

Open

Planning Committee

Agenda

To be held remotely
6pm
Tuesday, 20th October 2020



Planning Committee

Members of Committee:

Chairman: Councillor C Edginton-White
Vice-Chairman: Councillor C J Barnett

Councillor J Aston

Councillor A Coleman

Councillor M J Hart

Councillor F M Oborski MBE

Councillor J W R Thomas

Councillor V Caulfield

Councillor P Harrison

Councillor L J Jones

Councillor C Rogers

Councillor L Whitehouse

Information for Members of the Public: -

If you have any questions regarding the agenda or the attached papers, please do not hesitate to contact the officer named below.

The meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting. Where a meeting is held remotely, "open" means available for live or subsequent viewing.

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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 prior to 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.

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.

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

To be held remotely

Tuesday, 20th October 2020

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 15 th September 2020.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

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

Not open to the Press and Public

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

PLANNING COMMITTEE

HELD REMOTELY

15TH SEPTEMBER 2020 (6PM)

Present:

Councillors: C Edginton-White (Chairman), J Aston (Vice-Chairman), C J Barnett, V Caulfield, S J Chambers, P Harrison, M J Hart, L J Jones, F M Oborski MBE, C Rogers, J W R Thomas and L Whitehouse.

Observers:

Councillors: J F Byng and K Henderson.

PL.21 Apologies for Absence

There were no apologies for absence.

PL.22 Appointment of Substitutes

No substitutes were appointed.

PL.23 Declarations of Interests by Members

Councillor F M Oborski MBE declared Other Disclosable Interest (ODI) in application 20/0454/FUL that she lived in the same road as the property but that it was of a distance that it had no impact directly on her property and she would stay in the meeting.

PL.24 Minutes

Decision: The minutes of the meeting held on 18th August 2020 be confirmed as a correct record of the meeting and signed by the Chairman subject to the following:

Declaration of Interest made by Councillor M J Hart be amended to 'Councillor M J Hart declared for transparency, in respect of application 20/0385/FUL that he was a Member of the Overview and Scrutiny Sub Committee that looked at the proposed business case. He stated that any support given was in respect of the business case and he had made no comment in respect of the planning matter or indeed of the merits of the location. He would judge the application on its merits or otherwise.'

PL.25 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No.588 attached).

Agenda Item No. 4

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No. 588 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 7:09pm

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

15th September 2020 - Schedule 588 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 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: 20/0405/FUL

Site Address: Oak Meadow Farm, Honeybrook Lane, Kidderminster

REFUSED for the following reasons:

1. The proposed development by virtue of the alterations to the building to enable its conversion into residential use would have a significant detrimental effect on the fabric, character and setting of the building, contrary to Policy CP12 of the Wyre Forest District Adopted Core Strategy and Policy SAL.UP11 of the Wyre Forest District Adopted Site Allocations and Policies Local Plan.
2. The proposed development would result in inappropriate development in the Green Belt and harm to the openness and landscape character, due to the creation of a new vehicular access and driveway and the need to remove hedgerows along the road frontage, contrary to Policies SAL.UP1 and SAL.UP11 of the Wyre Forest District Adopted Site Allocations and Policies Local Plan and Paragraphs 170 and Section 13 of the National Planning Policy Framework.
3. The loss of hedgerow and trees to provide a new access and driveway would adversely impact wildlife, and insufficient ecological mitigation and enhancement measures have been submitted, contrary to Policies CP14 of the Wyre Forest District Adopted Core Strategy, Policies SAL.UP5 and SAL.UP11 of the Wyre Forest District Adopted Site Allocations and Policies Local Plan and Paragraphs 170 and 175 of the National Planning Policy Framework.
4. The proposed access arrangements would result in an unacceptable impact on highway safety by reason of siting, inadequate visibility and road speeds on the A442 Kidderminster – Bridgnorth Road, contrary to Policy CP03 of the Wyre Forest District Core Strategy and Paragraphs 108 and 109 of the National Planning Policy Framework.

Application Reference: 20/0454/FUL

Site Address: 11 Osborne Close, Kidderminster, DY10 3YY

DEFERRED for site visit.

Application Reference: 20/0565/HOU

Site Address: 9 Beauchamp Avenue, Kidderminster, DY11 7AH

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. B01A (Materials to be approved)
3. Surface Water Drainage condition

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
20/0500/FUL	14 Lenchville Kidderminster Worcestershire DY10 2YU	Approval	12

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
20/0077/FUL	Former Rock Works Park Lane Kidderminster Worcestershire	Delegated Approval	24
20/0508/RES	Churchfields Business Park Churchfields Kidderminster Worcestershire DY10 2JL	Delegated Approval/Refusal	37
20/0454/HOU	11 Osborne Close Kidderminster Worcestershire DY10 3YY	Note the decision to defer the application and postpone the Committee site visit	60

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

20 October 2020

PART A

Application	20/0500/FUL	Date	30.06.2020
Reference:		Received:	
Ord Sheet:	384027 278098	Expiry	25.08.2020
		Date:	
Case Officer	Helen Hawkes	Ward:	Broadwaters

Proposal: **Erection of bungalow with vehicular access from Pitt Street**

Site Address: **14 Lenchville, Kidderminster, Worcestershire, DY10 2YU**

Applicant: **Mr T Gallagher**

Summary of Policy	DS01 CP01 CP02 CP03 CP11 CP12 CP14 (WFCS) DPL1 CC1 CC2 CC7 UP5 UP7 UP9 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Committee Referral	Ward Councillor and Third party have registered to speak at Committee
Recommendation	Approval

1.0 Planning History

1.1 19/0308/FULL - Erection of 1 dwellinghouse, including associated parking and vehicular access from Pitt Street: Approved 12.12.19

2.0 Consultations and Representations

2.1 Kidderminster Town Council – Object to the application as the development blocks the access to existing properties.

2.2 North Worcestershire Water Management Officer – No objection. I provided pre-application advice for this site and commented upon application 19/0308/FULL. In both responses I requested surface water drainage details

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to be submitted as part of the application so we can feel certain that the proposed development will not worsen the surface water flood risk already identified for part of the site and the direct vicinity. These details were not submitted with application 19/0308/FULL; instead a drainage condition regarding the submission of surface water drainage details was attached (condition 14).

The current application details again on the application form that surface water will discharge to the surface water sewer. As per my comments upon application 19/0308/FUL, to comply with Building Regulations discharge via infiltration needs to be ruled out first before discharge to a surface water sewer can be considered.

As application 19/0308/FULL was approved without further details being submitted, logically the same will happen for the current application. I therefore request that the same detailed surface water drainage condition gets attached:

"No works in connection with site drainage shall commence until a scheme for surface water drainage for all impermeable areas, including hardstanding areas, has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used, then the plan shall include the details and results of field percolation tests. If soakaway drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. Calculations shall be submitted that demonstrate that the proposed site drainage will not result in an increase in runoff from the site compared to the pre-development situation up to the 1 in 100-year event plus an allowance for climate change."

- 2.3 The Countryside and Parks Manager – No objection however we would need to condition the details of the proposed fencing to ensure it does not impact badger movement post and during the development and we also require a robust Construction Environmental Management Plan to ensure no harm to the protected species during the development process. A Natural England Development Licence and a robust Construction Environmental Management Plan will be required.
- 2.4 Severn Trent Water – No objection and recommends an informative to be attached to make the applicant aware that there may be a public sewer running across the site.
- 2.5 Natural England – No objection and recommends that the Local Planning Authority assess the impacts on protected species by using their Standing Advice Note.
- 2.6 WCC Archaeologist – No archaeological concerns or issues.
- 2.7 Conservation Officer – No objection. The application does not impact on any recognised undesignated heritage assets.

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- 2.8 Highway Authority – No objection. It is noted that there is an extant permission on this site for a 2no. bedroom dwelling house (19/0308/FULL) with a similar parking layout for 2 vehicles however the existing gate at the access has been removed from the proposed plan. Any amendments to the existing kerb line to facilitate access will need to be carried out by WCC contractors Ringway as per the note below and it would be preferable for the cycle parking to be separate from the bins and the provision should be sheltered as well as secure and accessible which is not clearly shown. The Highway Authority has undertaken a robust assessment of the planning application and concludes that there are no justifiable grounds on which an objection could be maintained.
- 2.9 Highway Authority (Further comments) – I have provided a Location Plan showing the highway limits in green which corresponds with the submitted details. There is an extant permission on this site (19/0308) which means that a development can go ahead anyway, and it could be said that the current application, being a bungalow and without electronic gates is possibly a better proposal.

Neighbour/Site Notice Representations

5 letters of objection received from neighbouring occupiers including 2 letters from the same person and 1 letter with a Petition (with 39 signatures) against the development. The comments received can be summarised as follows:

- Affect local ecology including badgers, foxes, bats, hedgehogs, mice and many birds.
- General dislike of proposal.
- Increase traffic in an area that already experiences regular traffic queues associated with the development on Sion Hill.
- Add to parking congestion and is likely to result in vehicles parked outside the development on Pitt Street which will block driveways and prevent cars from turning, forcing them to reverse down Pitt Street as far as Chapel Hill, a difficult and dangerous task when cars are parked on the road and pavement.
- Increase risk of road accidents and damage to cars and front boundary walls on Pitt Street.
- Construction traffic will cause disruption to traffic flow and parking congestion on Pitt Street.
- It is unclear from the plans whether the site entrance will intrude onto or obstruct the existing driveway of 69 Pitt Street.
- Impact on the standard of living of established residents due to insufficient access and parking.
- The site plan shows a driveway that at present does not exist as it is intended to build the driveway by creating a new retaining wall and extending the site levels out adjacent to No. 69.
- The new retaining wall may impact the safety of 14 Lenchville.
- No space for contractor's vehicles to park on site.

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- Inadequate access for residents of new bungalow and for large vehicles.
- Surface water runoff issues.
- Increase of pollution.
- Impact on tree adjacent to gated entrance.
- Loss of privacy.
- Over development.
- Creeping development as the applicant had installed a gate to allow vehicular access onto the site before applying for planning permission.
- Damage to side boundary wall and adjoining property at 1 Pitt Street.
- Development may generate interest to further develop the other rear gardens down Lenchville.
- Social issues impacting on the rights of existing residents to a safe and pleasant living environment.
- It is requested that restrictions are placed on any decision notice if approved to prevent further development rights on the building to make it any bigger or taller, and also to prevent the construction of any raised decking, which could result in overlooking issues to neighbouring residents.

3.0 Site Location and Description

- 3.1 The application site relates to a rectangular shaped parcel of land that formed part of the rear garden to 14 Lenchville, however, has since been separated by a fence and is now unused garden land. A garage is located centrally with dense scrub dominating the northern section of the site and there are also scattered trees within the site. The ground levels are flat in the southern section and then slope up towards the northern boundary. The site also includes a gated entrance to Pitt Street, which lies to the east of the site and the remaining eastern boundary comprises a brick wall which is shared with the residential properties at 1 and 69 Pitt Street.
- 3.2 The site is located between Pitt Street and Lenchville, which is a short residential cul-de-sac off Sion Hill. Pitt Street comprises a residential cul-de-sac with two road ends, which is accessed from Chapel Hill via Stourbridge Road and comprises a mixture of bungalows, semi-detached and detached dwellings as well as two Churches. The surrounding area is predominantly residential in character and the site lies in the north-eastern fringe of Kidderminster, within an area known as Broadwaters.
- 3.3 The application is for the erection of a bungalow and represents a resubmission of a previously approved scheme which was granted planning permission in December 2019 for the erection of a two-storey dwellinghouse under application 19/0308/FULL.
- 3.4 The only difference between this application and that approved is the substitution of house type and a reduction in the proposed residential plot size.

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- 3.5 The proposed bungalow would be positioned in line with the existing dwellinghouse at 1 Pitt Street, and would be set approximately one metre from the party wall shared with 1 Pitt Street. Access to the site would be gained from Pitt Street and the front of the site would be extended by raising the ground level and constructing a new embankment between 14 Lenchville and 69 Pitt Street. Internally, the proposed bungalow would have a side entrance leading to a hallway, with two bedrooms to its front, a large bathroom suitable for disabled access and an open plan kitchen and lounge to its rear. The size of the gross internal space within the bungalow and bedroom sizes would accord with the Nationally Described Space Standards. Two car parking spaces (200% parking provision) would be provided on the front driveway of the site. It is also proposed to reposition the existing brick pier 1 metre south which would protect the existing tree fronting 1 Pitt Street and a betterment to the turning head at this end of Pitt Street. The eastern side boundary wall is to remain.
- 3.6 The application has been supported with an Ecological Statement and a Badger Survey.

4.0 Officer Comments

- 4.1 This application represents a resubmission of a previously approved scheme with the only difference being made into the previous development is the substitution of the house type from a two-storey, three bed dwellinghouse to a two-bed bungalow and the reduction of the proposed residential plot size.
- 4.2 The main considerations are therefore whether there have been any fundamental changes to planning policy or to the site circumstances since the previous application was approved by the Planning Committee in December 2019 and whether the change in house type and plot size would result in a detrimental impact on the character of the area, on residential amenity, highway safety, biodiversity and trees.

PRINCIPLE OF DEVELOPMENT

- 4.3 National Planning Policy Framework (the Framework) emphasises that small sites can make an important contribution to meeting the housing requirement of an area, and that great weight should be given to the benefits of using suitable sites within existing settlements for homes, such as windfall sites. Although the site is a greenfield site, having been part of the rear garden to 14 Lenchville, it is considered to be a suitable site for housing given that it falls within the urban area of Kidderminster with good accessibility to local shops and services and would broadly accord with Policy SAL.DPL1 'Sites for Residential Development' of the Adopted Site Allocations and Policies Local Plan.

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- 4.4 There have been no changes to local or national planning policy since the previous application was approved. The overall principle and acceptability of residential development on this windfall site has previously been agreed by virtue of the extant planning permission. This being the case, the principle of development for this current application has already been established and should not be reassessed as part of this application.

IMPACT ON LOCAL CHARACTER AND RESIDENTIAL AMENITY

- 4.5 In respect of the substitution of house type, it is recognised that the immediate surrounding area includes bungalows. The proposed development would provide an acceptable plot size to accommodate adequate parking provision and outdoor amenity space and would not appear as an over-development of the site. Therefore, the proposed bungalow would relate well to its context and would not have a detrimental impact on the character and appearance of the local area.
- 4.6 Internally, the bungalow would provide an acceptable room layout and sizes and the rear garden would provide an acceptable outdoor amenity space that is useable and appropriate in size in relation to the size of the accommodation proposed and its intended occupiers.
- 4.7 The applicant has confirmed that the proposed bungalow would have a finished floor level 0.6 metres higher than the previously approved dwelling to reduce the amount of excavations required and I do not consider that this change in finished floor level would result in any additional adverse impacts on the adjoining residents in terms of overlooking or overshadowing than the previous approved scheme, which was for a two-storey dwellinghouse. Furthermore, the overall height of the bungalow is 4.9 metres, which is a reduction in height of 3.7 metres from the previous application. I believe that this amended scheme would result in a betterment for the occupiers of 1 Pitt Street as it would retain an outlook across the site from their main side entrance.
- 4.8 The proposed bungalow would project beyond the rear elevation of 1 Pitt street by 1.9 metres and complies with the 45-degree code. I therefore consider that the proposed development is unlikely to result in any undue impact on the amenity of the existing occupiers of 1 Pitt Street. The development would also be positioned a sufficient distance from the neighbouring properties at 14 Lenchville and 69 Pitt Street to ensure no loss of privacy and daylight/sunlight.
- 4.9 The proposed development would therefore accord with Paragraph 127(f) of the Framework which seeks to ensure new developments should provide a high standard of amenity for existing and future users.

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PARKING AND HIGHWAY SAFETY

- 4.10 Concern has been expressed by neighbouring and surrounding residents about the existing parking problems within Pitt Street and how this development in their view would result in further parking congestion on Pitt Street to the detriment of highway safety, access to existing properties and restrict access for emergency vehicles. Kidderminster Town Council have also objected to the application on the grounds that the development would block driveways of nearby dwellings.
- 4.11 From my site visit, it is obvious that there is limited on-street parking on Pitt Street mainly due to existing properties having inadequate parking provision for their own vehicles including work vehicles and the additional parking pressure caused by people attending the two Churches on Pitt Street, as well as the extent of dropped footway kerbs that have been introduced in the street.
- 4.12 Whilst there are ongoing concerns about parking congestion, I believe this is an existing problem and I do not consider that this development would lead to any significant increase in parking congestion to result in an unacceptable impact on highway safety. Also, this proposal is for a smaller house type compared to the extant planning permission, which was for a three-bedroom dwelling, and therefore this proposal is likely to generate less vehicle movements and parking requirements.
- 4.13 Two car parking spaces would be provided which accords with the parking standards set out in WCC Streetscape Design Guide and the submitted plans show that the site has an adequate turning area to ensure cars can turn within the site and leave in a forward gear. Any visitors to the site would need to find a car parking space on the adjoining roads in the same way as any other visitor to a property in Pitt Street and any obstruction to a driveway or to Pitt Street would be a Police matter.
- 4.14 The Highway Authority have undertaken a robust assessment of this revised planning application for a bungalow and conclude that the proposal is not contrary to Paragraph 109 of the National Planning Policy Framework and that there are no justifiable grounds on which an objection could be maintained.
- 4.15 I therefore consider that there are no planning reasons to warrant a refusal of the application on highway issues. I have attached the same planning conditions as per the previous approved application to ensure the parking and turning areas are provided on site. In addition, in order to address concerns raised by residents about the potential increase in parking congestion in Pitt Street and the delivery of large vehicles during the construction phase, a condition is attached to require a construction environmental management plan to be submitted and agreed by the Local Planning Authority and this will ensure no mud or debris is deposited on the road; agreement of site operative parking areas; material storage; hours of delivery vehicles; and the arrangement of unloading and manoeuvring of delivery vehicles.

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BIODIVERSITY

- 4.16 Paragraph 170 of the Framework advises that planning decisions should ensure that developments minimise impacts on and provide net gains for biodiversity and Paragraph 175 applies a hierarchy to be applied when determining planning applications that would give rise to significant harm to biodiversity. This includes to first seek to avoid significant harm, then to adequately mitigate, or, as a last resort, compensate before recommending refusal of the application. Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan is consistent with the approach set out in the Framework.
- 4.17 The previous approved application was submitted with a supporting Preliminary Ecological Appraisal (PEA) which noted that part of the site could not be accessed due to the presence of dense scrub, however it was recognised that the site had the potential to be suitable for protected species. The Countryside and Parks Manager was satisfied that a competent survey had been carried out for protected species in the previous approved application and was satisfied with the recommendations made in the report to require a walkover of the site by a suitably qualified Ecologist prior to site mobilisation to determine the status of badger within the proposed development area.
- 4.18 During the consideration of this current application, a main badger sett was found to be present during a site visit made by the Case Officer and that there was a well-worn pathway through the bramble scrub leading out into the adjacent gardens. Subsequently, a Badger Survey was commissioned by the applicant where it was found that the site contained a main sett with at least 5 entrances exhibiting evidence of current usage.
- 4.19 The proposed bungalow would occupy the southern third of the existing disused garden and would be positioned a sufficient distance (30 metres) from the main sett. The proposed rear garden would be located just to the north of the bungalow but would be sited approximately 20 metres from the closest active badger sett entrance. The submitted details show that the area surrounding the active badger sett would be left in a natural state and would be separated from the proposed bungalow and associated garden by an appropriate fence.
- 4.20 The survey report concluded that the construction of the bungalow and the associated garden would not lead to the destruction of the badger sett. It has also been confirmed that in the long term, the occupancy of the proposed bungalow and use of the rear garden would not adversely impact the primarily nocturnal mammal, given that the sett is already surrounded by residential properties and is likely to already be accustomed to a significant amount of human presence and associated noise and activity.

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- 4.21 A number of precautionary working methods and appropriate mitigation measures have been recommended in the survey report to ensure that the development does not impact upon the active sett or hinder the foraging area, movement or commuting paths for this protected species during the construction phase and post development. The mitigation includes the retention of a pathway along the eastern edge of the proposed construction area to ensure that badgers can still move outwards into adjoining gardens and further afield into areas of greenspace and for all excavation holes to be covered outside of construction working hours.
- 4.22 The Countryside and Parks Manager and the WCC Ecologist have confirmed that it is standard practice to retain and protect badger setts inside a development and that subject to the recommended precautionary working methods and mitigation measures, the proposed development is unlikely to cause harm to this protected species. It is also advised that a Natural England development licence will be required.
- 4.23 Also, during this application an Ecology Statement was submitted in respect to the potential impacts on dormice, hedgehogs and nesting birds. It has been advised that the site is unlikely to have dormice given its urban setting but that there could be potential foraging and hibernation habitats for hedgehogs and that it is recommended that all vegetation clearance/removal should be undertaken in a sensitive manner to avoid harming small mammals (including hedgehog) and that all site clearance works should be undertaken when hedgehogs are more likely to be active (between March and October inclusive). It is also recommended that any open pipework and excavations should be covered overnight to prevent animals entering/becoming trapped. Also, that all vegetation clearance should be undertaken outside the nesting bird season. The Countryside and Parks Manager has verbally agreed with the findings of this statement and the mitigation measures recommended.
- 4.24 To conclude, the application site is over 75 metres in length and I am satisfied that there is sufficient space to accommodate the bungalow and needs of the future occupiers as well as setting aside land to the rear of the site for the badger sett to ensure it is protected long term. I also consider that suitable conditions can be attached to avoid and minimise harm to any other protected species. I therefore consider that the development would accord with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170 and 175 of the Framework.

TREES

- 4.25 In terms of impacts on trees, I note that there is an existing tree located within the front garden of 1 Pitt Street, which overhangs the access point into the application site. The Council's Arboricultural Officer has considered the application and impact on this tree and has raised no objection. I consider that the proposed development can be undertaken without any harm to this tree during the construction phase.

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FLOODING RISK AND DRAINAGE

- 4.26 The site falls within Flood Zone 1 (low risk) and the North Worcestershire Water Management Officer and Severn Trent Water raise no objection to the application, subject to a condition to require a scheme for surface water drainage to be submitted. I concur with these views and have recommended a condition accordingly. The development would therefore accord with Policy CP07 of the adopted Core Strategy, Policy SAL.CC7 of the adopted Site Allocations and Policies Local Plan and Paragraph 108 of the Framework.

OTHER MATTERS

- 4.27 I note the concerns raised by the adjoining occupier over the side boundary brick wall. The applicant has confirmed that the side boundary wall would be retained as part of the development. I am satisfied that there is unlikely to be any damage to the structure of this wall given that the bungalow has been set away from the wall. However, if structural damage does occur then this would be a civil matter, outside of the remit of planning and would fall into the Party Wall Act 1996.
- 4.28 A neighbouring resident has requested that restrictions are placed on the decision notice, if minded to approve, to prevent further development rights on the building to make it any bigger or taller, and also to prevent the construction of any raised decking in order to protect their privacy. I have recommended a condition to remove permitted development rights that fall within Classes A and AA to prevent any enlargements of the bungalow in the future. Any raised decking above 0.3 metres would require planning permission, I therefore do not consider it necessary to attach a condition concerning raised decking.

5.0 Conclusions and Recommendations

- 5.1 The application site was considered to be suitable for housing in the extant planning permission for a family size house that was considered by Members in December 2019. Therefore, the principle of residential development on this windfall site within the urban area of Kidderminster is firmly established.
- 5.2 I am of the view that the proposed development can be delivered in a sensitive manner which would not adversely impact the built and natural environment or significantly add to parking congestion to warrant a refusal of the application. Appropriate mitigation measures have been agreed to avoid harm to the main badger sett whilst also maintaining an acceptable rear garden for the future occupiers of the proposed bungalow. Conditions are also attached to avoid and minimise harm to any other protected species. The application would make an important contribution to the District's supply of two-bed bungalows and would accord with the Development Plan and the Framework.

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- 5.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (samples/details of materials)
 4. Site and Finished Floor Levels
 5. Landscaping Scheme and Implementation
 6. Details and implementation of fencing to separate badger sett from rear garden and to ensure the type of fencing does not restrict badger movement to existing commuting paths
 7. Provision of a minimum of 2 bird and bat boxes
 8. External lighting details
 9. Implementation of recommended working methods/mitigation measures to ensure no harm to protected species
 10. Removal of Permitted Development Rights for extensions, windows and enlargements of the bungalow including upward roof extensions
 11. Scheme of surface water drainage strategy
 12. Access, turning area and parking facilities including cycle parking to be provided
 13. Construction Environmental Management Plan to avoid harm to highway safety and protected species during the construction phase

Notes

- A Severn Trent Water
- B Natural England Development Licence
- C Ringway Infrastructure Service to carry out all highway work.

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Economic Prosperity and Place Directorate

14 Lenchville Kidderminster Worcestershire DY10 2YU

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PART B

Application 20/0077/FUL
Reference:
Ord Sheet: 382812 276671

Date 31.01.2020
Received:
Expiry 27.03.2020
Date:
Ward: Blakebrook And
 Habberley South

Case Officer Helen Hawkes

Proposal: Alterations and conversion of part of existing building to 22 Apartments including roof extension and front and rear balconies

Site Address: Former Rock Works, Park Lane, Kidderminster
Applicant: Rob Whitehouse And Sons

Summary of Policy	CP01 CP02 CP03 CP11 CP12 CP14 (WFCS) DPL4 CC1 CC2 CC7 UP5 UP6 UP7 (SAAPLP) CC1, CC2, UP1, KCA.WG1 (KCAAP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Committee	'Major' Planning Application
Recommendation	Delegated Approval

1.0 Planning History

1.1 WF/0736/86 – Car Parking and Vehicular Access in association with Rock Works: Approved 10.12.1086.

2.0 Consultations and Representations

2.1 Kidderminster Town Council – No objection.

2.2 Arboricultural Officer – No objection.

2.3 Highway Authority - No objection subject to condition. Further to the deferral comment, it is noted that the application has been amended to 22 apartments with no parking and the steps at the side of the building which lead from Park Lane to Hill Street are no longer included in the proposal. Whilst the storage areas on the ground floor with roller shutter doors are to be retained, the existing dropped kerbs should be re-instated to full height kerb to ensure to prevent vehicular use. It is acknowledged that the site location has sustainable credentials being within easy reach of town centre facilities and retail parks plus public transport links and public car parking and there are some parking restrictions in place on Park Lane to prevent displacement parking. Cycle parking

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is to be provided and further details will be required to ensure conformity with standards. A Welcome Pack will be required by condition to promote sustainable travel options to future residents. The Highway Authority has undertaken a robust assessment of the application and concludes that there are no grounds upon which an objection can be maintained.

- 2.4 Countryside and Parks Manager – No objection. The site has a limited potential to support other notable species so it would be good to obtain some comfort that none are present. Similarly, the bat assessment is a little old. A condition is recommended to require an updated ecological report to be undertaken and to secure replacement roost measures in the proposed extension.
- 2.5 Conservation Officer – No objection. The former Rock Works is an undesignated heritage asset include don the Local Heritage List for Kidderminster ref: LLK274. The applicant has provided a considerable amount of detail and research into the history of the building which was built in two main phases: 1884 and 1927. Both phases are typical of the industrial architecture of the times, like other carpet manufacturing buildings in Kidderminster, some of which exist today. The 1884 building was designed to produce chenille carpet and appears to have been the first building on that site. It was built on the south side of an historic flight of steps running from Park Lane to Brussels Street, connecting factory buildings and workers houses beyond. These steps are shown on the 1884 map, but the 1884 building is not. To the north of the 1884 building was a row of houses which probably dated from the late 18th century and formed a row with the pub (Horn and Trumpet), now flats. These are shown on the 1926 Ordnance Survey and had a patch of sloping ground behind them. These houses were cleared in 1927 and the factory extended almost to the Horn and Trumpet. The historic staircase appears to have been dismantled and reconstructed on its present site, to retain a connection between Park Lane and Mount Skippet, terminating at Hill Street. The staircase incorporates part of the garden wall of the pub, a listed building. The 1943 Goad insurance map indicates that production had moved to the 1927 building whilst the original 1884 building was by then used for storage and offices. The tunnels dug into the hillside which are a feature of the 1927 building are NOT shown on this map as they may have served as air-raid shelters or for other civil defence purposes. As such these are an important feature of the site. It appears the building has been largely disused since the 1970s, and as such has survived reasonably well, although now the structure has deteriorated considerably with water ingress compounded by vermin (pigeons) causing rot to the timber elements of the structure. Some interesting features remain within the building including an enormous ruler (presumably to measure lengths of carpet). Such features should be photographically recorded in situ before any works to convert the buildings commence. The primary local interest of the building is its survival as part of a much larger carpet manufactory and its historic associations with that industry over the past 135 years. The building is a dominant feature of views towards Mount Skippet from several vantage points around the town including from the Grade I listed St Mary's Church, The Staffordshire and Worcestershire Canal Conservation Area, Church Street Conservation Area and the ring road. The proposal to retain the building and to repair it and bring it into full and beneficial use is thus to be welcomed, as it will preserve one of Kidderminster's landmark structures.

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Architecturally the building presents two quite different styles, reflecting the industrial vernacular of the late 19th century and demonstrating how technological progress both in the machinery used in carpet production and the buildings required to house this changed in the space of less than 50 years. A comparison between the as existing drawing 1804-104C and the as proposed drawing 1804-105D best illustrates the visual impact of the proposals. Essentially the rhythm of the existing fenestration is retained, with glazed structures replacing parts of the pitched roof structure on the 1884 building and the north lights on the 1927 building.

I have no objections in principle to a modern design being incorporated into the historic building; this has been successfully achieved elsewhere in the town eg: Piano Building, Slingfield Mill, Kidderminster Town Hall. I consider that the significance of the building is largely related to its former industrial usage and the history of the site in that use, which has been well documented already, and the architectural expression of that use, which will be largely retained in the proposed development.

Whilst, clearly, the internal spaces will be radically altered to provide the 22 flats proposed these spaces can be photographically recorded prior to subdivision and this will, I feel, suffice to mitigate any harm to the significance of the building.

- 2.6 Principal Housing Officer - This site attracts Vacant Building Credit and calculations show that it does not need to include any affordable housing contribution for the proposed 22 apartments.
- 2.7 Natural England - No objection.
- 2.8 Canal and River Trust – No comment to make.
- 2.9 Worcestershire Regulatory Services (Initial comments) – Noise levels in the area appear elevated due to the surrounding road network. Additionally, the surrounding commercial activities may also contribute to the overall noise climate. Therefore, in order to ensure that both internal and external noise levels are acceptable I would recommend that a noise assessment, in line with BS8233:2014 and if applicable BS4142, together with any necessary noise mitigation measures, should be submitted for comment and approval.
- 2.10 Worcestershire Regulatory Services (Second comments) - No objection and I am happy for a scheme of noise insulation to be conditioned.
- 2.11 Environment Agency – No comments to make on this application, as the site falls in Flood Zone 1 (low risk) and I can see no other major environmental constraints.
- 2.12 North Worcestershire Water Management Officer- According to the Flood map for planning the application site is located just outside flood zone 2. Flood zones do unfortunately not take the effects of climate change into account. The proposed development does not include any apartments on the ground floor. Reviewing the flood map, I believe that dry access / egress to the site would be available for the 1 in 100 year (flood zone3) + climate change allowance event. As the flood risk at this development site is linked to a main river for which the

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Environment Agency has an overseeing and enforcement role, the Environment Agency's consultation response (not available at time of writing) should be leading.

The application form details that foul water will be discharged to the foul sewer. The applicant should be aware that connection to the sewer system and any changes to existing flows (relevant for foul water only) will need to meet Severn Trent's approval, even if the existing sewer connection is being reused, please see <https://www.stwater.co.uk/building-anddeveloping/other-developments/flats-or-apartments/>. I understand that STW have also been consulted upon this application, so they may wish to comment upon this in more detail. I note that no surface water drainage details have been submitted for this proposed development. This is disappointing, especially as I have been advised that this application constitutes major development. I appreciate that the proposal is for conversion of the building only. It may therefore be unreasonable to expect this development to incorporate SuDS for the disposal of rainwater as per the Council's policy. The application form indicated that surface water will discharge to the main sewer in the road. I would like to know whether this is a continuation of the existing situation.

A drainage consultant I spoke to in the past regarding this site advised that some downpipes of the existing building appear to discharge straight to the pavement. The runoff from the pavement gets presumably picked up by Highway gullies. I don't know whether the highway drainage system falls out to a surface water sewer or whether it discharges to the nearby canal. I believe that continuing the discharge onto pavement would not be acceptable for a new development. If further details on the intended surface water drainage could be submitted now as part of the current application, then that might negate the need for a surface water drainage condition. If this information is not forthcoming, I would suggest the following condition:

"Prior to the first occupation of the development hereby approved a scheme for a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the existing surface water drainage arrangements for the existing building, including the connection or otherwise outfall into a public drainage system or the canal. 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 30% allowance for climate change. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme".

- 2.13 Crime Risk Manager - No objection to this application. I think it would be good to see an old building brought back into use. I note that parking will be at the rear and through an existing tunnel. This needs to be secure parking. The drawings indicate that there will be gates. They do need to be secure so some form of access control system will be required. Lighting for the tunnel and parking area will also be required.

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[Officer comment – The parking spaces have been omitted from this revised application and conditions are recommended to secure lighting details and appropriate access control system to the communal door and to each apartment]

- 2.14 WCC Archaeologist - Subject to the detailed design being acceptable to the Conservation Officer, I have no objection to the development. The retention and sensitive adaption of heritage assets is always welcomed. There will, however, be some level of loss and I therefore recommend that a detailed programme of historic building recording is undertaken prior to conversion.
- 2.15 WCC Children, Families and Communities – The proposal as submitted, for 22 apartments is in the catchment area of St Johns CE Primary School and Baxter College. One-bedroom dwellings are exempt as they are unlikely to generate any pupil places. The proposal for 20 two-bed dwellings is likely to yield 3 nursery places, 7 primary school places and 5 secondary school places. This is forecast to be one child on average per year group. The proposed number of dwelling is too low to yield any SEND places in SEND specific schools. At present, there is enough capacity to admit the number of pupils forecast to be generated from the proposed development and no education obligation will be sought.

Neighbour/Site Notice/Press Notice Representations

1 letter of objection received from a local resident stating that the proposed development is not adhering to the parking space standards and it is questioned whether the developers will be able to put a binding clause in the deeds, when selling, that purchasers and any subsequent occupiers or tenants are not allowed to have motor vehicles. The writer states that this development will just promote on-street parking in an area already suffering from the problems caused by other developments with inadequate parking provision. It is also advised that apart from the concerns about lack of parking, that they consider the development an excellent use of a building running to decay.

2 letters of comment received: one from a local resident; and one from a planning consultant on behalf of a nearby occupier. The following comments were made:

- It is questioned whether the red line site boundary is correct and whether it includes ownership/control of a third party. It is also advised that the proposed enclosure and gating of the public staircase which links Park Lane with Hill Street has the effect of changing the status of the proposal. *[Officer comments – these comments are no longer relevant as the proposals to enclose and install gates to the staircase access link between Park Lane and Hill Street has been withdrawn from this application and the red line site boundary amended to exclude the staircase to the side of the building]*
- Inadequate parking provision for the proposed development.

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3.0 Site Location and Description

- 3.1 The application site relates to the front half of a vacant and derelict late nineteenth century former carpet factory known as 'Rock Works' which comprises a three-storey brick building with original northern lights, situated at the back of the footpath to Park Lane. The remaining part of Rock Works comprises storage buildings and a set of tunnels that extend into the embankment to the rear of the site. To the north of the site are steep pedestrian steps that link Park Lane with Hill Street, and beyond the step access is a series of buildings that are in residential and commercial use, including one neighbouring building (No. 200 Park Lane) that is Grade II listed, and further to the north is the A456 ring road. To the south, is an area of open space that is overgrown with shrubbery and to the east, on the opposite side of Park Lane, is Matalan retail shop and a vacant builder's depot (Jewson) with the Staffordshire and Worcestershire Canal/River Stour and Weavers Wharf shopping area beyond.
- 3.2 The site is situated on the periphery of Kidderminster town centre and falls within the boundary of the Kidderminster Central Area Action Plan SPD where the site has been identified in Policy KCA.WG1 as being suitable for residential use.
- 3.3 The application seeks full planning permission for the conversion of the building into 22 one and two bedroom apartments, including the erection of an upward roof extension to create a third storey (four floors altogether) and alterations to the fenestrations of the building are proposed.
- 3.4 At ground floor level, the existing internal space would be converted to provide secure cycle and refuse storage, with a separate communal access for residents and visitors to access the apartments from Park Lane via a communal staircase and lift. The first floor would comprise 6 two-bed apartments. The layout of the second and third floors would be repeated and would comprise 8 (1x1-bed, 7x2-bed) apartments on each floor.
- 3.5 Each apartment would comprise an open plan kitchen, dining and living room, a bathroom and either one or two bedrooms (those with two bedrooms would also include an en-suite). Eight apartments would have an enclosed outdoor patio area and all except two apartments would have a front balcony. It is proposed that pedestrian access to the tunnels would be retained via the ground floor of the building and the tunnels would continue to be used for storage.
- 3.6 The application has been amended from town houses with car parking on the ground floor to 22 apartments with nil parking provision following concerns raised by the Highway Authority. In addition, the application originally sought to enclose and gate the staircase access link between Park Lane and Hill Street, however, concerns were raised by Officers and this element has been withdrawn from the application.
- 3.7 The application is supported by a Preliminary Roost Assessment, Design and Access Statement, Vacant Building Credit calculations, Bat Report and a Heritage Statement.

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4.0 Officer Comments

- 4.1 The main considerations are whether the residential conversion of this building is acceptable in principle and whether the proposals would result in any detrimental impact on the significance of the heritage assets, on residential amenity, highway safety and ecology and if any planning obligations are required to make the application acceptable in planning terms.

POLICY CONTEXT AND PRINCIPLE OF USE

- 4.2 The main three storey part of the former Rock Works to the front of the site, which is the subject of this application, has been redundant and unused for a number of years due to its unsuitability for manufacturing and its use as a factory is no longer suitable given its close proximity to residential properties to the north of the site and lack of a servicing yard.
- 4.3 Policy SAL.DPL4 of the Adopted Site Allocations and Policies Local Plan supports the subdivision and re-use of larger properties for which the original use is no longer viable into smaller residential units in order to secure the future of these buildings. Paragraph 118 of the National Planning Policy Framework (the Framework) further supports the development of under-utilised buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 4.4 The site has been allocated in the Adopted Kidderminster Central Area Action Plan SPD under policy KCA.WG1 as being suitable for residential and that its retention is the first preference for this site although it is understood that its reuse may pose a significant viability issue.
- 4.5 The explanatory text accompanying policy KCA.WG1 notes that the Rock Works building should be considered as part of the future redevelopment of the wider Western Gateway area of the Town Centre. I am satisfied that the proposed scheme would accord with the relevant criteria that has been set out for any new developments on this site which includes the need to retain the frontage of Rock Works; and complement the statutory listed buildings and local heritage list assets and retain and enhance the step entry to Hill Street. As the proposals only relate to the front part of Rock Works and does not include any land around it within the red line site boundary, it is accepted that the development would not be able to contribute towards the 'green on the hill' design concept that has been put forward in this policy.
- 4.6 Policy SAL.DPL4 sets out a criteria for assessing applications for flat conversions and states that proposals will be supported provided that:
- i. Conversion is not detrimental to the appearance of the building and the building and plots are of a suitable size of conversion;
 - ii. Appropriate provision is made for parking, cycle parking, private amenity space and refuse storage;
 - iii. The proposal will not be detrimental to the character of the area; and
 - iv. The internal layout minimizes noise disturbance and overlooking to neighbours.

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- 4.7 The proposed scheme includes an additional storey to the building and the inclusion of balconies set back behind the front elevation and a raised patio area to the rear elevation for each apartment. I am satisfied that these works and the proposed internal subdivision of the building would not have a detrimental impact on the appearance of the building especially given that the applicant has sensitively designed the alterations to ensure the northern lights to the roof would be retained. Internally, the apartments would be acceptable in terms of room sizes and layout and I am satisfied that the building is suitable for conversion.
- 4.8 The proposals would provide cycle parking and refuse storage on the ground floor, which is easily accessible from the street and each apartment would be provided a raised patio area for outdoor amenity space, which although would not be completely private within the development it would provide an outdoor seating area for the future occupiers of the apartments and would support social cohesion, the applicant has advised that similar patios with privacy screens had been done at a residential development at Badge works in Birmingham. The site is also within walking distance to Brinton Park and the canal, which would provide outdoor and recreational space. I note that the site would have nil parking provision, however this is considered acceptable in this location given that it has excellent accessibility to the town centre and public transport services.
- 4.9 There would be no adverse impacts on the character of the area. The internal layout has also been arranged to ensure the apartments are vertically aligned to avoid any noise disturbance to habitable rooms between apartments. I therefore consider that the proposed residential conversion of this building is acceptable in principle, and in accordance with Policy SAL.DPL4 and KCA.WG1.

IMPACT ON THE SIGNIFICANCE OF HERITAGE ASSETS

- 4.10 The former Rock Works is a locally listed building and is considered to have local importance in terms of its original use as a carpet factory and early origins of the industrial era of Kidderminster.
- 4.11 The Conservation Officer believes that the application building has not been used since 1970s and that the building is now starting to show considerable deterioration due to water leaking through the building, vermin and rotting timbers. However, it is also noted by the Conservation Officer that some interesting features remain within the building that reflect its original use as a carpet factory. The proposals would secure a viable use of the building which would help ensure its maintenance and preservation into the future.
- 4.12 The proposed development seeks to erect an upward roof extension to provide an additional third storey, which would be constructed in mostly glazing to the front elevation and would be set back behind the existing northern lights to part of the building. A series of full glazed balconies are proposed to the front elevation that would align vertically with the existing large windows on this facade. To the rear elevation, screens would be installed to the existing first and second floor rear flat roof elements that would also be constructed in glazing and would create individual patios for some apartments to allow for outdoor seating space.

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- 4.13 As highlighted by the Conservation Officer the proposals, in particular the glazed upward roof extension and glazed balconies, would introduce a modern built feature to this historic building. I agree with the Conservation Officer that similar extensions using mostly glazing materials has been successfully done to other historic buildings in the town centre, such as the Piano Building, and that this contemporary design approach generally sit well and comfortably with the vernacular of these historic building and that the built form of these factory buildings and architectural expression are preserved and not diminished by their modern extensions. I therefore consider that the proposals have been sensitively designed and would integrate well with the architectural style of the building and would not harm the character and appearance of the building.
- 4.14 Internally, the proposals seek to carry out substantial interventions to the building to enable its conversion into 22 apartments with small habitable rooms and whilst this would result in the loss of original features that resemble its early origin as a carpet factory, it is considered that the social and environmental benefits in terms of securing a viable use of this derelict and underused building and providing much needed housing in this sustainable location outweighs any harm that would be caused to the building's architectural integrity and significance as a undesignated heritage asset.
- 4.15 As recommended by the Conservation Officer and the WCC Archaeologist, conditions are recommended to require appropriate building recording prior to any development commencing. I also consider it necessary and reasonable to attach a condition to require a communal aerial to be installed to the rear elevation of the building to prevent an array of aerials being installed that would potentially diminish the character and appearance of the building.
- 4.16 The application has been amended since it was originally submitted and the proposed glazed roof enclosure and gates to the staircase access have been withdrawn from this application. As such, there would be no harm caused to the significance of the adjacent Grade II Listed building at 200 Park Lane.

RESIDENTIAL AMENITY

- 4.17 The proposal is for one and two bed apartments and all bedrooms and living areas would provide good standard accommodation. No objection has been raised by Worcestershire Regulatory Services subject to a condition to secure an appropriate noise mitigation scheme to protect future occupiers from any adverse noise disturbance from traffic on the nearby ring road. I have recommended a condition accordingly. I am also satisfied that the proposed development would not undermine the amenities of neighbouring dwellings in terms of loss of privacy and light.

IMPACT ON HIGHWAY SAFETY

- 4.18 The proposed scheme for 22 apartments with nil parking provision is considered to be acceptable in this location, given that the site is within easy walking distance of the town centre facilities and retail parks as well as the public

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transport links offered at the bus and train stations. There are also parking restrictions already on Park Lane fronting the site and therefore there is unlikely to be any displacement on-street parking as a result of the development. Any resident wishing to own a car or visitors would need to find on-street parking in the locality, which is unlikely to result in a highway safety issue. I have recommended planning conditions to secure cycle storage within the building and a Welcome Pack for each new resident to ensure they are aware of all the sustainable travel options available such as the local bus and train services.

4.19 The Highway Authority have undertaken a robust assessment and have offered a no objection to the application. I concur with this view and also believe that the development is wholly acceptable in terms of highway safety grounds, and an appropriate location for additional housing where sustainable travel can be encouraged.

4.20 A condition has been recommended by the Highway Authority to require all of the existing dropped kerb crossing to the pavement on Park Lane to be reinstated within 6 months of commencement of development, however, the applicant considers that this would preclude the use of the ground floor from being used for the storage of materials during the construction phase and would prevent vehicle access through one of the vehicle doors to access the Tunnels. I agree with the applicant and consider that it would be more appropriate to require the reinstatement of part of the dropped kerb prior to first occupation given that there is no external space for outdoor storage of materials during the construction phase and to allow part of the dropped kerb to remain to allow long term access to one of the vehicular roller shutter door to access the tunnels. I also consider that an additional condition is necessary to prevent car parking by residents within the ground floor of the building due to the limited visibility and potential conflict between pedestrians and vehicles if the ground floor was regularly used for on-site parking.

BIODIVERSITY

4.21 A Preliminary Roost Assessment has been submitted with the application which advised that due to the derelict nature of the building limits its suitability for roosting bats as many areas are exposed to the elements as a result of the deteriorated state of the structure. It was also noted that the highly urbanized location of the property with associated noise and light levels, and lack of suitable immediate foraging habitat, also made the site unlikely to be used for bat roosting within the building.

4.22 The Assessment has recommended that as a precautionary approach, a licensed ecologist should supervise the hand removal of roofing materials off the southern section of the property, and that if any roosting bats are found and/or evidence of roosting bats are discovered then the works should cease immediately and Natural England should be notified.

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- 4.23 The Countryside and Parks Manager has advised that this Assessment was carried out nearly 12 months ago and that an updated survey will be required to determine if the building now contains bat roosts. I have recommended conditions accordingly to require an updated survey as well as the recommended precautionary measure and a requirement to provide a replacement roosts within the new build. Subject to these conditions, I am satisfied that the development would accord with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170(e) and 175 of the National Planning Policy Framework.

FLOOD RISK AND DRAINAGE

- 4.24 The application site falls within Flood Zone 1 (lowest risk to flooding), however, it is located close to the River Stour and I note the comments received from the North Worcestershire Water Management Officer that if the climate change allowance was added to the 1 in 100 year flood event, the site would fall within Flood Zone 2. The Framework advises in paragraph 164, that applications for changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50. It further states that a site-specific flood assessment will only be required for sites in Flood Zone 1, when the site is 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. Although the site lies close to the River Stour (a source of flooding) and the proposed development is for vulnerable uses (being for residential), the apartments would be provided on the upper floors of the building and between the site and the River Stour is the Matalan store, which is a large building that would help to provide some flood defence. In addition, this part of the River Stour falls within the canal and therefore the levels of water are controlled. The Environment Agency have expressed no comment to the application. I therefore do not consider that a site-specific flood assessment is necessary, in this case, and I am satisfied that the proposed future occupiers would not be at medium or high risk to flooding.
- 4.25 North Worcestershire Water Management has confirmed that a planning condition to secure a suitable scheme for surface water drainage is necessary in order to make the development acceptable in terms of drainage. I agree and have recommended a condition accordingly.

PLANNING OBLIGATIONS

- 4.26 Policy CP04 of the Adopted Core Strategy advises that 30% affordable housing provision will be sought for residential developments that are major developments. Paragraph 63 of the Framework advises that in order to support the re-use of brownfield land, where vacant buildings are being reused, any affordable housing contribution due should be reduced by offsetting the required affordable housing provision (in this case 7 units) against the amount of existing gross floorspace to be reused. The applicant has undertaken the Vacant Building Credit calculations which shows that the Affordable Housing provision of

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7 units less the amount of Vacant Building Credit (12 units) would result in the need for nil affordable housing provision being required. The Principal Housing Strategy Officer is satisfied that these calculations are correct. As such, no affordable housing provision can be sought.

- 4.27 The proposals would also generate an off-site financial contribution of £11,620.80 for public open space and the applicant has agreed to enter into a Section 106 Agreement and for the financial contribution to be for Play Surfacing Upgrade/Improvements at Brinton Park.
- 4.28 WCC Children, Families and Communities advise that no contribution is required to mitigate the impacts on school places given the proposals is only for one- and two-bedroom apartments and is unlikely to have a high number of children.

5.0 Conclusion and Recommendations

- 5.1 The proposals as amended would secure the reuse of the former Rock Works for residential use. In complete accordance with Policy KCA.WG1 of the adopted Kidderminster Central Area Action Plan which envisages the reuse of the building for residential use and the Framework which seeks to promote the development of under-utilised buildings, especially if this would help to meet identified needs for housing.
- 5.2 The proposed development has been sensitively designed and would retain the vernacular and integrity of the building, including the key architectural features such as the northern lights on the front façade which reflect the building's historic use as a carpet factory and the Council's Conservation Officer fully supports the proposals. The apartments would provide good standard accommodation and the development would not result in any harm to the amenity of existing occupiers of neighbouring properties, on highway safety or ecology. Therefore, the proposals would represent sustainable development and would be in accordance with the Development Plan and the Framework.
- 5.3 It is therefore recommended that the application be given **delegated APPROVAL** subject to the following:
 - a) the signing of a **Section 106 Agreement** to secure contributions towards Public Open Space; and
 - b) the following conditions:
 1. 3-year Time Limit
 2. To require External Materials to be agreed.
 3. To require reinstatement of the existing dropped kerb crossings on site prior to first occupation, except for one dropped kerb to serve the adjacent tunnels
 4. To prevent ground floor from being used for car parking by residents
 5. Details of a communal satellite to serve residential units

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6. To secure Refuse Storage
7. To secure Cycle Storage
8. To secure Communal lift
9. To require Welcome Pack to promote sustainable travel options
10. To require secure access control system to communal door to be agreed
11. To require Noise mitigation scheme to be agreed
12. To require an updated ecological report to be undertaken and mitigation to be agreed
13. To require replacement roost measures to be agreed
14. To require a Programme of Historic Building Recording to be agreed
15. To require damage to listed building during approved works to be made good
16. To require a scheme for surface water drainage strategy to be agreed

Notes

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

PART B

Application 20/0508/RES
Reference:
Ord Sheet: 383140 277133
Case Officer Helen Hawkes

Date 08.07.2020
Received:
Expiry 07.10.2020
Date:
Ward: Broadwaters

Proposal: Reserved Matters pursuant to Outline Consent 18/0285/OUTL for 240 dwellings including conversion of the 1902 building with all remaining details (appearance, landscape, scale and layout) to be considered

Site Address: Churchfields Business Park, Churchfields, Kidderminster, Worcestershire, DY10 2JL

Applicant: Citizen New Homes Ltd

Summary of Policy	DS01 CP01 CP02 CP03 CP11 CP12 CP14 (WFCS) DPL1 DPL4 CC1 CC2 CC7 UP5 UP6 UP7 UP9 (SAAPLP) CC1, CC2, CC3, UP1, UP2, UP7, Ch1, Ch5 (KCAAP) Churchfields Masterplan SPD Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Committee	'Major' Planning Application
Recommendation	Delegated Approval/Refusal

1.0 Planning History

- 1.1 18/0285/OUTL - Redevelopment to create up to 240 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: Approved 5.2019.
- 1.2 20/0278/S73 – Variation of Conditions 7 and 8 of Outline Consent 18/0285/OUTL to remove public open space provision to either side of new link road: Approved 14.05.2020.
- 1.3 20/0469/DEM – Demolition of vacant commercial and industrial buildings comprising of the former Churchfields Business Park: Approved 17.07.2020

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2.0 Consultations and Representations

2.1 Kidderminster Town Council – No objections.

2.2 Conservation Officer - I have no objections to the proposals and the schedule of works are considered to be acceptable to the 1902 building. The 1902 building needs repairs and as the only surviving element of the former factory it is an important building on this site. Those repairs need to be carried out sooner rather than later to ensure the building condition does not deteriorate.

2.3 Severn Trent Water - Before we would consider the surface water connection to Clensmore Street, we would request as per the Development Enquiry that the use of soakaways are investigated, and if these are not feasible can it be confirmed that conversations have been discussed with the Local Lead Flood Authority and Canal and River Trust about discharging to the nearby canal.

[Officer Comments – The applicant has confirmed that the ground investigation report stated that permeability is low but feasible, however the presence of contaminated made ground precludes the use of soakaways throughout the scheme. Discharge into the canal would not be feasible option due to the land ownership boundaries restricting us. We would be required to cross 3rd party land between the canal and Clensmore Street and would therefore be ransomed if reliant upon this solution]

2.4 North Worcestershire Water Management Officer - I have searched for drainage specific information in the 61 documents currently uploaded on the planning website but have not found anything that could be classed as a surface water drainage strategy. I note that such a document is also not listed in the application form. This surprises me as the Planning statement includes in 5.12 that “the new drainage layout has been prepared to accompany this reserved matter application along with calculations to support the drainage layout.” And in 5.13 “It is proposed to support the layout with concrete attenuation tanks and an attenuation basin to the west of the site.”

I note that the landscape statement includes references to the wildlife pond in the Churchfields Pocket park “which will be used to attenuate surface water from the proposed development but will also offer amenity and wildlife benefits. The attenuation pond will be designed to hold some permanent water.” And the landscape management plan includes some info re intended inspection and desilting of this multipurpose pond.

I believe condition 21 quite clearly sets out what information is required in relation to surface water drainage. The information currently available on the planning website is insufficient to discharge condition 21. I therefore believe that 20/0508/RES should not be approved.

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[Officer comment – The condition (No. 21) attached to the Outline Consent will remain outstanding which requires a scheme for surface water drainage strategy to be submitted and agreed. There will be opportunity to consider the detail as part of the condition approval process]

2.5 Worcestershire Regulatory Services (Noise Officer) (Initial comments) - Properties situated along the South Western edge of the development are at risk of elevated noise levels from the A456. In addition, there appears to be several noise generating premises such as a Motor Garage along the southern boundary. As such, Worcestershire Regulatory Services would advise the applicant to submit a noise impact assessment to demonstrate that suitable internal and external noise levels as per BS8233:2014 can be achieved. Any noise assessment should clearly specify any mitigation required.

2.6 Worcestershire Regulatory Services (Noise Officer) (Second comments) – WRS have reviewed Noise Assessment Ref 23632-04-NA-01 prepared by MEC (June 2020) and are happy to support the conclusions drawn. ‘The assessment confirms that a good standard of acoustic design, in accordance with the latest ProPG guidance, can be achieved, using reasonable and practicable design measures’. The report indicates that suitable internal and external noise levels can be achieved as per BS8233:2014, with the installation of suitable mitigation.

- Acoustic fencing should be installed as per drawing 23632-04-04 to meet the specifications as laid out in section 6.5 of the report.
- Glazing should achieve a 29 dB Rw sound reduction.
- Ventilators with the requisite D n,e,w should be installed as per drawing 23632-04-120-07 and 23632-04-120-08.

Should suitable mitigation be installed (as above), WRS have no further adverse comments or objections to make in relation to noise.

2.7 Worcestershire Regulatory Services (Air Quality Officer) (Initial comments) - The predicted concentrations of NO₂ along the Churchfields section of the proposed one way system would be in the range 32.5 – 38.5 µg/m³ for all receptors located between 4m and 6m from the road centreline as modelled in the Jacobs CH2M; Churchfields Highways Infrastructure Scheme; Dated: 6th September 2018 Air Quality Assessment, careful consideration should be taken by the developer in the siting of any dwellings along this section of the road, the design should position dwellings at an appropriate distance away from the road to ensure that they are not impacted by adverse air quality.

National Planning Policy Framework (NPPF) Paragraph 181 states: ‘Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.’

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Given the proposed development is for 240 dwellings it is recommended the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. WRS therefore make the following recommendations in accordance with NPPF.

It is recommended that secure cycle parking facilities are incorporated into the design of commercial developments and domestic plots without enough exterior space to allow for secure cycle storage. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be provided.

The provision of more sustainable transport modes will help to reduce CO₂, NO_x and particulate emissions from transport. In order to make the properties ready for EV charging point installation, appropriate cable provision and isolation switches must be installed that can be adapted to an appropriate dedicated socket for electrical vehicles to be charged in the garage, driveway or allocated car parking space. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development.

Boiler NO_x emissions from building heating systems contribute to background NO_x concentrations and the following condition is recommended to alleviate impact from new buildings.

[Officer comments – The Outline Consent already requires the submission and agreement of details in relation to Low NO_x Boilers (condition 30), Cycle Storage (condition 18) and Electric Vehicle Charging Points (condition 31) and therefore it is unnecessary to impose the same conditions again to this application]

- 2.8 Worcestershire Regulatory Services (Air Quality Officer) (Second comments) – Following additional information being submitted about the Low Emission Boilers to be installed, it is agreed that Condition 30 can be discharged.
- 2.9 WCC Archaeologist (Initial comment) - The archaeological conditions (24 and 25) on 18/0285/OUT have yet to be completed. The historic building recording is completed, but the area with the highest archaeological potential won't be able to be evaluated until after October when the current compound is removed. This shouldn't affect the design of the development as the area of potential is small and, should archaeology survive, it can be dealt with through excavation or watching brief to record it. You may, however, consider it appropriate to repeat the archaeological conditions on the Reserved Matters consent as it will be some time before the archaeology is completed.
- 2.10 WCC Archaeologist (Second Comment) - The WSI required under 24 has been approved. Site investigations are unfinished, but 24 can be discharged. Condition 25 should not.
- 2.11 Arboricultural Officer (Initial comment) – The Tree Protection Plan needs updating to include the trees in the northern part of the site.

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- 2.12 Arboricultural Officer (Second comment) - I'm very happy with the landscape proposals for the site. They have appreciated the vision of a green corridor through the site and linking with the GI around the church and canal. I'm also very pleased to see significant tree planting within the street-scene which is very much needed. I have not yet seen the Plant Schedule and Planting Plans - D8129.004 to 013 as it does not seem to be listed. I would like to see this before approving the proposed tree planting for the site. I'm satisfied with the Arboricultural Impact Assessment and Arboricultural Method Statement including the revised Tree Protection Plan and therefore the relevant conditions attached to the Outline Consent can now be discharged.
- 2.13 Countryside and Parks Manager – No objection. The details submitted for conditions 22 (additional ecology survey to be undertaken) and 23 (Scheme of ecological mitigation and enhancement measures) attached to the Outline Consent are acceptable and is satisfied that a plan has been submitted to show the locations of the gaps to be provided under the hedges for hedgehogs in order to ensure the development creates a good network of habitat that will be available for hedgehog use.
- 2.14 WCC Children, Families and Communities - There is currently no mitigation to support education provision due to viability. We would wish to ensure that consideration is given to support the provision of school places if the opportunity arises, such as an increase in the number of dwellings, or viability indicates that the site can sustain a contribution towards education provision. Current analysis indicates that the development will yield 9 early years places per year group, 12 primary school places per year group, and 10 secondary school places per year group. In addition, it is estimated that 3 SEN primary school places across the primary phase and 2 secondary school places across the secondary school phase will be derived from the development. In conclusion, there is currently insufficient space in the catchment area schools to accommodate the number of pupils likely to be generated from this development and we would wish to seek a contribution towards Wolverley High School.

[Officer comments – A financial viability was vetted and agreed by an independent valuer during the consideration of the Outline application and it was found that no financial contribution could be provided for education without making the scheme unviable, and this cannot be revisited in this reserved matters application]

- 2.15 WCC Minerals and Waste - In the Planning Statement accompanying this application, the applicant has assessed the national planning policy and development plan context. However, they have made no reference to National Planning Policy for Waste (NPPW) which should be read alongside the NPPF, nor have they referred to the Worcestershire Waste Core Strategy (WCS) or the saved policies of the Hereford and Worcester Minerals Local Plan. The applicant should note that the saved policies of the Hereford and Worcester Minerals Local Plan and the Waste Core Strategy form part of the Development Plan for Worcestershire and should already have been accorded significant weight in the applicant's thinking in line with the expectations of paragraph 216 of the NPPF.

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Waste Policy WCS 16 – New development proposed on or near to existing waste management facilities The Waste Core Strategy web-tool at www.worcestershire.gov.uk/wcs confirms that there are no waste management facilities within 250m of the proposed development, meaning that WCS policy to protect such facilities does not apply.

Policy WCS 17 – Making provision for waste in all new development Policy WCS 17 aims to ensure that the waste implications of all new development are considered. The policy provisions expect that proposals for new development either: a) incorporate facilities into the design that allow occupiers to separate and store waste for recycling and recovery; or b) make appropriate developer contributions where this is more appropriate than on-site facilities; or c) have adequate existing provision.

The explanatory text accompanying this policy sets out that the level of onsite provision should be adequate to meet the needs of the proposed development. Where significant areas of residential development are proposed, such as in this application, waste storage facilities are likely to be required and the applicant should consider that part (a) of the policy is most appropriate for this type of development.

We would expect detailed plans showing the provision of waste both throughout the construction phase and once occupied. The plans do not appear to incorporate areas to store and aid the collection of waste, and arrangements have not been made for the separate storage and collection of recyclable material.

Policy WCS 17 should be considered when developing the detailed layout of the site and we would expect this to be one of the design principles which inform the reserved matters proposals. As such, we would request that in making their decision on this application and further applications for Reserved Matters, the case officer should be satisfied that sufficient detail is included regarding the facilities for storage and collection of waste, both during construction and occupation phases, to ensure the development conforms to Policy WCS 17 and proposals are in line with the ADEPT report "Making Space for Waste" (June 2010).

- 2.16 WCC Minerals - The proposed development is not in an area of identified mineral deposits as shown on the 1997 Hereford and Worcester Minerals Local Plan Proposals Map and as such we have no formal comments to make about mineral issues.
- 2.17 WCC Public Health - Health is in part determined by genetics, age and lifestyle, but also fundamentally by the environments in which people live and work. Therefore, there is a need to plan for healthy developments and better living environments which enable people to make healthier lifestyle choices. Secure cycle storage be located to the fronts of properties or in the fronts of garages - with enough space for bicycle storage. A signposted shared walking and cycling route be built, to the canal path enabling safe travel to Kidderminster town centre.

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Renewable energy installations incorporated throughout the development, with priority for affordable homes. Incorporate electric vehicle charging points for each property and 10% of all visitor spaces. Subject to the contaminated land assessment, provide a community orchard and edible planting schemes on the site.

Wyre Forest has higher rates of obesity in children and adults when compared to Worcestershire and England averages. Encouraging active travel is key to reducing obesity. The area in which the development is sited borders a congestion blackspot, part of which (Blackwell Street) is a designated AQMA. Air quality is a key factor in promoting health and wellbeing and we feel that not enough is being considered to enhance walking and cycling as an alternative to car usage. The emphasis in the transport statement is centred on car usage and does not make the most of opportunities to encourage walking and cycling. For example, the document states that cycles can be stored in garages or garden sheds. We suggest that safe dedicated cycle storage is sited at each property to encourage active travel. The space in garages, for cycle storage, may conflict with garages as a space for car "storage" unless garages are specifically designed to allow access to cycles without the need to move a garaged car.

The route into the town is stated as accessible via an underpass, however the development borders a canal towpath which provides a more attractive, healthier route into the town. The site would benefit from a pedestrian and cycle route connection via the canal path into town, including provision of lighting where necessary. The design does not appear to have considered Public Health recommendations on age- and dementia-friendly environments. We suggest that the developer refers to the original submission from Public health and incorporates these within the development.

Sustainable development - To mitigate against climate change and with UK plans to ban petrol and diesel cars by 2040 it will be important to future-proof residential sites. The Public Health Directorate recommends the installation of electric vehicle charging points for all properties (garages) using fast chargers and at 10% of visitor parking points. To mitigate against fuel poverty the Public Health Directorate would expect to see forms of renewable energy production installed in and prioritised for affordable housing for rent/sale or shared ownership. Encouraging healthier food choices There is no reference to how the proposal will contribute to healthy food provision. However, there is the opportunity for this proposal to contribute to such provision through edible planting throughout the site and the planting of a small community orchard. In addition, the Public Health Directorate would like to see opportunities for food growing in small plots distributed across the site, close to homes, making the growing of food easy, accessible and sociable. Growing plots can contribute to positive mental and emotional health for future residents.

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2.18 Highway Authority (Initial comment) – Recommend that the application is deferred until additional information is submitted and clearly shown on the drawings, these are:

1. Internal junction visibility splays should be provided at 2.4m x 25m and should be clearly shown on the drawings;
2. Forward visibility envelope on the main spine road also needs to be shown on a drawing to validate the alignment in the vicinity of plot 109 and the parking spaces between it and plot 110;
3. Clarification of the gradient of the pedestrian access onto Pleasant Street should be provided as gradients in this vicinity are steep. In addition, the Highway Authority has concerns that the 90° bend directly adjacent to the connection with Pleasant Street will limit visibility between pedestrians and cyclists travelling in opposing directions;
4. Works will be needed on Clensmore St to remove existing access junction and improve adverse bend horizontal geometry adjacent to plots 85-90. These works should be identified on the plans.
5. It is also possible that access closures will be needed on Broad St to facilitate the new layout; and,
6. Existing lighting columns in Clensmore St (n) and Broad St require amendment due to potential private and adoptable access point obstruction.

The private drive accesses to 1902 building / plots 182-187 & 1902 building / plots 191-199 each have generation above that stated within the Streetscape Design Guide (max 6) and the layouts are not to adoptable standards. It is noted by the Applicants Transport Consultant that the new apartments within the 1902 building would be placed with a management company which would take on responsibility for all maintenance. Therefore, adoption of the two access roads to the building is not required.

The matters listed above will likely require the alternation of the layout and therefore should be addressed prior to the granting of a planning consent.

The Highway Authority has undertaken a robust assessment of the application. Based on the analysis of the information the Highway Authority concludes that adjustments are required to the internal layout.

2.19 Highway Authority (Second comment) – Recommend deferral. The Highway Authority provided comments on the previous design in formal observations dated 19/08/20 and, having completed an appraisal of the internal layout of the site, advised the following:

1. Internal junction visibility splays should be provided– 2.4 x 25m. Forward visibility needs to be shown around main spine road to validate the alignment (plot 109);
2. Clarification is needed to confirm the vertical gradient of pedestrian access onto Pleasant St as gradients in this vicinity are steep. The Highway Authority has concerns with a layout with a 90° bend directly before connection leaving reduced visibility. This is promoted as pedestrian access but could be used by cyclists as well therefore is a concern;

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3. Readjustment works required to existing highway on Clensmore St to remove existing access junction and improve adverse bend horizontal geometry fronting plots 85-90. It is also possible that access closures are needed on Broad St to facilitate the new layout;
4. Existing lighting columns in Clensmore St (n) and Broad St require amendment due to potential private and adoptable access point obstruction;
5. The private drive accesses to 1902 building / plots 182-187 & 1902 building / plots 191-199 both have generation above that stated within the Streetscape Design Guide (max 6) and the layouts are not that of adoptable standards. It is noted by the Applicants Transport Consultant that the new apartments within the 1902 building would be placed with a management company which would take on responsibility for all maintenance. Therefore, adoption of the two access roads to the building is not required.

Having reviewed the latest submission the Highway Authority can advise that, except for item 3 above, the previous issues have been addressed satisfactorily.

However, serious concerns remain regarding the adjustments needed on Clensmore Street to remove the existing access junction and improve adverse bend horizontal geometry fronting plots 85-90. It is noted that the road layout is existing, however due to the double bend in the road and positioning of Plot 87 the forward visibility is restricted. This will mean that vehicles leaving the parking spaces of plots 88/89, whether in forward or reverse gear, will have severely restricted visibility in the westerly direction. Likewise, vehicles approaching from the west will be unable to see vehicles emerging from those plots.

This is a significant highway safety concern and would form a sound basis for a recommendation of refusal. However, the recommendation of deferral is made because it is believed that this concern could be overcome by adjustments to the design of this area of the site.

The Developer could consider adjusting plots to ensure the required visibility standards are met, and a consistent road and footway width is provided. In addition, the forward visibility envelope and the visibility splays from private parking spaces must lie within land within the control of the Highway Authority so that they may be maintained by the Authority in perpetuity. This may require some modest additions to the land being offered for adoption under a S38 Agreement. The Highway Authority has undertaken a robust assessment of the application. Based on the analysis of the information the Highway Authority concludes that adjustments are required to the internal layout.

- 2.20 Designing Out Of Crime Officer – No objection. There are quite a few 1.8m high brick walls. These are quite easy to climb therefore I would like to see them topped with something that would make climbing more difficult. This could be coping stones or rounded bricks. My other concern is with the landscaping between Clensmore Street and the development. There have been problems with drug misuse in area not far from this development. Therefore, the landscaping must not provide any areas that are hidden from view where this

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activity can take place. All trees should have a canopy above 1.8m and any bushes should be of a variety that will not grow above 1.2m.

[Officer comments – The applicant has submitted revised boundary treatment details to show soldier course and tile creasing incorporated to boundary walls]

Neighbour/Site Notice Representations

3 letters of support received from a nearby occupier, the Horsefair and Proud Group and Trinity Methodist Church.

- The occupier stated that the proposed residential properties on this previously derelict site will bring in more money to the local area's businesses and the wider economy.
- The Horsefair and Proud Group expressed support but also advised that information is missing in relation to where the Stone Plaques will be located to following the development and also advised that the tree at the Churchfields/Broad Street junction should be retained; that the proposed block of flats sited close to the road junction potentially could be impacted by noise, pollution, dust and privacy; traffic calming measures are required on the proposed cross roads at Queen Street as this is a blind and tight summit at the top of Broad Street next to a play area; and the proposed two storey dwellings on Clensmore Street do not replicate the height of Veldonn Printers building, which is three storeys and with historic character.
- The Trinity Methodist Church are supportive of this project however they have serious concerns about the very high noise levels which will ensue from increased traffic flow and most particularly because the main entrance into the whole of the proposed estate is opposite the church side in which there is a first floor flat and all the offices and meeting rooms (vestries of the church).

2 letters of objection received from nearby occupiers, expressing the following:

- Close to adjoining properties.
- Affect local ecology.
- Development too high
- Inadequate parking provision
- Loss of parking because the proposed flats have only been allocated 1 space per flat which will result in overspill parking onto the street and displace parking for existing residents.
- Loss of privacy and light because the proposed flats are sited close to an existing residential property and will overlook and overshadow their rear garden.
- Noise nuisance due to the proximity of the proposed flats to an existing residential property.
- Location of the bin store to the proposed flat would also cause an environmental hazard given its proximity to an existing residential property.
- Damage to existing drainage.

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- General dislike of proposal.
- Concern that the development will make the same mistake that has been made by filling the estate with social housing, which does not regenerate the area or create a vibrant and diverse community and instead only leads to more people with social care issues to cause drama each night in the local area.
- Substantial size trees to the rear of existing properties should be cut back as they could easily blow over during poor weather and cause a mess in existing rear gardens.
- Unacceptable location for the proposed flats as they are sited directly opposite Maureen Ashton Court, and residents in this block of flats cause crime, anti-social behaviour, litter and vermin in the area and the proposed flats will also end up being run down by drugs and other stuff.

5 letters of comment received from nearby occupiers and Councillors, expressing the following:

- The applicant should ensure that the stone plaques built into the wall on Broad Street are saved or work with the community group Horsefair and Proud to find a suitable replacement for both plaques.
- It is requested that the park area adjoining York Street should be retained as it contains many trees as possible as there is a lot of existing wildlife and it makes the area quiet at night.
- It is requested that the wasteland adjoining York Street should be maintained by the developers as existing residents are having to currently cut back huge brambles weekly.

[Officer comments – The applicant has agreed to reposition the two Stone Plaques to within the window opening, which was to be blocked up, in the south elevation of the 1902 building, with details to be agreed and secured by condition. The area of woodland to the rear of York Street is subject to a Tree Preservation Order and the applicant has submitted a Landscape Management Plan which includes works to the trees to ensure they can be better managed and retained. This would also include the removal and management of invasive plants]

3.0 Proposal and Site Description

- 3.1 The application site measures approximately 7.53 hectares in total area and is located within an area known as Churchfields, north of the ring road and Kidderminster town centre. The site, up until recently, has been referred to as Churchfields Business Park and was formerly the site of Tomkins carpet factory. The site is currently being cleared of all buildings except for the three storey locally listed building (known as the ‘1902 building’), which lies adjacent to Churchfields and will form the focal building at the end of the new link road that is currently being constructed between St Mary’s ring road and Churchfields.

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- 3.2 The application site is bounded by Churchfields to the south, Broad Street and York Street to the east, Clensmore Street to the east and north and Pleasant Street to the north. The ground levels are relatively flat across most of the site but adjacent to parts of the western boundary with Clensmore Street and the northern boundary with Pleasant Street the ground levels fall steeply where there is an embankment along both road frontages and retaining walls in parts. An area of woodland, which is subject to a Tree Preservation Order (TPO 456) extends through the northern part of the site in a horseshoe shape between York Street and Clensmore Street. The woodland is subject to a Tree Preservation Order (TPO 426).
- 3.3 The northwest corner of the site wraps around the side and rear boundaries to Veldonn Printers, a three storey building, and the site also abuts the side and rear boundaries to a residential property on Broad Street (No. 3 Broad Street) and abuts residential properties on Clensmore Street and York Street. To the south of the site, on the opposite side of Churchfields, is Trinity Methodist Church Centre including a first floor flat; CMS Vauxhall car dealership; a Kwik Fit Tyre shop; and the rear yards to premises that front onto Blakewell Street and Dudley Street within the Horsefair. To the west, on the opposite side of Clensmore Street, is an area of public open space and a light industrial premises known as Higgins Balers and beyond is the canal (which is designated as Staffordshire and Worcestershire Conservation Area) and Crossley Retail Park which can be accessed from Clensmore Street via a canal bridge. The Grade I listed St Mary and All Saints Church sits to the southwest of the site, on the opposite side of Clensmore Street. A children's playground lies to the east of the site, on the opposite side of Broad Street. The surrounding area to the north and east of the site is predominantly residential in character.
- 3.4 Major highway improvement works are currently being undertaken to Churchfields, Horse Fair, Clensmore Street and Blakewell Street (A451) to help reduce traffic congestion and improve air quality and the works comprise a new link road from the St Marys ring road onto Churchfields; a new access point from Clensmore Street onto the ring road; and alterations to Blakewell Street to make it into a one-way system with improved pedestrian footpaths.
- 3.5 The application seeks approval of the reserved matters (appearance, landscaping, layout and scale) of the outline permission (18/0285/OUTL) that was granted on 5th June 2019 for the development of up to 240 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. The outline permission included details of the access points, which have been approved in principle, and comprise an access point on Broad Street and one on Churchfields, opposite the Trinity Methodist Church.
- 3.6 The reserved matters application includes the majority of the site covered by the Outline Consent with the exception of: the land to either side of the new link road (which was removed as being public open space under 20/0278/S73); and the land in the north east corner of the site which is subject to a separate planning application (20/0585/FUL) for 6 dwellinghouses.

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- 3.7 This application therefore proposes 217 houses and the conversion of the 1902 building into 23 apartments. The majority of the proposed houses would be two storeys and would be provided as detached, semi-detached and terraces, as well as a block of 18 flats that would be provided within a three-storey building. The following table illustrates the mix of housing in terms of bedrooms and housing tenure.

Dwelling size	Quantity	Percentage
1 bedroom	5	2.08%
2 bedrooms	103	42.9%
3 bedrooms	95	39.5%
4 bedrooms	37	15.4%
Totals	240	

- 3.8 In line with the approved outline permission, the total number of dwellings includes 18 affordable units or 7.5% (39% units shared ownership, 61% social rented), which are split as follows:

Affordable house size	Quantity	Percentage
1 bedroom	4	22.22%
2 bedrooms	14	77.78%
Totals	18	

- 3.9 Through the course of this application, amended plans have been sought to address issues that were raised in relation to layout, design, impact on the setting of the Grade I listed St Marys and All Saints Church, impact on the character of the area, impact on highway safety and impact on the amenity of existing residents in neighbouring properties.

- 3.10 The amendments have resulted in the following:

- A new 3.5-metre-wide pedestrian link from York Street/Pleasant Street to Churchfields.
- The roofline of dwellings in the northwest corner of the site have been adjusted to work well with the existing building (Veldonn Printers Limited) and Plots along Clensmore Street, to the north of the site, have changed from having a gable roof to gable-ended roofs.
- Architectural features have been added including chimney breast to some dwellings.
- Side facing windows added to the public realm facing side elevation to a number of dwellings.

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- Rear boundary to Pleasant Street to remain as brick retaining with a fence on top and the existing front boundary wall capped to Churchfields. Soldier course and tile creasing incorporated to proposed 1.8-metre high boundary brick walls.
- Parking arrangement has been amended to some plots.
- Building type and siting have been revised to plots along Broad Street.
- Apartments to the corner of Broad Street/Churchfields have been changed from two blocks to one and the architectural style has been improved (with three courses of contrasting brick, corbelled brick cornice and brick eaves, stone window cills and brick arch lintels) to respond well to the adjoining historic buildings within the Horsefair. The apartment building has repositioned further away from the existing residential property at 3 Broad Street.
- Hedgerow planting has been provided to prominent corner plots and frontages.
- Dwellings on the corner of Clensmore Street/Churchfields amended to enhance setting of St Marys and All Saints Church.
- Greater landscaping, including raised (0.9-metre high) plant beds and pedestrian benches added around 1902 building.
- Two smoke stall risers included to roof of 1902 building to ensure development accords with Building Regulations.
- Attenuation pond has been increased in size to provide greater on-site surface water reserve.
- Building siting, plot arrangement and parking spaces amended along Clensmore Street to improve alignment of adopted road.

3.11 The application has been accompanied with a Planning Statement, Design and Access Statement, Noise Impact Assessment.

4.0 Officer Comments

- 4.1 This is a reserved matters application following outline consent in 2019 and therefore the principle of the development has been fully established and accepted. The Adopted Kidderminster Central Area Action Plan has allocated this site under Policy KCA.Ch5 for mixed use development including housing and envisaged that this site would form part of the proposed 'urban village' at Churchfields with a focus for housing-led regeneration. Matters of access were approved at outline stage and cannot be reassessed as part of this application. The principle of the development for up to 240 homes, including the affordable housing provision, are also not to be revisited as part of this application.
- 4.2 The main considerations for this application are whether the layout, scale, appearance and landscaping of the development is acceptable and whether there would be any detrimental impact on the character of the local area, on the significance of heritage assets, on residential amenity, highway safety, trees and biodiversity.

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LAYOUT, SCALE AND APPEARANCE

- 4.3 Paragraph 124 of the National Planning Policy Framework (the Framework) states that ‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 further states that planning decisions should ensure new developments add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish a strong sense of place; and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 4.4 Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and the Design Guide SPD all seek good design. Policy SAL.UP7 advises that new developments should (amongst other things) integrate well with the existing street scene; maximise opportunities to contribute to local distinctiveness; incorporate trees; consider biodiversity gain as an integral part of the development; and deliver well-designed parking solutions.
- 4.5 Policy KCA.Ch5 of the Adopted Kidderminster Central Area Action Plan advises that any new development on this site (Churchfields Business Park) should:
- i. Address Clensmore Street as a key movement corridor through the area.
 - ii. Open new streets into and through the site having regard to the historic street pattern including reopening Duke Street making use of the Local Heritage List buildings for enclosure.
 - iii. Create a block structure and layout that connects with surrounding structures with a more suburban pattern to the north of the site giving way to urban character in the south towards the ring road and Horsefair Neighbourhood Centre.
 - iv. Take advantage of topography to open views and vistas from the site and create recognisable landmark features within the site.
 - v. Provide an active edge to Churchfields and Clensmore Street and a sense of enclosure.
 - vi. Contribute to solving the problems of the Horsefair AQMA.
- 4.6 The Churchfields Masterplan SPD was adopted in September 2011 to ensure a comprehensive approach to new development of the Churchfields area is achieved. It seeks to ensure that Churchfields is ‘... *redeveloped in a way that embraces its existing character and that of the surrounding context and delivers a sustainable urban village of quality, which creates a unique sense of place*’. The Churchfields Masterplan SPD outlines 7 design principles to guide new developments and to promote good urban design.
- 4.7 The Churchfields Masterplan SPD identifies the application site as being the historic quadrant of Churchfields and recommends new development to have ‘... *an industrial urban feel through the retention of historic buildings*’ and ‘... *that a tight urban form would be created based on an urban grid*’. It also seeks ‘... *to steer new development to be back of footway with parking provided on street and in rear parking courtyards*’.

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- 4.8 The proposed site layout has followed the Master Plan as shown in the Churchfields Masterplan SPD and as indicated in the Outline Consent. It makes use of the historic pattern of streets in terms of the alignment of the new access roads and has positioned a row of terrace dwellings to reflect the siting of the former Duke Ranges. Two of the new internal roads have also been positioned to run parallel with Churchfields to create an urban grid in the road network, as recommended by the Churchfields Masterplan SPD.
- 4.9 The proposed apartment building has been sited close to the back of the footway to reinforce the historic urban grain. However, the proposed houses have had to be set back from the footway to provide on-plot parking that accords with the parking standards as required by WCC Streetscape Design Guide and to provide front gardens to help soften the street scene and ensure roads are not dominated by parked cars. I also note that rear parking courtyards are no longer encouraged in new developments as they are likely to give rise to security and anti-social behaviour problems and therefore this design aspiration contained within the Churchfields Masterplan SPD is no longer recommended. I am satisfied that the development provides an acceptable road layout that is clear and legible and reflects the historic pattern of development in this area.
- 4.10 The proposed plot arrangements and siting of buildings would provide good vistas and focal points at the road junctions within the site and the apartment building would provide an important landmark building at the corner of Broad Street and Churchfields.
- 4.11 The proposed houses along Clensmore Street, near to the northwest corner of the site, would step up the natural slope of the ground and retaining walls would be provided to ensure the rear gardens are level.
- 4.12 The siting and quantum of public open space reflects the indicative Masterplan approved under the Outline Consent and the proposed 3.5m wide pedestrian footway through this site would significantly improve the connectivity for future residents and the wider community. The woodland within the northern section of the site, which is covered by TPO 426, would be retained and houses have been positioned a sufficient distance from the trees to ensure no undue loss of sunlight that will require the trees to be reduced in size or felled in the future.
- 4.13 The application would achieve an overall density of 45 dwellings per hectare, based on the total developable area within the site, which reflects the density of housing to the immediate north and is appropriate for an edge of town centre location. The proposed development also provides an acceptable mix of house types to create a balanced community.
- 4.14 The scale of the dwellings being mostly two-storeys in height with only a small number having rooms within the roof space, would respect the building height of dwellings in the local area. The apartment building is also an appropriate three storey height to reflect its prominent corner position.

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- 4.15 In terms of appearance, the proposed development includes 10 different design styles with houses provided as detached, semi-detached and terraces. Some houses would include chimney breast, pitched roof, lean-to and flat roof entrance porches, brick course, brick window cill/header and 3 over 3 or 2 over 2 pane windows. The proposed material finish reflects the character of the locality and comprise a mix of 3 brick finishes (Wienerberger Tuscan Red Multi, Ibstock Grampian Red, Wienerberger Sunset Red Multi), as well as render. The roofs to the main dwelling and porches would be constructed in Russell Lothian Slate Grey Roof Tiles or Lothian Cottage Slate Red Roof Tiles. All windows and doors would be white or black coloured PVCu, which is to be expected on a modern housing estate.
- 4.16 The proposed apartment building has been amended from two separate blocks to one block of 18 two-bedroom flats which includes 4 flats on the ground floor with their own front entrance to help maximise activity to the street. The apartment building has been given arched window headers and stone window cills and detail in the apex of the front corner gable to compliment the traditional design of the building on the opposite corner of Broad Street/Churchfields. I consider that the appearance of the development is high quality and that a good mix of design styles, architectural features and material finishes are proposed to ensure visual interest is provided across the site in order to create a distinctive character whilst also reinforcing the key characteristics of the surrounding area.
- 4.17 The submitted details show boundary brick walls to be used for a number of plots to create a high-quality edge to the public realm. The amended details also include soldier course and tile creasing to the boundary walls to deter unauthorised access into the rear gardens of houses. The proposed hedgerows to the corners of Broad Street/Churchfields and Clensmore Street/Churchfields will significantly improve the visual amenity of this part of Kidderminster.
- 4.18 I have fully considered the concerns expressed about the appearance of the proposed housing adjacent to Veldonn Printers Limited, which comprises a three-storey traditional building and forms a prominent feature in the street scene when viewed from the canal towpath bridge. The applicant has produced a visualisation to show the proposed street scene and I consider that the siting, design and scale of the proposed dwelling houses in this part of the site would not detract from the character and appearance of the Veldonn Printer's building and would provide an attractive streetscene when viewed from the canal towpath bridge
- 4.19 I therefore consider that the layout, scale and appearance of the development firmly accords with the design principles set out in the Churchfields Masterplan SPD and will provide a high quality and distinctive place to live, which will create a balanced community and help to enhance the character and appearance of the local area and maximise the opportunities to regenerate Churchfields into a sustainable urban village. I also consider that the proposed development would accord with the relevant design policies contained within the Development Plan and the Framework.

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LANDSCAPING

- 4.20 The application has been accompanied with an illustrative Landscape Masterplan and a robust Landscape Statement and Landscape Management Plan which includes hard and soft landscaping proposals for the public open space (provided as two Pocket parks and to the public realm around the 1902 building) and along the road frontages and sets out how these will be managed in accordance with condition attached to the Outline Consent.
- 4.21 The applicant has advised that the *“wildlife pond proposed within the Churchfields Pocket park will be used to attenuate surface water from the development but will also offer amenity and wildlife benefits. The attenuation pond will be designed to hold some permanent water. The landscape management plan includes some info in respect of intended inspection and de-silting of this multipurpose pond”*. It is also intended that within the main Pocket park there would be areas suitable for ball games and a loop walkway would be provided to maximise its use by the public. Two woodland trails would be provided to promote recreation and offer a new walking and running route, whilst ensuring people are kept on the paths and do not harm the habitats within the woodland.
- 4.22 A smaller Pocket park would be provided to the north of the site which would retain an area of greenery where wildlife can flourish and the connectivity to the woodland can be maintained. It also provides a welcome visual break in the built development in the area and would include a short walking loop with a pedestrian bench to help support wellbeing and health amongst the community.
- 4.23 Street trees would be provided to help soften the street scene and to offset the loss of public open space that was meant to have been provided adjacent to the new link road but was agreed under application 20/0278/S73.
- 4.24 No objection has been raised by the Countryside and Parks Manager and the Council’s Arboriculturalist. I am satisfied that the proposed scheme would provide a high quality and attractive residential environment, that would enhance green infrastructure, provide biodiversity enhancements and help to support wellbeing and social cohesion. The development therefore would accord with Policy CP12 of the Adopted Core Strategy, Policies SAL.UP5 and SAL.UP9 of the Adopted Site Allocations and Policies Local Plan, the design principles contained in the Design Guide SPD and Churchfields Masterplan SPD and Paragraph 127 of the Framework.

IMPACT ON HERITAGE ASSETS

- 4.25 The proposed development would see the conversion of the 1902 building into 23 apartments which would secure its long-term use and maintenance. The submitted details show how the building would be subdivided into living accommodation in a sympathetic manner without any harm to its historic fabric and fenestrations. It is proposed to remove the two historic (1816) stone plaques from the brick wall fronting Broad Street and mount them into the window opening within the southern elevation of the 1902 building, which is a later intervention, and was intended to be blocked up. This is an acceptable location

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for the two plaques as they would be visible from Churchfields and are likely to be retained in this location long term.

- 4.26 I consider that the detailed landscaping strategy and visualisation of the proposed hard and soft landscaping around the 1902 building is acceptable and would enhance the significance of this locally listed building, as an undesignated heritage asset. The development would retain most of the existing brick boundary wall that fronts Churchfields and would provide continuity to the street scene as the same blue brick plinth within the boundary wall is provided in the 1902 building. I also consider that the retention of part of the historic wall to Churchfields will make a positive contribution to the historic environment and character of the place.
- 4.27 The Conservation Officer raises no objection to the proposed schedule of works to the 1902 building as well as the addition of 2 smoke stall risers to its roof to ensure the residential conversion complies with the requirements of Building Regulations. A condition is recommended to require the schedule of works to be completed prior to the occupation of the 200th dwelling in order to ensure that the conversion works are undertaken in conjunction with the development of the site and to secure the reuse of the 1902 building. The applicant has agreed to have this condition imposed. A condition is also attached to secure the details of the smoke stallriser and their location in the roof.
- 4.28 The Conservation Officer also supports the amended design of the proposed dwellings at the Churchfields/Clensmore Street corner, which lies adjacent to the Grade I St Marys Church. I am satisfied that the development would provide an attractive and active edge to Churchfields/Clensmore Street junction. I further consider that the development would enhance the significance of St Marys Church as a heritage asset, especially when compared with the recent use of the site as a Business Park with industrial premises.
- 4.29 The development therefore accords with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 192, 193 and 197 of the Framework, which all seek to preserve and enhance the significance of both non-designated and designated heritage assets.

HIGHWAY SAFETY

- 4.30 Amendments have been received to address all except one concern raised by the Highway Authority which requires 'readjustment works to the existing highway on Clensmore Street to remove existing access junction and improve adverse bend horizontal geometry fronting plots 85-90'. The Highway Authority acknowledge that the alignment of Clensmore Street is existing but have concerns that the visibility to these 5 residential properties would be restricted and vehicles on Clensmore Street will also not be able to see the cars pulling off the driveways from Plot 88. I am confident that the siting of the buildings will not have to be amended but instead adjustments to the road alignment and the parking spaces for these plots. I consider that it is reasonable for Members to delegate authority to approve subject to a no objection being provided by the Highway Authority following further details from the applicant which are currently

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being undertaken. Should an objection from the Highway Authority is maintained, then delegate authority to refuse the application.

- 4.31 It should also be highlighted that no objection has been raised by the Highway Authority to the internal road layout, access arrangements to any other plots (except 85-90) and to the proposed parking provision.

RESIDENTIAL AMENITY

- 4.32 The layout of the site shows acceptable separation gaps between dwellings to ensure no undue overlooking and appropriate garden lengths would be provided. All houses and the apartments would have acceptable habitable room sizes and internal layouts to ensure good living standards would be provided.
- 4.33 The submitted Noise Impact Assessment has recommended that an acoustic fence should be installed to the rear gardens of 3 residential properties that lie adjacent to Churchfields and Clensmore Street, in the southwest corner of the site, to mitigate noise nuisance from traffic on St Mary's ring road (A456). Worcestershire Regulatory Services have offered a no objection to this application following a review of this assessment subject to a condition to secure the recommended mitigation. I have attached a condition accordingly.
- 4.34 I note the concerns raised by the Trinity Methodist Church over noise from the new access point on Churchfields and that this would have a detrimental impact on their first floor flat. The access point in this location has already been established and cannot be revisited in this application and whilst the development would lead to increased traffic on the adjoining roads, I do not consider that it would lead to significantly greater noise levels to the existing flat at Trinity Methodist Church given that the Church building is also situated adjacent to the A456 where ambient noise levels are already relatively high. Worcestershire Regulatory Services did not raise concern of noise nuisance from traffic on Churchfields for the proposed future occupiers of dwellings in this scheme but instead requested an assessment to be submitted in relation to potential noise from St Marys ring road (A456). In addition, I am of the view that the proposed residential development would create less noise nuisance for the existing flat at Trinity Methodist Church than the previous use of the site as a business park.
- 4.35 I note the concerns expressed by an existing resident about the siting of the proposed apartment block on the corner of Churchfields/Broad Street near the existing flats in Maureen Aston Court, where there has been crime and anti-social behaviour. However, in the absence of any evidence to sustain their concern, I do not consider that this is a valid reason to warrant a refusal of the application as this would be based on an unjustified assumption. Furthermore, no objection has been raised by the Designing Out of Crime officer.
- 4.36 The proposed apartment building has been repositioned further away from the existing dwelling at 3 Broad Street and I am satisfied that the development would not result in any adverse impacts on the residential amenity of this property in terms of noise nuisance, loss of light and privacy. I am also of the view that the proposed development would not result in loss of amenity to any other existing

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occupier of neighbouring properties. I therefore consider that the development would be acceptable in terms of residential amenity.

OTHER MATTERS

- 4.37 The details that were reserved by planning conditions attached to the outline consent 18/0285/OUTL have now been agreed as part of this application, and relate to the following conditions: 6 (Phasing Plan); 7 (Conformity with Master Plan); 10 (External materials); 11 (Boundary treatment); 13 (Site Levels and Finished Floor Levels); 15 (Tree Protection Plan); 16 (Arboricultural Impact Assessment); 17 (Access arrangements); 18 (Cycle Storage details for apartments only); 22 (Additional Ecology Survey); 23 (Scheme of Ecological Enhancement Measures); 24 (Programme of Archaeological Work); 26 (Scheme of Internal and External Works for 1902 Building); 28 Parts a – d (Site Investigation and Remedial Works for Contaminated Land); 30 (Low Emission Boilers); 33 (Noise Impact Assessment).
- 4.38 Outstanding conditions that have not been agreed and require discharging prior to any commencement/occupation of development are: 8 (Public open space details (including planting, hard surfacing, furniture and lighting)); 12 (External lighting to private driveways); 14 (Hard and Soft Landscaping); 18 (Cycle storage for houses); 19 (Travel Plan); 20 (Foul and Surface Water Drainage); 21 (Surface Water Drainage Strategy); 25 (Archaeology WSI Published/Archive); 28 Parts e and f (Remedial works for contamination); 31 (Provision of Electric Vehicle Charging Points); 32 (Construction Environmental Management Plan).
- 4.39 A Section 106 Agreement was secured with the Outline Permission which requires the development to provide 18 affordable units (61% social rent, 39% shared ownership). This planning obligation was agreed with the applicant following a review of the submitted Financial Viability Appraisal by an independent consultant and was considered acceptable to allow the scheme to remain viable, in accordance with Policy CP04 of the Adopted Core Strategy. The proposed housing mix and tenure in the reserved matters application accords with the requirements of this S106 Agreement. I note the comments from Worcestershire Children First in which a financial contribution towards Education is sought, however, as this is a reserved matters application no additional planning obligations can be required.

5.0 Conclusions and Recommendations

- 5.1 The proposed development would support the regeneration of Churchfields into a sustainable and vibrant urban village, which is currently being facilitated by the highway improvement works and has been in other parts by new housing development.
- 5.2 The proposals would create a distinctive character and sense of place, that has retained references to its historic industrial past in terms of its layout and the reuse of the 1902 building. The proposed Pocket parks and landscaping to the public realm would significantly enhance the green infrastructure in the area and the proposed pedestrian link will improve connectivity. Subject to further highway

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works on the adjoining roads, which will be undertaken under a highway agreement, the development would result in no unacceptable impacts on highway safety and adequate parking provision and access arrangements would be provided. Pedestrian routes through the site deliver good levels of permeability. The layout and design of the development would avoid unacceptable impacts upon the amenities of existing residents, on heritage assets, trees and ecology. I therefore consider that the development would represent sustainable development and would accord with the overarching policy KCA.Ch5 for the redevelopment of the former Churchfields Business Park and the vision and requirements set out in the Churchfields Masterplan SPD.

- 5.3 Further amended plans are anticipated which will indicate some amendments to the alignment of the road edge and footpath to this side of Clensmore Street and the parking/access arrangements to Plots 85 – 90. I therefore recommend **delegated APPROVAL** subject to:
- a) the submission of satisfactory revised plans indicating alterations to Plots 85 - 90 and:
 - b) No objections from Highway Authority; and
 - c) The following conditions;
 1. Approval of matters reserved under Condition 2 of Outline Consent 18/0285/OUTL
 2. Prior to first occupation, the pedestrian footway linking Churchfields with York Street to be completed
 3. Prior to the occupation of the 200th dwelling, the agreed Schedule of Works to enable the conversion of the 1902 building to be completed.
 4. Details of smoke stall risers to be submitted and agreed
 5. Details of removal and remounting of the two stone plaques
 6. Details of lighting to public realm adjacent to the 1902 building
 7. Implementation of noise mitigation measures as recommended in the Noise Impact Assessment, including acoustic fencing, glazing and ventilators
 8. Removal of Permitted Development Rights for fences, gates or walls forward of any dwelling house
 9. Removal of Permitted Development Rights for upward extensions and rear extensions
 10. Arboricultural Method Statement to be implemented
 11. Cycle storage details for dwelling houses without garages to be submitted and agreed
 12. Implementation of Landscape Management Plan
 13. To require the windows to be set back a sufficient window reveal depth.

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NOTES

1. This approval should be read in conjunction with the obligation entered under Section 106 of the Town and Country Planning Act 1990 (as amended) which accompanied outline consent 18/0285/OUTL
 2. This application formally agrees the details reserved by condition Nos. 6, 7, 10, 11, 13, 15, 16, 17, 18, 22, 23, 24, 26, 28 (Parts a - d), 30 and 33 attached to 18/0285/OUTL. These conditions are not discharged until the approved details have been fully implemented.
 3. Attention is drawn to the following outstanding pre commencement and/or prior to first occupation conditions attached to 18/0285/OUTL which have not been agreed by this application. These are condition Nos. 8 (Public open space details (including planting, hard surfacing, furniture and lighting)); 12 (External lighting to private driveways); 14 (Hard and Soft Landscaping); 19 (Travel Plan); 20 (Foul and surface Water Drainage); 21 (Surface Water Drainage Strategy); 25 (Archaeology WSI publish/archive); 28 Parts e -f (Remedial works); 31 (Provision of Electric Vehicle Charging Points); 32 (Construction Environmental Management Plan).
 4. Attention is drawn to conditions 8 and 9 of this approval, the effect of which is to withdraw permitted development rights in respect of development which would otherwise not require planning permission.
- 5.4 However if by the **18th December 2020** satisfactory amended plans have not been received and the Highway Authority maintain an objection, then it is also recommended that **delegated authority to REFUSE** the application be given for the following reason:
1. The means of vehicle access to/from Plots 85 - 90 are inadequate and would lead to a detrimental impact on pedestrian/vehicle safety on the adjacent highway. As such the proposal would be contrary to Policies CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 109 ad 110 of the National Planning Policy Framework.

Application Reference:
 Ord Sheet: 20/0454/HOU
 385004 276938

Date Received:
 Expiry Date:
 Ward: 15.06.2020
 17.08.2020
 Offmore and Comberton

Case Officer: Kelly Davies

Proposal: Erection of two storey side and first floor rear extensions

Site Address: 11 Osborne Close, Kidderminster, DY10 3YY

Applicant: MR ADWEN JOHN

Summary of Policy	CP11 (WFCS) UP7 UP8 CC2 (SAALP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Note the decision to defer the application and postpone the Committee site visit

THE APPLICATION WAS DEFERRED FROM 15TH SEPTEMBER MEETING FOR A COMMITTEE SITE VISIT TO UNDERTAKEN

1.0 Application Update

1.1 Members will recall that this application was presented at the 15th September Planning Committee, where it was resolved to defer the application to enable a Committee site visit to be undertaken. Following this deferral, the Applicant has indicated that amended plans are to be submitted. Following discussions with the Chairman it has been decided that in order for the Committee to fully consider the amendments and any other additional information, that the application be deferred for a further month and will be reported once all information is available.

1.2 In order that Members have the opportunity to see the site in the light of any amendments and additional information it was also be decided that the scheduled Site Visit on Tuesday 13th October was postponed and will be arranged prior to the matter being represented to Members.

2.0 Recommendation

2.1 That Members note the decision taken by Officers following consultation with the Chairman, to defer the consideration of the application and to postpone the Committee site visit.