposition of a condition to ensure that all doors and windows remain closed when the dance studio is in operation to minimise sound leakage from the building.
- 4.25 To ensure that the use can operate with all windows and doors fully closed a condition also requires the introduction of an air conditioning unit to the rear of the site to ensure the desired temperature is achieved within the building without the requirement for natural ventilation. Details of the manufacturers specifications are required by condition and would require the details to be submitted within three months of the date of any permission being approved, to ensure that no impact upon the local residents will result from the installation of the unit and ensure that the specification is of an adequate size and capacity to meet the desired purpose.
- 4.26 During the course of the application, the applicant has reduced the opening hours to between 0900 - 1930 hours Monday to Friday and 0900 - 1700 hours on Saturdays. No opening on Sundays and Bank Holidays. These hours are considered to be appropriate by Worcestershire Regulatory Services and your Officers recommended to impose these operational hours by way of a suitably worded condition.
- 4.27 All neighbour comments have been carefully considered in the assessment of this application and your Officers consider that the continued use of the dance studio within this unit would not result in a serious adverse impact on the amenity of

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neighbouring residents to justify a refusal of the application, with the imposition of the restrictive conditions outlined satisfactorily protecting residential amenity. The development is therefore considered to be acceptable and in accordance with Policies SP.20 and DM.24 of the Wyre Forest District Local Plan and the NPPF.

HIGHWAY SAFETY

- 4.28 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:
- a. the location and layout of development will minimise the demand for travel;
 - b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks;
 - c. they address road safety issues; and
 - d. are consistent with the delivery of the Worcestershire Local Transport Plan objectives.
- 4.29 Paragraph 111 of the NPPF advises that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.30 The proposals have been carefully considered by the Highways Authority, who raise no objection in terms of parking provision as the use relies on a drop off and pick up basis in the main, which is generally outside of the peak travel times and peak operation times of the industrial estate. In terms of sustainable accessibility, the site lies in a fully sustainable location with good pedestrian and cycle access to the town centre.
- 4.31 Moreover, the site has been in operation for some considerable time, approximately 7 years, and there would be trip generations associated with the commercial site with associated vehicle movements and manoeuvres.
- 4.32 There is no accident record and no known capacity issues in this location on Lisle Avenue and therefore the Highway Authority concludes that there would be no substantiable impact on safety or a severe impact on congestion as a result of the proposed development, and it is unlikely that an objection could be maintained in relation to Paragraph 111 National Planning Policy and Policy SP.27 of the Wyre Forest District Local Plan. Your Officers concur with this view and do not consider that the development would have an unacceptable impact on access, parking, highway safety or upon the local road network in general.

5.0 Conclusions and Recommendations

- 5.1 Your Officers have carefully considered all representations received. No statutory consultees have raised any objection to the application subject to the imposition of planning conditions.
- 5.2 The proposal seeks the continuation of the use within an area safeguarded for employment uses which is contrary to the relevant policies of the development plan.

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However, it is your Officers view that material considerations exist which clearly outweigh this departure. The use has been successfully operating from this premises since 2016 without any complaints and is considered on that basis to be a compatible use. The location has good accessibility to town centres within the district by bus services and is also within easy walking/cycling distances of residential areas of Kidderminster. The application to regularise this unauthorised use allows the Local Planning Authority to impose planning conditions to control and restrict the use, ensuring no detrimental impact occurs in terms of noise, disturbance and parking issues. The continued use of the dance studio promotes health and wellbeing of young people and is considered to provide a significant social benefit to the local community, all of which are general aspirations of the development plan.

5.3 Your Officers therefore consider that on balance, there are material considerations that indicate that the application should be supported despite the development plan conflict associated with the site's location outside of the town centre and within an area reserved for employment generating uses.

5.4 It is therefore recommended that the application is **APPROVED** subject to:

a. the following conditions and informative:

1. To restrict the use as a dance studio only for 'Diamond Dance Academy' and for no other uses within Use Class E.
2. To restrict opening hours to between 0900- and 1930-hours Monday to Friday and between 0900 and 1700 hours on Saturdays with no use at all on Sundays and Bank Holidays.
3. A scheme for air conditioning of the building shall be submitted to and approval in writing by the Local Planning Authority and shall thereafter be installed within 3 months from the date of approval.
4. To require no waste to be stored outside of the building.
5. To require all doors and windows to remain closed when the music is being played within the dance studio.
6. Amplified music and voice shall not be audible at the site boundary during opening hours.
7. To require the development to be retained in accordance with the approved plans.

NOTE

a. If the level of music required to meet the inaudibility condition is not viable for the business, then a scheme of sound insulation for the building will be required through a further application to the local planning authority or request to vary the condition.

PART B

Application Reference:	23/0553/HOU	Date Received:	25.07.2023
Ord Sheet:	378302 275386	Expiry Date:	06.10.2023
Case Officer	Kelly Davies	Ward:	Bewdley And Rock

Proposal: Replacement of conservatory and single storey rear extension

Site Address: 14 Church View, Bewdley, Worcestershire, DY12 2BZ,

Applicant: Mr And Mrs Hadley

Summary of Policy	SP.20, SP.27, DM.24, DM.25 of the Adopted Wyre Forest District Local Plan National Planning Policy Framework National Planning Practice Guidance Design Guidance SPD Streetscape Design Guide
Reason for Referral to Committee	Departure of the Development Plan
Recommendation	APPROVAL

1.0 Planning History

1.1 No planning history relating to the application site.

2.0 Consultee Responses

2.1 Bewdley Town Council – Recommends approval.

2.2 Neighbour/Site Notice Representations
No comments received from public participation.

3.0 Site Location and Description

3.1 The application relates to a two-storey detached dwellinghouse situated on a corner plot within Church View, Bewdley. The surrounding area is predominantly residential in character.

3.2 The proposed development seeks to replace the existing conservatory with a single storey rear extension to provide a snug, hobbies room and home office. The proposed extension would project 4 metres from the rear elevation of the dwellinghouse and

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would have a pitched roof and then would reduce to 2.5 metres in depth with a flat roof nearest to the side boundary shared with No. 12 Church View. The extension would be constructed in external materials to match the existing dwellinghouse.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Design and Scale
- Residential Amenity
- Highways Safety

DESIGN AND SCALE

4.2 Policy DM.24 of the Wyre Forest District 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. New and innovative designs which promote high levels of inclusivity and sustainability will be encouraged and supported where they enhance the overall quality of the built environment.

4.3 The National Planning Policy Framework (the 'NPPF') echoes this stating that good design is a key aspect of sustainable development (paragraph 126) and excellence in design can create a sense of place, improve the attractiveness of a location and create safer places to live and work, thereby enhancing the quality of people's lives.

4.4 The proposed extension would project 4 metres from the rear elevation of the dwellinghouse with a pitched roof and then would reduce to 2.5 metres in depth with a flat roof nearest to the side boundary shared with 12 Church View. The extension would relate well with the style and form of the existing dwellinghouse and would not appear as an overdevelopment. Furthermore, as the extension is to the rear of the dwellinghouse there would be no impact on the streetscene. The design and scale of the development is therefore considered to be in accordance with Policies SP.20 and DM.24 of the Wyre Forest District Local Plan.

RESIDENTIAL AMENITY

4.5 Policy DM.25 of the Wyre Forest District Local Plan states that extensions and alterations, whether to residential or non-residential properties should not have a serious adverse effect on the amenity of neighbouring residents or occupiers and that they should accord with the 45 Degree Code.

4.6 The application property currently benefits from a rear conservatory which projects into the rear garden by 2.5 metres and comprises a solid brick side elevation nearest to 12 Church View.

4.7 The submitted plans show that the existing conservatory already conflicts with the 45 Degree Code in relation to the nearest rear facing habitable room window at 12 Church View. The proposed extension would replace the existing conservatory and whilst it would also conflict with the 45 Degree Code, it is considered that the impact

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on the amenity of the neighbouring residents in terms of loss of sunlight and outlook would not be significantly greater because the proposed extension would not extend any further beyond the rear elevation compared to the existing conservatory. The proposed extension has also been amended from having a pitched roof to a flat roof to reduce the impact on the neighbouring residents and ensure that the height of the extension (2.9 metres) nearest to 12 Church View is less than what could be implemented under permitted development rights.

- 4.8 Should the applicant wish to implement their rights to Permitted Development, then the resulting extension would have a greater impact upon light and amenity to the neighbouring property, which when considered against this proposal would result in more harm. It is therefore, considered that in this instance the applicant has a clear and sound fallback position which would result in more harm to the neighbouring occupants than that that is under consideration by way of this application.
- 4.9 No objections have been raised by the occupants of the adjoining property. It should also be noted that the rear gardens of Church View are Northwest Facing, therefore very little, if any, morning sun will be lost by way of the proposed extension. As such, the conflict with Policy DM.25, in terms of the breach in the 45-degree code, is not considered a reason to warrant refusal of the application.

HIGHWAY SAFETY

- 4.10 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:

- a. the location and layout of development will minimise the demand for travel.
- b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
- c. they address road safety issues.
- d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.

- 4.11 Paragraph 111 of the NPPF advises that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.12 As the development would not be enlarging the residential property in terms of bedrooms, no additional parking spaces would be required. Also, as the proposed extensions are to the rear of the dwellinghouse there would be no obstruction to the existing car parking spaces. The development therefore accords with Policy SP.27 of the Wyre Forest District Local Plan and the NPPF.

5.0 Conclusions and Recommendations

- 5.1 The design and scale of the proposed extension is considered acceptable and would not detract from the appearance of the property or its setting in the street scene. In addition, the proposal would not have any serious adverse effect on the residential amenity of neighbouring properties when compared with the existing conservatory and the potential fallback position of a similar extension being implemented under

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permitted development rights. It is therefore considered that there are other material considerations that justify a departure of the Development Plan due to the conflict with Policy DM.25, in this instance.

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

a. the following conditions:

1. 3-year Time Limit to commence development
2. To require external materials to match existing building
3. To require the development to be in accordance with the approved plans.

PART B

Application Reference:	23/0587/HOU	Date Received:	07.08.2023
Ord Sheet:	379543 276223	Expiry Date:	17.11.2023
Case Officer	Megan Skelding	Ward:	Wribbenhall And Arley

Proposal: Garage extension and conversion to provide an accessible en-suite bedroom. Departure of the Development Plan.

Site Address: 24 Lingfield Road, Bewdley, Worcestershire, DY12 1JZ

Applicant: Mr & Mrs Brandt

Summary of Policy	SP.20, SP.27, DM.24, DM.25 of the Wyre Forest District Local Plan National Planning Policy Framework National Planning Practice Guidance Design Guidance SPD Streetscape Design Guide
Reason for Referral to Committee	Departure of the Development Plan
Recommendation	Approval

1.0 Planning History

- 1.1 No planning history relating to the application site.
- 1.2 Planning History at neighbouring property – 26 Lingfield Road WF856/75 - Bungalow extension: Approved 18.11.1975.

2.0 Consultee Responses

- 2.1. Bewdley Town Council - No objection.
- 2.2 North Worcestershire Water Management – No objection. It is advised that this site is not at risk of flooding. The proposed development might increase the amount of impermeable area and therefore the amount of surface water runoff. This extra volume should be kept on site, in order to avoid increasing flood risk elsewhere. The proposal does not detail how surface water will be disposed of. I do not know what the drainage arrangements are for the existing dwelling. In line with building regulations discharge via infiltration will need to be prioritised. I have no reason to believe that infiltration drainage would not be possible on this site. If the property is currently drained via

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soakaway drainage, then the existing soakaway(s) might need to be relocated and enlarged to accommodate the development.

Since Building Regulations (H3 - rainwater drainage) already require that 'adequate provision shall be made for rainwater to be carried from the roof of the building', I don't deem it necessary for this planning application to recommend attaching a surface water drainage condition. I believe that the discharge of foul water from the site will be adequately covered by Building Regulations too.

Neighbour/Site Notice Representations

2.3 1 letter of objection received, and the concerns raised can be summarised as follows:

- Proximity to air vents located in the side elevation of neighbouring property and concern that these will become blocked by the development.
- Lack of access to the neighbouring property if development is built.
- Development would make neighbouring property and application property appear as a semi-detached dwelling.
- Decrease property value; and
- Impact on log burner at neighbouring property.

3.0 Site Location and Description

3.1 The application relates to a bungalow with a detached flat roof garage situated on Lingfield Road, Bewdley. The site is located at the end of the cul-de-sac, located in a residential street off Habberley Road, in Catchems End. Lingfield Road is dominated by both detached and semi-detached bungalows.

3.2 The proposed scheme seeks to extend and convert the existing garage to create an accessible bedroom with en-suite and utility room which would be linked to the main bungalow via a hallway. The garage extension would involve a 0.6 metre upward extension to raise the overall height of the building from 2.0 metres to 2.6 metres and a side and front extension. The extension to the front of the garage would bring the building forward by 2.85 metres and the side extension would increase the width of part of the building from 5.5 metres to 7.3 metres. A 0.45 metre separation gap would be provided between the proposed extension and the neighbouring property at 26 Lingfield Road. The proposal would include an entrance door to the front with a 1 in 12 ramp, a window and a door to the side elevation facing the garden.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Design and scale
- Impact on neighbouring amenity
- Impact on parking and highways safety

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Design and Scale

- 4.2 Policy DM.24 of the Wyre Forest District Local Plan states that all development will be expected to be of a high design quality. New and innovative designs which promote high levels of inclusivity and sustainability will be encouraged and supported where they enhance the overall quality of the built environment.
- 4.3 The National Planning Policy Framework (the 'NPPF') echoes this stating that good design is a key aspect of sustainable development (paragraph 126) and excellence in design can create a sense of place, improve the attractiveness of a location and create safer places to live and work, thereby enhancing the quality of people's lives.
- 4.4 The proposed extension is to provide a disabled bedroom and en-suite for the occupiers of the bungalow and has been designed to be accessible for people in wheelchairs. The extension would have a large footprint to ensure it functions for its intended purpose and would follow the building line of the neighbouring bungalow's side elevation. A separation gap of 0.45 metres would be provided between the proposed extension and the neighbouring bungalow at 26 Lingfield Road to ensure a visible gap between the two properties is maintained, which will be evident from the road and revised plans have been submitted to show that the proposed extension would not interfere with the neighbouring properties eaves, guttering or air vents.
- 4.5 Your Officers note the concern raised by the neighbouring resident about the proposed extension resulting in the application bungalow and the neighbouring bungalow at 26 Lingfield Road appearing as semi-detached properties, however, it must be pointed out that the existing garage already fills most of the gap between these two properties. The front elevation of the proposed extension to the garage would have a significant setback (7 metres) from the front elevation of the existing bungalow and a separation gap between the proposed extension and the side elevation of 26 Lingfield Road would be visible from Lingfield Road to ensure that the application bungalow and the neighbouring bungalow at 26 Lingfield Road still appear as detached properties.
- 4.6 The extension would be designed with a flat roof and would have the same height as the eaves of the existing bungalow to ensure that it appears subordinate and does not overwhelm the existing bungalow when viewed from the street scene. The development would also be constructed in brickwork to match the existing bungalow. Your Officers therefore consider that the design and scale of the proposed extension is acceptable and of a high-quality design that accords with Policy SP.20, DM.24 and DM.25 of the Wyre Forest District Local Plan.

Residential Amenity

- 4.7 Policy DM.25 of the Wyre Forest District Local Plan states that extensions and alterations, should not have a serious adverse effect on the amenity of neighbouring residents or occupiers and the first criteria listed in the Policy is that extensions should accord with the 45 Degree Code.
- 4.8 The existing garage conflicts with the 45 Degree Code in relation to the nearest rear facing habitable room window that serves a dining/living room at 26 Lingfield Road. It is recognised that the proposed upward extension to the garage would increase the overall height of the building from 2.0 metres to 2.6 metres which would result in a greater reduction in sunlight and outlook to the neighbouring properties habitable room

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window compared to the existing situation. However, the existing garage already breaches the 45 Degree Code, and due to orientation of the neighbouring property being to the west of the proposed development the orientation of the neighbouring property being to the west of the proposed development it is considered that the loss of sunlight and outlook would not be significant and would not result in a serious adverse effect on their amenity and enjoyment of their bungalow at 26 Lingfield Road.

- 4.9 In addition, the existing garage could be increased in height to 2.5 metres under permitted development rights (Class E) without requiring planning permission and therefore the proposed extension is only 0.10 metres over the permitted development height allowance.
- 4.10 Your Officers therefore consider that there are other material considerations that would allow this development despite the conflict with criteria a of Policy DM.25 and that although there would be marginal additional harm to the amenity of the neighbouring residents in terms of light and outlook from their dining/living room window that this does not warrant a refusal of the application.
- 4.11 The proposed side facing window would be sited 3.1 metres from the private rear garden belonging to 22 Lingfield Road, however, due to the intervening boundary fencing, this window would not result in any overlooking to the residents at 22 Lingfield Road.

Impact on parking and highway safety

- 4.12 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:
- a. the location and layout of development will minimise the demand for travel.
 - b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
 - c. they address road safety issues.
 - d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.
- 4.13 Paragraph 111 of the NPPF advises that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.14 Despite the addition of an extra bedroom as a result of the proposed development, there is adequate space on the drive to provide adequate parking provision, in accordance with Policy SP.27 of the Wyre Forest District Local Plan.

Other Matters

- 4.15 Concern has been raised about loss of property value, however, this is not a planning material consideration.

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5.0 Conclusions and Recommendations

- 5.1 The design and scale of the proposed extensions are considered acceptable and would not detract from the appearance of the bungalow or the character and appearance of the local area. Whilst there is a clear breach in the 45-degree code, the orientation of the application property in relation to the neighbouring property would only cause marginal loss of sunlight and outlook to the neighbour's rear facing dining/living room window and an upward extension to the garage could be implemented under permitted development rights which would only be 0.10 metres lower than what is proposed in this application. The proposed development would have adequate parking provision and would provide a much-needed accessible bedroom with en-suite and ramp external access for the existing residents. The neighbouring resident's objection have been carefully considered and taken into account in the assessment of this application and it is considered that there are no sustainable reasons to warrant refusal of this application.
- 5.2 Your Officers therefore consider that when taking into account the other material considerations that there are no justifications to warrant a refusal despite the planning decision being a departure of the Development Plan due to the conflict with Policy DM.25. This is because the harm resulting from the conflict with the 45 Degree code, as required by Policy DM.25, is not considered to be significant and would not lead to a serious adverse effect on the amenity of neighbouring residents.
- 5.3 It is therefore recommended that the application is **APPROVED** subject to:
- a. the following conditions:
 1. 3-year Time Limit to commence development
 2. To require the development to be constructed in external materials that match the existing bungalow
 3. To require the development to be in accordance with the approved plans

PART B

Application Reference:	23/0614/RG3	Date Received:	16.08.2023
Ord Sheet:	383277 276708	Expiry Date:	11.10.2023
Case Officer:	Helen Hawkes	Ward:	Blakebrook And Habberley South

Proposal: New public open space on site of Nos. 1 to 6 Worcester Street, consisting of sloping grass terraces, trees, planting, seating, brick retaining walls, lighting, footpath, children's play area and a pavilion building

Site Address: 1 To 6 Worcester Street, Kidderminster, Worcestershire, DY10 1EA,

Applicant: Mr Clayton Maponga

Summary of Policy	<p>SP.16, SP.20, SP.21, SP.23, SP.27, SP.28, SP.31, SP.32, SP.33, SP.37, DM.6, DM.7, DM.8, DM.13, DM.23, DM.24, DM.26 and SA.K4 of the Wyre Forest District Local Plan</p> <p>WFDC Design Guidance SPD WFDC Planning Obligations SPD WFDC Affordable Housing SPD WFDC Health and Wellbeing SPD WCC Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance</p>
Reason for Referral to Committee	Application relates to council land and has been submitted by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Planning History

1.1 22/0992/RG3 - Prior Notification for demolition of nos. 1, 2 to 6 and 7 to 10 Worcester Street and nos.1 to 3 Oxford Street, 1-10 Worcester Street and 1-3 Oxford Street Kidderminster: Prior Approval Required and Granted subject to Conditions 18.08.2023.

2.0 Consultee Responses

2.1 Kidderminster Town Council – Supports the application and advises that this significant development will have a positive impact on the neighbourhood and local

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community. It will contribute to the general health and wellbeing of residents. Furthermore, it is likely to contribute significantly to economic development of the area.

- 2.2 Worcestershire Regulatory Services (Nuisance team) – No objection subject to a condition to secure a Construction Environment Plan detailing hours of site working and measures to control dust and noise during the construction of the park. It is also noted that the submitted lighting assessment is satisfactory.
- 2.3 Worcestershire Regulatory Services (Contaminated Land team) – No objection subject to the standard tiered contaminated land condition and a condition to secure details of any imported soil.

It is advised that Made Ground is likely to be present at the site, which depending on historic uses of the site, and the origin of this material, there is the potential for it to be contaminated. We also note that the supporting information indicates that there are 2 No electricity substations on site, where spillages/ leakages may have occurred historically, associated with these features, there is the potential for ground contamination to be present. Due to the sensitive nature of the proposed end use and uncertainty regarding ground conditions, full tiered contaminated land conditions are recommended. In addition to the above WRS anticipate that sub and topsoil will need to be imported to site for landscaping and advise that a condition in relation to import of soils/ soil forming materials is placed on any permission granted under the current application. This is to ensure that any soils/ materials imported to site are clean & suitable for placement and do not pose a risk to end users and the environment.

- 2.4 Conservation Officer – No objection.

- 2.5 Wyre Forest Cycle Forum – No objection but recommend that electric Bike storage is secured as part of this development with infrastructure to allow charging facility in addition to Sheffield stands. Successful electric Bike introduction in towns and cities across Europe has been followed with the evidence of high levels of theft due to their higher value. Kidderminster station bike theft with bolt cutters from Sheffield stands is a common occurrence, so confirming the necessity for secure storage. Vibrant successful town centres have developed their social experience, recognising not only the symbiotic relationship to retail, but, as developed by Sir Richard Rogers (Pompidou Centre Paris; Lloyds Building London), that this site facilitates the potential neighbouring town centre housing development: also requiring secure bike storage.

[Officer comment - Electric charging cycle points have not been included in the development and the applicant has advised that electric charging cycle points are more appropriate to a residential or commercial development as they are better placed to deal with ongoing repairs and maintenance obligations]

- 2.6 Design Out Crime Officer – No objection to the space being developed, however, the following observations are offered:

- As with any open space, an effective management scheme should be employed to ensure the future maintenance of the site, including all planting / trees / hardware / and lighting of the site;
- With regards to any secure access gates / doors, effective management of these is required, including regular maintenance, ownership of them to be

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established, regular checks, the routine changing of gate codes, and to ensure where members of staff leave that codes are changed / keys are handed in, or locks changed;

- With regards to the proposed café, consideration should be given as to whether this can be built with consideration as to achieving a Secure By Design award; and
- Looking at the bins on the site these have flat tops, if possible, the bin tops should be angled to prevent people sitting on these, also capable of being locked.

[Officer comment – Following receipt of the above comments, the applicant has submitted a Landscape maintenance and management plan and the bins have been changed so they don't have a flat top. The applicant has confirmed that they intend to apply for Secure By Design accreditation for the proposed café.]

- 2.7 Highway Authority – No objection subject to conditions. The conditions to follow on Addenda and Correction Sheet.
- 2.8 North Worcestershire Water Management Officer – No objection subject to a condition to require a scheme of surface water drainage to be submitted and agreed by the Local Planning Authority and thereafter implemented.
- 2.9 Severn Trent Water – No objection subject to a condition to require drainage details of the disposal of foul and surface water flows. They note that their response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.
Also, the following informative is requested to be attached:
1. Severn Trent Water would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements – please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.
- 2.10 Kidderminster Civic Society – No comment received.
- 2.11 Tree and Biodiversity Officer – No objection subject to conditions to require a scheme of ecological enhancement measures to be submitted and agreed by the local planning authority and the agreed plans being implemented and adhered to at all times of the development.
- 2.12 WFDC Principal Planning Policy Officer - This proposal is to be welcomed. The site forms parts of the wider Local Plan allocation SA.K4 – land at Bromsgrove Street (Lion Fields). Criterion iii of the policy refers to the 'acquisition of and demolition of properties at the northern end of Worcester Street to improve connectivity from the town centre into Lion Fields.' This proposal will not only allow easy access for everyone regardless of disability but will provide a welcome green lung within the town centre and increase the footfall in this part of town. This will encourage redevelopment and regeneration of the Worcester Street area. This proposal should, once fully implemented, provide a counterbalance to Weaver's Wharf. Provision of a new green

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heart with an appropriate management plan in place will also encourage residential redevelopment within the town centre as envisaged by the Local Plan. This proposal will enhance the vitality and viability of Kidderminster town centre.

Neighbour/Site Notice Representations

- 2.13 2 objections to the application from members of the public, and they object on the following grounds:
- General dislike of proposal as the town does not need a park;
 - Nothing wrong with existing parks in Kidderminster if they are fixed up, maintained better and included toilets;
 - The Council should sort out the existing parks before going onto another project such as what is being proposed in this application;
 - Need to make the town more appealing to ensure it stands out from the rest of towns for example it needs ice skating, cinema, bowling, water park, assault course, climbing; and
 - Don't build another park for anti-social behaviour.
- 2.14 1 letter of support from a member of the public and they have offered the following comment:
- Support the redevelopment of this redundant brownfield site;
 - Help to provide green space into the town centre;
 - Whilst it is disappointing to be losing retail floorspace within the town centre this has to be balanced against the fact that these buildings have been vacant for a significant period of time; and
 - This should lead to the redevelopment of other parts of the town centre and with its overall regeneration.

3.0 Site Location and Description

- 3.1 The application site measures around 0.37 hectares in area and was recently occupied by a number of two and three three-floor derelict commercial buildings, which have now been demolished and cleared from the site. The site also includes the former pedestrian stepped footway between Bromsgrove Street and Worcester Street, known as 'Step Entry', which has been temporary closed to facilitate the demolition works.
- 3.2 The site is bounded by Worcester Street to the west and Prospect Terrace, Prospect Lane and Bromsgrove Street car park lie to the east. The ground level of the site falls steeply down to Worcester Street by approximately 10 metres from its highest point. The site lies within the catchment of the River Stour however, it is categorised as falling within Flood Zone 1 (lowest risk of fluvial/tidal flooding) on the Environment Agencies flood mapping.
- 3.3 The proposal seeks to redevelop the site as a new public open space including new pedestrian/cycle links between Bromsgrove Street car park and Worcester Street, a natural play area, pavilion building, park benches, lighting, CCTV provision and associated landscaping. An access/service space would be retained for the adjoining unit via Bromsgrove Street, which would include the installation of a 2.4-metre-high

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fence with access gates. Vehicular access to the natural play area would be restricted to maintenance and emergency access only and controlled by demountable bollards. The existing subterranean sub-station, located near to Worcester Street and adjacent to the former Step Entry would be retained and made secure by the proposed pavilion building and gates to the entrance to Step Entry. The other existing substation would be relocated to the southeast part of the site. Cycle storage is proposed adjacent to the pavilion building and adjacent to Bromsgrove Street. External seating and lighting and new shrub and tree planting are proposed around the new paths and play area.

- 3.4 The proposed pavilion building would be used for community use or as a lettable café (Use Classes E(b)(c)(iii), F.1 (b)(c)(d)(e), F.2(b)) and would be situated within the southwest corner of the site and would have a direct frontage to Worcester Street. The building would be single storey in height and would include glazing, entrance door and space for signage on two elevations, a green roof, and two elevations that are predominantly masonry and partially retaining.
- 3.5 The children's natural play area would be situated in the northeast corner of the site and would include a range of play equipment including boulders, logs, climbing frames and embankment slide and has been designed to relate well with the soft landscaping and natural external materials to be used in the scheme.
- 3.6 As part of the development, it is intended that part of the footway that fronts the site on Worcester Street will be resurfaced, from tarmac to block paving. The Step Entry adopted divorced footway would be permanently stopped up. Part of Prospect Terrace would be permanently stopped up and the remaining would become footway with new kerb line and surfacing.
- 3.7 Wyre Forest District Council would manage and maintain the proposed public open space, access routes and children's natural play area. It is intended that the café would be operated by an independent company.
- 3.8 Amended plans have been received to address earlier concerns raised by the Highway Authority which reflects the road safety audit (stage 1) and the refuse vehicle tracking analysis, which were both undertaken during the course of the application. The amendments are as follows: reconfiguration of the Lion Square / Prospect Terrace junction; improvements to the pedestrian crossing from the Lion Fields public car park to the application site, which includes main crossing on pedestrian desire line and adjustments to the kerbs and tactile paving; and provision of cycle storage.
- 3.9 The application has been submitted with the following supporting documents: Design and Access Statement, Lighting Assessment, Phase 1 Desk Study for Potential Contaminated Land, draft Landscape Maintenance and Management Plan, Drainage Strategy and Stage 1 – Road Safety Audit.

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4.0 Officer Comments

4.1 The main considerations for this application are:

- Planning Policy Context
- Background Information and Principle of Development
- Design, Layout and Landscaping
- Potential Anti-Social Behaviour and Crime Disorder
- Amenity of Existing and Future Residents
- Historic Environment
- Green Infrastructure, Flood Risk and Drainage
- Biodiversity
- Highway Safety
- Potential Contaminated Land

PLANNING POLICY CONTEXT

4.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

4.3 Paragraph 11 of the National Planning Policy Framework (the 'NPPF') sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay.

4.4 Wyre Forest District Council has an up-to-date Development Plan and therefore planning decisions should be plan-led, in line with Paragraph 15 of the NPPF.

BACKGROUND INFORMATION AND PRINCIPLE OF DEVELOPMENT

4.5 It has long been the ambition of Wyre Forest District Council to regenerate this part of Kidderminster town centre, and in particular Worcester Street and Lion Fields (which has been allocated for housing under policy SA.K4 of the Wyre Forest District Local Plan). The Council recognises the importance of investing in place-making to realise the economic potential of Kidderminster town as a whole.

4.6 In 2018, the government launched 'Our Plan for the High Street' which included a Future High Streets Fund, aimed at renewing and reshaping town centres and high streets in a way that drives growth, improves experience and ensures future sustainability. Following a masterplan of Kidderminster Town Centre, the Council was awarded the Future High Streets Fund (FHSF) in 2021. The Kidderminster 2040 Town

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Centre Vision through Hemingway Design was then developed which captures the wider town and embraces the Future High Streets Fund initiatives.

- 4.7 The Masterplan prepared by Hemmingway Design was Adopted by Wyre Forest District Council in May 2021, the Vision of the Masterplan was drawn up following a consultation with residents and businesses in November 2020. It highlights the desire for more independent and local shops, more green spaces and access to the river and canal, more local and independent cafes and restaurants, better open public space to hold events and festivals, more cultural space for arts, music, film and theatre, and to see more people living in the town.
- 4.8 The Project Delivery Manager for North Worcestershire Economic Development and Regeneration has advised that all projects funded by the FHSF need to be fully delivered by 30 September 2024. The approved FHSF projects are all part of the ReWyre visioning – reflecting the need to improve connectivity in the town and redevelop key sites. The regeneration projects being enabled by the Future High Streets Fund in Kidderminster are the redevelopment of the Former Magistrates Court and Worcester Street connectivity improvements. A key part of the Kidderminster regeneration is the acquisition of key buildings and demolition to provide new connections and public realm through the town and to provide greater connectivity and accessibility around Bromsgrove Street and Worcester Street. This transformation will be achieved by the creation of a new high quality tiered public space, which will improve the experience for residents, businesses and visitors and attract further inward investment.
- 4.9 The Council's Corporate Plan (2023 – 2027) within the 'Economic growth and regeneration' priority sets out that the Council will: Regenerate central Kidderminster including completion of Future High Streets and Levelling Up Fund projects; and Redevelop Lionfields and other brownfield sites.
- 4.10 The Wyre Forest District Local Plan (Adopted 2022) advises within its objectives to maximise opportunities for the inclusion of green infrastructure into high quality development in order to provide a good quality life and maximise the benefits of walking and cycling. Policy SP.3 'Kidderminster Town' advises that 'Development proposals which help to promote Kidderminster as the tourism 'hub' of the District will be encouraged during the plan period. Policy DM.13 'Town Centre Development' also states that in criteria 2 that 'Support will be given to proposals that safeguard, maintain and enhance the vitality and viability of the existing retail centres throughout the District without causing adverse effects on the built and natural environment and that are of a scale that is appropriate to its location'.
- 4.11 The recently adopted Health and Wellbeing SPD states that planning will 'support the design of environments that promote and encourage physical exercise and psychological wellbeing'. The urban park provides such a space in the centre of town. The design provides legible connection between Lion Street/Bromsgrove Street and Worcester Street by the provision of a new public right of way. It also provides green infrastructure in a built-up urban area accessible to all the community which will provide opportunities for community cohesion.

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- 4.12 Paragraph 86 of the NPPF advises that ‘Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation’.
- 4.13 The key objective of the proposed development is to provide Kidderminster with new green public open space and to improve pedestrian connectivity between Bromsgrove Street car park and Worcester Street. The development would also introduce a café, a formal play area, space suitable for events, enhanced biodiversity together with new seating and lighting. The new access route through the site and the proposed open space would open up panoramic views across the town and out across the adjoining countryside, which would enhance the townscape. The open space and the area dedicated for children’s play would improve the health and well-being of residents and employees who live and work within the town centre and improve the experience for visitors.
- 4.14 It is also envisaged that the proposed green public open space and improved connectivity would facilitate the regeneration of this part of the town and help stimulate private sector investment, especially helping to drive forward the delivery of ‘Lion Fields’, which is allocated for housing under site specific Policy SA.K4 of the Wyre Forest District Local Plan.
- 4.15 In August 2023, prior approval was granted subject to conditions (application reference 22/0992/RG3) for the demolition of nos. 1, 2 to 6 and 7 to 10 Worcester Street and nos. 1 to 3 Oxford Street, Kidderminster. The demolition of the buildings that formerly occupied nos. 1 – 6 Worcester Street is currently taking place to facilitate the proposed development which is the subject of this application.
- 4.16 Overall, the proposals provide an opportunity to make significant investment in the quality of the natural environment and public realm and create a vibrant space, linking the town centre to Lionfields, and would contribute to an enhanced local and visitor experience and support investment in the town.
- 4.17 Therefore, the principle of development of the proposed development meets the requirements of the NPPF and Policies SP.3, SP.16, SP.14, SP.27, DM.8 and DM.13 of the Wyre Forest District Local Plan in terms of providing a safe, inclusive place that is safe and accessible which would support healthy lifestyles and support the vitality and viability of Kidderminster town centre by enhancing the public realm and the natural environment within the town, improve connectivity and support investment and jobs in the town.

DESIGN, LAYOUT AND LANDSCAPING

- 4.18 The NPPF sets out a framework of considerations that should be taken into account by decision-makers in assessing whether a development is acceptable from a design point of view. It ties good design as being a core part of what is ‘sustainable development’ – creating better places for communities to live, work and visit. Para 134 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

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- 4.19 Policies SP.20 and DM.24 of the Wyre Forest District Local Plan and the Design Guidance SPD builds upon this framework, re-iterating clear support to proposals that are of high design quality. They encourage developers to seek opportunities to enhance the sense of place and local identity through good design to create distinctive, functional and sustainable places, and protect living conditions of nearby occupiers. Policy DM.26 refers to Landscaping and Boundary Treatment and requires predominantly the use of local native species to protect and improve biodiversity and boundary treatments that reflect the local landscape or urban character and appearance of the area.
- 4.20 The development would comprise the following: -
- Public realm improvements including new streetscape works (landscaping, lighting, street furniture, natural play area) and improved connectivity between Bromsgrove Street car park and Worcester Street as opposed to the existing Worcester Street steps (Step Entry).
 - Landscaped design features which provide a safe and welcoming environment for pedestrians and cyclist.
 - Café with adjacent space suitable for events use.
 - Biodiversity enhancements.
 - New Green Infrastructure and water quality enhancements.
- 4.21 The proposed site layout has been carefully designed to minimise physical barriers for pedestrians and cyclists and provide safe, well-lit and walkable routes through the site. As part of the development, two step free routes would be provided with low gradient (1:12), appropriate hardstanding and park benches to ensure access for all between Bromsgrove Street car park and Worcester Street, which would be a significant improvement over the former situation where the route consisted of a narrow step footway known as Step Entry. Your Officers consider that the development would ensure inclusive access and improve connectivity within the town centre.
- 4.22 As part of the proposed scheme, a levelled space has been provided to Worcester Street for use for events in the future. The remainder of the site would be terraced and landscaped to manage the steep rise in ground levels while still providing access to the open space, seating for users and uninterrupted views across the town centre and beyond. The proposed boundary treatment, retaining walls, hard-surfacing, planting and external materials have been carefully selected to reflect local materials and the urban character and appearance of the town.
- 4.23 The proposed children's natural play area has been designed to be in keeping with the landscaping led approach of the development and would include predominantly natural play features such as boulders, logs and embankment slide. The development would include high quality external materials for the pavilion building and retaining walls, which would reflect the local materials used in the townscape. The proposed hard surfacing materials and type of boundary treatment/enclosure, litter bin, cycle storage, signage and bollards are all typical of a town setting development. The proposed planting includes a wide range of shrub and tree species which would provide colour all year round and benefit wildlife.

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- 4.24 In addition, the development would make good the side elevation to No.1 Coventry Street which is now exposed following the demolition works and to ensure an appropriate finish to this façade, a condition has been recommended to require a schedule of works to be formally submitted and agreed.
- 4.25 Policy DM.8 of the Wyre Forest District Local Plan advises that new open space should be designed to be multi-functional and be of a size, type and quality to meet site, local and strategic needs. On-going management and maintenance of public open space and play facilities must be considered at the outset of the planning and design of a development and this should inform the type, amount and layout of the provision proposed. The proposed open space is considered to be of high quality and the applicant has submitted a draft Landscape Management and Maintenance Plan to demonstrate that the development would be maintained to a high standard by the Council. The development therefore accords with Policy DM.8 of the Wyre Forest District Local Plan.
- 4.26 The proposed development would accord with Design, Landscaping and Play Provision Policies SP.20, DM.8, DM.24 and DM.26 of the Wyre Forest District Local Plan and the NPPF.

POTENTIAL ANTI-SOCIAL BEHAVIOUR AND CRIME DISORDER

- 4.27 The Wyre Forest District Local Plan explains that crime and the fear of crime can affect the wellbeing of the District's communities. It goes on to state that 'Even low levels of anti-social behaviour and fear of crime can have a significant impact on people's lives'. Policy DM.24(m) of the Wyre Forest District Local Plan further states that new developments should take 'Opportunities for creating a safe and secure environment and providing surveillance, principally through the layout and positioning of buildings, spaces and uses. Where appropriate, development should incorporate measures for crime reduction that are consistent with those recommended by the Secured by Design guides'. Policy DM.26(e) refers to landscaping and notes that 'Landscaping Schemes must demonstrate that they incorporate planting appropriate to the prevention of crime and vandalism.'
- 4.28 Paragraph 92(b) of the NPPF advises that 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, not undermine the quality of life or community cohesion'.
- 4.29 To minimise and deter anti-social behaviour and potential crime disorder, a bespoke lighting scheme has also been prepared for the development which would comprise 18no. slimline, self-cleaning lighting columns that have been carefully sited to ensure appropriate lighting of the routes and children's natural play area at night whilst avoiding light pollution or light overspill. Furthermore, to deter anti-social behaviour the proposed development would include CCTV coverage, which would be linked to the existing Kidderminster Town Centre network and the proposed cafe pavilion building would be used for community use or as a café which would help to ensure increased natural surveillance of this area during the daytime. Planning conditions are recommended to secure the provision of the CCTV and lighting. The applicant has also confirmed that they will be applying for Secure By Design accreditation for the proposed café building, as recommended by the Design Out Crime Officer.

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- 4.30 It is acknowledged from the comment received from public participation that there is concern that the proposed open space would attract anti-social behaviour and potential criminal activities. However, no objection has been raised by the Design Out Crime Officer and whilst these activities can never be designed out completely in society, and in particular in town centre locations, the development has incorporated measures to deter and minimise these activities and it would be unreasonable to refuse the application on anti-social behaviour and crime disorder without any evidence to justify this planning decision.
- 4.31 The development seeks to provide an inclusive environment for all users and has considered people who are visually impaired and who have other disabilities. Whilst measures to deter anti-social electric scooter and skate board users has been explored, such as staggered bollards, these have been discounted because overall the development wants to achieve improved connectivity and easy access, and measures such as these could run counter to the objectives of the scheme and also create unwelcome obstacles and barriers for some users.
- 4.32 The proposed development therefore accords with Policies DM.24 and DM.26 of the Wyre Forest District Local Plan and the NPPF.

AMENITY OF EXISTING AND FUTURE RESIDENTS

- 4.33 Given the central town centre location of the proposal and its relation and separation distances from any nearby residential properties it is considered that the proposal, including the natural play area, would have an acceptable impact on existing residents in the locality and future residents/occupiers of Lionfields. The development therefore would accord with Policies SP.33 and DM.24 of the Wyre Forest District Local Plan and the NPPF.

HISTORIC ENVIRONMENT

- 4.34 There is a statutory requirement on decision makers to have special regard to the desirability of preserving Heritage Assets or their setting or any features of special architectural or historic interest which they possess, as set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies SP.21 and DM.23 of the Wyre Forest District Local Plan and Section 16 of the NPPF seek to ensure all developments protect, conserve and enhance heritage assets and their settings.
- 4.35 A comprehensive design rationale has been given for the proposed cafe pavilion building which demonstrates that the applicant has carefully considered the rich heritage of the former carpet manufacturing town. The building would include brick detail in the front elevation to reinforce the weaving concept of the former carpet heritage. In addition, the roof of the building has been designed to slope steeply up at the rear of the building to not only provide visual interest and originality, but also to reflect the steep rise of the ground level of the site. The proposed public open space works would cause no harm to the significance of any nearby designated or non-designated heritage assets. The Conservation Officer has been consulted on the application and raises no objection.

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- 4.36 The development would therefore protect, preserve and enhance the setting of nearby heritage assets and complies with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan, sections 16 of the NPPF and sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

GREEN INFRASTRUCTURE, FLOOD RISK AND DRAINAGE

- 4.37 Policy SP.28 of the Wyre Forest District Local Plan refers to Green Infrastructure and states that 'New development will be expected to retain, protect, enhance and provide Green Infrastructure (GI) by integrating GI into developments and contributing positively to the District's green infrastructure network. It further states that the precise form and function(s) of the GI will depend on local circumstances.
- 4.38 The proposed new urban park would provide a significant amount of new green infrastructure including permeable hard surfacing, green roof to the pavilion building and green space compared to the existing site, which up until recently contained buildings until they were demolished and comprised nil green infrastructure.
- 4.39 With respect to drainage and flood risk, Policies SP.30 and SP.32 of the Wyre Forest District Local Plan are consistent with the NPPF in that they require developments to be located in areas with the lowest risk to flooding, and for new developments to incorporate effective on-site management of water to minimise the risk of flooding both on-site and its surrounds.
- 4.40 The application site falls within Flood Zone 1 and therefore has the lowest risk of flooding. The design of the proposed development has taken a Sustainable Drainage Systems (SuDS) first approach in accordance with national and local policies and it has been confirmed within the submitted Drainage Strategy that surface water runoff of the green space can infiltrate into the ground but due to the steepness of the site and distance from the nearest natural watercourse, it is proposed that excess surface water would need to be stored on site and then discharged at a restricted runoff rate of 5l/s via several SuDS features at or below ground level including infiltrations in the soft landscaping areas, permeable paving, filter drains and geocellular attenuation tank to the local Severn Trent surface water sewer.
- 4.41 Your Officers consider that the development would manage stormwater at the site appropriately and that suitable drainage measures are proposed to mimic natural drainage and encourage infiltration, attenuation and passive water treatment. The development would not increase the risk of surface water flooding at the site or in the immediate area. During the course of the application the applicant confirmed that they have received predevelopment approval from Severn Trent Water for capacity of the public sewer to receive surface and foul water. The applicant also confirmed that an oversized ACO Linear Channel drain would be provided along the site boundary to collect any runoff up to the 1 in 100 plus climate change rainfall event. Following this informal and the initial deferral comment, no objection have been raised by the North Worcestershire Water Management Officer subject to a condition for a scheme for surface water drainage to be submitted and formally agreed by the local planning authority. Your Officers have recommended a condition accordingly.

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- 4.42 It should also be noted that the applicant did explore the re-use of surface water for irrigation however this was considered to be unviable given the level differences from Bromsgrove Street car park to Worcester Street which would have required a pumping station, and overall it was considered that this would have been unsustainable for long term surface water management.
- 4.43 Severn Trent Water have also been consulted on the application and raise no objection subject to their standard condition to require drainage details for the disposal of foul and surface water flows to be submitted and approved in writing by the Local Planning Authority prior to development in order to ensure satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. A condition has been recommended and overall, the development would achieve suitable drainage of the site, in accordance with Policies SP.30 and SP.32 of the Wyre Forest District Local Plan.

BIODIVERSITY

- 4.44 The NPPF in paragraph 174(d) requires developments to minimise impacts on and provide net gains for biodiversity. Policy SP.23 of the Wyre Forest District Local Plan requires developments to support the conservation, enhancement and restoration of biodiversity and requires all developments to achieve 1% measurable net gains in biodiversity.
- 4.45 The demolition of the former on-site buildings was considered under a previous Prior Approval application which included an assessment on the potential impact on protected bat species and it was concluded that the buildings proposed for demolition had low suitability for roosting bats and only the substation that is to remain had value to bats. The current application includes enhancement opportunities in the form of significant green space, new planting and bat box/house provision. A planning condition has been recommended to secure these ecological enhancements and ensure the development achieves measurable net gains for biodiversity in accordance with Policy SP.23 of the Wyre Forest District Local Plan and the NPPF. The Tree and Biodiversity Officer raises no objection to the development.

HIGHWAY SAFETY

- 4.46 Paragraph 111 of the NPPF advises that applications should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.47 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:
- a. the location and layout of development will minimise the demand for travel.
 - b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
 - c. they address road safety issues.
 - d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.

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- 4.48 Amendments have been made to the layout of the Prospect Terrace and Lion Square which included consideration of refuse vehicle tracking and the provision of a new uncontrolled pedestrian crossing between Bromsgrove Street car park and the application site.
- 4.49 Furthermore, as requested by the Highway Authority a Stage 1 – Road Safety Audit (RSA) (dated November 2023, prepared by Midlands Road Safety Limited). The RSA considered the amended plans which includes the provision of an uncontrolled pedestrian dropped crossings at Prospect Land and Lion Square / Prospect Terrace and amendments to the existing give way priority junction to the west of the pedestrian crossing, which removes the existing northern arm at this junction. The report concluded that there were no road safety implications of the scheme to address.
- 4.50 In addition, the applicant has agreed to change the substation gate that is proposed at the back of the footpath to Worcester Street to ensure it does not open out onto the footpath. A condition has been recommended to agree the detailed design of the gate before it is installed on site.
- 4.51 Cycle storage has been indicated on the submitted plans comprising 4 Sheffield cycle stands off Worcester Street on the lower part of the site, 4 cycle stands the top of site near Bromsgrove Street Carpark (16 spaces in total) and 4 additional cycle stands would be provided adjacent to the café building. The provision of cycle storage facilities are acceptable and in accordance with their adopted Streetscape Design Guide. A condition has been recommended to require the final details of the cycle storage and location to be submitted and agreed in writing by the Local Planning Authority.
- 4.52 To conclude, your Officers consider that the amendments to Prospect Terrace which shows that the main access into the proposed new green open space would be on direct sightline for pedestrians and would ensure no conflict between pedestrians and vehicles at this point. The proposal would not have a material impact on the safety of pedestrians and operation of the adjoining public highway. The proposal therefore would not result in an unacceptable impact on highway safety and would comply with Policy SP.27 of the Wyre Forest District Local Plan and Paragraph 111 of the NPPF.

POTENTIAL CONTAMINATED LAND

- 4.53 The NPPF requires decisions to enhance the environment by remediating and mitigating contaminated land where appropriate and ensure that a site is suitable for the proposed use taking account of ground conditions and any risks, and that after remediation as a minimum the land should not be capable of being determined as contaminated land. Responsibility for securing a safe development rests with the developer/landowner. Policy SP.33 of the Wyre Forest District Local Plan requires a site investigation survey to be undertaken where land contamination is suspected and for the applicant to demonstrate that land contamination issues have been fully addressed or can be addressed through the development.
- 4.54 Historical on-site potential sources of contamination include Coach and Stables yard, Electrical substations, Slaughterhouses, Brewery, asbestos containing materials may be present in the current building fabric. Off site potential historical sources include Engineering/Carpet/Print/Chemical works, Carpet Factory, Iron Foundry and sand pits.

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Also, up until recently, the site was occupied by a number of two and three three-floor derelict commercial buildings. The nearest water source is the River Stour, which is located 147 metres west of the site.

- 4.55 The application is supported by a preliminary risk assessment for potential contaminated land (Kidderminster High Street (Worcester Street) Phase I Desk Study, ref: 2723-A2S-XX-XX-RP-Y-0002-01, by A-squared Studio Engineers Ltd dated July 2023) which concluded that there are moderate risks to human health and controlled water and it is recommended that appropriately targeted ground investigation should be undertaken to enable a refinement of the risk assessment and to specifically identify unacceptable risks. It is also recommended that a UXO Safety Awareness Briefing to all personnel conducting groundworks is considered to ensure the development can be carried out safely without unacceptable risks to workers.
- 4.56 The preliminary risk assessment has been reviewed by Worcestershire Regulatory Services and they have confirmed that the survey work is acceptable and agree with the recommendations of the report. Worcestershire Regulatory Services have requested planning conditions to secure the recommendation set out in the preliminary risk assessment and to require details of any soil or soil forming materials proposed for importation to the site for use in soft landscaping, filing and level raising areas. These conditions have been recommended accordingly.
- 4.57 The development therefore accords with Policy SP.33 of the Wyre Forest District Local Plan and the NPPF in terms of ensuring the risks from land contamination to future users of land and neighbouring land are minimised, together with the need to protect controlled waters, property, ecological systems and to ensure that the development can be carried out safely without unacceptable risks to works, neighbours and other offsite receptors.

5.0 Conclusions and Recommendations

- 5.1 It is concluded that the proposed development would constitute a high quality, sustainable development, which would provide the town centre of Kidderminster with a new green public open space, natural play area, café, space for events and improved connectivity between Bromsgrove Street car park and Worcester Street, which would drive forward the Kidderminster 2040 Town Centre Vision and objectives of the Wyre Forest District Local Plan. Furthermore, this investment in place-making would make a positive contribution to shaping the town's economic, social and cultural future and support the attraction of investment, visitors and jobs to the town.
- 5.2 The development has been designed to provide inclusive and safe access and the proposed lighting, CCTV provision and natural surveillance from the adjoining roads and proposed cafe building would deter anti-social behaviour and potential crime disorder taking place at the site and no objection has been made by the Design Out Crime Officer. All surface water runoff would be managed on site in a sustainable manner to improve water quality, enhance biodiversity and ensure no increase in flood risk to third party land. The proposed development would also deliver measurable net gains in biodiversity and would not have a detrimental impact on

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highway safety. The proposed development therefore represents sustainable development and fully accords with the Wyre Forest District Local Plan and the NPPF.

5.3 It is therefore recommended that the application is **APPROVED** subject to:

a) The following conditions.

1. Three-years to commence development
2. To require a Construction Environmental Management Plan
3. To secure the Lighting and CCTV provision, including a Management Plan
4. To require details of external gate to substation
5. To secure external materials/hard surfacing as proposed
6. To require implementation of approved landscaping scheme
7. Tiered contamination land condition
8. To agree details of any imported soil
9. To require a final Landscape Maintenance and Management Plan
10. To require the natural play provision to be completed to full working order and opened to the public concurrently with the new access route(s) through the site, and to remain accessible to the public at all times, excluding periods for maintenance/upgrading/inspection
11. To require details of cycle storage
12. To require details of refuse bin storage for the open space/natural play area
13. To require details of the refuse bin storage for the café building
14. To require details of enclosure to any new substations including plant screening
15. To require implementation of the green roof to the café building and its retention and maintenance
16. To secure biodiversity enhancement measures
17. To secure use of the building as a café
18. To require a schedule of works to the exposed elevation of 15 High Street, Kidderminster
19. Scheme for Surface Water Drainage
20. Drainage plans for the disposal of foul and surface water flows
21. Highway conditions
22. To require development to be in accordance with Approved Plans

NOTES

- WRS Best Practice Guidance for Construction
- Severn Trent Water would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements – please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

PART B

Application 23/0716/HOU
 Reference:
 Ord Sheet: 389335 274282
 Case Officer Kelly Davies

Date 04.10.2023
 Received:
 Expiry 26.01.2024
 Date:
 Ward: Wyre Forest Rural

Proposal: Construction of a two storey side extension and single storey rear extension

Site Address: 16 Malvern View, Chaddesley Corbett, Worcestershire, DY10 4SJ

Applicant: Mr and Mrs Jordan

Summary of Policy	SP.20, SP.27, DM.24, DM.25, DM.26 of the Wyre Forest District Local Plan National Planning Policy Framework National Planning Practice Guidance Design Guidance SPD Streetscape Design Guide
Reason for Committee	Departure of the Development Plan
Recommendation	Approval

1.0 Planning History

1.1 No planning history relating to the application site.

2.0 Consultee Responses

2.1 Bewdley Town Council – No objections if aesthetically in keeping with surroundings and within the permitted development.

2.2 Tree and Biodiversity Officer – No objection. Following a site visit that demonstrated an existing retaining wall is present on site and forms the boundary with the adjoining agricultural field it is considered that there would be no harm to the existing mature field hedgerow.

2.3 North Worcestershire Water Management Officer – No objection subject to condition. The site falls within flood zone 1 (low risk of fluvial flooding) and is not susceptible to surface water flooding.
 The site at present appears to be partially comprised of hardstanding, therefore the proposed extension is unlikely to have a significant impact upon runoff from the site.

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The surface water drainage arrangements will be part of a future Building Control application. However, the Building Regulations have not kept up with national practice regarding design return periods. The Building Regulations still refer to a 1 in 10 year return period whereas it is national practice to ask for surface water drainage schemes to be designed to be able to deal with the 1 in 100 year design rainfall event on the site. The NPPF states that the Local Planning Authority should only consider development that does not increase flood risk off the site. Also, the effects of Climate Change need to be taken into account.

Whilst I have no objections, I would appreciate if you could include the following condition on your decision notice:

Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100-year event plus 40% allowance for climate change. If it emerges that infiltration drainage is not possible on this site, an alternative method of surface water disposal 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 40% allowance for climate change. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

2.4 Neighbour/Site Notice Representations

None received. However, it is noted that the application has now been advertised as a departure of the Development Plan by Site Notice and Press Notice, and the date for representations to be submitted is the 14.12.2023. Any comments received will be reported on the Addenda and Corrections Sheet for the Planning Committee.

3.0 **Site Location and Description**

- 3.1 The application site is a semi-detached dwelling of a traditional brick and tile construction. The dwelling lies at the head of a cul-de-sac and benefits from a relatively large frontage and rear garden. The dwellinghouse lies on the edge of Chaddesley Corbett Village.
- 3.2 The application site is bounded to the North by open countryside in the way of agricultural fields which is separated from the application site by a native established hedgerow.
- 3.3 The proposed development is for the erection of a two-storey side extension to create a utility, shower room and games room at ground floor and two bedrooms and an ensuite at first floor. The proposal also includes the addition of a single storey rear extension to create a large family area to support modern living.

4.0 **Officer Comments**

4.1 The main considerations for this application are:

- Design and Scale
- Residential Amenity
- Flood Risk and Drainage

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- Trees and Biodiversity
- Highway Safety

DESIGN AND SCALE

- 4.2 Policy DM.24 of the Wyre Forest District 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. New and innovative designs which promote high levels of inclusivity and sustainability will be encouraged and supported where they enhance the overall quality of the built environment. Policy DM.25 also states that residential extensions should: Be in scale and keeping with the form, materials, architectural characteristics and detailing of the original building; be subservient to and not cumulatively, when taken with previous extensions, overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features; and not encroach onto neighbouring land not owned by or under the control of the applicant, including highway pavements where properties are built up to the back of the pavement.
- 4.3 The National Planning Policy Framework (the 'NPPF') echoes this stating that good design is a key aspect of sustainable development (NPPF paragraph 126) and excellence in design can create a sense of place, improve the attractiveness of a location and create safer places to live and work, therefore enhancing the quality of people's lives.
- 4.4 The proposal consists of both a two-storey side and single storey rear extension, both elements would be constructed from materials to match the existing dwellinghouse, ensuring that they blend well with the appearance of the original dwellinghouse and the development would be in keeping with the scale and architectural characteristics of the original building.
- 4.5 The side extension would be set back from the front elevation by 0.75 metres at first floor in line with the Design Supplementary Planning Guidance and would appear subservient to the original building as this ensures a drop down in the ridge height, clearly defining the original and the new.
- 4.6 The rear extension extends off the back of the dwelling by 4 metres, with a eave height of 2.3 metres and an overall ridge height of 3.7 metres, these dimensions are considered appropriate and in scale for this type of residential dwelling and typical of a single storey rear extension. It is therefore considered that the rear extension would be appropriate in form and scale.
- 4.7 The proposed side and rear extensions would be of an acceptable design and scale and would be aesthetically in keeping with surroundings as recommended by the Parish Council. The proposed development is therefore considered to be of a high design quality, in accordance with Policies SP.20, DM.24 and DM.25 of the Wyre Forest District Local Plan.

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RESIDENTIAL AMENITY

- 4.8 Policy DM.25 of the Wyre Forest District Local Plan states that extensions and alterations, should not have a serious adverse effect on the amenity of neighbouring residents or occupiers and the first criteria listed in the Policy is that extensions should accord with the 45 Degree Code.
- 4.9 Neighbouring properties flank the South boundary of the site. The proposed single storey rear extension would breach the 45 Degree Code in relation to the East facing rear habitable room window of the adjoining dwellinghouse. The development therefore is in conflict with criteria a of Policy DM.25.
- 4.10 It should be noted for the committee members that the adjoining dwellinghouses benefits from an additional window to the front of the property which also serves this room affected by the proposed rear extension.
- 4.11 That coupled with the orientation of the neighbouring dwellinghouse in relation to the application property, it is considered that in this instance the loss of sunlight resulting from the proposed single storey rear extension into this living area would be minimal.
- 4.12 A further note to member, no objections have been raised by the occupants of the adjoining dwellinghouse.

FLOOD RISK AND DRAINAGE

- 4.13 The site falls in Flood Zone 1 (Low risk of fluvial flooding) and is not susceptible to surface water flooding.
- 4.14 The North Worcestershire Water Management Officer has carefully considered the submitted documents and the proposed development and has raised no objection subject to a condition to ensure the development has suitable surface water drainage.
- 4.15 The development would therefore accord with Policies SP.31 and SP.32 of the Wyre Forest District Local Plan and the NPPF.

TREES AND BIODIVERSITY

- 4.16 Policy SP.23 of the Wyre Forest District District Local Plan advises that developments should support the conservation, enhancement and restoration of biodiversity.
- 4.17 The site lies adjacent to open countryside and there is a retaining wall and an established hedgerow running between the application property and the adjoining field. The Tree and Biodiversity Officer has raised no objections to the proposal as a site visit demonstrated that an existing retaining wall is present on site and therefore no further impingement on the hedgerow would result that doesn't already exist by way of the retaining wall.
- 4.18 No works are proposed to the roof space, as such no biodiversity concerns arise from this proposal and the development would be in accordance with Policy SP.23 of the Wyre Forest District Local Plan and the NPPF.

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HIGHWAY SAFETY

4.19 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:

- a. the location and layout of development will minimise the demand for travel.
- b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
- c. they address road safety issues.
- d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.

4.20 Paragraph 111 of the NPPF advises that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.21 The proposed development shows an increase in bedrooms from 3 to 4, the parking demand as stated in the County's Streetscape Design Guide for a 4-bedroom house is 3 spaces. The applicant has demonstrated that the development would have more than substantial parking for the site, furthermore, a site visit showed a relatively large frontage to the site which would easily accommodate 3 cars. There is no requirement for a parking condition as sufficient space is available within the plot. The development therefore would accord with Policy SP.27 of the Wyre Forest District Local Plan and the NPPF.

5.0 Conclusions and Recommendations

5.1 All statutory consultee comments have been taken on board and no objection have been made to the application subject to conditions being applied.

5.2 The siting, scale, design and materials of the proposed side and rear extensions to the dwelling are considered acceptable and would not detract from the appearance of the property or its setting in the street scene. In addition, the proposed development would not have any serious adverse effect on the residential amenity of neighbouring properties despite the conflict with the 45 Degree Code. It is therefore considered that there are other material considerations that justify a departure of the Development Plan in terms of the conflict with Policy DM.25, in this instance.

5.3 It is therefore recommended that the application is **APPROVED** subject to:

a. the following conditions:

- 1. Three-years to commence development
- 2. To require the development to be constructed in external materials that match the existing dwellinghouse
- 3. Surface water drainage
- 4. Tree Protection Measures
- 5. No external lighting without written approval of the Local Planning Authority
- 6. To require the development to be in accordance with the approved plans