

Open

Planning Committee

Agenda

6pm
Tuesday, 10th July 2018
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor J A Hart
Vice-Chairman: Councillor D Little

Councillor J Aston

Councillor P Harrison

Councillor N Martin

Councillor C Rogers

Councillor S J Williams

Councillor S J Chambers

Councillor M J Hart

Councillor F M Oborski MBE

Councillor J A Shaw

Councillor R Wilson

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 Sian Burford, Assistant Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732766 or email sian.burford@wyreforestdc.gov.uk

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

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

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

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

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

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

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

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

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

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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 Corporate Director: Economic Prosperity & Place 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 Corporate Director: Economic Prosperity & Place.
- 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, 10th July 2018

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 19th June 2018.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	Planning and Related Appeals To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	42
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

TUESDAY 19TH JUNE 2018 (6 PM)

Present:

Councillors: J A Hart (Chairman), J Aston, S J Chambers, I Hardiman, P Harrison, M J Hart, N Martin, F M Oborski MBE, C Rogers, J A Shaw, S J Williams and R Wilson.

Observers:

There were no members present as observers.

PL.09 Apologies for Absence

Apologies for absence were received from Councillor D Little (Vice-Chairman).

PL.10 Appointment of Substitutes

Councillor I Hardiman was a substitute for Councillor D Little.

PL.11 Declarations of Interests by Members

Councillor Ian Hardiman declared in respect of application 18/0163/FULL, that he had met with the objector but informed the Committee that he had not expressed a view either for or against the application.

PL.12 Minutes

Decision: The minutes of the meeting held on 24th May 2018 be confirmed as a correct record and signed by the Chairman.

PL.13 Applications to be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 565 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 565 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL.14 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

Decision: The details be noted.

PL.15 Section 106 Obligation Monitoring

The Committee considered a report from the Corporate Director: Economic Prosperity and Place that gave details of the most current Section 106 Obligations which required monitoring.

Decision: The details be noted.

There being no further business, the meeting ended at 6:47 pm

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19th June 2018 Schedule 565 Development Control

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 Development 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: 18/0163/FULL	
Site Address: LAND OFF STOURBRIDGE ROAD, (adj. HURCOTT LANE), KIDDERMINSTER, DY102XB	
Delegated APPROVAL subject to:	
<ul style="list-style-type: none"> i. the signing of a Section 106 Agreement; and ii. the following conditions: <ul style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B6 (External details – approved plan) 4. Boundary treatment 5. B13 (Levels details) 6. C8 (Landscape implementation) 7. Landscape Management Plan 8. Archaeology 9. Archaeology implementation 10. Surface Water Drainage 11. SuDS management 12. E2 (Foul and surface water) 13. Highway implementation 14. CEMP 15. Sustainability measures 16. Noise implementation 17. Contaminated Land 18. Unexpected Contamination 19. Electric Vehicle charging points 20. Low NOx emissions 	
Notes	
<ul style="list-style-type: none"> A SN2 (Section 106 Agreement) B Highway 	

Application Reference: 18/0035/FULL

Site Address: STONE MEADOW, BUTTS LANE, STONE, KIDDERMINSTER, DY104BH

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. B11 (Details of enclosure)
5. B13 (Levels details)
6. Drainage
7. Access, turning and parking facilities to be provided
8. Landscaping scheme
9. Retention of existing trees shown on 08D
10. Ecological works to be carried out in accordance with submitted survey
11. Contamination – Tiered Investigation
12. Removal of Permitted Development Rights (Class A - E)

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

10/07/2018

PART A Report

Ref.	Address of Site	Recommendation	Page No.
18/0339/FULL	LAND AT SILVERWOODS WAY KIDDERMINSTER	APPROVAL	12

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
18/0310/OUTL	63 AUSTCLIFFE ROAD COOKLEY KIDDERMINSTER	APPROVAL	22
18/0357/FULL	17 JAY PARK CRESCENT KIDDERMINSTER	DELEGATED APPROVAL	32
18/0379/WCCR	LAND ADJACENT TO ST MARYS RINGWAY (A456) AND CHURCHFIELDS / BLACKWELL STREET KIDDERMINSTER	NO OBJECTION	35

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

10TH JULY 2018

PART A

Application Reference:	18/0339/FULL	Date Received:	17/05/2018
Ord Sheet:	382418 274686	Expiry Date:	16/08/2018
Case Officer:	Helen Hawkes	Ward:	Foley Park & Hoobrook

Proposal: Erection of an amenity restaurant/drinking establishment (use class A3/A4) with access, car parking, landscaping, servicing and associated work

Site Address: LAND AT SILVERWOODS WAY, KIDDERMINSTER

Applicant: GREENE KING PLC

Summary of Policy	DS01, CP01-05, CP08, CP09, CP10, CP11, CP12 (CS) SAL.PFS1, SAL.DPL11, SAL.GPB1, SAL.GPB2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9, SAL.GPB2 (SAAPLP) Design Guidance SPD Sections 1, 4, 7, 8, 10, 11 (NPPF)
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is located within the former British Sugar site and comprises a vacant parcel of land situated on the north side of Silverwoods Way, to the west of the Wyre Forest Leisure Centre. The site is an irregular triangular shape and is generally flat. It is bounded to the south and east by Silverwoods Way with residential properties beyond; to the north by a public footpath; to the west by a large retaining wall, above which lies residential development and a recently constructed Aldi foodstore beyond. Further to the south, approximately 160 metres from the site, is Vale Industrial Estate which includes an industrial chemical wholesaler ('Ashland'). The former British Sugar site is covered by a Tree Preservation Order (TPO 307), however, there are no trees within the site.

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- 1.2 The application seeks full planning permission for the erection of a family restaurant/public house with ancillary staff accommodation and a manager's flat at first floor. The building would be sited close to the northeast corner of the site, adjacent to Silverwoods Way, with car parking located to the south and west of the building. A small outdoor drinking area would be provided to the south of the building adjacent to the main entrance and a service yard would be located to the rear of the building, screened from the adjoining footpath and the leisure centre by a 3 metre high brick wall.
- 1.3 Proposed opening hours are 7am until 12.30am (daily) and a maximum of 35 new full-time equivalent jobs would be created.
- 1.4 94 car parking spaces, including 5 disabled spaces and 2 spaces with electric vehicle charging points would be provided. It is also proposed to provide 5 motorcycle parking spaces and 10 cycle spaces within the car park.
- 1.5 The application follows pre-application discussions and has been submitted with an External Lighting Plan and Assessment; Landscaping Scheme; Planning Statement; Design and Access Statement; Sustainability Statement; Transport Statement including Travel Plan; Contaminated Land Assessment; Noise Assessment; Ecological Assessment; Kitchen Ventilation and Extraction Details; Drainage Statement and Strategy; Service Yard Management Plan; and a Construction Management Plan.

2.0 Planning History

- 2.1 There is extensive planning history for this site, with the most relevant being:
- 2.2 12/0146/EIA - Outline application for the redevelopment of the British Sugar Factory (phase 1), including access and Phase 1 link road with all other matters reserved, comprising: demolition of any remaining existing structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycle ways; and open space : Approved (7 December 2012).
- 2.3 14/0089/FULL - Retrospective application for the Detention Pond serving the Former British Sugar Site and Hoo Brook link road to accommodate surface water storage as approved under the surface drainage scheme and provision of amended footway linkage and landscape areas to accommodate the Hoo Brook link road; Variation of existing S.106 agreement associated with planning application Ref 12/0146/EIA : Approved 21.09.16.

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3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Recommend approval.
- 3.2 Highway Authority – No objection subject to the approved access, vehicular turning and parking facilities being implemented and to secure the approved Travel Plan and to require future monitoring and review of the Travel Plan.
- 3.3 Health and Safety Executive (HSE) – Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.
- 3.4 Severn Trent Water – No objection subject to a suitable drainage scheme for the site.
- 3.5 Countryside Manager – No objection to the application and highlights that there an opportunity to provide enhancements to the site in the form of an appropriate landscaping scheme that extenuates the feature of the rocky outcrop to the west of the site and incorporates wildlife friendly planting.
- 3.6 West Mercia Police Designing Out Crime Officer – No objection and recommends the provision of CCTV and alarm system to prevent unauthorised access to the staff area and residential accommodation. It is also recommended that the physical security around the perimeter of the building needs to be of high quality.
- 3.7 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to the approved remediation scheme being implemented and to require a verification report to be submitted and agreed.
- 3.8 Worcestershire Regulatory Services (Odour and Noise Nuisance) – No objection subject to the development being implemented in accordance with the approved kitchen ventilation specification, external lighting details, construction management plan and mitigation measures as set out in the submitted Noise Assessment.
- 3.9 North Worcestershire Water Management – No objection subject to a strategy for drainage to be submitted and agreed.

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- 3.10 Worcestershire County Council Archive & Archaeology Service – No objection. The site is within the historic bounds of Oldington Wood, which was much more extensive until construction of the former British Sugar works. The footprint of one of the demolished buildings (Historic Environment Record (HER) Ref: WSM36596) extends into the northern and eastern parts of the application site. The proposed building will fall within that of the former industrial building with the proposed car park covering the less disturbed areas of ground. Having reviewed the archaeological setting based on available HER evidence, the site's recent industrial history and level of disturbance, I conclude that it is of low archaeological potential and I see no justification for further archaeological investigations or mitigation.
- 3.11 Neighbour/Site Notice – One letter of support from the Wyre Forest branch of Campaign for Real Ale (CAMRA) and it is advised that the development would provide a community pub in this location which is currently poorly served. CAMRA have obtained an Asset of Community Value (ACV) on the nearby Loom & Shuttle as it is the only community pub in the Foley Park/Stourport Road/Silverwoods area. An additional facility is therefore, welcomed, particularly to serve residential areas and reduce the need to travel by car.
- 3.12 Two letters of objection received from nearby occupiers. The grounds for objection are summarised as follows:
- Noise disturbance
 - It would be uncomfortable living opposite a rowdy pub
 - Not sensible to have a public house adjacent to an alleyway which already experiences anti-social problems after the Roller Disco events
 - Increased road traffic on the already busy/noisy Silverwoods Way
 - Cars parking in front of residential properties
 - Negative impact on property values
 - House owners were advised that only light office use would be proposed opposite dwellings on Silverwoods Way when purchasing their properties

4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development would be acceptable in principle and whether it would be acceptable in terms of design, impact on residential amenity, highway safety and drainage.

PRINCIPLE OF DEVELOPMENT

- 4.2 The application site is located within the former British Sugar site which is highlighted within the Adopted Core Strategy as part of the vision for the District, with the Development Strategy advising that it is, "Possibly the most important site to be allocated under this DPD with regard to the regeneration of Kidderminster..."

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- 4.3 Policy SAL.SK2 of the Adopted Site Allocations and Policies Local Plan identifies the former British Sugar site as having capacity to accommodate a mixed use development incorporating a significant number of residential units (approximately 320 dwellings); employment uses (B1, B2 and B8); ancillary commercial uses; community facilities (such as D1 uses); tourism; and non-town centre leisure centre. The proposed restaurant and public house (A3/A4) would fall within the 'ancillary commercial uses' category and would therefore comply with the site allocation Policy SAL.SK2.
- 4.4 The National Planning Policy Framework (in paragraph 70) also supports the provision of new community facilities, such as public houses, in order to enhance the sustainability of communities and residential areas. A letter of support has also been received from the Campaign for Real Ale (CAMRA) in which they state that the proposed community pub would help serve the residential area and help to reduce the need to travel by car.
- 4.5 In terms of Policy CP08 of the Adopted Core Strategy which seeks to protect employment land and create a diverse local economy, I am satisfied that the proposed development would provide a complimentary land use to the surrounding residential and employment uses and would not prejudice the amenity, viability or future development of other businesses. Furthermore, the proposed development would create 35 full-time equivalent job opportunities and would support the economic growth of the District. I am also of the view that the proposed development would not undermine the vitality or viability of Kidderminster town centre given its small scale and distance from the town centre.
- 4.6 I therefore consider that the redevelopment of this vacant employment site for a mixed use comprising a restaurant and public house with an ancillary manager's flat above would be acceptable in principle and would accord with policies contained within the Development Plan, subject to the following site specific considerations.

DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.7 Policy SAL.SK2 (Former British Sugar site) of the adopted Site Allocations and Policies Local Plan provides development guidance for new proposals including the requirement for development to create a strong sense of place, character and identity through ensuring development of the highest quality; the enhancement of accessibility by all modes for all residents and visitors; and to build in the principles of sustainable development from the outset to create a long lasting and valued environment. The National Planning Policy Framework also requires new developments to be of the highest design quality; to respond well with the local character; and to add to the overall quality of an area.

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- 4.8 The proposed building would be of generally rectangular form and would have a domestic scale to respond well with the nearby two-storey residential development. The building would have a traditional appearance with domestic characteristics, and would be part two-storey, part single storey in height with gable ends and a pitched roof gable feature to the frontage. Building materials would comprise mainly brickwork (Hampton Rural Blend brick type) with small areas of render in a buttermilk colour and slate grey roof tiles to match the dwellinghouses located opposite the site on Silverwoods Way. The building has been orientated to face south and not directly onto Silverwoods Way, however, in this instance I consider the site layout to be acceptable as the building would provide an obvious entrance from the car park and access into the site, it would also face oncoming traffic from the southwest and the side elevation facing Silverwoods Way has been broken up with windows to ensure the building provides visual interest and natural surveillance when approaching the building from the northeast. The building materials have been carefully chosen to ensure the brickwork and roof tiles match in appearance the nearby residential properties. The single storey flat roof element that would contain the roof plant would be masked by the 3 metre high boundary wall and would be largely screened from public view.
- 4.9 The boundary treatment would consist of a low railing fence to replicate the boundary of the adjoining leisure centre and a brick wall would be provided around the service yard to ensure it does not detract the visual amenity of the adjoining public footway and street scene. The submitted landscaping scheme has been carefully considered and it has been recommended by the Arboricultural Officer and Countryside Manager that the large expanse of the car parking area needs to be broken up further with additional tree planting and that the soft landscaping areas should incorporate wildlife friendly planting. I have recommended a condition to require an amended landscaping scheme to ensure these features are included.
- 4.10 I therefore consider that the proposed scheme exhibits a high standard of design, and would accord with the relevant national and local planning policies.

IMPACT ON RESIDENTIAL AMENITY

- 4.11 Policy SAL.GPB2 of the Adopted Site Allocations and Policies Local Plan advises that 'Development proposals involving the sale of food and drink must not have an adverse impact in terms of: residential amenity; pollution (light litter, noise and odour); and crime and disorder. Also, one of the core planning principles set out in the National Planning Policy Framework is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

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- 4.12 The residential properties located on the opposite side of Silverwoods Way are approximately 50 metres from the site. The submitted noise assessment has considered the impact of external plant sources on the development, customers talking outside and car doors slamming on neighbouring properties and the findings have concluded that there would be no adverse impact on the amenity of neighbouring residential properties. Regulatory Services have raised no objection to the application in relation to potential noise nuisance. Regulatory Services also consider that the proposed external lighting would be confined to the application site and I am satisfied that there would be minimal light spillage beyond the site boundary to ensure no light pollution. The service yard would be located to the rear of the building and the applicant has provided a Service Yard Management Plan which confirms that the delivery times would be during daytime hours, between 7am and 12noon daily. I have recommended a condition to secure the details submitted for the external lighting and service yard management.
- 4.13 In terms of the proposed opening hours (0700 – 0030) daily, I consider that these hours are not justified as the site is located close to residential properties and there are no existing late evening uses open until this time in the locality (Wyre Forest Leisure Centre closes at 10pm daily; Aldi foodstore closes at 10pm Monday to Saturday, 4pm Sundays; Loom & Shuttle public house closes at 11pm daily, and the KFC restaurant closes at 11pm daily). I acknowledge that the site is located on a main thoroughfare and that there is limited outdoor seating space for people to congregate late into the evening, however, the site is not located within a town centre or close to other late evening uses and therefore I consider it necessary to restrict the closing time to 11.00pm. A condition has been recommended accordingly. I also consider it necessary to recommend a condition to prevent outdoor amplified music being played to protect the amenities of neighbouring residents from noise disturbance.

IMPACT ON HIGHWAY SAFETY

- 4.14 The proposed development would utilise the existing site access point that has been created for this plot of land and the submitted drawings show that sufficient space has been provided for heavy goods vehicles within the site so that they can safely manoeuvre between the parking spaces and the service yard to make deliveries. The proposed parking layout shows 93 car parking spaces including 5 disabled spaces, along with 4 motorcycle spaces and 10 cycle spaces. The Highway Authority have raised no objection in terms of the level of parking provision, cycle storage and highway safety, subject to conditions. The Highway Authority has also confirmed that the submitted Travel Plan has been approved by Worcestershire County Council's Travel Plan Officer. I therefore consider that the proposed development would not have an adverse impact on highway safety.

18/0339/FULL

DRAINAGE

- 4.15 The submitted Drainage Strategy confirms that the surface water on-site would be disposed of by means of a Sustainable Urban Drainage Systems and that the development will limit discharge from the site to the levels agreed in the overall drainage strategy for the wider site. Flows would be restricted by a flow control device and attenuation would be provided using engineered crates. The North Worcestershire Water Management Officer has raised no objection in principle to this drainage strategy, but has asked for a condition to be attached to enable the local planning authority the ability to agree an appropriate treatment device for the surface runoff to mitigate the risk of pollution to the River Stour in which the runoff would discharge directly into and which runs through a series of water dependent Sites of Special Scientific Interest (SSSI).

OTHER MATTERS

- 4.16 I note the letters of objection and concern raised by nearby occupiers about increase in anti-social behaviour. The Designing Out Crime Officer has been consulted on the application and has raised no objection. The first floor ancillary manager's flat would also provide surveillance of the site outside of opening hours and the building has been designed to ensure first floor windows face onto the adjoining footway to enhance natural surveillance.
- 4.17 The comments received in relation to the impact of the development on nearby property values are not a planning material consideration.

5.0 Conclusions and Recommendations

- 5.1 The proposed restaurant and public house is in principle acceptable and it is considered that the development would support economic growth and help create a sustainable residential community. The design of the building is considered to respond well with the local character and subject to additional details being agreed and implemented in relation to the soft landscaping and boundary treatment details, I am of the view that the proposed development would add to the overall quality of the area. Further conditions have been recommended to safeguard the amenities of existing occupiers in nearby properties and to ensure an acceptable living environment in the proposed first floor flat. Adequate off-street parking would be provided and the development is unlikely to result in a detrimental impact on highway safety.

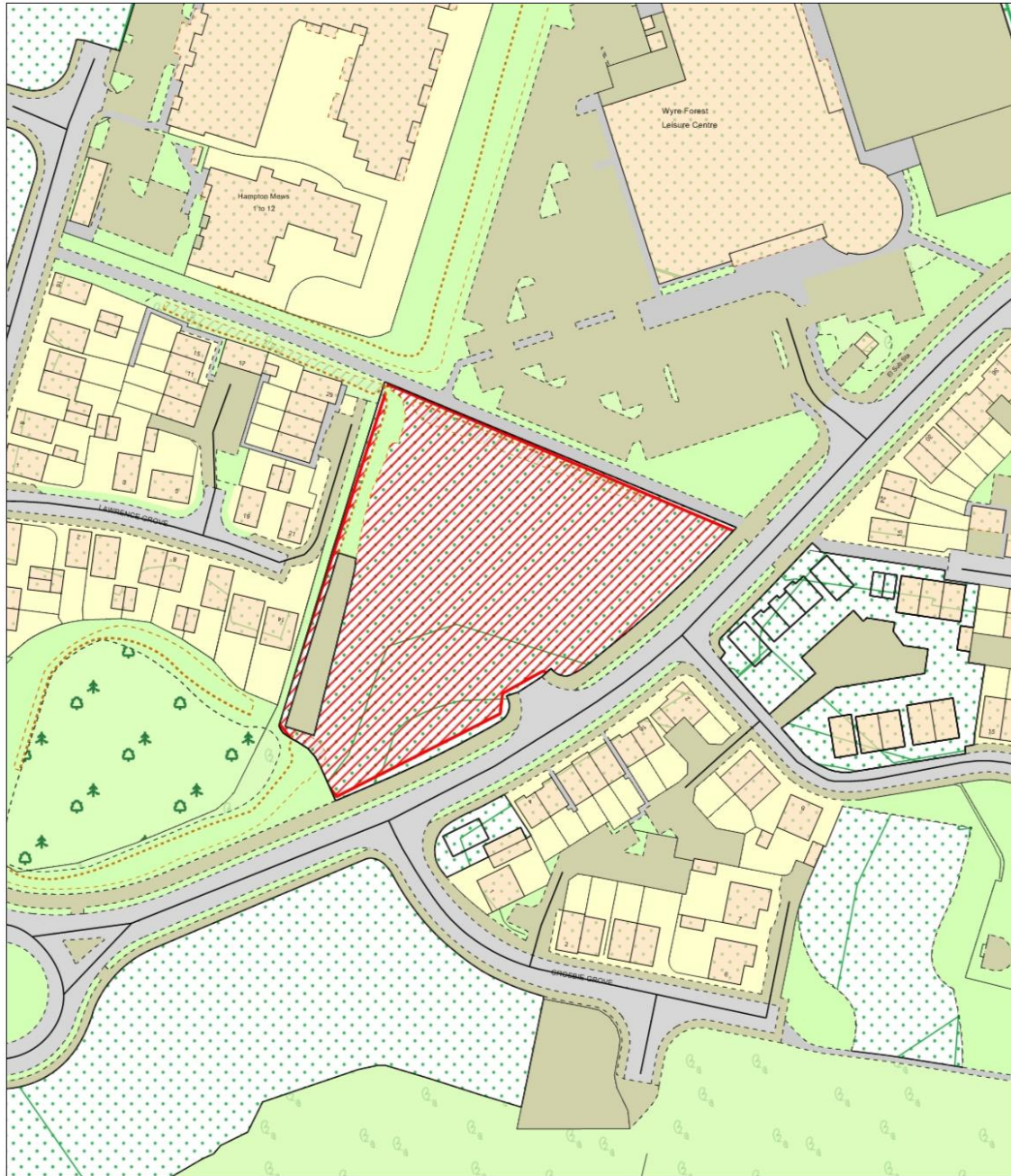
18/0339/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External materials – approved plans)
4. To secure approved boundary treatment details
5. To secure approved levels details
6. To secure approved landscaping scheme
7. To require Landscape Management Plan
8. To require surface water drainage
9. E2 (Foul and surface water)
10. To secure approved remediation scheme to require a verification report and measures for unexpected contamination
11. To secure approved access, turning area and parking facilities
12. To secure approved Travel Plan and to require monitoring
13. To secure approved kitchen ventilation specification
14. To secure approved external lighting details
15. To secure approved Construction Management Plan in relation to noise, vibration and dust minimisation
16. To secure approved Service Yard Management Plan in relation to proposed delivery hours
17. To secure approved noise mitigation measures
18. To require details of security measures
19. To require first floor flat to remain ancillary.
20. To restrict opening hours to between 0700 – 2300 Monday to Sunday
21. To prevent amplified music being played outside

Note

The applicant is recommended to register the approved Travel Plan



Economic Prosperity and Place Directorate

Land at Silverwoods Way

Kidderminster



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

10TH JULY 2018

PART B

Application Reference:	18/0310/OUTL	Date Received:	03/05/2018
Ord Sheet:	384546 280528	Expiry Date:	28/06/2018
Case Officer:	Sarah Mellor	Ward:	Wyre Forest Rural

Proposal: Construction of 2no. new detached residential dwellings with associated garaging, parking and amenity spaces

Site Address: 63 AUSTCLIFFE ROAD, COOKLEY, KIDDERMINSTER, DY103UP

Applicant: MR AND MRS SMITH-KEARY

Summary of Policy	DS01, DS03, CP01, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7 SAL.UP9 (SAAPLP) Paragraph 14, Sections 6, 7 (NPPF)
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site comprises garden land within the ownership of the occupants of residential property, no. 63 Austcliffe Road. Given the significant set back of the property, the relevant portion of garden land is situated fronting Austcliffe Road and lies between Austcliffe Gardens and 65 Austcliffe Road.
- 1.2 The site amounts to 0.4 acres measuring approximately 50m in width and 37m in depth.
- 1.3 The access to the site is adjacent to no. 65 Austcliffe Road, where the remainder of the access continues in a north west direction to serve no. 63 Austcliffe Road.
- 1.4 There are a number of residential properties within the immediate vicinity and there is no prevailing character in terms of density however it is considered that the land surrounding properties is generous in the main.

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- 1.5 The site is nearby (around 50m away from) the Staffordshire and Worcestershire Canal Conservation Area.

2.0 Planning History

- 2.1 17/0746/FULL - Construction of 2no new detached residential dwellings with associated garaging, parking and amenity spaces within the grounds :
Withdrawn

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council - Recommend approval
- 3.2 Highway Authority - No objection. The applicant has demonstrated that the visibility splay can be achieved which would be secured at reserved matters stage.
- 3.3 Canal & River Trust - The main issues relevant to the Trust as statutory consultee on this application are:
- a) Impact on the character, appearance and heritage of the waterway corridor.
 - b) Impact on the structural integrity of the canal due to construction works and drainage proposals.

On the basis of the information available our advice is that suitably worded conditions are necessary to address these matters. Our advice and comments are detailed below:

IMPACT ON THE CHARACTER, APPEARANCE AND HERITAGE OF THE WATERWAY CORRIDOR

The site is located to the south of the Staffordshire & Worcestershire Canal, which is a designated conservation area. The site is set well back from the canal although it is in an elevated position and there may therefore be some wider views of the site from the surrounding area.

The submission indicates that existing trees on site will be retained and this will aid to screen the development and retain the overall character of the site and surrounding area. The retention of existing planting and submission of an Arboricultural Assessment should be secured by condition.

(Officer Comment - The applicant has submitted additional surveys to the satisfaction of the Arboricultural Officer).

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IMPACT ON THE STRUCTURAL INTEGRITY OF THE CANAL DUE TO CONSTRUCTION WORKS AND DRAINAGE PROPOSALS

With any development close the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. The canal is in a cutting at this point and it is important to ensure that the development does not adversely impact on the stability of the cutting slope.

Whilst the site is set back from the canal, details on construction methodology and foundation should be submitted with any subsequent reserved matters and the Trust wish to be consulted when these details are available.

The application form states surface water is to be discharged to '*sustainable drainage system*' and '*existing watercourse*' though no further details are provided. The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage and full details should be submitted and agreed. This could be secured by condition.

(Officer Comment - The North Worcestershire Water Management Officer has considered the scheme and also recommends this condition).

- 3.4 Countryside Manager - The application doesn't come with an ecological report, however the application site can be seen from recent aerial photographs as formal gardens. There are a few larger shrubs but these are not substantial enough to support protected species.

The application is immediately adjacent to a Local Wildlife Site (LWS), but potential impact on this are mitigated for by the development being separated from the LWS by an existing house which is not being affected by the development.

Hence, I feel this development is unlikely to cause harm to protected species or habitat on or adjacent to the site.

No objection subject to condition that site clearance works take place out of the bird nesting season or is undertaken under the supervision of an ecologist.

- 3.5 Conservation Officer - The application site is located 50m due south of the Staffordshire and Worcestershire Canal Conservation Area, a designated heritage asset. In between the application site and the canal is situated Rock House 63 Austcliffe Road Cookley.

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The applicant has provided sufficient information within the design and access statement to discharge their duties under the National Planning Policy Framework (NPPF) paragraph 128.

The house is clearly an undesignated heritage asset, being constructed c1835 and associated with a wharf and a (potentially originally industrial) range of buildings to the east, which are still within its ownership.

Its location hidden from view may explain its absence from the Local Heritage List for Wolverley and Cookley, although not from the Worcestershire Historic Environment Record (HER) to which a record should be added.

The 1884 Ordnance Survey reveals that Rock House was built in a large square plot accessed from Austcliffe Road along its present driveway. The land to the west of the house was an orchard whilst the industrial buildings lay to the east. To the south the plot was open, presumably lawns, and two large conservatories are shown attached to the south and south-west elevations of Rock House.

The orchards appear to have been felled by 1903 when a large greenhouse is shown to the south of the house.

By 1926 the plot had been divided and the western part developed – a large bungalow 59 Austcliffe Road occupied the site until relatively recently which has now itself been redeveloped into four small houses.

By the early 1960's a further part of the plot had been sold off and 65 Austcliffe Road constructed to the east of the access driveway.

The application site has thus remained undeveloped since 1835.

Rock House possesses historic and aesthetic (architectural) value. It is of local significance as a large house built to take advantage of the canal and may have some communal value if it is associated with early industry in Cookley.

The site falls some 10m in height between Austcliffe Road and the canal, and thus Rock House is largely hidden from view from the road by the topography of the site, irrespective of the planting and tree cover. The setting of Rock House is thus best appreciated from the canal itself and in this context it contributes positively to the Staffordshire and Worcestershire Canal Conservation Area which lies immediately to the north.

The proposal to develop the application site to the south of Rock House will clearly impact somewhat on it as it is set below that plot, however the distance between Rock House and the site is 25m to the site boundary, which is not an inconsiderable distance.

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Whilst the significance of Rock House may be slightly diminished by the further loss of part of its original plot, it remains relatively unaltered, retains its outbuildings to the east, original driveway and a considerable amount of private garden. The impact of the proposed development on the canal will be limited and can be further limited by restricting the height of any buildings which form part of reserved matters.

Overall I consider the amount of impact on designated and undesignated heritage assets to fall at the lower end of the scale of less than substantial harm. This is sufficient to warrant consideration of benefits associated with the provision of additional housing in the District as allowed under NPPF paragraphs 134 and 135.

- 3.6 Severn Trent Water - As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
- 3.7 North Worcestershire Water Management - To my knowledge this site is not at risk of any type of flooding. There is a modelled surface water flood risk to the east of the site. Because of this modelled flood risk it is extra important that the proposed development will deal with the surface water runoff generated on the site in an adequate way, to ensure that the flood risk will not be exacerbated by the development.

I understand from the application form that surface water from the development will be discharged to SuDS and the existing watercourse. No further information has been submitted. The principle of discharging to SuDS is welcomed. Discharge using an infiltration SuDS should be used to its maximum potential before discharge of (excess) surface water to a watercourse would be considered. It is my understanding that the nearest watercourse is the Staffordshire and Worcestershire Canal. Permission should be sought of the Canal & River Trust for a discharge into the Canal.

It is my opinion that surface water drainage details are not required as part of this outline application, but I would ask that a drainage condition gets attached to ensure that the proposed development will not exacerbate the modelled surface water flood risk nearby.

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- 3.8 Planning Policy - From a policy perspective the application is contrary to adopted Wyre Forest District Council Policy DS01 of the Core Strategy and Policy SAL.DPL1 of the Site Allocations and Policies Local Plan, however if policy 18B of the emerging Local Plan is adopted the proposal would be acceptable. Currently the Council does not have a five year housing supply and therefore adopted policy needs to be considered against paragraph 14 of the NPPF which states that local planning authorities should positively seek opportunities to meet the development needs of their area; and that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. It is a matter for the decision maker to decide the amount of weight be attributed to the sustainable benefits along with any harm in the 'tilted balance'.
- 3.9 Arboricultural Officer – I am satisfied with the location of the access and that it can be achieved without having a direct effect on the Beech tree.
- 3.10 Council for the Protection of Rural England (CPRE) - I thought that your Council did have 5-year Housing Land Supply, so that the 2011 Core Strategy is not deemed out of date. I also appreciate that there is a policy in it that does not encourage development in gardens.

Whether your Council does or does not have a 5-year housing land supply, I am also aware that your Council has been consulting on a Green Belt Review for a forthcoming plan revision.

As a matter of principle, garden land is now not treated as 'brownfield', previously developed, but has a status similar to Green field land. As I understand it, this site is outside the Green Belt. If so, under a proper sequential approach its development, its development has to be preferable to the release for development of Green Belt. I would suggest that your revised plan should allow appropriate modest infill in built up areas, in preference to the building on the Green Belt.

I have not considered this application in detail and it may be that there are other objections, which I have not thought of. I am therefore not formally supporting this application, but the tendency is in that direction.

- 3.11 Neighbour/Site Notice : two responses received raising the following concerns -
- the plans will impact unduly on the privacy for occupiers of the adjacent bungalows
 - no ecological survey of the land including the bat population with the abundance of wildlife being so close to the canal.

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- additional concern that Austcliffe Road is heavily congested with parked cars. There are 2 sheltered/nursing homes on the street and a number of properties where carers already attend on a regular basis. Any additional cars in the area are a concern.
- the neighbouring properties already park on the road and it is on a blind corner, with a sharp and narrow bend beforehand. There is no room for additional cars in this area, and it will present a hazard to children when walking to school.
- that this planning is not in line with the plans the council are considering with regard to the whole of our village. We are aware that the Parish plan requires houses - and these are earmarked for the Lea Castle site; adding considerable pressure and concern on the village. Where does this plan for more houses on our road add in to the village plan - how many more houses does the parish expect us to need?
- loss of nature trees to site frontage.

4.0 Officer Comments

OVERVIEW

- 4.1 The application as submitted is an outline application with all matters reserved. The proposal is for 2 no. dwellings, with associated garaging, parking and amenity spaces. Although the application refers to matters of car parking, landscaping, open space, and other associated works; the application is submitted in outline form and therefore only the principle of residential development are for consideration at this stage.
- 4.2 During the course of considering the application, given the initial concerns raised by the Highway Authority, it was deemed necessary to ascertain whether or not the site was capable of delivering a suitable access to serve 2 no. dwellings, whilst also retaining the protected tree at the front of the site and other mature trees fronting Austcliffe Road. This is considered below.
- 4.3 The application, whilst submitted in Outline form, has been accompanied by a Design and Access Statement and later a Tree Survey and Constraints Assessment & Tree Constraints Plan.
- 4.4 The matters for consideration in determining this application are set out below:-
- Planning policy and the principle of the development
 - Highways and Access
 - Trees
 - Other Issues including Conservation. Amenity and Ecology and Biodiversity

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PLANNING POLICY AND THE PRINCIPLE OF THE DEVELOPMENT

- 4.5 Due regard and consideration for the neighbour and consultation responses regarding the requirement for housing and a 5 year housing land supply has been given. Notwithstanding this, the housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years based its housing land availability figures on an assessed need. Relevant policies for the supply of Housing are out of date. Based on the latest Housing Residential Land Availability data the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. These factors result in the presumption in favour of sustainable development as set in paragraph 14 of the National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this policy context.

HIGHWAYS AND ACCESS

- 4.6 The comments of the Highway Authority stated that it must be demonstrated that a safe and suitable access is achievable. Visibility at the existing access appears to be substandard particularly to the left on exit and in this specific location visibility of 2.4m x 43m measured along the nearside edge of the carriageway would be required. It was stated that if a new access is located in an approximately central location along the site frontage on Austcliffe Road then the required visibility would be achievable and this will need to be taken into account for any reserved matters application.
- 4.7 Whilst a frontage access may be acceptable in principle, given the presence of protected and mature trees in this location it was deemed necessary for the applicant to demonstrate that the necessary visibility splay (2.4m x 43m) could be achieved without impact upon the trees.
- 4.8 A plan overlaying the visibility splay and root protection area was submitted to demonstrate there would be no conflict. This is considered acceptable to the Highway Authority.
- 4.9 On the basis of the above, the Highway Authority raises no objection to the proposed residential development subject to conditions.

TREES

- 4.10 The site comprises a number of mature trees and in particular a beech tree to the front of the site, adjacent to Austcliffe Road.

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- 4.11 At the request of the Council, a Tree Survey and Constraints Assessment and Tree Constraints Plan were submitted in order to fully assess the impact of the proposals on the existing trees. This included a plan showing that it was possible to provide the desired access with conflict with the Root Protection Area (RPA) of the protected and other trees was submitted to the satisfaction of the Arboricultural Officer
- 4.12 As stated above, the applicant has satisfactorily demonstrated that there would no infringement on the RPA of important trees as a result of having to provide the necessary visibility splay.

OTHER ISSUES INCLUDING AMENITY, CONSERVATION AND ECOLOGY AND BIODIVERSITY

Conservation

- 4.13 The site is situated in proximity to the Staffordshire and Worcestershire Canal Conservation Area. On this basis, the proposal has been considered in terms of the potential for harm to the aforementioned designated heritage asset. It is considered that the proposals fall at the lower end of the scale of less than substantial harm and in consideration of the need to boost housing supply in accordance with the NPPF provides public benefit to the development to be considered as being acceptable.

Amenity

- 4.14 One neighbour has raised concern regarding the amenities of the occupiers of neighbouring properties. There is no indicative layout submitted, however on the basis of a maximum of 2 no. dwellings, it is considered that sufficient space exists around the site such that there would be no significant undue harm caused to the amenities of the occupiers of neighbouring properties. Any consent granted will be conditioned to ensure a maximum of 2no. dwellings are considered at reserved matters stage.
- 4.15 The detailed design of the dwellings will be submitted for consideration at reserved matters stage.

Ecology and Biodiversity

- 4.16 One neighbour comment referred to the lack of an ecological survey, bats and the wildlife, given the proximity of the site to the canal.
- 4.17 The Countryside Manager has also noted the absence of a survey however commented that whilst there are a few larger shrubs, these are not substantial enough to support protected species.
- 4.18 The existence of 63 Austcliffe Road between the Local Wildlife Site to the rear and the application site serves to mitigate any potential for impact upon the LWS. Development is therefore considered acceptable.

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5.0 Conclusions and Recommendations

5.1 Having assessed the principle of the development and identifying no harm, it is considered acceptable. The additional dwellings will, along with other similar windfall sites, boost the supply of housing, which is also considered to be a benefit in favour of the development. On this basis it is considered that there are sufficient grounds to support a departure from Local Plan policy.

5.2 It is therefore recommended that the application be **APPROVED**, subject to the following conditions:

1. A1 (Standard outline)
2. A2 (Standard outline – reserved matters)
3. A3 (Submission of reserved matters)
4. A5 (Scope of outline permission – maximum of 2 no. dwellings)
5. A11 (Approved plans)
6. B1 (samples/details of materials)
7. Details of walls, fences and other means of enclosure to be submitted
8. Details of existing and proposed levels to be submitted
9. Details of hard and soft landscaping to be submitted
10. Details of finished floor levels
11. Parking for the 2 dwellings to be laid out
12. Drainage condition
13. Tree protection details to be submitted
14. Site clearance works takes place out of the bird nesting season or is undertaken under the supervision of an ecologist

Application Reference:	18/0357/FULL	Date Received:	31/05/2018
Ord Sheet:	384580 274623	Expiry Date:	26/07/2018
Case Officer:	Julia McKenzie-Watts	Ward:	Aggborough & Spennells

Proposal: Single storey rear extension and re-location of the rear boundary fence (partially retrospective)

Site Address: 17 JAY PARK CRESCENT, KIDDERMINSTER, DY104JP

Applicant: Mr N Desmond

Summary of Policy	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP)
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Councillor
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 Number 17 Jay Park Crescent is a detached property located on the Spennells Estate in Kidderminster. It is in a row of similar style properties albeit further forward than the rest of the row.

- 1.2 The proposal is to add a flat roof single storey rear extension with three lantern roof lights in order to enlarge the current living accommodation and including retrospective proposal for the re-location of a rear boundary fence.

2.0 Planning History

- 2.1 11/0630/FULL - Kitchen and hall extension at the front of property : Approved 15/12/11.

3.0 Consultations and Representations

- 3.1 Neighbour/Site Notice – No representations received; views awaited on the re-located boundary fence

18/0357/FULL

4.0 Officer Comments

- 4.1 Application for the erection of a rear single storey extension at the property in order to enlarge the current living accommodation. It is proposed to erect a ground floor flat roof rear extension which would measure 3m in depth, 8.1m in width across the entire back wall of the house to a height of 3m, within 0.2m of the boundary with each neighbour to the side. It would be constructed in off white render with dark grey PPC aluminium glazing and three lantern rooflights.
- 4.2 The application also seeks retrospective consent for the relocation of the rear boundary fence at the property adjacent to a public footpath to include an area of land which measures 3m depth x 10.5m wide. The three neighbouring properties at numbers 19, 21 and 23 have fences that are immediately adjacent to the public footpath whereas the fence at number 17 was originally stepped in with a strip of grass between the footpath and the boundary fence. The ground at the northern end of the garden has been made up to provide a level end to the garden and is now enclosed by the new fence which consists of 1.8m panels on 0.2m gravel boards at the southern lower end of the site and 2.4m total height at the northern end where the ground has been made up.
- 4.3 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan requires that residential extensions should be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Guidance document on Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene.
- 4.4 Policy CP11 of the Adopted Core Strategy relates to quality design and local distinctiveness and states that new development should sensitively connect to the surrounding streets, spaces and communities. Buildings should be well designed to complement the layout through the appropriate use of scale, mass, proportions and materials.
- 4.5 The design of the extension is acceptable in terms of effect on the property and the surrounding area. It is to be constructed in contrasting materials to the house which would create an aesthetically pleasing addition. It would be considered to be in scale and character with the original and other properties within the immediate vicinity and would therefore comply with policy

18/0357/FULL

- 4.6 The retrospective erection of the fence appears as an acceptable feature when viewed from the adjacent footpath as it is now in line with the neighbouring fencing and as such does not appear incongruous. Overall there is no adverse impact on the footpath or adjoining occupiers.

5.0 Conclusions and Recommendations

- 5.1 The extension and re-located fence both comply with the Local Plan and Core Strategy policies and would have no adverse impact on the neighbouring properties in terms of light loss or privacy or affect the footpath adjacent to the newly positioned boundary fence

- 5.2 It is therefore recommended that the application be granted **delegated APPROVAL** subject to no neighbour objections being received before the expiration of the notification period relating to the re-location of the boundary fence and subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan <render completed prior to first occupation>)

Application Reference:	18/0379/WCCR	Date Received:	07/06/2018
Ord Sheet:	383182 277034	Expiry Date:	28/06/2018
Case Officer:	Helen Hawkes	Ward:	Blakebrook & Habberley South

Proposal: The scheme comprises several highway components which collectively will improve the highways infrastructure in the Churchfields area, to the north of Kidderminster town centre (including the demolition of the CMS/Vauxhall Building at Churchfields).

Site Address: LAND ADJACENT TO, ST MARYS RINGWAY (A456) AND, CHURCHFIELDS / BLACKWELL STREET, KIDDERMINSTER

Applicant: Worcestershire County Council

Summary of Policy	CP01, CP03, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP6, SAL.UP7 and SAL.UP9 (SAAPLP) KCA.CC2, CKA.UP3, KCA.UP4 (KCAAP) Sections 1, 7, 12 (NPPF)
Reason for Referral to Committee	‘Major’ planning application (Consultation response - Application to be determined by Worcestershire County Council)
Recommendation	NO OBJECTION

1.0 Site Location and Description

1.1 The application site extends to an area of 3.67 hectares and comprises the northernmost section of the A456 – St Marys Ringway and the immediate surrounding area including, but not limited to, Churchfields, A451/Blackwell Street, Radford Avenue, Horsefair and Clensmore Street. The site contains two car showrooms (CMS Vauxhall and Citron car dealership), a car garage (Kwik Fit) and other commercial premises along Blackwell Street with residential flats above. The surrounding area comprises a mixture of residential and commercial uses. Immediately to the north of the site is a former industrial site, which is currently subject to a separate planning application (18/0285/OUTL) for Outline Consent for up to 270 houses and mixed commercial and office uses, including the conversion of the 1902 locally-listed building. To the south, on the opposite side of the ring road, lies Kidderminster town centre. To the east of the site, on the opposite side of Blackwell Street are commercial premises with residential above and beyond is St. George’s Park. To the west of the site is the Grade I Listed St. Marys and All Saints Church.

18/0379/WCCR

- 1.2 The proposed development seeks to improve the highway infrastructure between Churchfields and Blackwell Street, which in turn will enhance connectivity and accessibility; help to tackle congestion and air quality problems and unlock the delivery of new housing on land to the northwest of the site (which is subject to a current Outline application, which is being considered by your Officers).
- 1.3 The application has been submitted by Worcestershire County Council and will be determined by the County Council.
- 1.4 The proposed highway components are summarised as the following:
 - NEW LINK ROAD - A new one-way northbound road of 96m length and 6.5m width linking the A456 St. Marys Ringway/Blackwell Street Roundabout to Churchfields. There is a 2m width footpath either side of the new link road;
 - BLACKWELL STREET PEDESTRIAN ROUTE TO THE NEW LINK ROAD CROSSING – a new pedestrian link from Blackwell Street to the new Churchfields Link Road is 18.7m in length and 2m wide. This link will provide pedestrian and cycle access to Churchfields avoiding St. Marys Ringway;
 - DEMOLITION OF THE CAR SHOW ROOM – the demolition of the existing CMS / Vauxhall car garage showroom situated on the route of the proposed link road. The demolition is necessary to enable the construction of the new link road;
 - CLENSMORE STREET JUNCTION (ST MARYS ROAD) - Clensmore Street will be extended from where it currently terminates (within a car park) by 12m to create a new junction with the A456 St. Marys Ringway. The extension will comprise a two-way road with a 'left in left out' junction configuration. A 27m diverge taper will form the 'left in' turning from the A456. Junction widening will also take place at Clensmore Street/Churchfields. This will be for vehicles only and not Heavy Goods Vehicles (HGVs) (they will use the new link road). The works will likely result in the replacement of a small section of footpath - which links pedestrian footways to Clensmore Street. The footpath will be removed and replaced with a footway adjacent to the new junction; and
 - REVISED LAYOUT AT HORSEFAIR - The layout at Horsefair will be revised to accommodate a new traffic gyratory and traffic signalised junctions. This will require removing the existing central island and rebuilding to a revised arrangement, whilst retaining the existing car parking spaces. The community art Horse statue and bus stops will require relocation (outside the remit of this planning application).

18/0379/WCCR

- 1.5 As part of the proposed scheme, the highway lighting would be upgraded and lighting improvements would be made to the subway adjacent to St. Mary's Church, which is seen as an important pedestrian route to the town centre. The lighting proposals aim to utilise LED luminaires, which would provide appropriate lighting as well as offer a significant reduction in energy costs and CO2 emissions over the current installation.
- 1.6 The proposed works are planned to begin on site in July 2019 and it is anticipated that the proposed highway improvement works would be completed by December 2020.
- 1.7 There are a number of other highway works proposed, however, these fall under Permitted Development (Town and Country Planning (General Permitted Development), England Order 2015, Schedule 2, Part 9, Class A) and therefore do not require the need for planning permission.
- 1.8 On the 7th June 2018, Wyre Forest District Council were consulted on the application (Worcestershire County Council reference 18/000025/REG3) and this report seeks Members to agree a recommendation for the application.

2.0 Planning History

- 2.1 18/0285/OUTL – Redevelopment to create up to 270 dwellings including the conversion of the 1902 building, creation of up to 670 sqm of mixed use floor space, new points of access, open space and associated works : Awaiting determination.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Recommend approval
- 3.2 North Worcestershire Water Management - No objection to the proposed drainage strategy which includes two options that both utilise sustainable drainage techniques, subject to a condition to agree the final design details of the drainage strategy.
- 3.3 Conservation Officer - No objection to the application but advises that a Heritage Statement should have been submitted with the application.
- 3.4 Arboricultural Officer - Recommend refusal of the application on the grounds that important trees would need to be removed to facilitate the new proposed roundabout and because the development does not include significant green infrastructure as part of the improvements to assist with the pollution issues in the area, and to mitigate for the loss of the trees within the Horsefair.
- 3.5 Countryside Manager - Requested an ecological assessment to be submitted.

18/0379/WCCR

3.6 Planning Policy - Awaiting comments.

4.0 Officer Comments

BACKGROUND INFORMATION/ POLICY CONTEXT

- 4.1 In September 2009 the council were part of the Kidderminster Regeneration Prospectus & ReWyre Initiative which sought to make a commitment to regenerate Kidderminster. Churchfields was identified as one of the key 'action areas'. It is the largest regeneration site in Kidderminster town centre and is a key priority for the District Council.
- 4.2 In September 2011, the Churchfields Masterplan Supplementary Planning Document (SPD) was adopted by the council following extensive public consultation. The vision for Churchfields was to create an "urban village of mixed housing, business and community uses and it was envisaged that the Masterplan area could accommodate in excess of 600 new homes.
- 4.3 The Churchfields Masterplan area has already seen the delivery of 223 dwellinghouses on the former Georgian carpet factory site and the Council is currently considering an application for Outline Consent for up to 270 dwellinghouses including the conversion of the 1902 locally listed building for a mixed commercial/office and residential use and a range of open spaces.
- 4.4 As part of the preparation of the Masterplan, research was undertaken to explore new highway improvements in order to address the poor quality infrastructure in the area which has created significant congestion and air quality problems. One of the preferred options was to make Blackwell Street one way and to introduce a new access to Churchfields from the ring road, which is being proposed in this application. I therefore consider that the proposed development is consistent with the Masterplan SPD.
- 4.5 In 2011, the Worcestershire County Council's Local Transport Plan 3 (LTP3) was published, which provided the policy and strategy context for major transport projects in the County up until 2026. The proposed highway works between Churchfields and the Horsefair was one of the projects identified in LTP3. In 2017, the Worcestershire's Local Transport Plan (LTP4) was adopted, which focuses on supporting growth through the delivery of an efficient transport network, whilst minimising the impact of transport on the environment. LTP4 includes a Delivery Area Strategy for Wyre Forest, which includes works to the ring road to tackle congestion and poor air quality.

18/0379/WCCR

- 4.6 The Kidderminster Central Area Action Plan (KCAAP) is also a key material consideration for this application. The KCAAP was adopted by the council in July 2013, following consultation and engagement including an Examination in Public in January/ February 2013. It is advised that the overall objectives for Sustainable Transport in the KCAAP area is to improve the links between the town centre and Churchfields and to improve pedestrian and cycle connectivity around the town. I consider that the proposed improvements to the highway infrastructure would improve and enhance the use of the ring road and improve access to Churchfields and reduce traffic congestion through the Horsefair and Churchfields. I therefore consider that the development would accord with Policy KCA.CC2 (Sustainable Transport) of the KCAAP.
- 4.7 Policies KCA.UP3 (Ring Road Framework) and KCA.UP4 (Ring Road Character Areas) of the KCAAP seek to re-design elements of the ring road to improve it both aesthetically and functionally. The proposed highway components would improve connectivity and the pedestrian environment, in accordance with these policies.
- 4.8 The National Planning Policy Framework also encourages proposals for improvements to highway infrastructure which supports reductions in greenhouse gas emissions and reduce congestion. I therefore consider that the development accords with all relevant national and local planning policies.

IMPACT ON HERITAGE ASSETS

- 4.9 The only heritage asset that is located within the application site is a section of pavement on Union Street, which comprises a rare surviving example of 19th century pavement blocks and cast-iron edging. It is included on the Wyre Forest District Council Local Heritage List for Kidderminster and is therefore a non-designated heritage asset. The Council's Conservation Officer has raised no objection to the application but recommends a condition to be attached to require appropriate recording of this pavement and edging on Union Street, as well as other areas within the site boundary, such as the car park and churchyard adjacent to St. Mary's Church; Horsefair (currently site occupied by short stay car park); Route of new road over Dudley Street, which all may have potential for archaeological remains.
- 4.10 The Conservation Officer also highlights that the proposed highway works and provision of on-street parking would have positive benefits for the businesses on Blackwell Street and that this in turn would result in the historic building stock being better maintained.
- 4.11 I concur with the view of the Conservation Officer and consider that the proposed development would improve the public realm around the non-heritage buildings that are on the Wyre Forest District Council's Local Heritage List for Kidderminster, for example at Nos. 5 and 6 Horsefair and The Old Peacock public house. I am therefore satisfied that the development would make a positive contribution to the local character and conservation of these non-heritage assets.

18/0379/WCCR

DRAINAGE

- 4.12 The application is accompanied by a Flood Risk Assessment/ Drainage Strategy which sets out that two alternative drainage strategies could be developed as part of the detailed design phase. The North Worcestershire Water Management Officer has advised that both options would utilise sustainable drainage techniques and provide benefits in terms of the quantity and quality of surface water runoff. No objection is therefore raised and I concur with this view, subject to a condition to secure the final design details of the drainage strategy.

IMPACT ON TREES AND ECOLOGY

- 4.13 The Arboricultural Officer has recommended refusal on the grounds that the development would require the removal of 3 (Category B1) highway trees to facilitate the revised road layout of the Horsefair. Whilst I recognise that the development would result in the loss of trees and that no mitigation has been put forward in this application, I consider that a suitable condition can be recommended to ensure replacement trees are provided within the public realm. A number of benefits of the scheme have also been identified in the next paragraph which would offset the loss. The site is not designated for its ecological value but should be supported by a preliminary ecological appraisal as recommended by the Countryside Manager. Additional information is being sought from the County Council in respect of tree losses and replanting. Overall, the benefits in any event outweigh any harm.

BENEFITS OF THE SCHEME

- 4.14 The proposed development would bring a number of social and economic benefits to the area as it would help to make Churchfields more accessible, thus helping to deliver housing and economic growth in this location. The improvements to existing footpaths, the provision of new footpaths and cycleways, new green infrastructure and the upgraded road network would all help to promote more sustainable means of travel, which is a key objective of the Kidderminster Central Area Action Plan and the National Planning Policy Framework, and is also an environmental benefit. Other environmental benefits that would derive from this development would be the reduction in traffic congestion and the improvements to air quality.

18/0379/WCCR

5.0 Conclusions and Recommendations

- 5.1 Taking account of the social, economic and environmental benefits of the proposed development I consider that, with appropriate planning conditions attached, it would represent sustainable development. I suggest a condition to increase green infrastructure in the area would significantly improve the public realm and would offset the loss of the trees.
- 5.2 It is therefore recommended that the District Council should raise **No objection** and recommend that the application is Approved, subject to the imposition of the following conditions:
1. Archaeological recording of the: Pavement Union Street Ref: LLK376; Car park and churchyard wall adjacent to St. Mary's Church; Horsefair (currently site occupied by short stay car park); and Route of new road over Dudley Street (as specified by Worcestershire Archive and Archaeology Service)
 2. Details of a drainage strategy
 3. Details of a landscaping scheme, to include replacement tree planting.

WYRE FOREST DISTRICT COUNCIL

Planning Committee

10 July 2018

PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1489 17/0730/ENF	APP/R1845/C/17 /3188932	Mr M Fentiman	TROUGH OFF HABBERLEY ROAD BEWDLEY DY121LD Unauthorised construction of a dwelling, domestic curtilage and associated garden building (Enforcement Case 17/0053/ENF)	WR 29/11/2017	03/01/2018			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1490 17/0186/TREE	APP/TPO/R1845/6243	MR PAUL YEO	1 COMBERTON GARDENS KIDDERMINSTER DY103DB Pollard Lime Tree	HE 03/01/2018	07/02/2018			
WFA1492 16/0441/FULL	APP/R1845/W/1 7/3189794	P & J Lawley	LAND AT WHYTEHOUSE FARM GREENWAY ROCK KIDDERMINSTER 20 starter homes and other ancillary works	WR 02/02/2018	09/03/2018			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1496 16/0003/OUTL	APP/R1845/W/1 8/3196468	Miller Homes	LAND SOUTH OF STOURBRIDGE ROAD KIDDERMINSTER Outline planning application for a residential development of up to 100 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. Detailed approval is sought for access, with all other matters	LI 15/03/2018	19/04/2018	10/05/2018		
WFA1497 17/0380/FULL	APP/R1845/W/1 8/3193886	MR RALPH ROUND	VACANT PLOT THURSTON COURT SEVERN SIDE SOUTH BEWDLEY DY12DX New Dwelling	WR 29/03/2018	03/05/2018			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1499 18/0003/FULL	APP/R1845/D/18 /3202043	Mr M Eaton	13 SPRINGHILL RISE BEWDLEY DY121EA	WR 12/06/2018				
			Two storey side extension, along with associated dropped kerb, driveway and parking area					
WFA1500 18/0198/FULL	APP/R1845/D/18 /3203667	MR D CLARK	BADGERS COTTAGE TANWOOD LANE CHADDESLEY CORBETT	WR 18/06/2018				
			Demolition of single storey extension and construction of two storey extension					
WFA1501 18/0138/FULL	APP/R1845/W/1 8/3202393	MR M SIMMONDS	LAND ADJ. 3 BLAKESHALL LANE WOLVERLEY KIDDERMINSTER	WR 19/06/2018				
			Proposed detached bungalow					