

Open

Planning Committee

Agenda

6PM
Tuesday, 20 February 2024
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 B Brookes

Councillor L Carroll

Councillor H E Dyke

Councillor P Harrison

Councillor M J Hart

Councillor N Martin

Councillor F M Oborski MBE

Councillor C Rogers

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, 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.

WEBCASTING NOTICE

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or 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, 20 February 2024

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 19 December 2023.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	16
6.	Habberley Road Kidderminster (APP/R1845/W/22/3309021) – Award of Costs To receive a report from the Planning Manager in respect of application 21/0421/OUT Land At Os 381000 277300, Habberley Lane, Low Habberley, Kidderminster, Worcestershire.	58
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

8.	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

9.	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

19 DECEMBER 2023 (6 PM)

Present:

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

Observers:

Councillors: J F Byng.

PL.28 Apologies for Absence

There were no apologies for absence.

PL.29 Appointment of Substitutes

No substitutes were appointed.

PL.30 Declarations of Interests by Members

Councillor P Harrison declared in respect of application 23/0617/RES that he was predetermined in his view of the application and he would leave the room whilst the application was being determined.

PL.31 Minutes

Decision: The minutes of the meeting held on 14 November 2023 be confirmed as a correct record and signed by the Chairman.

PL.32 Applications to Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No.614 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No.614 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

There being no further business, the meeting ended at 7.36pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19 December 2023 - Schedule 614 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: 23/0631/FUL
Site Address: River Bank House, Bridge Road, Cookley, Kidderminster, Worcestershire DY10 3SH
The Committee received representations from Jackie Banks (objector) and Kristin Jones (applicant) prior to a decision being made.
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. Landscaping and planting scheme to be agreed 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

Councillor P Harrison left the meeting at 6.24pm whilst application 23/0617/RES was considered.

Application Reference: 23/0617/RES
Site Address: Os 379576 274909, Land At Stourport Road, Bewdley (The Triangle Site), Bewdley, Worcestershire
The Committee received representations from Nick Mayman (objector), John Pearce (applicant's planning agent) and Councillor John Byng (Ward Councillor) prior to a decision being made.
DELEGATED APPROVAL subject to: a. the completion of a Unilateral Undertaking to secure £40,750 for off-site BNG to deliver neutral grassland at Burlish Meadows together with a monitoring fee; 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.
13. To require a Scheme of Security Measures to ensure security of cycle storage facilities, communal refuse storage facilities and side external gates
14. To secure internal visibility splays to be provided.
15. To secure access, parking and turning facilities
16. To require cycle storage details
17. To secure the Drainage Statement to be submitted
18. To require details of Street lighting
19. 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).
- e. Section 38 Agreement
- f. Drainage Details for Section 38
- g. No Drainage to Discharge to Highway
- h. Protection of Visibility Splays
- i. Extraordinary Maintenance
- j. Works Adjoining Highway

Councillor P Harrison returned to the meeting at 7.03pm.

Councillor J Byng left the meeting at 7.03pm.

Application Reference: 23/0621/FUL

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

The Committee received representations from Paul Jones (objector) and Mr Nick Baseley (applicant's planning agent) prior to a decision being made.

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; 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 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

Application Reference: 22/0339/FUL & 22/0340/LBC

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

22/0339/FUL: DELEGATED APPROVAL subject to;

- a. The signing of a S.106 agreement; 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

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

22/0340/LBC: APPROVED 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

Application Reference: 23/0002/FUL & 23/0003/LBC

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

23/0002/FUL: DELEGATED APPROVAL subject to:

a) The signing of a S.106 agreement

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

23/0003/LBC: APPROVED 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

Application Reference: 23/0334/FUL

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

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.

Application Reference: 23/0553/HOU

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

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.

Application Reference: 23/0587/HOU

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

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

Application Reference: 23/0614/RG3

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

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. Layout and Surfacing to be provided in accordance with approved plan.
22. Schedule of Works for the redesigned junction arrangement, to include kerb re-alignment and tactile crossing points on Lion Square, Prospect Terrace and Prospect Lane.
23. To require design and schedule of engineering works, relating to the construction of the Pavilion Café walls adjacent to the highway on Worcester Street.
24. No door or gate at the pedestrian access to the substation and plant area at Worcester Street is to be hung such that it opens outwards over or across the public highway.
25. The Drainage Strategy hereby approved, shall be implemented in accordance with the submitted details and no drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
26. To require cycle parking details.
27. Construction Environmental Management Plan
28. Development to be in accordance with the 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.

- Section 247 Application
- Section 278 Agreement
- Section 38 Agreement
- Extraordinary Maintenance
- Works Adjoining Highway

Application Reference: 23/0716/HOU

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

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 dwelling house
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

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
23/0882/FUL	Alton Nurseries Long Bank Bewdley Worcestershire DY12 2UL	Approval	17
23/0838/FUL	42 Briar Hill Chaddesley Corbett Worcestershire DY10 4SH	Approval	25

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
23/0675/FUL	8 Burcher Green Kidderminster Worcestershire DY10 3AZ	Approval	35
24/0023/HOU	6 Highfield Road Kidderminster Worcestershire DY10 2TL	Approval	41
23/0561/HOU	The Forge Churchill Lane Churchill Kidderminster Worcestershire DY10 3LX	Approval	45
23/0649/HOU	9 Mill Lane Blakedown Kidderminster Worcestershire DY10 3ND	Approval	53

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

20 February 2024

PART A

Application	23/0882/FUL	Date	30.11.2023
Reference:		Received:	
Ord Sheet:	375494 274165	Expiry	29.02.2024
		Date:	
Case Officer	Richard Jennings	Ward:	Bewdley And Rock

Proposal: **Erection of light industrial floor space (Use Class E(g)(iii)), car parking and associated works (revised scheme)**

Site Address: **Alton Nurseries, Long Bank, Bewdley, Worcestershire, DY12 2UL**

Applicant: **Mr M Price**

Summary of Policy	SP.1, SP.2 SP.6, DM.9, DM.10, SP.37, SP.29, SP.32, SP.27, CP10, SP.20, SP.22, SP.23, SP.2 SP.17, SP.31, SP.24, DM.26 and SA.R2 of the Wyre Forest District Local Plan 2022 Design Guidance SPD WCC Landscape Character Assessment National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for Referral to Committee	‘Major’ Planning Application

1.0 Planning History

1.1 23/0243/FUL - Demolition of existing glasshouses and buildings and erection of 3,863 square metres (41,580 square foot) of light industrial floor space (Use Class E(g)(iii)), car parking and associated works: Approved

23/0882/FUL

2.0 Consultations and Representations

- 2.1 Rock Parish Council – No objection.
- 2.2 Highway Authority – No objection subject to conditional approval requiring electric vehicle charging point details, implementation of visibility splays and submission of a Construction Environmental Management Plan (CEMP).
- 2.3 Tree and Biodiversity Officer - No objection on tree and ecology grounds.
- 2.4 Worcestershire Regulatory Services (Contaminated Land Team) – No objection subject to the imposition of a preliminary risk assessment to be conducted.
- 2.5 North Worcestershire Water Management Officer – No objection subject to conditional approval requiring implementation of approved drainage details and retention and maintenance of permeable paving areas.
- 2.6 Worcestershire Regulatory Services (Nuisance Team) - No objection subject to conditions relating to HGV delivery times, restriction on noise levels of 43dB during daytime and 19dB during night time, implementation of proposed acoustic fencing, submission of a Construction Environment Management Plan, and external lighting details to be submitted.
- 2.7 Neighbour/Site Notice – 1 neighbour response was received objecting to the proposal. The objection relates to increased traffic generation and highway safety.

[Officer comment – The impact on highway safety and traffic generation have already been considered under the previous approval, and no objection has been made in respect of the revisions which form the basis of this proposal by the Highway Authority]

3.0 Site Location and Description

- 3.1 The application site forms part of the former, redundant Alton plant nursery site. The wider site benefits from an allocation within the adopted plan, for a mix of residential to the front and commercial to the rear. This application relates to the commercial element to the rear of the site, with the front of the site, fronting directly onto the A456, having already been granted consent for residential use which is now completed.
- 3.2 The application before members follows application 23/0243/FUL, which was approved by Members at the July 2023 Planning committee and sought planning permission for the demolition of existing glasshouses and buildings and erection of 3,863 square metres (41,580 square foot) of light industrial floor space (Use Class E(g)(iii)), car parking and associated works.
- 3.3 Subsequently, the applicant has found that certain modifications to the proposal are required to enhance the buildings marketability, and the application before members now seeks consent for these amendments to the previously approved scheme.

23/0882/FUL

3.4 The proposed amendments to the previous approval are as follows:

- i. The building has moved 4 metres southwards such to be 6 metres rather than 2 metres from the northern boundary. This change is required to avoid a drainage ditch. It should be noted that a distance of 30 metres is maintained between the façade of the proposed building and the rear garden boundary of housing to the south.
- ii. The parapet has been removed and the scheme now shows an exposed gable end.
- iii. The roof orientation has changed.
- iv. The height has increased from 8.2 metres to 10.4 metres. This height is only at the ridge, which is away from the façade on account of the loss of the parapet/re-orientation to the roof. The approved height of the parapet at 8.2 metres is comparable with the current proposed eave height of 8 metres.
- v. External alterations to fenestration and addition of additional glazing.
- vi. Each 'yard' serving respective units has been enlarged with wider radii to avoid future vehicle conflict/damage.
- vii. Electric substation (GRP construction) added to the scheme to house vital infrastructure.

4.0 Officer Comments

4.1 The principle of development has already been established by the granting of planning permission 23/0243/FUL which remains extant. The main consideration for this application is whether the amended scheme is acceptable in terms of design, layout, residential amenity, highway safety, biodiversity, trees, drainage and potential contaminated land.

DESIGN AND LAYOUT

4.2 The proposed amendments result in minor alterations to the previously approved development when taken in the wider context of the site. The building remains broadly in the same location and the use of the building remains unchanged. Site access also remains unchanged, with only subtle differences to the on-site parking arrangements. The actual number of parking spaces remains consistent with the approved development.

4.3 The most notable amendment is that of a height increase, and is the main reason for the resubmission of a Full application rather than that of a non-material amendment, as Officers considered the increase in height to be a material consideration at the pre application stage. Whilst the overall height increases by 2.2 metres, given the change to the design, roof layout and parapet removal, the resulting visual impact is minimal, particularly for the dwellings to the south. An extensive separation distance of 30 metres remains between the development and nearby residential properties, and the closest part of the development at 30 metre separation distance, now has an eave height of 8 metres as opposed to the approved 8.2 metre high parapet. Due to the pitched roof nature of the proposal, as height slowly increases, so does separation distance and resulting harm decreases with distance proportionately.

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- 4.4 Marketability has been the driving force behind the amendments for the applicant and the market requirements have been clearly evidenced as part of this submission by the applicant's agent by way of estate agent advice. Principally, the internal haunch height was too low for the approved development. The design approved had a much lower haunch height which was below industry standard and therefore not an ideal prospect for prospective tenants. The second issue was one of appearance. As approved, the design is fairly functional and utilitarian and the marketing agent has confirmed the importance of the appearance and finish of the buildings if the applicant is to attract potential tenants who might otherwise be pulled towards sites within other parts of the Midlands with better motorway connectivity.
- 4.5 The marketing agent has confirmed that it is likely that a single company may possibly take on the entire building as a potential HQ, and therefore the overall design and particularly fenestration must have the potential to read as one building as well as providing the potential to offer several smaller units. The current application therefore proposes a simplified external appearance in terms of door openings (from a functional point of view) and sections of glazing added to improve aspect and the working environment within the building(s). This also improves the potential for ancillary office accommodation within the building if so desired by a future occupier.
- 4.6 Overall, it is considered that the amendments that have been made in this revised application are acceptable in terms of design and layout. The development therefore would accord with Policies SP.20 and DM.24 of the Wyre Forest District Local Plan and the National Planning Policy Framework (the 'Framework') which all seek high quality design.

RESIDENTIAL AMENITY

- 4.7 In terms of noise, the application is accompanied by a report Delta-Simons Project Number 22-1645.01 dated Sep2022. The report identifies that the potential for disturbance from HGV movements during night time does exist, and suggests a time curfew along with the construction of suitable acoustic fencing as mitigation to daytime noise. In light of the findings of the report Worcestershire Regulatory Services therefore recommend that the site is prohibited for HGV deliveries between Mon – Fri 19.00-07.00, Sat 13.00-07.00 Monday and no Bank Holidays, and a condition is recommended to this effect. In terms of on site plant and equipment, a further condition is recommended to restrict levels Noise to 43dB LAr, 1hr in the daytime and 19dB LAr, 15min during the night- time at the boundary with all residential dwellings. In terms of neighbouring amenity, the acoustic report also recommends fencing which should be installed to boundary of adjoining residential dwellings and this will form the basis of a condition requiring submission of details and implementation of the agreed scheme.
- 4.8 In terms of the construction phase itself, a Construction and Environment Management Plan detailing steps to be taken to control noise and dust, including hours of site working, is also a proposed condition with details to be submitted prior to commencement. No details of a lighting scheme have been provided, however Worcestershire Regulatory consider that subject to low intensity and careful shielding of fittings this should not significantly affect the residential property, and a condition is recommended requiring the submission of lighting details.

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4.9 Overall, when considering Paragraph 185 of the Framework, along with the Noise Policy Statement for England and the submitted noise assessment, it is concluded that the development will not result in any adverse impacts to existing or future residents. Your Officers are satisfied having carefully considered the proposed revisions that there will be no adverse impact on the amenity currently enjoyed by neighbouring residents to a degree which would warrant refusal of the proposal. Construction noise and disturbance is only temporary and will be dealt with through a suitably worded condition. Separation distances between the proposed development and the nearest existing residential properties are extensive coupled with the proposed restrictive conditions. The site is not considered to represent an unreasonable impact on neighbouring residential amenity. The intensive former use of the nursery must also be given considerable weight, with the proposal resulting in a comparable intensity to the sites historical use.

4.10 The proposed development therefore would not result in a detrimental impact on the amenities of nearby residents, in accordance with Policies SP.33 and DM.25 of the Wyre Forest District Local Plan and the Framework.

HIGHWAY SAFETY

4.11 One letter of objection has been received and their main concern focuses on highway safety in terms of access and increased traffic generation. Your Officers have carefully considered these comments, however, the Highway Authority have been very clear as part of this application and the previously approved scheme that they consider the proposed development would not cause an undue decrease in safety nor an unacceptable increase in traffic generation and it is therefore considered that the proposal accords with the requirements of Policy SP.27 of the Wyre Forest District Local Plan and Paragraph 115 of the Framework and would not result in a detrimental impact on highway safety. The proposals are wholly acceptable and would not lead to any adverse impact, and certainly would not reach the bar of 'severe' as required by the Framework.

BIODIVERSITY

4.12 The site has limited wildlife value as it consists of partially demolished glass house buildings and hardstanding. The Tree and Biodiversity Officer has highlighted that the only potential interference from the development would be to that of reptilian species. It is therefore proposed to apply a condition requiring a walkover survey, prior to commencement by a suitably qualified ecologist, the findings of which shall be reported to the Local Planning Authority, and any resulting recommendations implemented. A secondary condition is also applied in accordance with the previously approved scheme, to ensure that all construction works are carried out in a sensitive manner to ensure no injury or damage to protected species occurs. To ensure the development provides ecological enhancements, a condition requiring the submission of a scheme of new bird and bat roosting/nesting boxes shall be submitted prior to commencement and the boxes implemented prior to first use of the buildings.

TREES

4.13 The site plays host to many mature trees to the boundaries of the site, however the proposed development follows a similar footprint to the previous glass house development and therefore trees and hedgerows on site are not directly affected by the development. The Tree and Biodiversity Officer therefore raises no objection to the

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proposal subject to the protection of all boundary trees and hedgerows during the construction phase. A condition is therefore applied to ensure that details of protective tree fencing are submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and retained throughout the construction phase.

DRAINAGE

- 4.14 The documents detail a drainage strategy that is largely identical to that of the previously approved scheme and therefore the North Worcestershire Water Management Officer raises no objection to the revised scheme. All previously imposed conditions relating to the implementation of the approved Suds and drainage strategy in accordance with the submitted details are to be attached to the revised consent, with the addition of a further condition to ensure that all proposed permeable paving areas which form part of the SUDS proposal are retained in the approved form for the life of the development and maintained accordingly.

POTENTIAL CONTAMINATED LAND

- 4.15 From a contaminated land perspective, initial studies concluded that the site is unlikely to represent any major risk in terms of contamination as the only known uses of the land were that of the previous horticultural use. However, Worcestershire Regulatory Services have requested that a condition is imposed to ensure that any unexpected contamination found during the construction phase is reported to the Local Planning Authority immediately and appropriate remediation is carried out.

5.0 Conclusion and Recommendations

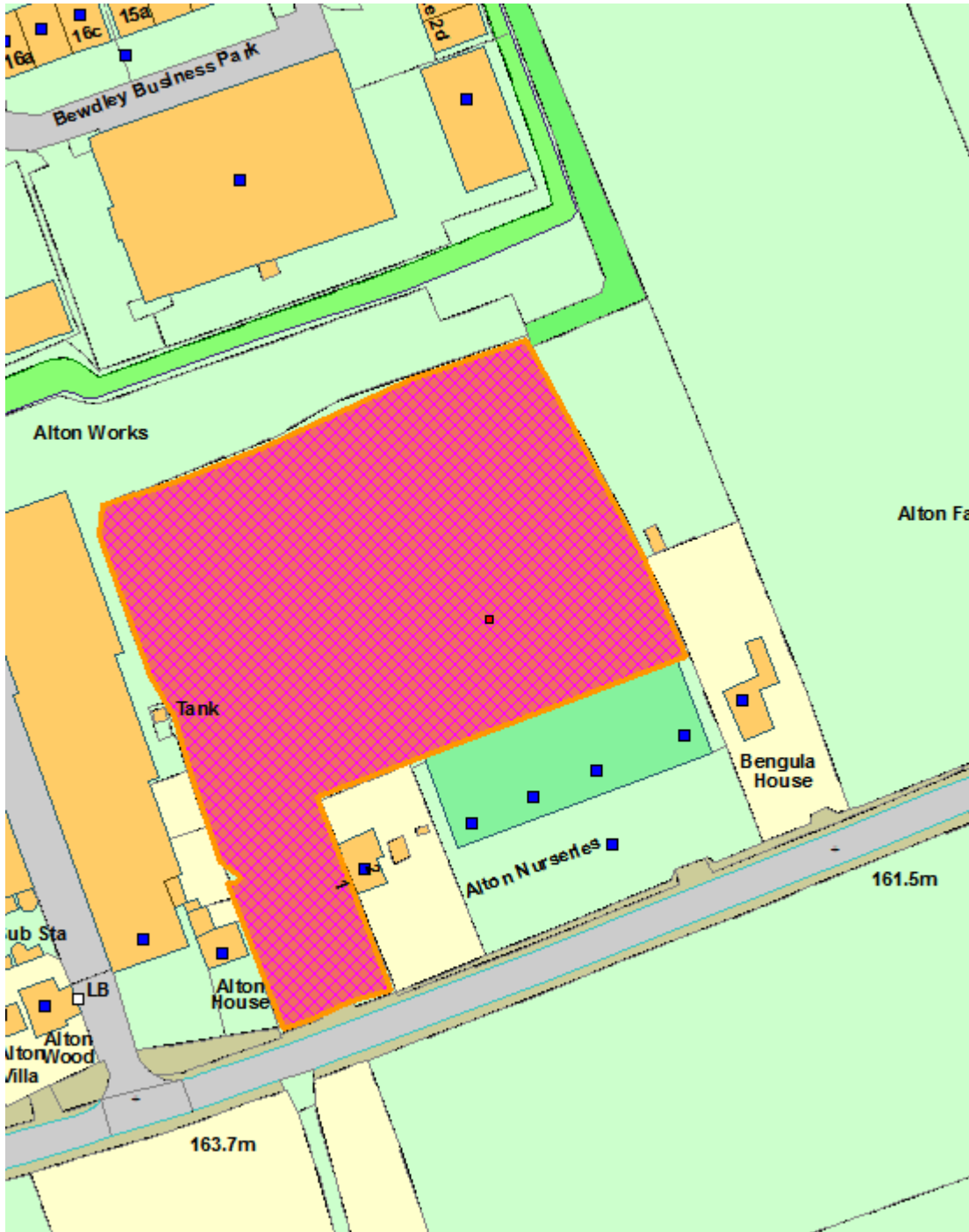
- 5.1 The size, design, location and materials of the amended scheme are sympathetic to the local setting, which includes other employment users, residential properties and the adjacent Wyre Forest and surrounding rural landscape. The site is allocated for the proposed use within the Development Plan, and it is considered that all of the relevant policy requirements have been carefully considered by the applicant within the current proposal. The proposed development would deliver wider benefits to the district in terms of job creation and to the local economy, and the development would strengthen the employment area in accordance with the Development Plan.
- 5.2 The revised scheme has been fully considered and is found to be both sustainable and of attractive modern design, which integrates perfectly within the landscape character of the area. The proposed amendments to the previous approved scheme as listed above do not create new issues in respect of overlooking, loss of outlook, surface water drainage, parking or highway safety and from an aesthetic perspective are considered superior to the previously approved scheme. No new issues in respect of noise or neighbouring amenity results and the development raises no new tree or ecological issues all of which have formed the subject of detailed assessments and robust scrutiny as part of this second consultation process. The proposal has met the requirements of the site-specific policy and will result in a sympathetic solution to a much-needed redevelopment opportunity, in line with the wider national agenda in terms of employment creation. The development is therefore in accordance with the Development Plan and the National Planning Policy Framework.

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5.3 Your Officers therefore recommend **APPROVAL** subject to:

a. the following conditions

1. Three-year time limit to commence development
2. Details of materials to be submitted prior to commencement
3. Implementation of visibility splays prior to commencement
4. Contaminated Land tiered investigation
5. No HGV deliveries between Mon - Fri 19.00-07.00, Sat 13.00-07.00 and no Sundays or Bank Holidays
6. Restriction on noise levels of 43dB during daytime and 19dB during night time
7. Implementation of proposed acoustic fencing prior to commencement
8. Submission of a Construction Environment Management Plan prior to commencement
9. Submission of external lighting details prior to commencement
10. Submission of details regarding proposed cycle parking and electric vehicle charging points
11. CEMP to be submitted prior to commencement detailing demolition method and removal of materials from site
12. Tree protection details to be submitted prior to commencement
13. Details of bird and Bat boxes to be submitted and approved
14. Works to be undertaken in a precautionary manner to avoid any harm or injury to protected species that may be present
15. Drainage details implemented prior to first use of the site
16. Retention and maintenance of all proposed permeable paving areas in accordance with the submitted details
17. Walkover reptile survey to be undertaken by a suitably qualified ecologist, the findings of which to be reported to the LPA prior to commencement, and any recommendations implemented during the construction phases
18. Require development to be in accordance with the approved plans



Strategic Growth

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PART A

Application Reference:	23/0838/FUL	Date Received:	22.11.2023
Ord Sheet:	389468 274302	Expiry Date:	17.01.2024
Case Officer	Julia Mckenzie-Watts	Ward:	Wyre Forest Rural

Proposal: Construction of a dormer bungalow

Site Address: 42 Briar Hill, Chaddesley Corbett, Worcestershire, DY10 4SH,

Applicant: Mr A Gregory

Summary of Policy	<p>SP.1, SP.2, SP.4, SP.6, SP.7, SP.8, SP.9, SP.10, SP.11, SP.12, SP.17, SP.18, SP.19, SP.20, SP.22, SP.23, SP.24, SP.26, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.37, DM.1, DM.2, DM.3, DM.9, DM.22, DM.24, DM.26 of the Wyre Forest District Local Plan</p> <p>National Planning Policy Framework WFDC Health and Wellbeing SPD WFDC Design Guidance SPD WCC Landscape Character Assessment WCC Streetscape Design Guide Chaddesley Corbett Neighbourhood Plan Chaddesley Corbett Parish Design Guide</p>
Recommendation	APPROVAL
Reason for Referral to Committee	Objection from the Parish Council

1.0 Planning History

- 1.1 WF/0468/87 – Residential Dwelling (Outline): Approve 23.06.87
- 1.2 WF/0182/90 – Residential Dwelling (Outline): Approve 22.05.90
- 1.3 WF/0892/01 – Erection of a single storey two-bedroom dwelling and alterations to vehicular access (Outline): Approve 13.11.01
- 1.4 WF/0544/02 – Erection of a replacement dwelling and detached garage: Approve 16.07.02
- 1.5 06/1183/OUTL – Erection of a single storey dwelling: Approve 18.01.07
- 1.6 11/0448/OUTL – Erection of a single storey dwelling: Refusal 24.02.12

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- 1.7 20/0571/FUL - Erection of detached dwellinghouse with new vehicular access and associated works: Approve 27.10.20

2.0 Consultations and Representations

- 2.1 Chaddesley Corbett Parish Council – Recommend refusal. This goes against the Neighbourhood Development Plan ' Policy H4 - Points A and B of the Policy include requirements for the site to reflect original development in the area, for the plot to be of similar dimensions to existing plots in the immediate area and should not give the appearance of 'cramming'. Also, dangerous access.

- 2.2 North Worcestershire Water Management Officer – No objection.

The site falls within Flood Zone 1 (low risk of fluvial flooding) and isn't shown to be susceptible to surface water flooding. We hold no reports of flooding in the area. The proposals increase the amount of hardstanding / impermeable area on site, therefore in order to ensure no increase in runoff from the site post development, please include the following condition:

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.

- 2.3 Highway Authority - No objection subject to conditions.

It is noted that the previous permission (20/0571/FUL) on this site, for a detached dwelling house with new vehicular access and associated works, has recently expired. However, it is further noted that the site layout and floor plans for the proposed dormer bungalow are as per the previous submission and on the basis that there has been no change in policy which would affect this proposal, the Highway's recommendation remains unchanged.

A shared access to serve both the existing and the proposed dwellings will be provided and as shown on Drawing No. 20 18 01 D, the existing access will be widened to enable 2 vehicles to pass. The hedgerow to the left on exit will not exceed 600mm in height to provide visibility and this hedgerow must be thus maintained in perpetuity. The tree between the 2 properties must not impact on the inter-visibility between to the 2 driveways.

Adequate parking and turning in line with standards are provided and this area should be suitably surfaced and drained. Cycle parking can be accommodated within the integral garage.

A dropped kerb extension will be required, with works in the highway to be carried out by WCC contractors, Ringway as per the note below.

- 2.4 Tree and Biodiversity Officer – No objection.

The application has come with a good and sufficient ecological study that has identified no biodiversity or tree constraints to development.

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2.5 Neighbour/Site Notice Representations - No comments received from nearby occupiers.

3.0 Site Location and Description

3.1 The application site measures 0.04 hectares in total area and lies to the South of Briar Hill and forms part of the existing garden to 42 Briar Hill, a two-storey dwellinghouse with a basement (approved under WF/0544/02) located in Chaddesley Corbett. The property also includes a double garage, greenhouse and a sun house within its residential curtilage.

3.2 The existing dwelling at 42 Briar Hill is adjoined to the north and south by residential properties and to the east (rear) by agricultural fields. There are also residential properties fronting Briar Hill on the opposite side of the road to the west of the site. The surrounding area is predominately open countryside in character. The application site falls within the Green Belt. It also lies within the 'Principal Timbered Farmlands' Landscape Type as defined by Worcestershire County Council.

3.3 Planning approval was granted in 2020, under application 20/0571/FUL, for the erection of a detached dwellinghouse in the side garden of 42 Briar Hill, with new vehicular access and associated works, however this planning permission was never implemented.

3.4 This application seeks to obtain planning permission again for the erection of a dormer bungalow in the side garden of 42 Briar Hill, and would be an identical development to that approved under application 20/0571/FUL.

3.5 The application has been submitted with a Design and Access Statement, Tree Survey and an Ecological Assessment.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Principle of Development
- Design and Layout
- Residential Amenity
- Flood Risk and Drainage
- Biodiversity
- Highway Safety
- Landscape Character

PRINCIPLE OF DEVELOPMENT

4.2 The application site benefits from having been granted Outline Consent in 1987, 1990, 2001 and 2007 for the erection of a single storey bungalow. The 2001 Consent also approved the principle of the means of access which was shown to be a shared

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access with 42 Briar Hill. In 2011, Outline Consent was refused for an identical scheme to that which had previously been approved on the grounds that the application site no longer fell within the definition of ‘previously developed land’ following the amendment to PPS3 in June 2010 and therefore constituted inappropriate development in the Green Belt.

- 4.3 A subsequent application in 2020 for the erection of a dormer bungalow with a new vehicular access and associated works was approved as there had been a fundamental change both in local and national planning policy since the previous 2011 application was considered and refused permission, which allowed limited infilling in villages.
- 4.4 The current 2023 National Planning Policy Framework (the ‘Framework’) sets out national planning policy for assessing developments in the Green Belt. It advises that the construction of all new buildings is inappropriate development, and therefore harmful, unless it falls within one of the exceptions listed in paragraph 154. One of the exceptions includes ‘limited infilling in villages’ and this is also set out in Policy DM.22 of the Wyre Forest District Local Plan. Policies SP.2 and DM.2 also permit windfall developments including infill developments in villages where the site lies within a built up frontage. Furthermore, Policy H3 Criteria for Assessing the Suitability of Potential Housing Sites of the Chaddesley Corbett Neighbourhood Plan also supports small infill site (criteria 2).
- 4.5 The proposed development would be a small infill development between 40 and 42 Briar Hill, which is part of a built-up frontage within the northern extremity to the village of Chaddesley Corbett and therefore, the development would fall within one of the exceptions listed in paragraph 154 and would not be inappropriate development in the Green Belt. It would also accord with the policies set out in the Local Plan and the Neighbourhood Plan for suitable windfall developments.
- 4.6 The proposed development would also deliver a two-bed dormer bungalow and would be of a house type that is limited in the village allowing people to downsize from larger properties, which would then help to free up larger properties for families to remain in the village. The application site has good accessibility to key services and facilities within Chaddesley Corbett village. As such, it is considered that this windfall development accords entirely with the objectives of Policies SP.2, SP.6 and DM.2 of the Wyre Forest District Local Plan and Policy H3 of the Chaddesley Corbett Neighbourhood Plan, which all support small infill developments within Chaddesley Corbett village.
- 4.7 The principle of development is therefore considered to be acceptable subject to the following site-specific considerations.

DESIGN, SCALE AND LAYOUT

- 4.8 Policy DM.24 of the Local Plan states that all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets, landmarks and their settings. New and innovative designs which promote high levels of inclusivity and sustainability will

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be encouraged and supported where they enhance the overall quality of the built environment.

- 4.9 The Framework, in Paragraph 131, echoes this stating that good design is a key aspect of sustainable development 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.
- 4.10 Policy H4 of the Chaddesley Corbett Neighbourhood Plan discusses backland and rear and side garden development and that residential development on backland sites and in rear and side gardens should not have an unacceptable impact on the character of the local area in terms of loss of openness, mature trees, hedges and shrubbery, or lead to a significant increase in the density of built form. Policy D1 relates to Promoting High Quality Design in New development and sets out at point 3 that schemes should demonstrate how they have responded to the pattern and layout of buildings and at point 7 that they should take into account the existing building heights and roofline. The Chaddesley Corbett Parish Design Guide (adopted April 2021) also sets out good design principles and advises that new developments should not be visually intrusive and that they should maintain visual connections to the surrounding landscape and long views out of the settlement. It further states that development density should allow for spaces between buildings to preserve views of countryside setting and maintain the perceived openness of the settlement.
- 4.11 The Parish Council have recommended refusal as points A and B of Policy H4 of the Chaddesley Corbett Neighbourhood Plan set out that the site should reflect original development in the area, that the plot should be of similar dimensions to existing plots in the immediate area and should not give the appearance of 'cramming'.
- 4.12 The existing dwelling at 42 Briar Hill is located on the bend of Briar Hill and comprises a triangular shaped plot which is relatively large in size. Due to the shape of the site being triangular it has a wide road frontage measuring 52 metres and is one of the widest frontage plots in the village. The proposed plot would have a similar width (measuring 10 metres) as other properties along this part of Briar Hill and whilst only a one metre gap would be provided to either side of the proposed dormer bungalow it would not appear cramped in its plot given that the bungalow at 40 Briar Hill is set approximately 5.6 metres off the shared side boundary, which would retain a good separation between the properties.
- 4.13 The design of the roof with a steep pitched roof and end gable facing Briar Hill also allows for filtered views between the proposed dormer bungalow and 42 Briar Hill into the rear of the site and to the open fields beyond. The proposed scheme would also provide sufficient on-plot parking for both properties and amenity space. As such, your Officers do not consider that the development would appear dense or as an over-development of the plot.
- 4.14 The proposed dormer bungalow would have a traditional design and would integrate well within the street scene. The proposals also include the provision of solar panels on the south facing roof slope which is to be encouraged to help reduce climate change and assist with renewable energy equivalent to at least 10% of predicted

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energy requirements in accordance with Policy SP.37 of the Wyre Forest District Local Plan and point 2 of Policy D1 of the Chaddesley Corbett Neighbourhood Plan.

- 4.15 Your Officers are satisfied that the proposed development would accord with the Chaddesley Corbett Neighbourhood Plan, the Chaddesley Corbett Parish Design Guide, Policies SP.20, SP.37 and DM.24 of the Wyre Forest District Local Plan, the Design Guidance SPD and the Framework.

RESIDENTIAL AMENITY

- 4.16 Policy DM.24 of the Wyre Forest District Local Plan refers to Quality Design and Local Distinctiveness and states within point 2 that any impact on neighbouring amenity should be addressed and discussed within a design and access statement. Policy H4 of the Chaddesley Corbett Neighbourhood Plan at point 1G also sets out that residential development should not lead to unacceptable adverse impacts on privacy, or residential amenity of neighbouring occupiers in terms of noise, vibration, light pollution, intrusive lighting or CCTV/surveillance installations, road safety and visual amenity, as well as daylight and overshadowing.
- 4.17 This is further supported by Paragraph 135 of the Framework which highlights in criterion F that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 4.18 In terms of the living conditions for the proposed future occupiers of the dormer bungalow, your Officers are satisfied that all bedroom sizes and the internal layout of the proposed bungalow are acceptable, and that the development would provide an adequate private and useable rear garden. With regards to any impacts on existing occupiers, the side boundary of the site which is shared with 40 Briar Hill comprises mature vegetation and a substantial boundary fence, and subject to a condition to require the side facing dormer windows (which serve the bathroom and shower room) to be installed with obscure glazing, your Officers do not consider that the proposals would result in any undue harm on the amenities of the existing occupiers at 40 Briar Hill.
- 4.19 The proposed first floor balcony is also recessed within the apex of the roof and would not extend beyond the eaves of the roof to ensure no loss of privacy to both 40 and 42 Briar Hill, although any views would be at an oblique angle and would be limited. Also, due to the low scale, orientation and location of the proposed dormer bungalow there is unlikely to be any loss of daylight or sunlight to both neighbouring properties. There would also be no breach in the 45 Degree Code in relation to the nearest habitable room windows in either 40 or 42 Briar Hill as a result of the development. Your Officers therefore consider that the proposal would not cause any harm to the living conditions of the existing occupiers at 40 and 42 Briar Hill and the proposal accords with Policy DM.24 and DM.25 of the Wyre Forest District Local Plan and Policy 4 of the Chaddesley Corbett Neighbourhood Plan.

FLOOD RISK AND DRAINAGE

- 4.20 The North Worcestershire Water Management Officer has carefully considered the submitted documents and the proposed development and has raised no objection

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subject to the inclusion of a condition to ensure the satisfactory management of surface water runoff.

- 4.21 The site falls within Flood Zone 1 (low risk of fluvial flooding) and isn't shown to be susceptible to surface water flooding. There are no reports of flooding in the area and therefore the development would accord with Policy SP.31 and SP.32 of the Wyre Forest District Local Plan and Paragraph 159 and 167 of the Framework.

BIODIVERSITY

- 4.22 Policy SP.23 of the Wyre Forest District Local Plan advises that developments should support the conservation, enhancement and restoration of biodiversity.
- 4.23 In addition, the Framework in Paragraph 180 requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. It is also required by Paragraph 186 that when determining planning applications, the local planning authority should apply the following principle (amongst others): if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Local Planning Authorities have a duty to have regard to conserving biodiversity as part of decision making of planning applications.
- 4.24 The application has been supported by a Phase 1/ Preliminary Ecological Assessment Report which has identified no biodiversity or tree constraints to development and therefore the Council's Tree and Biodiversity Officer has not requested the inclusion of any conditions. Your Officers are therefore satisfied that the proposed development would accord with Policy SP.23 of the Wyre Forest District Local Plan and the Framework.

HIGHWAY SAFETY

- 4.25 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.
- 4.26 Paragraph 115 of the Framework 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.
- 4.27 The Highway Authority have commented that the current application is the same as that which was previously approved in 2020. A shared access to serve both the existing and the proposed dwellings will be provided and as shown on Drawing No. 20 18 01 D, the existing access will be widened to enable two vehicles to pass. The

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hedgerow to the left on exit will not exceed 600mm in height to provide visibility and this hedgerow must be thus maintained in perpetuity.

- 4.28 The parking provision for both the new bungalow and 42 Briar Hill would accord with the adopted Streetscape Design Guide. The development would therefore not result in an unacceptable impact on highway safety and is considered to be acceptable and in accordance with Policy SP.27 of the Local Plan and Paragraph 115 of the Framework.

LANDSCAPE CHARACTER

- 4.29 The Framework in Paragraph 180 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 4.30 The site falls within the landscape character type 'Principal Timbered Farmlands', which recognises that the landscape character includes frequent wayside dwellings which are either brick or timber building styles and have variations to the roofscape in order to avoid a uniform pattern of development that would detract from the landscape character.
- 4.31 Your Officers are satisfied that the proposals would achieve an acceptable development that would accord with the principles set out for this particular landscape character type and is therefore considered to be acceptable.

5.0 Conclusions and Recommendations

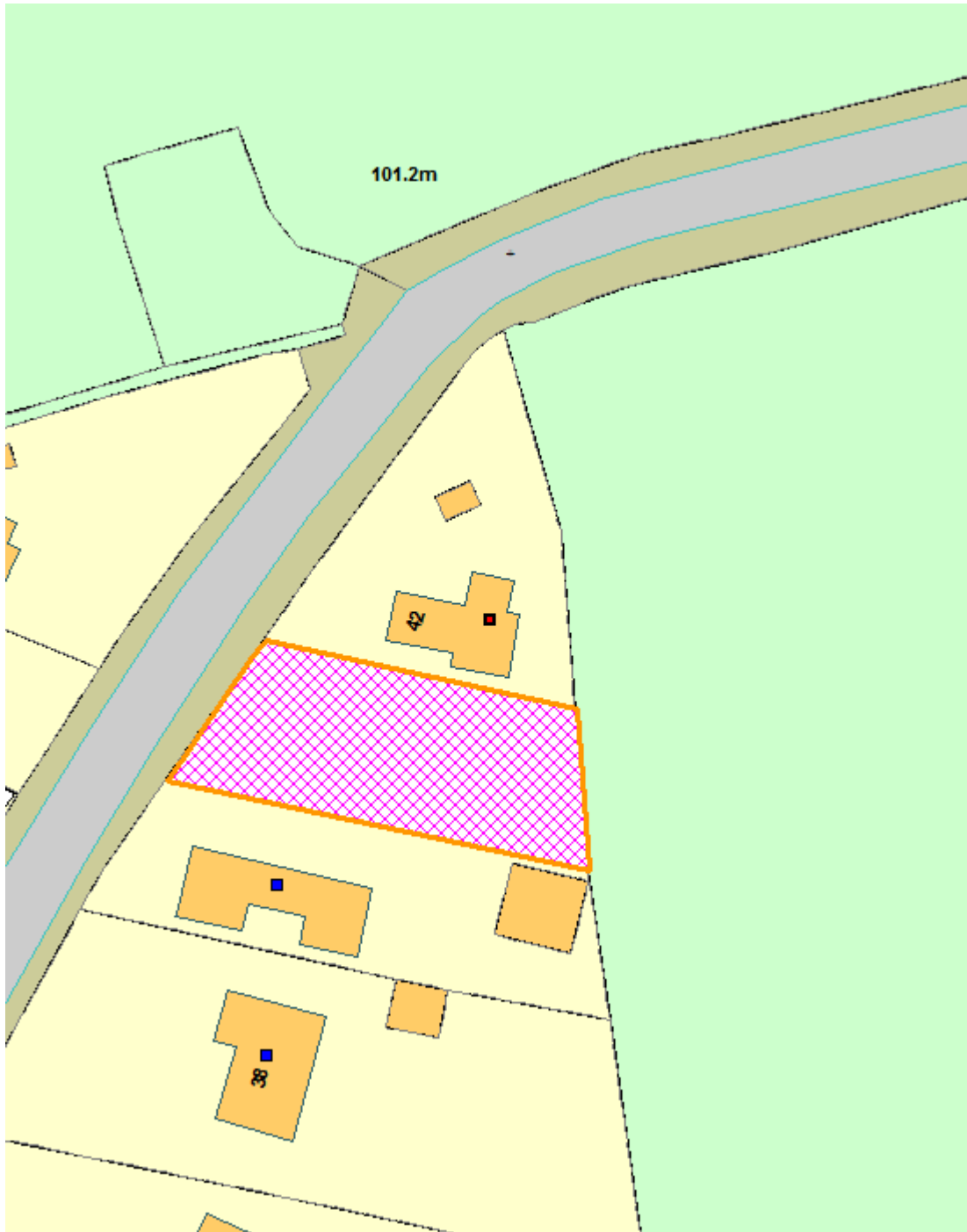
- 5.1 The comments of the Parish Council have been taken into account and no other statutory consultee has raised an objection to the application subject to conditions and planning obligations.
- 5.2 The proposal for a two-bed dormer bungalow would support the vitality of the rural community in Chaddesley Corbet and would be an acceptable infill development in the village and would be appropriate development in the Green Belt. The scale and type of housing proposed is appropriate for this plot in term of size and separation from neighbouring properties and would not result in an overdevelopment of the site. The remaining garden for 42 Briar Hill would also be an acceptable size for the existing property. There would be no adverse impacts on the character and appearance of the local area, on existing and future residents, highway safety, drainage, biodiversity or upon the wider landscape character. The development therefore represents sustainable development and would accord with the Development Plan and the National Planning Policy Framework.
- 5.3 Your Officers therefore recommend **Approval** subject to:
- a) the following conditions:
1. 3-year Time Limit to commence development
 2. Materials
 3. Site Level and Finished Floor levels
 4. Boundary treatment

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5. All works in accordance with submitted Preliminary Ecological Assessment
6. Removal of permitted development rights
7. Obscure glazing to side windows
8. Highways
9. Landscaping
10. Drainage
11. Water efficiency condition
12. Measures to secure renewable energy sources
13. Development to be in accordance with the approved plans

Note

- a. Highways informative



Strategic Growth

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PART B

Application Reference:	23/0675/FUL	Date Received:	14.09.2023
Ord Sheet:	384663 276382	Expiry Date:	09.11.2023
Case Officer:	Emma Bailey	Ward:	Offmore And Comberton

Proposal: Construction of a side extension to provide additional retail floor area to existing convenience store, including relocation of air conditioning units

Site Address: 8 Burcher Green, Kidderminster, Worcestershire, DY10 3AZ

Applicant: Mr Gora

Summary of Policy	<p>SP.1, SP.2, SP.3, SP.17, SP.20, SP.32, SP.35, SP.37 DM.09, DM.24, DM.25 of the Wyre Forest District Local Plan WCC Streetscape Design Guide SPD WFDC Design Guidance SPD National Planning Policy Framework National Planning Practice Guidance</p>
Recommendation	APPROVAL
Reason for Referral to Committee	Departure of the Development Plan due to conflict with the 45 Degree Code (Policy DM.25)

1.0 Planning History

1.1 22/0850/FUL - Proposed side extension to provide additional retail floor area to existing convenience store: Approved.

2.0 Consultee Responses

2.1 Kidderminster Town Council – No objection.

2.2 Worcestershire Regulatory Services (Nuisance team) – No objection.

2.3 Tree and Biodiversity Officer – No objection.

2.4 North Worcestershire Water Management Officer –No objection.

The current application seeks to raise the roof of a recently approved extension by 400mm. I do not think that raising the roof of the already approved extension by 400mm as proposed would have any additional drainage implications beyond the ones of the originally proposed and already approved extension.

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- 2.5 Highway Authority – No objection.
The extant permission (22/0850/FUL) is noted and there is No Objection from Highways to the proposal to raise the proposed roof by 400mm.
- 2.6 Neighbour/Site Notice Representations – No comments have been received from public consultation of the application.

3.0 Site Location and Description of the Development

- 3.1 The application site relates to an existing retail shop ('Select & Save') and forms one of a small terrace of commercial units serving the Comberton Estate. It is end of terrace, having a traditional brick and tile exterior and a mostly glazed ground floor frontage typical of commercial retail stores. The site is not affected by any historic or landscape designation.
- 3.2 This application seeks full planning consent for the construction of a side extension to the commercial retail unit, 8 Burcher Green. The extension would infill a narrow gap between the existing shop and the boundary shared with 10 Burcher Green to enlarge the trade area of the shop by 37sqm. It would abut the existing storeroom to the rear and would measure 17.2 metres in length, 2.3 metres wide and would have a flat roof measuring 3.57 metres at the front and reducing to 3.43 metres to the rear due to the slope in the ground levels. The proposed development would also include the relocation of the existing air conditioning unit further along the same side elevation and above the proposed flat roof extension. The retail shop currently employs 4 full-time equivalent staff members, which would not change, and the opening hours would also remain unchanged.
- 3.3 This is a revised scheme for a side extension which was previously permitted 31.01.2023 under planning ref: 22/0850/FUL. This consent remains extant and may be lawfully implemented.

4.0 Officer Comments

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

- Policy Context and Principle of Development
- Design and Residential Amenity
- Highway Safety
- Natural Environment
- Drainage and Flood Risk

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 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

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authorities and is a material consideration to be given weight in determining applications.

- 4.3 The Council's development plan consists at this time of the Wyre Forest District Local Plan (April 2022) and adopted Neighbourhood Plans.
- 4.4 The site lies within the defined settlement boundary of Kidderminster where commercial development is offered support in principle in accordance with Policies SP.2, SP.3, SP.17 and DM.9 of the Wyre Forest District Local Plan.
- 4.5 Policy DM.15 also advises that planning permission for new village and neighbourhood shops or the extension of existing facilities will be granted provided that the total floor space does not exceed 500sqm and parking is provided where possible. The development would enlarge the existing neighbourhood shop trade area by 37sqm to increase the total floor space to 202sqm. The site forms part of a row of commercial units and provides a valuable neighbourhood facility. No objection has been raised by the Highway Authority regarding parking provision. Your Officers therefore consider that the proposed modest enlargement to the retail shop would be acceptable in principle subject to the following site-specific considerations.

DESIGN AND RESIDENTIAL AMENITY

- 4.6 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. Paragraph 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.
- 4.7 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.
- 4.8 Specific to residential amenity, Policy DM.24 and the adopted Design Guidance and Health and Wellbeing SPD seeks to safeguard the living conditions of neighbouring occupiers.
- 4.9 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 stipulates that residential extensions should accord with the 45 Degree Code. The NPPF, in paragraph 135, also requires all new developments to secure a high standard of amenity for existing and future users.

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- 4.10 The proposed scheme remains identical to that previously permitted under planning ref: 22/0850/FUL with exception to raising the height of the roof by around 400mm. The agent advises that this is because since employing a contractor to carry out the works it has been found that the height of the roof as permitted would cause unnecessary complications during the build process and would prevent the store from re-opening for a number of months.
- 4.11 While the revised scheme would infringe upon the 45 Degree Code when taken from the nearest rear habitable room window of 10 Burcher Green, it can be reasonably determined from review of the submitted plans that the existing boundary fence already conflicts with the 45 Degree Code and the applicant has shown that when taking into account the 25 degree tilt from the neighbours window that the harm to the neighbouring property in terms of loss of natural daylight/sunlight is minimal. The proposed extension would also have a flat roof to minimise its impact on the outlook from 10 Burcher Green. As such, it is considered that the proposed development is unlikely to significantly impact upon the living conditions of this neighbouring occupier.
- 4.12 Furthermore, the agent advises that this impact would continue to be somewhat offset by the relocation of existing refrigeration units from the elevation nearest to this neighbour to the other side of the building, which continues to be supported by Worcestershire Regulatory Services.
- 4.13 On balance, it is considered that the benefits of the scheme outweigh the limited breach of the 45 Degree Code and conflict with Policy DM.25 as a whole and that the harm as identified above is not sufficient to warrant refusal on neighbour amenity grounds. The development is therefore considered to be acceptable in terms of design and residential amenity.

HIGHWAYS SAFETY

- 4.14 Policy guidance with respect to highways and transport is issued by Worcestershire County Council as the Highway Authority covering Wyre Forest and principally consists of the WCC Streetscape Design Guide.
- 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 115 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.

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- 4.17 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.
- 4.18 This application proposes the raising of the roof of a previously permitted extension by 400mm only. As such, no material change will occur with respect to highway safety, over and above that which was previously considered and found to be acceptable at the time of 22/0850/FUL. The Highway Authority raise no objection to the application. Your Officers therefore consider that the proposed development is acceptable and in accordance with WCC Streetscape Design Guide, Policy SP.27 of the Wyre Forest District Local Plan and the NPPF.

NATURAL ENVIRONMENT

- 4.19 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.
- 4.20 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).
- 4.21 Policy SP.23 of the Wyre Forest District Local Plan advises that developments should support the conservation, enhancement and restoration of biodiversity.
- 4.22 Due to the urban location of the site and the minor scale of the development it is not anticipated that the works would cause harm to protected species, which is agreed by the Tree and Biodiversity Officer. However, advice notes would be applied to any subsequent approval notice to advise of the necessary steps should a nesting bird be found during construction works.

DRAINAGE AND FLOOD RISK

- 4.23 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.
- 4.24 The site lies within Flood Zone 1 where there is low likelihood of flooding. It is not anticipated that the raising of the roof by 400mm would put undue pressure on foul or surface water drainage systems beyond that which was previously considered and found to be acceptable at the time of 22/0850/FUL. The development is therefore considered to be acceptable in this regard.

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5.0 Conclusion and Recommendations

5.1 The proposal would enlarge an existing neighbourhood shop by 37sqm to 202sqm in total trade area and would therefore support the viability of this important local shop that plays a vital role in promoting communities' sustainability by helping to meet every day needs and reducing the need to travel. The design and scale of the proposed extension would be in keeping with the character and scale of the commercial building and whilst the extension would be in conflict with Policy DM.25 due to breaching the 45 Degree Code when measured from the nearest habitable room window of the neighbouring property, the harm would be minor and would be outweighed by the benefits of the scheme when taking into account the reduction in noise and vibration following the relocation of the existing refrigeration units away from the neighbouring properties rear garden and rear facing windows. It is therefore considered that there are other material considerations that justify a departure of the Development Plan in this instance.

5.2 Your Officers therefore recommend that the application is **APPROVED** subject to:

a. the following conditions:

1. Three years to commence development
2. External materials to be in accordance with the submitted plans
3. No refrigeration units, plant or equipment units shall be installed to the roof of the extension hereby approved
4. Development to be carried out in accordance with the approved plans and drawings.

Note

a. Nesting Birds

PART B

Application Reference:	24/0023/HOU	Date Received:	16.01.2024
Ord Sheet:	384285 277896	Expiry Date:	12.03.2024
Case Officer	Kelly Davies	Ward:	Broadwaters

Proposal: Demolition of garage, erection of two storey rear extension and single storey front extension with porch (Resubmission of 23/0854/HOU)

Site Address: 6 Highfield Road, Kidderminster, Worcestershire, DY10 2TL,

Applicant: Mr C Pedley

Summary of Policy	SP.20, SP.21, SP.23, SP.27, SP.31, SP.32, SP.33, DM.23, DM.24, DM.25, DM.26 of the Wyre Forest District Local Plan (Adopted April 2022) WFDC Design Guidance SPD WCC Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	Applicant is related to a member of the Council

1.0 Planning History

1.1 23/0854/HOU - Demolition of garage, erection of two storey rear extension and single storey front extension with porch: Approved.

2.0 Consultee Responses

2.1 Kidderminster Town Council – No objection.

2.2 North Worcestershire Water Management – No objection.

The 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. As areas in the vicinity of the proposed development are believed to be at risk of surface water flooding (see <https://flood-warning-information.service.gov.uk/long-term-flood-risk>) it is important that surface water from the development will be disposed of responsibly. 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 ground conditions on this site would not be suitable for

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infiltration drainage. If the property is currently drained via 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 drainage condition.

2.3 Neighbour/Site Notice Representations - No comments received from nearby occupiers.

3.0 Site Location and Description

3.1 The application site relates to a detached dwelling of a traditional render and tile construction. The dwelling lies off the adopted Highfield Road and is bounded on all sides by residential dwellings.

3.2 The proposal is for a first-floor rear extension to infill an existing rear balcony area to create an extension to the existing bedroom. In addition, the proposal also includes a ground floor extension to create a large family living space and extension to the front to create a lounge extension.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Design and Scale
- Residential Amenity
- 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.

4.3 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.

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- 4.4 The proposal consists of a first-floor rear extension, ground floor rear extension and ground floor front extension, all 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 front extension whilst not typical of the streetscene will not add an incongruous feature.
- 4.6 The proposal also includes the replacement of the existing roof to incorporate the two storey rear extensions. The replacement roof will integrate with the existing streetscene ensuring a coherent design.
- 4.7 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 and the National Planning Policy Framework.

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 both side boundaries of the property. There will be no breach in the 45 Degree Code. The increase in height to the existing walls will introduce a little more loss of light to the adjacent dwelling, however, the nearest window affected by this proposal is a bathroom window which is a non-habitable room. The proposal is therefore in accordance with Policy DM.25. It is also noted that there have been no objections raised by the occupants of the adjoining dwellinghouses.

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 The National Planning Policy Framework in paragraph 115 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.

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4.12 The proposed development would not result in the creation of any additional bedrooms, as such the parking demand has not changed and there is no requirement for a parking condition. The development therefore would accord with Policy SP.27 of the Wyre Forest District Local Plan, the WCC Streetscape Design Guide and the National Planning Policy Framework.

5.0 Conclusions and Recommendations

5.1 All statutory consultee comments have been taken into account in the consideration of this application 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 or upon highway safety.

5.3 Your Officers therefore recommend that the application is **APPROVED** subject to:

a. the following conditions:

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

PART B

Application Reference:	23/0561/HOU	Date Received:	30.08.2023
Ord Sheet:	388297 279568	Expiry Date:	31.01.2024
Case Officer	Kelly Davies	Ward:	Wyre Forest Rural

Proposal: Construction of two storey front and rear extensions, reconfiguration of floor layout and alterations to vehicular access

Site Address: The Forge, Churchill Lane, Churchill, Kidderminster, Worcestershire, DY10 3LX,

Applicant: Mr & Mrs Purewal

Summary of Policy	SP.20, SP.21, SP.23, SP.27, SP.31, SP.32, SP.33, DM.23, DM.24, DM.25, DM.26 of the Wyre Forest District Local Plan (Adopted April 2022) WFDC Design Guidance SPD WCC Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	Departure of the Development Plan due to conflict with the 45 Degree Code (Policy DM.25)

1.0 Planning History

1.1 No planning history relating to the application site.

2.0 Consultee Responses

2.1 Churchill and Blakedown Parish Council - No objection.

2.2 Worcestershire Archaeology – No objection.

2.3 Conservation Officer – No objection subject to a condition to require details of the design and materials of all new windows and doors to be submitted and agreed by the Local Planning Authority.

It is advised that the building is currently in a state of disrepair, which does lend weight to proposals seeking to bring it into active use. The existing building does not currently contribute to the conservation area positively, being both out of use and in a state of disrepair, but also divergent in design form the surrounding properties. Moreover, the building forms part of the setting of a nearby listed building and a scheduled ancient monument. It is noted that the application seeks to instate a number of features that are more in-keeping with the character of the conservation, as noted in the Churchill

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Conservation Area Character Appraisal. This includes refacing in red-brick and installing brick lintels above the retained windows. There will be the installation of some new windows and glazed doors, the design and material of these will need approval before works can commence. Overall, I would conclude that the proposal will cause no harm to the significance of the conservation area, nor the setting of the listed building and/or scheduled ancient monument. Approval is recommended, with the condition that the design and material of any new windows and/or doors be approved prior to work commencing.

- 2.4 North Worcestershire Water Management – Recommends that the application should not be approved because of a lack of information that has been submitted to demonstrate how the modelled flood risk has been taken into account and to ensure the occupiers using the proposed extension would not be adversely at risk to flooding. It is advised that this site is located just downstream of Churchill Pool and adjacent to a tributary of the Blakedown Brook. According to the flood map for planning the existing dwelling is located in flood zone 2 with parts of the site located in flood zone 3. I understand that a Flood Risk Assessment has not been submitted for this application.

Following the Environment Agency's standing advice for extensions in flood zone 2 and 3 information should accompany an application that should confirm that as a minimum:

EITHER

(1) Floor levels within the proposed extension will be set no lower than existing levels AND,

(2) Flood proofing of the proposed development has been considered by the applicant and incorporated where appropriate to 1% (1 in 100 chance each year) river flood level, including climate change allowance.

OR preferably that:

(3) Floor levels within the extension will be set 600mm above the known or modelled 1% (1 in 100 chance each year) river flood level (including climate change allowance). This should be demonstrated by a plan to Ordnance Datum/GPS showing finished floor levels relative to the known or modelled flood level.

To account for climate change an additional 300mm will need to be added to the modelled flood level (in line with the nominal allowance detailed in the latest Environment Agency guidance on climate change allowances).

No information has been submitted regarding surface water drainage. It is important that surface water from the development will be disposed of responsibly so the development will not increase the risk of flooding for others. 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. If the property is currently drained via 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 drainage condition.

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It is my view that without information on how the modelled flood risk has been considered, this application should not be approved.

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.

However, it remains my view that without information on how the modelled flood risk has been considered, this application should not be approved.

- 2.5 Neighbour/Site Notice Representations - 1 comment received from a nearby occupier and they have questioned the access to the site.

[Officer comment – No changes are proposed to the site access.]

3.0 Site Location and Description

- 3.1 The application site relates to a two-storey semi-detached dwellinghouse of a traditional render and tile construction. The dwelling lies on the corner of an unadopted road off Churchill Lane in Churchill. The application site is bounded by neighbouring properties and Church Lake and lies adjacent to a tributary of the Blakedown Brook. The dwellinghouse falls within Flood Zone 2 with parts of the site located in Flood Zone 3. The site also lies within Churchill Conservation Area and forms part of the setting of a nearby listed building and a scheduled ancient monument.
- 3.3 The proposed development is for the erection of two storey rear extension which covers the whole extent of the rear of the dwelling and a two-storey side extension to create a family living area at ground floor and the creation of an additional bedroom at first floor. No alterations are proposed to the site access nor to the existing on-site parking provision.

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4.0 Officer Comments

4.1 The main considerations for this application are:

- Design and Scale
- Residential Amenity
- Flood Risk and Drainage
- Highway Safety
- Historic Environment

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. The National Planning Policy Framework (the 'NPPF') echoes this stating 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.

4.3 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.

4.4 The proposal consists of a two-storey rear and side extensions, 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 in line with the adopted Design Guidance Supplementary Planning Document 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 adds a new brick skin at ground floor and the creation of a first-floor rear extension to increase the depth of the bathroom and create a walkway to Bedroom 3. It is therefore considered that the rear extension would be appropriate in form and scale.

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- 4.7 The proposed side and rear extensions would be of an acceptable design and scale and would be aesthetically in keeping with the character and appearance of the existing dwelling and surrounding area. 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 and the NPPF.

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. The NPPF in paragraph 135(f) also seeks to secure a high standard of amenity for existing and future uses.
- 4.9 The neighbouring property at Forge Cottage adjoins the East boundary wall of the existing dwelling and is built in a 'L' shape configuration running on a 90 Degree angle to the existing dwellinghouse.
- 4.10 The proposed rear extension would intensify the already existing conflict with the 45 Degree Code at ground and first floor, however, it should be noted that the adjoining dwellinghouse benefits from an additional window to the front of the property at ground floor which also serves the habitable room that would be affected by the proposed rear extension. The first-floor window at the neighbouring property however, does not benefit from an additional light source but it is considered that the separation distance of some 6.1 metres and the orientation of the dwelling facing North from this elevation that the loss of natural light, sunlight and outlook would be minimal. It is also noted that no objection has been raised by the occupants of the adjoining dwellinghouse.
- 4.11 As such, it is considered that the proposed development would not materially harm the living conditions of the occupiers of the neighbouring property, Forge Cottage. Although, the proposals would be in conflict with the 45 Degree Code, it is not considered that there would be any serious adverse effects on the neighbouring residents as a result of the proposed development to justify a refusal of the application.

FLOOD RISK AND DRAINAGE

- 4.12 The existing dwellinghouse is covered partly by Flood Zone 2 and part of the site falls in Flood Zone 3. Flood Zone 3 is land which has a high probability of flooding.
- 4.13 Policy SP.31 of the Wyre Forest District Local Plan seeks to steer new developments to areas with lowest probability of flooding and states that in order to ensure the impacts to and from all forms of flooding, the Council will require developments in areas to be at risk of flooding to submit a site-specific Flood Risk Assessment. It further states that planning permission will only be granted where the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce overall flood risk in the area and beyond.
- 4.14 The NPPF advises in paragraph 165 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

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- 4.15 The Environment Agency's standing advice for extensions in Flood Zone 2 and 3 is for the applicant to show that as a minimum:
EITHER
(1) Floor levels within the proposed extension will be set no lower than existing levels
AND,
(2) Flood proofing of the proposed development has been considered by the applicant and incorporated where appropriate to 1% (1 in 100 chance each year) river flood level, including climate change allowance.
OR preferably that:
(3) Floor levels within the extension will be set 600mm above the known or modelled 1% (1 in 100 chance each year) river flood level (including climate change allowance). This should be demonstrated by a plan to Ordnance Datum/GPS showing finished floor levels relative to the known or modelled flood level.
- 4.16 In this case, no site-specific Flood Risk Assessment has been submitted and no information has been given in terms of the Environment Agency's standing advice. Nevertheless, the application relates to an existing dwelling and the purpose of the development is to bring the dwelling back into use and improve its living space for future occupiers. The development is also minor development in terms of paragraph 174 of the NPPF and therefore it is not subject to the flood-related sequential test or exception tests in national policy.
- 4.17 It should also be noted that the proposed extensions are considered to be modest enlargements to the dwelling and any future occupiers would still be able to gain access to the upper floors, in the event of a flood.
- 4.18 The North Worcestershire Water Management Officer has carefully considered the submitted documents and whilst they are satisfied that a planning condition can be attached to manage surface water runoff, they have recommended that the application should not be approved on the grounds that insufficient information has been submitted to ascertain that the proposed side and rear extensions to the dwellinghouse would not put the occupiers of the dwellinghouse at greater risk to flooding.
- 4.19 Notwithstanding the lack of a site-specific flood risk assessment or details on how the proposed extensions would be made safe during a possible flood event, your Officers are of the view that the development is safe and that with a condition to ensure the finished ground floor levels of the extensions are set no lower than the existing floor levels, the occupiers of the dwelling would not be at any greater risk to flooding. A condition is also recommended to ensure satisfactory surface water management is achieved to ensure no increased flood risk elsewhere.

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HIGHWAY SAFETY

- 4.20 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.
- 4.21 Paragraph 115 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.
- 4.22 The proposed development would not result in the creation of any additional bedrooms, as such the parking demand has not changed and there is no requirement for a parking condition. The development therefore accords with Policy SP.27 of the Wyre Forest District Local Plan and the NPPF.
- 4.23 HISTORIC ENVIRONMENT
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.
- 4.24 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.
- 4.25 The Conversation Officer and County Archaeologist have commented on the proposal and have raised no objection.
- 4.26 The Conservation Officer has advised that the over-arching benefit of the proposal is that it will bring the existing dwelling back into use as the current building is in a state of disrepair. The existing dwelling does not contribute to the Churchill Conservation Area in a positive way both in terms of the unoccupied status of the building and the divergent in design from neighbour dwellings. He goes on to say that the proposals would reinstate a number of the features that are more in-keeping with the character of the conservation area as noted in the Churchill Conservation Area Character Appraisal.

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- 4.27 Your Officers concur with the views of the Conservation Officer and County's Archaeologist and are satisfied that the proposals would be in accordance with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan. A condition has been recommended to require details of the windows and doors to ensure they are in keeping with the character and appearance of the existing dwelling and Churchill Conservation Area.

5.0 Conclusions and Recommendations

- 5.1 The design, scale and massing of the proposed side and rear extensions are considered acceptable and would enlarge the existing dwellinghouse to improve its function as a family dwellinghouse and help bring it back into long term use. The proposals would reinstate a number of original architectural features that would be in keeping with the character and appearance of the Churchill Conservation Area and would enhance the historic environment in accordance with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan. The existing parking provision is adequate and the means of access to the site would remain unchanged. Subject to a planning condition to require the finished ground floor level of the proposed extensions to be set no lower than the existing floor levels within the dwellinghouse, there would be no greater risk to the safety of the occupiers in the event of flooding. In addition, the proposed development would not have any greater adverse effect on the amenity of the neighbouring property 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 this instance.
- 5.2 Your Officers therefore recommend that the application is **APPROVED** subject to:
- a. the following conditions:
 1. 3-year Time Limit to commence development
 2. Details of the design and materials of all new windows and doors
 3. Surface water drainage condition
 4. To require finished ground floor levels to be set no lower than the existing ground floor level
 5. To require the development to be in accordance with the approved plans

PART B

Application Reference:	23/0649/HOU	Date Received:	01.09.2023
Ord Sheet:	387849 278703	Expiry Date:	29.02.2024
Case Officer	Megan Skelding	Ward:	Wyre Forest Rural

Proposal: Single storey rear extension, first floor front extension, increase height of single storey part of garage and other alterations

Site Address: 9 Mill Lane, Blakedown, Kidderminster, Worcestershire, DY10 3ND

Applicant: Mr & Mrs Rnic

Summary of Policy	SP.20, SP.21, SP.23, SP.27, SP.31, SP.32, SP.33, DM.23, DM.24, DM.25, DM.26 of the Wyre Forest District Local Plan (Adopted April 2022) WFDC Design Guidance SPD WCC Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	Departure of the Development Plan due to conflict with the 45 Degree Code (Policy DM.25)

1.0 Planning History

1.1 23/0237/HOU - Single Storey Rear Extension and First Floor Front Extension: Refused 26/05/2022.

2.0 Consultee Responses

2.1 Churchill and Blakedown Parish Council – No objection.

2.2 North Worcestershire Water Management Officer – No objection.

To my knowledge this site is not at risk of flooding. It is important that surface water from the development will be disposed of responsibly so the development will not introduce a risk of flooding. 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 ground conditions on this site would not be suitable for infiltration drainage. If the property is currently drained via 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

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the roof of the building', I don't deem it necessary for this planning application to recommend attaching a drainage condition.

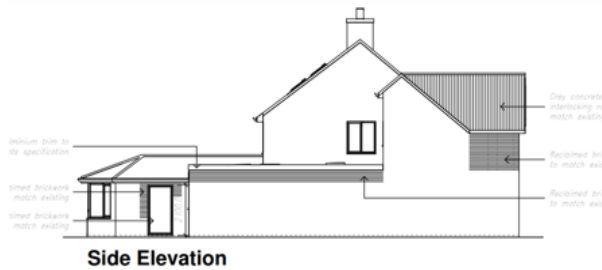
2.3 Neighbour/Site Notice Representations – No comments received.

3.0 Site Location and Description

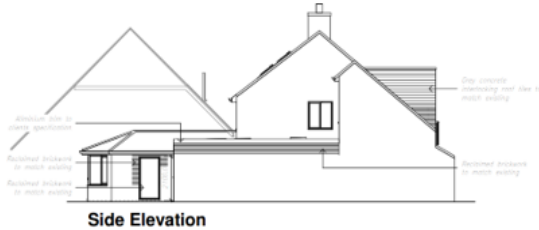
- 3.1 The application site refers to a two-storey detached 3-bedroom dwellinghouse off Mill Lane, Blakedown. The existing dwellinghouse has two dormer windows on the front elevation serving the first floor with an integral garage and a full two storey elevation at the rear, together with two separate single storey rear elements. The dwellinghouse is set back a considerable distance from Mill Lane, with the street scene comprising of various building forms and styles.
- 3.2 The proposed development is for a single storey rear extension, a first-floor front extension, a replacement front dormer window and minor alterations to the dwellinghouse.
- 3.3 The single storey rear extension would provide an enlarged kitchen area and would infill an existing gap between the two existing rear elements. The proposed first floor front extension would enlarge the third bedroom and replace the existing dormer window above the integral garage with a pitched roof extension that would also include a glazed Juliette balcony facing towards Mill Lane.
- 3.4 It is also proposed to replace the other front-facing dormer window with a pitched roof dormer window to match the pitch roof of the two-storey extension. Other alterations would include replacing the ground floor front window and the garage door with a new window and door and raising the height of the single storey flat roof above part of the garage by approximately 0.67 metres to an overall height of 3.0 metres. A side facing ground floor window would also be replaced with a new full height window and a new rear facing window is proposed at first floor. Building materials would comprise of reclaimed brickwork and grey concrete interlocking roof tiles to match the existing dwellinghouse. The new flat roof to the garage would also include an aluminium trim along the eaves.
- 3.5 The application follows a previous refused application, reference 23/O237/HOU, for a similar development. The main difference between this application and the previous refusal is a reduction in the scale, height and massing of the first-floor front extension as shown below.

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Previous refused application (Proposed Side Elevation)



Current application (Proposed Side Elevation)



3.6 In support of this revised application, the applicant has also submitted a series of sunlight analysis and a visual impact assessment in an attempt to demonstrate that the revised proposal has overcome the previous reason for refusal and would not harm the amenity of the existing occupiers at 7a Mill Lane in terms of loss of natural light, sunlight and outlook.

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 Policies SP.20 and DM.24 of the Wyre Forest District Local Plan states that all development will be expected to be of a high design quality. Policy DM.25 of the Wyre Forest District Local Plan refers to extensions and alterations and advises 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 overwhelm the original building and ensure that they harmonise with the existing townscape and do not create incongruous features.

4.3 The scale, height and massing of the proposed extensions are considered to be appropriate and in keeping with the character and appearance of the existing dwelling and the local area. The extensions would be constructed in external materials to match the existing dwellinghouse and the proposed design of the extensions would be of high quality. Your Officers therefore consider that the proposed extensions and alterations would be sympathetic to the existing building and would improve its overall design. The proposed development would make a positive contribution to the quality of the built environment and would be in accordance with Policies SP.20, DM.24 and DM.25

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of the Wyre Forest District Local Plan and the National Planning Policy Framework. A planning condition has been recommended to ensure the development is constructed in external materials to match the existing dwellinghouse, as shown on the submitted plans.

RESIDENTIAL AMENITY

- 4.4 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 stipulates that residential extensions should accord with the 45 Degree Code. The National Planning Policy Framework, in paragraph 135, also requires all new developments to secure a high standard of amenity for existing and future users.
- 4.5 The nearest neighbouring property most likely to be affected by the proposed development is 7a Mill Lane. The applicant has shown on the submitted Site Layout Plan that the existing first floor side extension at the application property already breaches the 45 Degree Code when taken from the midpoint of the nearest habitable room window at 7a Mill Lane. It has been highlighted by the applicant in the submitted Visual Impact Assessment that the proposed roof to the first-floor extension would be seen at an oblique angle and that the roof slope of the proposed extension would angle away when viewed from 7a Mill Lanes. It is also noted that the main direction of outlook from the front windows of 7a Mill Lane would continue to be across their own driveway and towards Mill Lane. Your Officers therefore consider that the proposed front extension would not unduly dominate the outlook to 7a Mill Lane. The proposed increase in the height of the flat roof to the existing garage would also not result in an overbearing impact on 7a Mill Lane.
- 4.6 The applicant has submitted a number of existing and post development sunlight analysis in support of the application. These show that the front elevation of 7a Mill Lane, which is north facing, already has a shadow cast by the application property and that the overall effect of the proposed extension, in terms of loss of additional light/sunlight would not be noticeable.
- 4.7 Although the proposed development would breach the 45-degree line taken from the midpoint of the first-floor bedroom window nearest to the site at 7a Mill Lane, it is not considered that there would be a serious adverse effect on the living conditions of 7a Mill Lane given the reasons set out above. Your Officers therefore consider that in this instance, the breach of the 45 Degree Code would not justify a refusal of the application.
- 4.8 The submitted plans show that the new rear facing window at first floor would be fitted with obscure glazing and a planning condition has been recommended to secure this type of glazing to ensure no overlooking towards the front of 7a Mill Lane.

HIGHWAY SAFETY

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

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- 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.

4.10 The development would result in the reconfiguration of the first-floor layout but would not result in an increase in bedroom numbers. As such, there would be no additional parking requirements. The development would therefore accord with Policy SP.27 of the Wyre Forest District Local Plan and the guidance set out in the County's Streetscape Design Guide.

5.0 Conclusions and Recommendations

5.1 The proposed revised scheme has overcome the previous refused application and would be in keeping with the residential character and appearance of the existing dwellinghouse and the local area. Whilst acknowledging the breach of the 45 Degree Code, it is not considered that the development would result in serious adverse effects on the living conditions of the occupiers of 7a Mill Lane given that the existing dwelling already breaches the 45 Degree Code and due to the sympathetic design of the proposed extension and orientation of the site with the neighbouring property. It is therefore considered that a departure of the Development Plan in respect of the conflict with Policy DM.25 can be justified in this instance.

5.2 Your Officers therefore recommend **APPROVAL** 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 dwelling house.
3. Rear facing first floor window to be installed with obscure, non-opening glazing.
4. To require the development to be in accordance with the approved plans

Application Reference:	21/0421/OUT	Decision Date:	27.02.2022
Ord Sheet:	381000 277300	Appeal Decision:	18.08.2023
Case Officer:	Helen Hawkes	Ward:	Wribbenhall & Arley

Proposal: Outline planning application (with all matters reserved except for means of access) for erection of up to 124 dwellinghouses, including public open space and landscaping surface water attenuation and associated infrastructure

Site Address: Land At Os 381000 277300, Habberley Lane, Low Habberley, Kidderminster, Worcestershire

Applicant: Richborough Estates

Habberley Road Kidderminster (APP/R1845/W/22/3309021) – Award of Costs

Members will recall that following their refusal of application 21/0421/OUT – Land at Habberley Lane, Low Habberley – for the erection of up to 124 dwellings - on 27/07/2022, the applicants Richborough Estates, lodged an appeal to the Planning Inspectorate against the refusal decision.

The appeal was considered by written representations and on 18/08/2023 the appeal was allowed.

As the members of the Planning Committee voted against both their Officer recommendation and that of the Highway Authority and presented no further evidence to substantiate their reason for refusing the application, which, the Planning Inspector found, resulted in unnecessary delays and expense to the appellant and awarded costs against Wyre Forest District Council.

The Inspectorate concluded in the Appeal Costs Decision (paragraph 5) that “I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.”

In November 2023, Richborough Estates submitted their cost claim at £51,544.12 (inclusive of VAT).

Not all costs submitted by Richborough Estates were accepted as properly payable by your Officers who have challenged the amounts to the point where there is acceptance that the figures below are properly payable as having been incurred wholly in connection with making the appeal.

The final agreed figure which the council needs to pay the appellant is £37,637.42 (inclusive of VAT)

Agenda Item No. 6

	DESCRIPTION	UNIT PRICE	TOTAL
1	Award of costs regarding planning application APP/R1845/W/22/3309021 (Habberley Road, Kidderminster)		£31,364.43
		Subtotal	£31,364.43
		VAT @ 20%	£6,272.89
		Total	£37,637.32