

Open

# Planning Committee

## Agenda

To be held remotely  
6pm  
Tuesday, 16th March 2021



## Planning Committee

### Members of Committee:

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

Councillor J Aston

Councillor V Caulfield

Councillor A Coleman

Councillor P Harrison

Councillor M J Hart

Councillor L J Jones

Councillor F M Oborski MBE

Councillor C Rogers

Councillor L Whitehouse

Councillor TBC

### 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.

Members of the public will be able to hear and see the meetings by a live stream on the Council's website: <https://www.wyreforestdc.gov.uk/streaming.aspx>

This meeting is being held remotely online and will be recorded for play back. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. All streamed footage is the copyright of Wyre Forest District Council.

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](mailto: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, 16th March 2021

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  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.	<b>Declarations of Interests by Members</b>  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.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 16 <sup>th</sup> February 2021.	7
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	10
6.	<b>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.</b>	

7.	<p><b>Exclusion of the Press and Public</b></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><b>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.</b></p>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

HELD REMOTELY

16TH FEBRUARY 2021 (6PM)

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**Present:**

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

**Observers:**

Councillors: G W Ballinger, R H Coleman, H E Dyke, I Hardiman and P W M Young.

**PL.41 Apologies for Absence**

There were no apologies for absence.

**PL.42 Appointment of Substitutes**

No substitutes were appointed.

**PL.43 Declarations of Interests by Members**

Councillor J Aston declared a Disclosable Pecuniary Interest (DPI) in application 20/0993/HOU as he was the owner of the property and would leave the meeting whilst this application was decided.

Councillor J W R Thomas stated in respect of application 20/0996/RG3 that as a Cabinet Member he was aware of the application coming to the Planning Committee but was not aware of details of the application and would approach the decision with an open mind.

**PL.44 Minutes**

**Decision: The minutes of the meeting held on 15<sup>th</sup> December 2020 be confirmed as a correct record and signed by the Chairman.**

**PL.45 Applications To Be Determined**

Councillor H E Dyke joined the meeting at this point (6:04pm).

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 592 attached).

Councillor J Aston left the meeting at 6:29pm whilst application 20/0993/HOU was determined and re-joined the meeting at 6:31pm.

#### **Agenda Item No. 4**

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No. 592 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.**

There being no further business the meeting ended at 6:32pm.



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

16<sup>th</sup> February 2021 - Schedule 592 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.

<b>Application Reference:</b> 20/0996/RG3
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<b>Site Address:</b> Temporary Car Park, Bridge Street, Stourport On Severn, Worcestershire, DY13 8XD
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<b>APPROVED</b> subject to the following conditions:
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- |  |
|--|
| <ol style="list-style-type: none"> <li>1. A9 (Temporary permission – uses of land) Temporary permission for a 4 year period.</li> <li>2. A11 (Approved Plans)</li> </ol> |
|--|

Councillor J Aston left the meeting at this point (6:29pm).

<b>Application Reference:</b> 20/0993/HOU
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<b>Site Address:</b> 23 Fieldfare Court, Kidderminster, Worcestershire, DY10 4TT
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<b>APPROVED</b> subject to the following conditions;
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- |   |
|---|
| <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. To secure building materials as proposed</li> <li>3. A11 (Approved Plans)</li> </ol> |
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Councillor J Aston re-joined the meeting at this point (6:31pm).

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

**Part A Applications**

<b>Ref:</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
20/0875/FUL	Bewdley Fire Station Dog Lane Bewdley Worcestershire DY12 2EQ	Delegated Approval	11

**Part B Applications**

<b>Ref:</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
20/0951/OUT	Land At Os 373160 274660 Plough Lane Far Forest Kidderminster Worcestershire	Refusal	38

**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**16 March 2021**

**PART A**

<b>Application</b>	<b>20/0875/FUL</b>	<b>Date</b>	<b>27.10.2020</b>
<b>Reference:</b>		<b>Received:</b>	
<b>Ord Sheet:</b>	<b>378562 275458</b>	<b>Expiry</b>	<b>19.02.2020</b>
		<b>Date:</b>	
<b>Case Officer</b>	<b>Helen Hawkes</b>	<b>Ward:</b>	<b>Bewdley And Rock</b>

**Proposal:**           **Mixed retail/residential development comprising a 608sq m gross convenience store with six no. residential units at first floor with associated car parking, servicing, landscaping and other works**

**Site Address:**      **Bewdley Fire Station, Dog Lane, Bewdley, Worcestershire, DY12 2EQ,**

**Applicant:**         **Lombard Group Developments Ltd**

<b>Summary of Policy</b>	DS01 DS03 CP01 CP02 CP03 CP04 CP05 CP07 CP11 CP14 of the Adopted Core Strategy (2010) PFSD1 DPL1 DPL2 CC1 CC2 CC7 UP5 UP7 UP9 of the Adopted Site Allocations and Policies Local Plan (2013) 6A 6B 6F 8A 8B 8C 11A 11B 11C 11D 13 15B 15C 15D 24B 27A 27C of the Emerging Wyre Forest Local Plan (2016-2036) Design Guidance SPD National Planning Policy Framework National Planning Practice Guidance National Design Guide
<b>Reason for Committee Referral</b>	'Major' planning application
<b>Recommendation</b>	DELEGATED APPROVAL

**1.0 Planning History**

1.1 No relevant planning history.

**2.0 Consultation and Representations**

2.1 Bewdley Town Council (Initial response) – Defer consideration of the application until the Town Council have received the following information:

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- A response from Highways concerning suggested conditions
  - Feedback had been received from the Case Officer following the meeting that had taken place earlier in the day (28/01/2021) with the Conservation Officer, to discuss two revised site layout/designs.
- 2.2 Bewdley Town Council (Comments to amended scheme) – Recommend approval. Councillors, however, stressed their concerns over pedestrian safety with increased traffic and deliveries to the site. It was felt that consideration should therefore be given to this issue, with one suggestion for a dedicated walkway for pedestrians.
- 2.3 WFDC Conservation Officer (Comments to amended scheme) – No objection to the application. The applicants have responded to the request made to reduce volume and orientation and sort to reduce the bulk and massing by improvements to the roofscape, design and scale to ensure the building does not look bland. Numerous details now submitted has gone a long way to allay concerns relating to bulk and massing on the impact on the Conservation Area. Whilst this is still a large building to be built in the Conservation Area, if Members are minded to approve, they should bear in the mind that the existing policy was adopted when none of the site allocation had been redeveloped and envisaged mixed-use development across the entire site, however, the community facilities have now been transferred to a site outside of the Conservation Area. The draft site allocation for 15 housing units on this site as put forward in the Emerging Plan only relates to this reduced site, and given the smaller site available now, the development envisaged in the Emerging Plan when taking into account the constraints of the site falling within Flood Zone 3, would require potentially a three-storey building that would occupy most of the site, and would result in a much greater visual impact on the Conservation Area compared to the developed proposed in this application. The scheme as proposed has been amended following discussions and negotiations and whilst the scheme does not accord with the Emerging Plan it is considered that it would have an acceptable impact on the historic townscape and the Conservation Area and would accord with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan.
- 2.4 Severn Trent Water (Comments received to amended scheme) – No objection subject to conditions to require drainage plans for the disposal of foul and surface water flows. They also note that there is a public 600mm surface water sewer located within this site.
- 2.5 Arboricultural Officer – No objection and subject to a condition for detailed soft landscaping scheme.
- 2.6 North Worcestershire Water Management Officer (Comments received to amended scheme) – No objection subject to a condition to require a detailed surface water drainage strategy to be submitted.

It is advised that the Finished Floor Level (FFL) of 23.79m AOD for the ground floor is sufficient. I understand that safe, dry access to the residential properties is provided as this is set at 23.79m AOD also. A further assessment is therefore no longer required. I understand the Environment Agency has proposed a condition regarding the ground floor finished floor levels.

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The FRA includes an assessment of the flood storage space available in flood zone 3 and the difference with the previous development of the site. The raised area would occupy approximately 74% of the area within flood zone 3 (defended) that the former medical centre occupied (within the extent of the site boundary) and confirms that the scheme therefore offers a betterment from a flood storage point of view. Therefore, no additional compensatory flood storage will be required.

The principles of the outline surface water drainage strategy included in the FRA remain unchanged, but it has been confirmed that excess water can be safely contained within the site and upon my request a section (8.4) has been included regarding the impact of a Fluvial Flood Event on the surface water drainage.

As the flood risk on this site is associated with a main river, the Environment Agency's consultation response should be leading, should there be any discrepancies between my consultation response and theirs.

- 2.7 Environment Agency (Comments received to amended scheme) – No objection to the proposed development subject to conditions, informatives and a financial contribution £9,000 towards maintenance of the flood defences in Bewdley and towards the Flood Warning System provided by the Environment Agency.

Flood Risk: This proposed development is located partially within Flood Zone 3, which is the high-risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. In accordance with Table 1: Flood Zones (Reference ID: 7-065-201-20140306) within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding.

The Flood Map at this location is informed by detailed modelling of the River Severn. The area does benefit from the Bewdley Flood Defences (demountable) but the defences do not provide protection to the required 1 in 100 year plus climate change (35%) flood event standard. Therefore, the defenses do not fully remove the risk of flooding and a residual risk remains from overtopping, breach, and reliance on deployment.

It is understood that the proposals will comprise a food retail unit (less vulnerable) to be built over the approximate location of the existing fire station and 6 resident units (more vulnerable) located above this. A car park area will be provided to the rear of the food store, located in the vicinity of the recently demolished medical centre.

Sequential Test: The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 157-158 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG. The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

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Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required.

Based on the scale and nature of the proposal, which is considered non-major development in accordance with the Development Management Procedure Order (2010), we would not make any bespoke comments on the ST, in this instance at the planning application stage. The fact that we are not providing comments does not mean that there are no ST issues, but we would leave this for the LPA to consider. Providing the LPA are satisfied that the ST has been passed, then we can provide the following comments on the ET and FRA.

Exception Test: As outlined in paragraph 102 of the NPPF, if, following application of the ST, it is not possible, consistent with wider sustainable objectives, for the development to be located in zones with a lower probability of flooding, the ET should be applied. For the ET to be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment (SFRA); and
- Site-specific FRA must demonstrate that the development will be safe for its lifetime taking account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The first requirement of the ET relates to a wider planning consideration for the Council's consideration. In considering safe development requirements, we recommend that the FRA should assess flood risk to the proposed development and to future occupants during a 100 year plus climate change flood event.

Flood Risk Assessment (FRA): We have reviewed the submitted Flood Risk Assessment & Outline Drainage Strategy Report (Project Ref: 12904, Report Ref: MP/12904/FRA. Second Issue Dec 2020).

The design flood (1% flood level plus climate change allowance) should be used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development.

For 'more vulnerable' development (as defined within Table 2 - Flood Risk Vulnerability Classification, Paragraph: 066 Reference ID: 7-066-20140306 of the NPPG) e.g. housing, the FRA should use the 'higher central' climate change allowance (35%) as a minimum to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible. For 'less vulnerable' use the allowance is 25% (higher central) and 40% (upper end).

Climate Change interpolation: In line with our area climate change guidance, for 'major' development (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015, we would expect a detailed FRA to

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provide an appropriate assessment (hydraulic model) of the 1% with relevant climate change ranges.

For Non-Major Development (as proposed) we would advise that a hydraulic flood model is produced or existing model is re-run, similar to the approach for major development. This would give a greater degree of certainty on the design flood extent to inform a safe development. However, for 'non major' development only, in the absence of modelled climate change information, it may be reasonable to utilise an alternative approach. To assist applicants and Local Planning Authorities we have provided some 'nominal' climate change allowances within the 'Table of nominal allowances'.

To inform a 1% plus climate change flood level the applicant could interpolate such using modelled flood data or where the 1% level is available from an existing model, as is the case in this instance, add on the relevant 'nominal climate change allowances provided in our 'Table of nominal allowances'.

Design flood level: In this instance, the FRA has chosen to derive a 1 in 100 year plus climate change 'design' level for the site utilising our nominal allowances. The modelled 1 in 100-year flood level at this location is 22.59mAOD. When considering finished floor levels for the ground floor, which is to be a less vulnerable use, the FRA has applied the nominal allowance of 600mm to provide a design flood level of 23.19mAOD. It should be noted that in such an event the adjacent defences would be overtopped and this has informed the development proposals with the residential element of the development on the first floor.

The FRA then correctly adds an additional 600mm freeboard to derive a finished floor level for the retail unit of 23.79mAOD which is acceptable.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

Conditions are recommended to secure ground floor finished levels no lower than 23.79mAOD and a flood evacuation management plan. Informative is advised to make the applicant aware that future occupiers should be set up on Environment Agency flood warning system and to install flood resistance measures to prevent floodwater ingress into the building.

- 2.8 Designing Out of Crime Officer – No objection subject to a condition to require an access control to the two communal doors at first floor.
- 2.9 Highway Authority (Comments received to amended scheme and Road Safety Audit) – Objects to the application and recommends refusal. It is advised that the proposed mixed-use development on the former fire station site in the centre of Bewdley is in a highly sustainable, town centre location and accordingly, the quantum of 6 parking spaces for the residential use has been accepted with vehicular access to the residential parking via Dog Lane. However, vehicular access to service the proposed retail unit is via a right turn on Load Street through the existing public car park and

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whilst it is understood that a right of access has been agreed, the Highway Authority has a safety concern regarding the proposal to introduce heavy goods vehicles to the route through the car park with the potential for conflict with pedestrians and other road users.

The car park is 1 of 3 in a central location in the town and particularly during the busy summer months, Bewdley is a key destination for visitors and tourists throughout the day and evening, most of whom will utilise the public car parking and will be unfamiliar with the area. The proposed convenience store would also attract additional footfall.

In response to the previous Highways recommendation of deferral, the applicant has undertaken a Stage 1 Road Safety Audit (RSA) to examine the road safety implications of the scheme and whilst two matters arising were identified relating to the residential parking to the north east of the site and the vehicle tracking from the right turn lane on Load Street through the site, the submitted report states that 'The RSA did not identify the proposed service route through the car park as a safety concern.'

Furthermore, the applicant has submitted a Delivery and Servicing Plan to propose that the number of HGV movements will be low. The Plan states that 'It is anticipated that the proposed convenience store could be serviced by one main (depot) delivery per day' and an indication is given of the 'Anticipated Delivery Vehicle'. In addition, there are likely to be 'approximately two direct deliveries' per day which are typically undertaken in smaller HGVs/vans. However, there is a lack of certainty to these details. Similarly, the applicant has suggested delivery times of Monday to Friday 07:00 – 10:00 and 18:00 – 21:00 with Saturday, Sunday & Bank Holidays 08:00 – 11:00 and 18:00 – 21:00 which allows a lot of scope for deliveries to include the morning peak and the evenings, when the town will be busy with evening trade.

Subsequently, the development proposal and the RSA Report have been referred to the Worcestershire County Council Road Safety Officer for assessment and in his view 'the design and layout of the car park is unsuitable for the type and size of delivery vehicle' proposed. The route through the car park is a Public Access route where pedestrians are walking and whilst this has been the case for some considerable time, the sharing of the space to date has been between pedestrians and cars not pedestrians and HGVs.

The Road Safety Officer further states that the potential for vehicle and pedestrian conflict on this route, where there are no footpaths in part, exists 'regardless of the low number of delivery vehicle movements' proposed.

The Highway Authority is obliged to uphold to the Road Safety Officer's expert opinion and is therefore in agreement that the proposal to introduce HGV movements plus smaller HGVs and vans into the public car park in this location represents an unacceptable impact on public safety. Therefore, the Highway Authority recommends that this application is refused

However, should the Local Planning Authority be minded to approve the application, the following conditions are recommended: Details of access design and layout to include visibility splays on Dog Lane to serve the residential parking, to be submitted and approved; Details of access, turning area and parking facilities including



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accessible spaces and delivery bay to be provided prior to occupation; Details of the highway signage improvements to be submitted and approved; Details of Delivery and Servicing Plan to be submitted and approved; Details of cycle storage providing to be submitted and approved; Details of Residential Welcome Pack to be submitted and approved; and Details of a Construction Environmental Management Plan to be submitted to and approved.

2.10 Worcestershire Regulatory Services (Noise Officer) (Comments received to amended scheme and revised Acoustic Report) – No objection subject to conditions to secure the proposed mitigation measures and to restrict delivery hours as proposed. The Acoustic Report is acceptable and concludes that mitigation is required to reduce the impacts of noise from grocery deliveries and external plant which are appropriate. The mitigation measures include the following:

- To reduce the impact of delivery noise upon future residents of dwellings above the proposed store Pilkington Optiphon 8.8mm/16mm Argon/ 12.88mm or equivalent should be installed in all first-floor windows along the south western and south eastern facades. Other glazing may be used, so long as the units have equivalent acoustic performance as per Table 12 of the report.
- Noise from deliveries is not anticipated to cause an adverse impact at 21 Dog Lane, due to barrier effect provided by the intervening boundary fence.
- Noise from fixed plant is to be reduced by means of mitigation detailed within document 89583/NIA prepared by Noise Solutions Ltd. (When considering the effect of the acoustic enclosure the BS4142 assessment indicates a low impact at 10 Dog Lane, the nearest sensitive receptor).

2.11 Worcestershire Regulatory Services (Air Quality Officer) – No objection subject to standard air quality mitigation measures including conditions to secure cycle storage, electric vehicle charging points, low emission boilers. It is advised that Worcestershire Regulatory Services (WRS) have reviewed the application in relation to air quality. It is understood that the application consists of a convenience store (608m<sup>2</sup>) with 6 residential flats above and 11 allocated parking spaces, 2 disabled parking spaces and cycle parking. The parking allocation is indicated to relate to the residential element of the development with the local car park already being present to facilitate the commercial aspect. Available information indicates that the increase in trip generation from the proposed development is anticipated to be low. The amount of delivery vehicles / HGV trips generated is also anticipated to be low.

The ‘Land-Use Planning and Development Control: Planning for Air Quality’ document, produced by EPUK and IAQM (Jan 2017), provides indicative criteria for when a detailed air quality assessment (AQA) should be considered. The main relevant criteria for this development requiring an AQA would be a significant change of LDVs (cars and light goods vehicles) of more than 500 trips (100 within or adjacent to an AQMA) or for HGVs an additional 100 trips (25 within or adjacent to an AQMA). This would be in addition to the trip generation from the previous use of the site.

Based on the available information the trip generation from the development will be well below the relevant criteria as indicated above therefore WRS would not advise that an AQA is necessary. However, given that the development includes more than 10 additional parking spaces WRS would recommend that standard air quality

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mitigation measures are adopted as general practice. This is to help alleviate pollution creep in the area and to encourage the uptake of low emission vehicles. Please see the attached document for information and the standard recommended air quality mitigation conditions.

- 2.12 Worcestershire Regulatory Services (Contaminated Land Officer) – No objection subject to a condition to require further site investigation for potential contaminated land risk and remediation works. It is advised that the submitted Phase 1 Geo Environmental & Geo Technical Assessment has been reviewed and WRS are broadly in agreement with the methodology and findings, and we agree that a full Site Investigation should be proceeded with the Phase 2, intrusive investigation. However, due to the historic use as a fire station, and the proximity to the river, WRS recommend the CSM and Risk Assessment be updated to include the PFAS / PFOS family of chemicals. With those chemicals in mind, a condition should be applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.
- 2.13 Countryside and Parks Manager – No objection subject to a condition to require a letter of compliance to demonstrate that all mitigation measures have been delivered. The ecological Appraisal produced by Countryside Consultants Ltd 2020 is sufficient and appropriate. It has concluded negligible impacts on protected species and habitats and has put forward mitigation measures in Paragraph 7.5 and appendix 1 of the report that will provide sufficient mitigation for this application to proceed and demonstrate net biodiversity gain. We will need to condition that these measures are implemented as part of the development and the developer provides us with a letter of compliance from a qualified ecologist to demonstrate that the mitigation has been fitted in a manner that will allow the mitigation to deliver its intended outcomes.
- 2.14 WCC Archaeologist – No objection subject to conditions. It is advised that the site lies within the medieval core of Bewdley centre. The town is first recorded as Beaulieu in 1304 and is associated with a manor on the western side of the river. The majority of tenement plots are laid out fronting Load Street which was in existence by 1539. Dog Lane is mentioned in 1472, implying the existence of Dog Lane by that date. This tenement block currently contains buildings dating from the 16th-18th centuries. The site, therefore, has high archaeological potential as it was probably settled by the late 15th or early 16th century.

The level of damage or truncation by later development is unclear, but well-preserved archaeology could exist within the site. Archaeological work in the vicinity shows variability in survival with some sites producing medieval archaeology at some depth, and other sites (such as the new medical centre to the south west) showing extensive truncation and little survival. Given that the site lies in the floodplain, it is possible that archaeology could be relatively deep and well preserved. There is also good potential for water-logged and environmental remains given the location. The desk-based assessment submitted with the application demonstrates that there is likely to have been significant truncation across part of the site, however, other areas may survive intact. Due to the potential for below ground archaeological remains to be present an evaluation by trial trenching should be undertaken before any development commences. This could be followed by further works should the evaluation discover archaeological deposits of significance. Given the evidence in the desk-based

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assessment, I would accept this to be undertaken by condition rather than pre-determination, as at least part of the site has been severely truncated. The developer should aim to carry this out at the earliest opportunity, as should an excavation be required following evaluation, this could be programmed into the timetable from the outset and avoid any delay to construction work.

Any further geotechnical works, including investigations for drainage solutions should be monitored archaeologically. This could aid in understanding the archaeological potential of the site, especially the potential for important palaeo-environmental deposits to exist.

The fire station, which is listed on the HER as WSM71375 and was recorded as part of the Historic England funded 20th century heritage project. Whilst there is no objection to the loss of this building, it should be subject to a Level 1 Historic Building Record.

- 2.15 WFDC Principal Housing Strategy Officer – No objection and advises that there is no requirement for affordable housing as the development is below the threshold. It is also noted that the proposed flats are of an adequate size for the number of proposed households. In terms of need I have there are 306 applicants registered for Bewdley, 82% looking for 1 and 2 bed properties, so demand is fine. However, it is worth noting that the largest co-horts of applicants for 1 bed properties are: over 65's /applicants with a medical need (over 36%) and singles and couples (59%)

It would be expected that this demand could change in respect of flats, with couples and over 65's/applicants with a medical need having a higher 2 bed need. In addition, for 2 bed properties, (87%) demand is predominately from smaller families which is not perhaps ideal for an apartment type development.

- 2.16 WFDC Planning Policy - The proposal is in compliance with the Wyre Forest District current adopted policy Policy SAL.B1 of the Site Allocations and Policies Local Plan. The policy states that suitable development on the site would include a convenience store to meet local needs and housing to meet local need. The size of the convenience store is larger than the size of convenience store needed as identified in the Retail and Commercial Leisure Needs Study 2016.

### **Neighbour/Site Notice Representations**

15 Letters of objection received from nearby occupiers, The Bewdley Conservation Area Residents Association (BCARA) and from the Bewdley Civic Society. All comments are summarised as follows:

- Lack of detail and reports have been submitted to fully consider the impact of the development on the significance of the adjacent Grade II listed buildings at 2, 4 and 5 Dog Lane.
- Improved road signage is needed in the Dog Lane area to make drivers aware that it is a 'dead end' and should be 'residents only'.
- Landscaping should be sympathetic to existing soft landscaping, nearby gardens and to add wildlife.
- Impact on hedgehogs, bats, birds and local ecology in general and there should at least be new bird and bat boxes incorporated into the development.
- Inadequate access and parking provision.

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- Increase traffic and congestion.
- Access for deliveries is unsuitable and would result in pedestrian/vehicular conflicts.
- The Council would not be able to control or enforce the number, hours, servicing route of delivery vehicles or to enforce them to 'switch off' or avoid vehicle idling to reduce noise and fumes.
- Increase pollution and the applicant fails to address potential vehicle fume pollution in the car park or traffic management solutions of all vehicles entering and leaving from Dog Lane.
- Noise nuisance.
- No lift has been provided for the residential units which will exclude the disabled.
- Lack of need for a new grocery shop.
- Likely to affect local shops and be detrimental to independent retailers.
- The prospect of 'extra jobs' is countered by the possible closure of existing shops.
- Impact residential amenity - close to adjoining properties and loss of privacy.
- Out of keeping with character of area and overdevelopment.
- Poor design and building is too high.
- Visual impact on the important historic setting of Bewdley.
- Sympathetic materials, signage, lighting and soft landscaping is required to suit the Conservation Area and the use of timber boarding on all principal elevations may not be appropriate as such boarding has been used on the BMC Library building and this now looks an absolute eyesore having weather stained very badly.
- Small cottages are required, which provide for local first time buyers and are affordable, not open market flats.
- The supporting Retail studies are well out of date and do not reflect the present trends in the traditional 'High Street'.
- Strain on existing community facilities.

3 Letters of support received from nearby occupiers/residents stating the following:

- Fantastic opportunity for Bewdley.
- Create new jobs.
- Keep local people shopping locally rather than travelling to nearby Kidderminster and will support the other local traders.
- Current choice of convenience stores is poor.
- Extra competition is a good thing.
- Provide new housing.

1 Letter received from a nearby occupier/ resident expressing that they neither object or support the application but commented that the development is out of keeping with the character of the area and the at the proposed scheme does not reflect the Conservation Area of surroundings.

25 Letters of objection have been received from nearby occupiers, including a letter from a Planning Consultant on behalf of nearby residents, following re-consultation on the application in regards to the amended design and siting of the building and the submission of a Road Safety Audit. Many letters expressed the same comments as mentioned above with the only additional comments being:

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- Design of the 6 flats is still poor, being too small and having no useable balconies.
- Unsuitable access for delivery vehicles.
- Development will cause major traffic flow problems.
- No need for 6 dedicated parking spaces for residents of the flats given the proximity of the public car park and availability of residents parking permits and instead the 6 parking spaces should be used for electric vehicle charging points for public use.
- Increase inappropriate parking on Dog Lane.
- Site is far too small for this type of development.
- Strain on local, independent shops and traders.
- Existing retail shops deserve support given the difficulties they have experienced over the last 12 months but have still remained open to serve the local community, and they should be given the opportunity to grow, and not be put at risk by extra competition from a huge supermarket conglomerate.
- No requirement for the 2-metre high close boarded timber fencing as it will not improve security and will look awful in this very urban setting.
- Increase in traffic, deliveries and customers will impinge on the already busy Conservation Area.
- Bewdley needs more residential properties and this location would be ideal for a 100% residential development.
- This area is primarily a residential area with all amenities already within walking distance.
- Increase noise and vibration from loading and unloading in particular noise caused by roller cages used during deliveries.
- Light pollution is already an issue caused by nearby developments and this will only add to the existing problem.
- General dislike of proposal.
- Conflict with the local plan.

3 Letters of support received from a nearby occupier/ resident and the Bewdley Civic Society stating the following additional comments to the amended scheme:

- Considerable improvements since the previous scheme and the amended scheme is now more sympathetic to its immediate surroundings, although the proposed 2 metre boarded timber fencing is unnecessary and would detract from the commendable aesthetics of the scheme and therefore objections are raised to this fencing.
- Appreciate the detailed effort that has been made to restrict the impact on local historic properties and the reduction in height and rotation of the building and swapping of the sales and back of house units is a very positive move.
- Reduction in resident parking spaces is welcomed.
- Delighted that additional soft landscaping is now provided which will be a useful habitat for hedgehogs and invertebrates, plus a hedgehog hibernation box is now proposed!
- Create more jobs and less traffic on Load Street from Tesco and Co-op stores.

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### 3.0 Site Location and Description

- 3.1 The application site represents previously developed land and comprises the former Bewdley fire station (a non-designated heritage asset which is recorded on the WCC Historic Environment Record) and Medical Centre sites, which are no longer in use. The former Medical Centre building has been cleared from the site. The 1960s fire station building is the remaining building on this site and comprises a flat roof, part single part two storey brick building and a standalone metal practising tower. This building does not make a positive contribution to the visual amenity or character and appearance of the Bewdley Conservation Area. The site measures 0.18 hectares in site area and is situated on the corner of the unadopted part of Load Street and Dog Lane, within the Primary Shopping Area of Bewdley Town Centre.
- 3.2 The application site is covered by a site-specific allocation known as 'Load Street Redevelopment Area' as referred to in Policy SAL.B1 of the Adopted Site Allocations and Policies Local Plan and is allocated for mixed use development including a small scale A1 retail shop to meet local needs and residential use. The site also has a site allocation in the draft Policy 34.1 of the Emerging Wyre Forest Local Plan (2016 – 2036) for residential development with an indicative capacity of 15 units.
- 3.3 The site lies within the Bewdley Conservation Area and falls partially within Flood Zone 3 (which is the high-risk zone where there is a 'high probability' of fluvial flooding). The surrounding area comprises a number of residential and commercial buildings including restaurants, public houses, and other small-scale food stores (including Tesco Metro and Co-op stores). There are a number of designated and undesignated listed buildings within proximity of the site. Immediately adjoining the site to the east is a Council-owned pay and display public car park. The site includes a marked change in ground levels, which splits the site in half and comprises a retaining wall orientated in a south-easterly, north-westerly direction.
- 3.4 Full planning permission is sought for the demolition of all existing buildings and the erection of a new Class E food retail store with associated access, parking spaces, a servicing area and landscaping and 6 residential flats (1 x 1 bed and 5 x 2 beds) at first floor level. The proposals will create 608 square metre food retail store comprising 408 square metres of sales floor space and 190 square metres of back of house storage facility. The proposed food store will create 25 new part-time and full-time jobs and opening hours are proposed to be between the hours of 0700 and 2300 Monday to Sunday, including Bank Holidays.
- 3.5 The proposed building has been amended several times during this application to address concerns raised by the Conservation Officer and the Case Officer. The amended scheme now shows that the main two-storey building, which would include the sales area of the food store, would be positioned close to the side boundary shared with the public car park, and a secondary single storey element comprising the back of house storage facility (the 'stock room'), would be positioned adjacent to Dog Lane. The apartment would be positioned on the first floor and within the roof space of the building and would have independent access from the rear of the building. The proposed building would be positioned on the elevated part of the site, set back behind a 5 metre easement to a major sewer for Severn Trent Water and would follow the same orientation and siting of the existing fire station building, which it is to replace. It

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would be finished in facing brickwork with areas of boarding and expanses of glazing to the shopfront.

- 3.6 The parking provision for the residents of the proposed apartments has also been reduced in the amended scheme from 8 to 6 spaces which is acceptable given that the site lies in a town centre location and the parking for the food store has been reduced from 7 to 2 car parking spaces that will be provided for people with disabilities. Access to the site is and will continue from the private road Load Street, off the B4190 Load Street. The servicing area is proposed to the southwest of the food store, adjacent to Load Street.
- 3.7 The application has been submitted with a Planning Statement, Design and Access Statement, Transport Statement, Flood Risk Assessment and Drainage Strategy, Geotechnical Desk Study, Acoustic Report, Ecological Appraisal and a Heritage Statement which has been updated during this application.

#### **4.0 Officer Comments**

- 4.1 The main considerations are whether the proposed development is acceptable in principle, and whether it would have a detrimental impact on visual amenity, the character and appearance of the Conservation Area, highway safety, residential amenity and upon biodiversity.

##### **PRINCIPLE OF DEVELOPMENT**

- 4.2 The relevant policies to be considered in the Development Plan includes Policy SAL.DPL11 which seeks to resist the loss of community facility unless there are exceptions and policies relating to land use, in particular the overarching site-specific Policy SAL.B1 that refers to the Load Street Redevelopment Area.
- 4.3 Policy SAL.B1 sets out development requirements for this site which the Council expects to be met. This includes (amongst other things) to:
- i. Create a new destination within the town centre.
  - ii. Enhance the pedestrian environment and calm traffic within the area.
  - iii. Create new housing opportunities within Bewdley.
  - iv. Improve the vitality and viability of the Town Centre including providing new commercial/retail opportunities.
  - v. Replace existing gaps and low-density poor-quality buildings with more appropriate quality buildings which respond and respect their heritage setting in a positive manner, including views across the area.
  - vi. Address and mitigate against flood risk.
  - vii. Seek to reduce its impact on the AQMA.
  - viii. Ensure they incorporate appropriate remediation, building and drainage design in order to deal with any land contamination.

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- 4.4 Also, the retail and town centre use and residential development policies DS01 and DS03 of the Adopted Core Strategy, policies SAL.DPL1 and SAL.GPB2 of the Adopted Site Allocations and Policies Local Plan and draft Policies 6B and 6E of the Emerging Wyre Forest Local Plan (2016 – 2036) are all fundamental.
- 4.5 In terms of the loss of the community facilities, it has been accepted that the Bewdley fire station is no longer required given that it has been consolidated with other fire stations within the District to form the new Wyre Forest Emergency Hub located on Stourport Road in Kidderminster. The Medical Centre has also been relocated to a different site. The application site is also covered by an overarching site allocation policy for its redevelopment. I therefore consider that the development accords with Policy SAL.DPL11 (Community Facilities) of the Adopted Site Allocations and Policies Local Plan which seeks to resist the loss of community facilities unless (amongst other exceptions) there is a suitable alternative provision.
- 4.6 With regards to the suitability of this site for a retail food store, the overarching site-specific Policy SAL.B1 of the Adopted Site Allocations and Policies Local Plan envisages that this site and the adjoining land on this part of Load Street within the allocation, would be suitable for small scale retail use, such as a convenience store as proposed in order to meet local needs. The draft Policies 6B and 6E of the Wyre Forest Local Plan (2016 – 2036) highlight that a convenience A1 retail development to meet local needs would be suitable in Bewdley. It has also been identified within the Retail and Commercial Leisure Needs Study 2016 that was undertaken for the Wyre Forest Local Plan Review, that Bewdley shows a theoretical requirement for additional convenience goods shopping floorspace (Paragraph 6.52). The Study report further states that there is a small positive quantitative need identified in Bewdley which is equivalent to around 490 square metres gross (Paragraph 6.57). Although the proposed foodstore would be larger measuring 608 square metres gross, the actual retail sales area would be 408 square metres gross which is comparable with other local convenience stores in Bewdley and it is evident that there is an identified need for a new local convenience store in Bewdley.
- 4.7 In addition, the generic retail use and town centre policies DS03 and SAL.GPB2 of the Development Plan are considered to be up to date and accord with the main aims of the retail and town centre policy provision set out in Section 7 of the Framework, which seek to ensure planning decisions support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaption. Policy DS03 supports new retail development proposals providing they are appropriate to the town's position in the District's settlement hierarchy.
- 4.8 Policy SAL.GPB2 advises that proposals for new retail development (of more than 280 square metres) will be permitted where a sequential approach has been followed and it has been demonstrated that:
- The scale and type of development is directly related to the role and function of the centre and its catchment and it contributes to the provision of a safe environment.
  - There would be no adverse impact on the vitality and viability of the centre or other centres.



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- They do not result in an adverse cluster of non-retail uses or unduly fragment the retail area; and
- They provide an active frontage and are open for business during the day.

- 4.9 I consider that the development would accord with the criteria set by Policy SAL.GPB2 as the site is a sequentially preferable site for new retail development given that it falls within the Primary Shopping Area of Bewdley Town Centre. The application site is covered by an overarching site-specific policy for a small-scale retail unit where it is recognised in the current Development Plan that there is a need for small scale retail development within this site allocation. Furthermore, it was identified within the Retail and Commercial Leisure Needs Study (2016) that was undertaken for the Emerging Wyre Forest Local Plan (2016 – 2036) that there is a need for a small-scale retail convenience store within the District.
- 4.10 I do not consider that the proposals would result in an adverse impact upon the vitality and viability of the centre, given the modest size of the proposed food store with a sales floor area of 408 square metres and due to its location on Load Street, where there are no retail uses immediately adjoining the site.
- 4.11 The design of the proposed retail food store with full expanse of glazing across its shopfront facing onto Load Street together with the proposed opening hours would also ensure an active daytime frontage in line with the policy requirements.
- 4.12 In terms of comments received to this application, I note that a number of occupiers/residents are concerned that there is no need for an additional convenience store, given that the town already has a Tesco Express store, a Co-op and many independent food retail stores. However, it is not the role of the planning system to restrict competition and it is often the case that competition between retailers helps to offer a greater choice for customer and boost economic growth.
- 4.13 With regards to the principle of residential development on this site, it is acknowledged within the overarching site-allocation Policy SAL.B1 that residential development would be acceptable on this site. Residential development on the upper floors above retail use within the Primary Shopping Area of Bewdley is also supported in Policies SAL.DPL1 (iii) and SAL.GPB1 of the Adopted Site Allocations and Policies Local Plan. The draft Policy 6B of the Wyre Forest Local Plan (2016 – 2036) also identifies housing to meet local needs to be suitable development in Bewdley. The proposed one and two bed residential units would support those wishing to downsize and live within the town centre, where it is accessible to local shops and services without having to travel by car. The Principal Housing Strategy Officer has also advised that there is a recognisable need for one and two bed flats within the town centre of Bewdley. As such, I consider that the proposed six residential units are acceptable in principle and would meet an identified local housing need.
- 4.14 The development would provide a number of sustainable benefits including 25 new part-time and full-time job opportunities; new homes to meet local need and will support the vitality and viability of Bewdley Town Centre and economic growth within the District. The principle of development for a small-scale retail unit and 6 residential apartments is therefore entirely acceptable and in accordance with the Development Plan.

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DESIGN AND LAYOUT

- 4.15 Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and draft Policy 27A of the Wyre Forest Local Plan (2016-2036) relate to design of new developments and state that all development will be expected to be of a high quality design and will need to integrate effectively with its surroundings and reinforce local distinctiveness.
- 4.16 The draft Policy 34.1 of the Wyre Forest Local Plan (2016 – 2036) allocates this site for 15 residential apartments, which in my opinion, would require a substantial building of a equivalent or possibly a larger building than the one proposed in this application in order to mitigate the risk of flooding and therefore it has always been anticipated by the Council that a building with a large footprint and scale would be suitable for this site. I further note that the existing fire station building, due to its flat roof and design, does not do anything to the visual amenity of the area and detracts from the character and appearance of the Conservation Area.
- 4.17 The current amended scheme follows extensive discussions between the applicant, the Conservation Officer, and the Case Officer to address issues of concerns relating to design and impact on the setting within the Conservation area and the potential impact on surrounding heritage assets.
- 4.18 The amended scheme has reduced the overall building height by 1.2 metres and introduced a stepped footprint and multiple roof pitches with dormer windows and prominent gables to reduce the visual massing of the building and to add interest to the street scene. The amended design now reflects the local vernacular tradition of the town of Bewdley where roofscapes are predominantly characterised by complex multiple pitches, secondary roofs at lower levels and dormers to the principal street frontages and rear elevations. In addition, the visual interest of the gable ends of the proposed building would add to the overall quality of the built environment, especially compared to the unsympathetic built form of the existing fire station building.
- 4.19 The proposed building has been designed with domestic fenestration to the first floor and roof pitches to help blend it into the primarily domestic environment of lower Dog Lane. The ground floor elevations to Load Street and Dog Lane now include blank window recesses and brick detailing to reflect the existing built heritage of the area and to ensure the building doesn't appear as a typical retail unit. The proposed building will use traditional materials to ensure it complements the existing built environment and relates well to its historic setting. It is therefore considered that the applicant has responded to the concerns raised by Officers and the design of the proposed building now reflects the surrounding buildings and would not just be a typical foodstore building. Also, due to its well thought out design, the proposed building would easily be able to be reused by an alternative retail occupier or for any other uses in the future, should the applicant decide to vacate the store.
- 4.20 The two-storey part of the building has been pulled back from Dog Lane and a secondary single storey element now lies adjacent to Dog Lane which is of an appropriate scale as to not cause an overbearing or dominant impact on the existing dwellings within Dog Lane and pedestrians using this thoroughfare. The amended siting of the building and the single storey element also minimises the visual impact on No. 10 Dog Lane, which is the nearest heritage asset.

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- 4.21 The amended reconfiguration of the site layout including the reduction of car parking spaces from 15 to 8 and the repositioning of the building has also allowed for greater opportunities for soft landscaping to both Dog Lane and Load Street frontages, which will significantly improve the street scene and enhance the character and appearance of this part of the Conservation Area, which mainly comprises hard surfaced car parking areas. I note the objections and concerns raised by local residents and the Bewdley Civic Society about the visual appearance of the proposed 2 metre high fencing along the northern and eastern boundaries of the site to the rear of properties in Severn Side North and adjacent to the public car park. However, fences up to 2 metres in height are not uncommon along party boundaries and are often erected without the need for planning permission (under permitted development rights). The boundary treatment would change to a low 0.45 metre high trip rail fence as it approaches Dog Lane and no boundary treatment apart from the existing retaining wall is proposed along the entire Dog Lane and Load Street frontages. I therefore consider that the proposed boundary treatment is acceptable.
- 4.22 Overall, I consider that the amended scheme is a significant improvement to the original scheme and whilst the proposed building is still a relatively large building in the context of a tightly packed town with narrow historic building plots, I consider that the amended scheme has been sensitive to its setting and is of a high design quality that would substantially enhance the overall quality of the built environment due to its amended design and proposed planting but also compared to the existing fire station building that currently occupies the site. The development therefore would accord with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, draft Policy 27A of the Emerging Local Plan (2016-2036), the Design Guidance SPD and Paragraph 127 of the Framework.

#### IMPACT ON HERITAGE ASSETS

- 4.23 Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and the draft Policy 26 of the Emerging Wyre Forest Local Plan (2016-2036) seek to ensure development proposals do not cause harm or loss of significance to a heritage asset, which also includes any climate change mitigation/adaption measures that maybe proposed.
- 4.24 The submitted Heritage Statement has been updated which now includes a comprehensive assessment together with photomontages showing the proposed development in context with the surroundings and it is concluded within the report that the development is unlikely to affect any important vistas or views of nearby listed buildings (including Grade II Gibraltar House,). The only noticeable viewpoint where the development would be visible is from the terrace of the Rowing Club (on the eastern bank of the River Severn), however the views are limited to a narrow arc from the northern end of the riverside terrace and therefore the potential visual impact arising from the proposed development would be minimal. It also advises that the view from outside the new Medical Centre and over the Medical Centre roof is from a great distance and that the proposed development would represent a considerable improvement on the current outlook. The Heritage Statement further notes that views from the Grade II Gibraltar House are currently diminished by the unsightly flat roof of the fire station building which contrasts in colour with the general reddish-brown hues of the surrounding roofscapes. It is concluded within the Heritage Statement that the proposed development will have a very limited visual impact on the majority of nearby

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heritage assets and that it is likely to enhance the important viewpoints from outside and within the Conservation Area given that the setting is already compromised by the 1960s fire station building.

- 4.25 The Conservation Officer has expressed support of the amended scheme and accepts the conclusions of the updated Heritage Assets and considers that the development would accord with Policy SAL.UP6 and be an acceptable addition to the Conservation Area. The WCC Archaeologist raises no objection to the demolition of the fire station building (loss of the undesignated heritage asset or to the proposed development. The Bewdley Civic Society raises no objection. I am satisfied that the development would accord with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan, draft Policy 26 of the Emerging Local Plan (2016-2036), the Design Guidance SPD and Paragraphs 158 and 199 of the Framework.

#### IMPACT ON CLIMATE CHANGE

- 4.26 Draft policy 24B of the Wyre Forest Local Plan (2016-2036) refers to Renewable and Low Carbon Energy and states that all new developments should consider the location, design, siting and orientation to maximise the use of natural heat and light and the potential for renewable energy micro-generation. It goes on to state that where appropriate, solar panels should be fitted and that all new developments should include electric vehicle charging points. This draft policy is consistent with Policy CP01 of the Adopted Core Strategy and Paragraph 151 of the Framework which also seek to ensure new developments consider the opportunities to help reduce climate change.
- 4.27 The applicant has embedded renewable energy and low carbon energy sources into their existing local stores and the proposed food store would be no exception. It would include PV Solar Panels on the upper inner roof slopes of the building (covering an area of 35 square metres); low energy LED fittings; CO2 refrigerators with night blinds; and air source heat pumps for store heating and water saving devices, such as low flow water taps, would be used throughout the building. In addition, the applicant has been agreed that electric vehicle charging points will be installed within the residential car parking area. Planning conditions are recommended to secure these renewable and low carbon energy measures.
- 4.28 The proposed development has also been designed to ensure suitable drainage of the site and to ensure no flood risk to the proposed residents of the apartments and to ensure no risk of flooding elsewhere. As requested by the Environment Agency, a financial contribution of £9,000 will be secured through a Section 106 Agreement towards the maintenance of the existing Flood defences in Bewdley Town Centre and the continued operation of our flood warning system. The proposed development will help to reduce climate change and the impacts of climate change, in accordance with Policy CP01 of the Adopted Core Strategy, draft Policy 24B of the Wyre Forest Local Plan (2016 -2036) and Paragraph 151 of the Framework.

#### IMPACT ON EXISTING AND FUTURE RESIDENTIAL AMENITY

- 4.29 The proposed servicing and delivery area will be located to the south of the food store and will not be visible from the residential properties in Dog Lane or from the rear of the properties in Severn Side North. It is anticipated that there would be a maximum of 4 deliveries per day by a 10.2 metre heavy goods vehicle and all other deliveries would be made by smaller vehicles, including vans and cars that would deliver

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smaller goods such as newspapers. The applicant has agreed to restrict all deliveries between the hours of 0700 – 1100 Monday to Saturday, and between 0800 – 1200 on Sundays and Bank Holidays. The Acoustic Report concludes that noise impact from deliveries would be very low due to the actual delivery noise period being very short (around 10 – 20 minutes per day) and when considering the fact that regular HGV movements had already occurred at the site when it was a Fire Station. Planning conditions are attached to ensure that the maximum size delivery vehicle is 10.2 metres with no more than 4 delivery vehicles over 10 metres per day and to restrict delivery hours as agreed with the applicant. To minimise noise disturbance to the proposed first floor flats it has been recommended within the Acoustic Report that all windows with a line of sight to the delivery vehicle shall be installed with appropriate noise reduction glazing which would make the delivery noise within the flats inaudible when the windows are closed. A condition is attached to ensure the specified glazing is installed.

- 4.30 It is proposed to install air conditioning and refrigeration plant to serve the proposed foodstore adjacent to the single storey element of the building, which would be approximately 15 metres from the nearest dwelling at 10 Dog Lane. The proposed air conditioning unit would be housed within an acoustic enclosure and would only operate when the store is open. The refrigeration gas cooler fans would be fitted with an acoustic shroud and would operate at a reduced level at night. All plant and associated pipework would also be fitted with anti-vibration mounts/hangers. Worcestershire Regulatory Services have offered a no objection subject to the implementation of the recommended noise mitigation measures, including the delivery arrangements and delivery times, and agree with the findings of the Acoustic Report that the proposed mitigation scheme would return a low noise impact result.
- 4.31 The proposed development would not result in any loss of privacy or light to nearby residential properties given the good separation distance between the proposed habitable room windows of the six apartments and the residential properties in Dog Lane.
- 4.32 I note that concern has been raised by nearby occupiers and residents about potential light pollution from the development and I have considered these comments carefully and consider it necessary to impose a condition to require an external lighting scheme to be submitted in order to ensure only low level bollard lighting is proposed to illuminate the parking spaces to the rear of the site and low level lighting including security lighting around the proposed food store. I note that any lighting associated with the store's fascia signage would be considered in a subsequent application for advertisement consent.
- 4.33 In terms of the amenity for the future occupiers of the proposed six apartments, the submitted details show that the internal rooms and layout for each residential unit would be acceptable and all habitable room windows would have windows for natural daylight and ventilation. All apartments would be accessed from a communal entrance that would be safe and secure and no objections have been raised by the Designing Out of Crime Officer, subject to a condition to require the communal door to be fitted with an access control security system. The proposals would also provide suitable cycle, refuse and parking provision for the future residents of the apartments. I note that no outdoor amenity space would be provided and note that one letter of comment

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from public participation had suggested that the apartments should be designed with balconies, however, given that the site falls within a town centre location and is close to public open space I do not consider that on-site outdoor amenity space is required and it would be difficult to incorporate balconies as well as achieving the necessary noise mitigation measures required to offset any noise disturbance for the proposed residents. As such, I consider that the proposed development as designed would provide a good living environment for those wishing to live in a town centre location.

#### ACCESS, PARKING AND HIGHWAY SAFETY

- 4.34 The site is situated on a busy vehicular and pedestrian thoroughfare, adjacent to the town's only short-term public car park and it is recognised that Bewdley Town Centre is very popular as a tourist and day visitor attraction.
- 4.35 The proposed development would provide a servicing bay associated with the retail food store that will be used for deliveries and will be located to the front of the site, adjacent to Load Street. The submitted Servicing Route Plan shows that delivery vehicles would approach the site on Load Street, from the south of the site via the B4190, and would travel through the Load Street public car park where cars/delivery and refuse vehicles currently travel, and park in the proposed servicing bay. The delivery vehicle would then egress the site from Load Street again, travelling in a north direction and onto Dog Lane where they would then re-join the B4190.
- 4.36 The proposed number of deliveries by a heavy goods vehicle (up to 10.2 metres in size) is anticipated to be up to 4 in total, with additional deliveries generally using smaller HGVs or vans. The delivery hours have been agreed to take place between 07:00 – 11:00 hours Monday to Saturday and between 08:00 – 12:00 hours on Sundays and Bank Holidays. Therefore, the frequency of deliveries would be very low and would only take place during the early hours of the morning in the week days and slightly later in the morning on Sundays/Bank Holidays when there is less likely to be a high number of pedestrians.
- 4.37 The Highway Authority have undertaken a robust assessment of the proposed development and have raised an objection to the proposals noting that it is likely to lead to conflicts between servicing and pedestrian and other road users on Load Street, and therefore will result in an unacceptable impact on highway safety, contrary to Paragraph 109 of the Framework.
- 4.38 I have carefully considered the Highway Authorities reasons for recommending refusal. However, I do not share the same view and have taken into consideration that the application site was last used as a fire station with unrestricted use by fire engines throughout the day and evening. This part of Load Street is a designated delivery and refuse collection route and is currently used by the nearby George Hotel (Weatherspoon's Public House) for servicing, which again is unrestricted by any planning condition. The proposals will make provision for a loading bay to serve the retail unit and a 10.2 metre long delivery vehicle is likely to travel slow when accessing and egressing the site given that vehicles have to access this part of Load Street via a tight right angle turn off the B4190 and the carriageway is very narrow which will naturally make drivers travel at a low speed. I also believe that lorry drivers are trained to be cautious of pedestrians.

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- 4.39 Furthermore, there are dedicated footpaths and pedestrian road markings on this part of Load Street to ensure the safety of pedestrian movement and no evidence has been provided by the Highway Authority on any collision data. The only evidence that has been put forward to me is from the submitted Road Safety Audit which states that "... there have been no recorded collisions on Dog Lane or in the vicinity of the car park access with Load Street. With the only collision recorded was at the Dog Lane/Dowles Road junction to the west of the site and this was recorded as slight".
- 4.40 To minimise impact on road safety, the amended scheme has omitted the 3 customer car parking spaces to the front of the store that were adjacent to the servicing bay to remove the potential conflict between drivers wishing to access these 3 spaces and drivers of delivery vehicles trying to leave the site.
- 4.41 Also, the applicant has agreed to improve the road signage on Load Street and Dog Lane. The Highway Authority have confirmed that improvements to the existing road signage would be beneficial and have recommended a new sign to be erected on Load Street that prohibits a right turn in advance of the one-way system. Also, an increased size 'no through road' sign to replace the existing one on Dog Lane.
- 4.42 Planning conditions to restrict the frequency and hours of deliveries as proposed by the applicant would ensure there will be a very low number of HGV movements each day, which will reduce the potential for conflict between delivery vehicles and pedestrians and other road users. Also, a condition to secure a delivery management and servicing route plan would also ensure drivers are aware of the road environment and to ensure service vehicles access the site from the South, which would require them to turn right from Load Street in order to minimise any conflict with pedestrians and existing on-street parking compared to if they approached the site from the North.
- 4.43 The submitted Transport Statement further notes that "Load Street Car Park already operates as a shared space environment where both pedestrians and vehicles are aware of each other, proceed with caution and at low speeds. In this context, it is considered the likelihood of conflicts between service vehicles and users of the car park will be very low". Lastly, the submitted Stage 1 Road Safety Audit (RSA) did not identify the proposed service route as a safety concern.
- 4.44 On balance, the use of this part of Load Street for servicing of the proposed food store would not result in an unacceptable impact on vehicular or pedestrian safety, and road signage improvements together with the recommended conditions would minimise potential harm to pedestrians and other road users. I therefore consider that the proposals would not be in conflict with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan, the draft Policy 13 of the Emerging Local Plan or Paragraph 109 of the Framework.

#### IMPACT ON BIODIVERSITY

- 4.45 The application site comprises mainly hardstanding, a vacant two-storey fire station building, a semi-mature ash tree near to the northwest boundary and a mixture of overgrown shrubs and vegetation where the former Medical centre had been demolished in the northern section of the site. A Phase 1 Habitat Survey has been

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submitted in support of this application and confirms that no evidence of bat roosting was found on the former fire station building and there were no suitable features on the ash tree or any other parts of the site for bat roosting. It was also noted that due to the relatively recent clearance of the site and lack of associations of the site with invertebrates or high value species of birds that these are unlikely to be using the site as habitats. No evidence of Badger, hedgehog or bird nesting was found to be present. The survey report concludes that the proposed landscaping scheme will provide new planting that will offset any loss of potential foraging value for birds and hedgehogs arising from the development.

- 4.46 A number of measures are recommended to mitigate against any loss and ensure net gains to biodiversity and includes a gap to be provided in the northeast boundary fencing to ensure no obstruction to hedgehog movement and the provision of 2 bat tubes, a swift box, a sparrow box, 2 bird nests boxes, a hedgehog hibernation box and an insect cage.
- 4.47 The Countryside and Parks Manager raises no objection subject to a condition to require a Letter of Compliance by a qualified Ecologist to be submitted to the Council to demonstrate that the ecological mitigation and enhancement measures as identified in the survey report have been fully implemented. I have attached a condition accordingly and consider that the development accords with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170 and 175 of the Framework, which seeks to minimise the impacts on biodiversity and secure net gains.

#### FLOOD RISK AND DRAINAGE

- 4.48 Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 4.49 The site lies falls within Flood Zone 1 (low risk to flooding) and partially within Flood Zone 3 (which is the high risk zone where there is a 'high probability' of fluvial flooding) and whilst the site benefits from the Bewdley Flood Defences it is a well-known fact that these defences do not fully remove the risk of flooding as there remains a risk that they could be overtopped, breached and they also rely on the reliance on them being mounted prior to high river flows.
- 4.50 The National Planning Practice Guidance advises that retail units are classed as 'less vulnerable' and residential development are 'more vulnerable' to flood risk. Paragraph 163 advises that development should only be allowed in areas at risk of flooding where, a Flood Risk Assessment has been undertaken, (including the sequential and exceptions tests, as applicable) and it can be demonstrated that the proposed development is: appropriately flood resistant and resilient; any residual risk can be safely managed; and that safe access and escape routes are included, where appropriate, as part of an agreed emergency plan.
- 4.51 The Sequential Test is intended to direct new developments to an area of lowest probability of flood risk and ensure development is in the most appropriate flood zone. I am also not aware of any other sites within the primary shopping area of Bewdley



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that would be more suitable in terms of a lower flood risk than this application site. The proposals include mitigation in the form of raising the finished floor level of the building to minimise flood risk with safe access and egress provided linking the proposed building to the Flood Zone 1 area of the site. In terms of vulnerability, the proposed mixed use development is considered to be appropriate for this site as the less vulnerable category (retail use) will be provided at ground floor level and the more vulnerable residential element will be situated above on the upper floors to minimise any flood risk to very low levels. I consider that the sequential test has been met.

- 4.52 Paragraphs 160 and 161 of the Framework advises that for the exception test to be passed it should be demonstrated that:
- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 4.53 Both elements of the exception test should be satisfied for development to be allocated or permitted.
- 4.54 The proposed development would provide a number of benefits to the community including 25 new part-time and full-time job opportunities; new homes to meet local need and will support the vitality and viability of Bewdley Town Centre and economic growth within the District. The submitted Flood Risk Assessment has concluded that the proposed floor levels will be set to a level that places the building in an area at low risk to flooding; appropriate use of Sustainable drainage systems will be employed; safe access and escape routes will be provided; and levels and drainage has been designed to minimise flooding and provide a flood compensation betterment in the Flood Zone 3 area of the site.
- 4.55 The Environment Agency have reviewed the submitted Flood Risk Assessment and are satisfied that the proposed retail unit would have a finished floor level (23.79mAOD) that would be set above the predicted design flood level (23.19mAOD) and that the applicant has taken into account the risk that the flood defences along the River Severn in this area could be overtopped. It has also been accepted by the North Worcestershire Water Management Officer that the development would not increase flood risk elsewhere and that the site would have suitable drainage.
- 4.56 I consider that the development would meet the sequential and exception test in order to comply with the Framework and would include appropriate mitigation measures to ensure the building is designed to be safe for its intended use and throughout its lifetime taking into account the vulnerability of its users and that it will not increase the risk of flooding elsewhere. As such, the proposals have demonstrated that appropriate mitigation measures will be provided to offset the risk of flooding and that suitable drainage can be achieved for this development.

**POTENTIAL CONTAMINATED LAND RISK**

- 4.57 The application has been supported by a Phase 1 Geo Environmental & Geo Technical Assessment which has undertaken an initial site investigation for potential contaminated land and Worcestershire Regulatory Services are broadly in agreement

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with the methodology and findings of this report. However, Worcestershire Regulatory Services have advised that due to the former use of the site as a fire station there is potential that the site could contain chemicals which will require remedial works, in accordance with Paragraph 178 of the Framework which requires developments to be suitable for their proposed use.

#### PLANNING OBLIGATIONS

- 4.58 The Environment Agency have requested a financial contribution of £9,000 to be provided towards the maintenance of the defences and the continued operation of our flood warning system. As the application site benefits from the presence of the flood defences and the submitted Flood Evacuation and Management Plan depends on the flood defences to reduce the risk of flooding of the site, I consider that the obligation is necessary, relevant and fairly related to the development proposed as required by CIL Regulation 122 and Paragraph 56 of the Framework.

### **5.0 Conclusion and Recommendations**

- 5.1 The application site relates to a previously developed site within a sustainable location of Bewdley Town Centre. It currently comprises the former 1960s Fire Station building which includes a flat roof brick building and metal tower that are both unsightly and unsympathetic to the setting of the Conservation Area.
- 5.2 The proposed development would redevelop this site with a well-designed and sensitive building with new planting areas to both road frontages, which will significantly improve the visual amenity of the area and enhance the character and appearance of the Bewdley Conservation Area. It will not just be a typical featureless retail building, but one with a sympathetic design that will complement the surrounding built development. The proposed mixed use development comprising a small scale retail unit and six apartments would meet an identified local shopping and housing need and would be entirely compliant with the overarching site allocation policy for the Load Street Redevelopment Area as envisaged in the Development Plan. An abundance of sustainable benefits would be delivered as part of this scheme, including new job opportunities, additional housing to boost the District's housing land supply, additional vitality and support to the viability and economic growth of the town centre, biodiversity enhancements, improved highway signage and a financial contribution towards the maintenance of the existing flood defences and flood warning system in which the local community would benefit from.
- 5.3 The objections raised by the Highway Authority concerning potential conflicts between servicing and pedestrian and other road users have been carefully considered, however, in the absence of any tangible evidence relating to accidents and when taking into account the historic use of the site as a fire station and the existing road being a designated delivery and refuse collection route, together with the general nature of the road having very low traffic speeds and appropriate footways and the mitigation measures proposed to restrict delivery hours and frequency, on balance, there are no justifiable reasons to warrant refusal of the application on highway grounds and the proposals is unlikely to result in an unacceptable impact on highway safety over and above its former use as a Fire Station.

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5.4 No other harm has been identified and as such, the proposed development is considered to represent sustainable development and would accord with the Development Plan.

5.5 It is therefore recommended that the application be granted delegated authority to **APPROVE**, subject to

**a) the signing of a Section 106 Agreement to secure:**

- £9,000 towards the maintenance of the defences and the continued operation of the flood warning system.

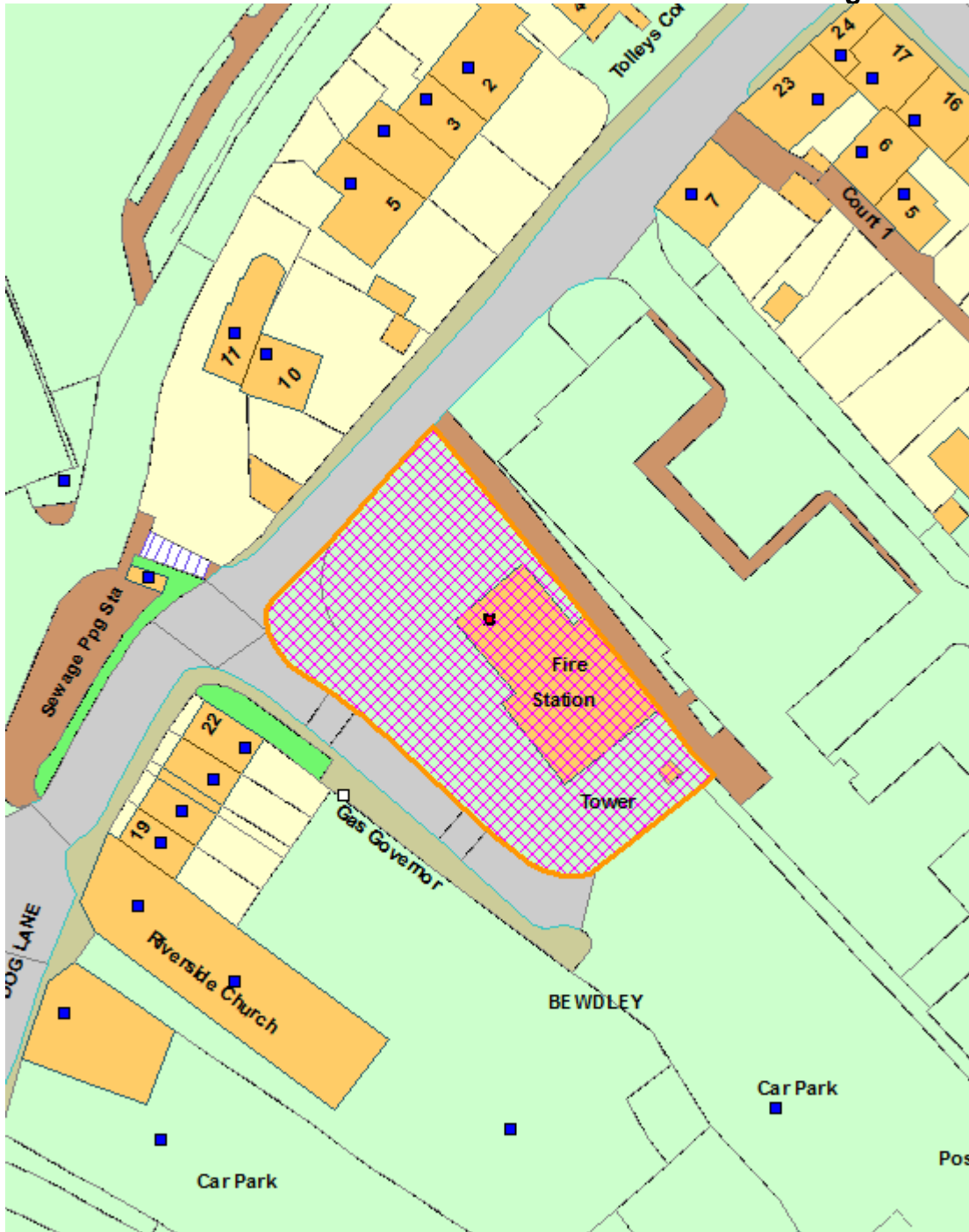
**b) the following conditions:**

1. 3 Year time limit.
2. Details of building materials including hard surfacing.
3. Implementation of boundary treatment.
4. Details of all external lighting except on shopfront signage.
5. Details of refuse storage facilities.
6. Details of soft landscaping scheme.
7. Implementation of soft landscaping scheme.
8. To prevent the installation of roller shutters to shopfront unless otherwise agreed.
9. To prevent shopfront windows being painted or for vinyl films or obscure glazing being fitted to windows. The shopfront windows shall remain clear glazed, unless otherwise agreed.
10. To prevent roof mounted plant being installed unless otherwise agreed.
11. Details of access control to the communal doors serving the residential flats.
12. Implementation of noise mitigation measures including glazing to all first-floor windows, boundary fences and acoustic enclosure to fixed plant.
13. Maximum size of delivery vehicles to be 10.2 metres and there shall be no more than 4 deliveries by vehicles over 10 metres per day.
14. All deliveries to be taken at or dispatched from the site shall be between the hours of 07:00 – 11:00 Monday to Saturday and between the hours of 08:00 – 12:00 Sundays and Bank Holidays.
15. Details of Delivery Management Plan including Servicing Route.
16. Opening hours to customers between 07:00 and 23:00 Monday to Sunday.
17. Details of access design and layout to include visibility splays on Dog Lane to serve the residential parking, to be submitted and approved.
18. Details of access, turning area and parking facilities including accessible spaces and delivery bay to be provided prior to occupation.
19. Details of the highway signage improvements.
20. Details of residential welcome pack.
21. Details of a construction environmental management plan (CEMP).
22. Details of cycle storage facilities.
23. Details of electric vehicle charging points.
24. Details of low emission boilers.

25. Implementation of all renewable and low carbon energy measures.
26. Implementation of ecological mitigation and enhancement measures and to require a Letter of Compliance to demonstrate that all mitigation measures have been delivered.
27. To require programme of archaeological work including a Written Scheme of Investigation(s).
28. To require all site investigation and post investigation assessment to be completed in accordance with the programme set out in the Written Scheme of Investigation(s) and the provision made for analysis, publication and dissemination of results and archive deposition secured.
29. To require site investigation for potential contaminated land, remedial works and verification report.
30. To require ground finished floor levels to be set no lower than 23.79mAOD
31. To require a flood evacuation management plan (FEMP).
32. Details for the disposal of foul and surface water flows.
33. Details of surface water drainage strategy.
34. Restrict Use to Convenience Retail Store (Class E).

**NOTE**

1. Flood Warning System.
2. Duration of potential Flood Risk and recommended mitigation measures.
3. Resistance measures aimed at preventing floodwater ingress into a building.
4. Severn Trent Water advise that there is a public 600mm surface water sewer located within this site.
5. Section 278 Agreement.
6. No permission is given to any shopfront signage and a separate application will need to be made for advertisement consent.



Economic Prosperity and Place Directorate

Bewdley Fire Station Dog Lane Bewdley Worcestershire DY12 2EQ

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**PART B**

<b>Application Reference:</b>	<b>20/0951/OUT</b>	<b>Date Received:</b>	<b>21.11.2020</b>
<b>Ord Sheet:</b>	<b>373160 274660</b>	<b>Expiry Date:</b>	<b>19.02.2021</b>
<b>Case Officer:</b>	<b>Helen Hawkes</b>	<b>Ward:</b>	<b>Bewdley And Rock</b>

**Proposal:** Development of 16 affordable dwellings, presented as an entry level exception site with all matters reserved except access

**Site Address:** Land At Os 373160 274660, Plough Lane, Far Forest, Kidderminster, Worcestershire.

**Applicant:** Piper Homes

<b>Summary of Policy</b>	DS01 DS04 CP01 CP02 CP03 CP04 CP05 CP07 CP11 CP12 CP14 of the Adopted Core Strategy (2010) PFSD1 DPL1 DPL2 CC1 CC2 CC7 UP5 UP9 UP7 of the Adopted Site Allocations and Policies Local Plan (2013) 6A 6B 6F 8A 8B 8C 11A 11B 11C 11D 13 15B 15C 15D 24B 27A 27C of the Emerging Wyre Forest Local Plan (2016-2036) Design Guidance SPD Planning Obligations SPD Affordable Housing SPD National Planning Policy Framework National Planning Practice Guidance National Design Guide
<b>Reason for Committee Referral</b>	'Major' planning application
<b>Recommendation</b>	REFUSAL

**1.0 Planning History**

1.1 20/0078/OUTL – Residential development of up to 25 dwellings on land at Plough Lane, Far Forest: Refused 1.05.2020

**2.0 Consultation and Representations**

2.1 Rock Parish Council – Recommend refusal. It is advised that the Parish Council have considered this application very carefully and taken into considerations the contributions made by local residents. After lengthy debate it was agreed the reasons for refusal of an earlier planning application had not been addressed and that those reasons still stood. On that basis it was RESOLVED to recommend refusal for this application for the following reasons:

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- The application is outside the Settlement Boundary
- The application proposed is on Undeveloped Agricultural Land
- The land adjoins a very important SSSI and development so close will be very harmful to the protected species
- Highways – is a major problem as access is off an un-adopted Lane.
- Development at this site would be out of keeping with the current Street Scene.
- The proposed development does not comply with the Parish Housing Needs Survey.
- The development is contrary to the WFDC policy SAL-DPL
- Contrary to National biodiversity policies.

2.2 Highway Authority (Comments following submission of Road Safety Assessment) – Objects to the application and recommends refusal. In seeking to overcome the previous Highways recommendation of refusal, the applicant has submitted a report, ‘Safety Assessment of Proposed Highways Improvements’ which makes 4 recommendations *to enhance road safety* and concludes that *on balance the proposed scheme would offer a safer and improved road environment for all road users*. The Highway Authority has considered this report in consultation with the County Council’s Road Safety Officer and the recommendation of refusal of the outline application for 16 dwellings still stands.

The report has identified that *the right-hand visibility splay for drivers waiting to pull out of Plough Lane on to Cleobury Road* could be improved by cutting back the hedge however, it has been observed on the ground that there is no encroachment into the highway in this location. The fence posts which indicate the site boundary are at the front of the hedge therefore an increase in visibility cannot be achieved by cutting the hedge back. The visibility splays previously submitted are reliant on the assumption that the highway limit is in centre of hedge which is not the case and it has not been clearly demonstrated that the visibility splay is achievable without third party land gain.

The applicant has also stated that the amendments to access layout to provide a 1.5m footway, will result in improved visibility however the extent of land has not been clearly shown within the red line drawing and again it is not clear that this is achievable.

The proposed highway improvements are not compliant with Streetscape Design Guide and whilst the recommendation is noted that *the existing vehicular crossover arrangement at the Cleobury Road / Plough Lane junction should be retained for the benefit of pedestrians*, the junction layout is expected to conform to the Pedestrian Prioritised Street criteria and tracking details for larger vehicles have not been provided to show that the access is workable.

The third recommendation in the Safety Assessment is that *the speed limit on Plough Lane from Cleobury Road to the new development junction should be reduced to at least 30mph, though 20mph would be more desirable*. However, it should be noted that a vehicle speed of 15 mph on Plough Lane should be maintained by design. The straight alignment of the route plus the surfacing improvements will result in higher vehicle speeds and the imposition of an enforceable speed limit would require a Traffic Regulation Order and would be reliant on the road being adopted by the Highway

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Authority. As per the refusal comment, the proposed road does not meet the criteria for adoption plus there is a lack of certainty regarding the need for a Section 228 agreement and the extent of land ownership.

The final recommendation is that *the minimum width of Plough Lane should be increased from 3.7m to 3.9m to ensure vehicles can overtake cyclists more safely*, however as above there will be increased vehicle speeds plus larger vehicles use this route. Manual for Streets cites widths of 3.8m for cars passing a cyclist at 20 mph and a width of 4.3m at 30 mph. For larger vehicles, these widths become 4.6m at 20 mph and 5.05m at 30mph. Larger vehicles would be likely to mount the low kerb which represents a safety hazard for pedestrians as well as the cyclists being overtaken.

Please note that the Public Rights of Way Team have repeated their objection which is provided separately.

The location of the proposed development for 16 dwellings to be served off Plough Lane is considered to be not appropriate and the proposed highway improvements are not sufficient to mitigate for this development.

The 'Safety Assessment of Proposed Highway Improvements' has added little in terms of making the proposed scheme acceptable and the lack of certainty remains regarding its deliverability. The proposed development does not comply with local policy in the adopted Streetscape Design Guide and it has not been adequately demonstrated that safe and suitable access is achievable for all users which is contrary to Paragraph 108 NPPF. The resulting impact on highway safety is considered to be unacceptable which is contrary to Paragraph 109 NPPF.

The Highway Authority has undertaken a robust assessment of the planning application and recommends that this application is refused.

- 2.3 WCC Public Rights of Way Team (Initial comments) – Objects to the application. The definitive line of a public right of way, footpath Rock RK-541, passes over the length of Plough Lane for some 400 metres from the A4117 Cleobury Road, including that length of the lane that provides vehicular access to the development site. Please see the attached illustrative plan.

If vehicular access to the site is via the public right of way, it should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

The Design and Access Statement refers to 'upgrading' part of Plough Lane 'to provide suitable access to the site to adoptable standards, including a pedestrian footway' which will 'provide improved access to and from the site and linkage to the village'. The Transport Statement proposes resurfacing and the construction of a footway along the length of the public right of way from the junction with Cleobury



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Road to the site access (para. 5.2.5), proposals illustrated in drawing P1320/201B. The Transport Statement states the proposals 'seek to upgrade the route to conform to the design and objectives of a Pedestrian Prioritised Street' (para. 5.2.6).

The Highway Authority has a duty to maintain the surface of a public right of way to the standard that meets the requirements of the public use, in the case of RK-541 by people on foot. The public right exists over the full width of Plough Lane for the length that is recorded as a footpath. As such the public have a right to walk over the full width of the lane without restriction, actual or implied.

The owner of the land crossed by a public right of way has private rights including the right to take vehicles over the land and others may have similar rights by way of an easement or legal permission. However, the public use to the full extent of the right of way on foot has primacy. Unless higher public rights arise, proposals for the development of Plough Lane should be considered from the perspective of the existing public right. This requires Plough Lane to be viewed as an area for public pedestrian use through which vehicles in some circumstances may pass, not a vehicle route on which the drivers of vehicles may encounter pedestrians to the side of the route.

Proposals for development on the public right of way should ensure they meet the need for safe pedestrian use over the full width of the right of way, that pedestrian use takes pre-eminence over vehicles on the right of way and the priority of pedestrian over vehicular use is clearly acknowledged.

The Design and Access Statement refers to possible provision of a footpath link to the school. We ask for clarification of whether it is intended to dedicate such a link as a public right of way and if so by agreement under section 25, Highways Act 1980.

We object to the application. The proposals in part may meet the objectives of the National Planning Policy Framework paragraph 98, to 'protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users' through the provision of an additional link but in respect of Plough Lane would be detrimental to the public right and not meet the objectives of the National Planning Policy Framework to protect and enhance public rights of way. The objection to this application may be withdrawn if higher public rights than those that presently exist arise over Plough Lane.

In addition, the applicant is expected to adhere to the following obligations:

- No disturbance of, or change to, the surface of the path or part thereof is carried out without written consent of the Highway Authority.
- No diminution is made in the width of the right of way available for use by the public.
- No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on or across the public right of way without written consent of the Highway Authority.
- Building materials and equipment associated with the development must not be stored on the right of way and work undertaken to carry out the development should not obstruct the footpath at any time.

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- Vehicle movements and parking must be arranged so as not to interfere with the public's use of the right of way.
- The safety of the public using the right of way is to be ensured at all times.

Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if public safety requires a temporary closure of a public right of way during works the appropriate application should be made to the Public Rights of Way Mapping Team at Worcestershire County Council at least 8 weeks prior to the earliest requested closure date.

The applicant should note the National Planning Policy Framework published by the Ministry of Housing, Communities and Local Government, particularly paragraph 98, to ensure that planning policies protect and enhance public rights of way and access. The developer should also be aware of the Department for Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way. WCC would recommend that public rights of way potentially affected by planned works are clearly designated on all associated planning maps, diagrams or schematics as a matter of course. The Definitive Map is a minimum record of public rights of way and does not preclude the possibility that unrecorded public rights may exist nor that higher rights may exist than those shown on the Definitive Map. The granting of planning consent does not authorise the obstruction or diversion of a public right of way.

**2.4 Public Rights of Way (Comments following submission of Road Safety Assessment) – Objects to the application.**

The Safety Assessment of Proposed Highway Improvements in relation to land off Plough Lane, Far Forest, Worcestershire notes the following:

- Plough Lane is a public footpath (para. 4.6.1)
- Plough Lane is a private road (para. 2.1)
- The lane is narrow with no formal passing places and evidence of overrunning of the verge (para 4.4.1)
- Pedestrians walk in the carriageway of Plough Lane and could be at risk of being struck by passing vehicles as the carriageway is narrow (para. 4.6.1)
- Improvement in the geometry and road surface of Plough Lane could lead to higher vehicle speeds which could increase the risk of collisions (para. 4.5.2)

The report refers to the following proposals:

- Alterations to Plough Lane to provide 'mitigation against increased vehicle and pedestrian flows as a result of the new development' including proposals for a new 1.5m to 2m wide footway along the northern side of the lane divided from the carriageway by a low level high kerb (para. 2.2)
- Resurfacing the lane from Cleobury Road to the proposed development (para.4.3.2)
- Vehicles to be able to mount the low-level footway to create enough room to allow passing to occur noting this would create additional risk to pedestrians (para. 4.4.2)

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- A 30mph speed limit be imposed on Plough Lane up to the new development junction (para. 4.5.3)

Plough Lane is a public right of way, Rock footpath RK-541, with public rights on foot over the full width of the lane without restriction, actual or implied.

The owner of the land crossed by the public right of way has private rights including the right to take vehicles over the land and others may have similar rights by way of an easement or legal permission. However, the public use of the full extent of the right of way on foot has primacy.

Proposals for development of Plough Lane should be considered from the perspective of the public right. This requires Plough Lane to be viewed as an area for pedestrian use through which vehicles may pass, not a vehicle route on which the drivers of vehicles may encounter pedestrians to the side of the route and requires measures that address the safety implications of driving vehicles in a pedestrian use area. For the purpose of highway law a public right of way is a highway and the driving of vehicles on a right of way is subject to the conditions that apply to any other highway. The proposals set out in the Safety Assessment do not protect and enhance the public right (National Planning Policy Framework paragraph 98 published by the Ministry of Housing, Communities and Local Government).

- We ask that proposals for the development of Plough Lane ensure recognition of the pre-eminence of pedestrian use over vehicles on the public right of way with the need for safe pedestrian use over the full width of the lane and priority of pedestrian over vehicular use clearly signalled.

We maintain our objection to the planning application pending receipt of the above.

The surface of a public right of way is vested in the Highway Authority which has a statutory duty under the Highways Act 1980 to maintain the structure and fabric including the surface in a safe condition and fit for the type of traffic which is ordinarily expected to use it; in the case of a footpath, for people on foot. Landowners and occupiers using vehicles on rights of way under private rights are responsible for wear and tear to the surface of the path caused by their vehicles.

The applicant should note that no disturbance of or change to the surface of the path or part thereof should be carried out without written consent of the Highway Authority.

- If the applicant proposes changing the surface of the public right of way for vehicular use, we would likely require the applicant:
  - provide detailed plans and specifications for construction
  - enter into a legal agreement accepting enduring responsibility for the maintenance of the surface of the right of way by the owner(s) of the land crossed by the path until such time as the route of the path is adopted by the highway authority.

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In addition, we ask the applicant to note the following:

Use of the public right of way by construction vehicles and other traffic associated with the development poses a risk to users of the footpath.

- We require a Risk Assessment and Method Statement (RAMS) detailing how the public right will be managed during development.

If the public right of way is used by the applicant as access to the site we are concerned for the possible wear and tear to the surface of the path caused by vehicles associated with the construction.

- We require details of the measures that will be taken to ensure there is no deterioration to the surface of the right of way resulting from vehicular movements associated with the construction pending any agreed changes to the surface of the footpath.

2.5 Countryside and Parks Manager – No objection subject to conditions. The application has been submitted with two Ecological reports: one from Naturally wild September 2019 and one from Cotswold Wildlife Surveys October 2020.

The site has been surveyed and found to have no significant habitat to support protected or notable botanical interest. No badge activity was found. No bat roosts were found. However, the site was seen to offer moderate forage and potential commuting value for these species. No survey work was presented to qualify this.

Some additional information re bats was presented to us from an amateur source that looks to confirm this assumption. Hence I would feel that we will need to insist that at the reserved matters stage a lighting plan that demonstrates clearly how a dark corridor can be created through the use of bat friendly lighting. This lighting plan will need to be prepared with the aid of an appropriately experienced and qualified ecologist.

The 2020 report contains a biological Mitigation strategy. This will need to be embedded into the sites landscaping scheme and this brought forward as part of the reserved matters application in order to demonstrate that sufficient mitigation is being proffered to mitigate for the loss of forage.

It has been suggested that bats are using the collapsed willows in the centre of the field but no direct evidence of roosting has been presented. The willows have been professionally and appropriately surveyed and the conclusion is that the willows or any other trees on or adjacent to the site are being used as a roost. No nesting birds were seen, but high potential exists. hence the applicant will need to carry out any works that might impact or disturb nesting birds outside of the nesting season.

Great crested Newts - No evidence of the presence of Great crested newt has been presented and no typical habitat for this species is present on site. However, both reports refer to a reptile survey that we have not had sight of. The reviewing of artificial refuge would not be a bad approach to help solidify the presence or absence of newts on site.

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Reptile - Both reports refer to a reptile survey that we have not had sight of. We really need to review this. Both ecologist team feel reptile survey is sufficient but I note the wildlife trust has shown concern that not enough effort was made. Given that both ecologists do not feel significant risk exists we could look at a pre commencement condition to submit an appropriate reptile survey and mitigation strategy. The reports go through other protected species, water vole and otter which unsurprisingly do not have suitable habitats on site. There are though other protected and notable species that are present locally that have not been addressed through the ecological studies.

Dormice, hedgehog and Noble chaffinch which will need ecological consideration. Prior to approval we will need to have as a minimum ecological rationale to the exclusion of these species from the ecological reports or potentially survey effort and proposed mitigation.

- 2.6 Worcestershire Wildlife Trust – Objects to the principle of the development. We note the contents of the various associated documents and in particular the findings and recommendations set out in the Ecological Survey Update by Cotswold Wildlife Surveys. We also note that the site falls close to the Wyre Forest SSSI and is linked to this and other ecological receptors by the surrounding hedgerow network as well as through hydraulic linkage with local watercourses.

We have an in-principle objection to this application on the grounds that the emerging Wyre Forest Local Plan includes an alternative allocation for the village, which ought to be more sustainable than this location. Notwithstanding this, our key concern with the proposals relates to the potential impact on bats. While the ecological survey suggests that there are no likely roost locations on site we note that a more detailed local data set suggests that there are. We would recommend that you seek clarification on this matter prior to determination in line with planning policy and your duties under section 40 of the Natural Environment and Rural Communities Act 2006. We would be pleased to comment on any additional information in due course. If, noting our objection to this application, the council is minded to grant permission we would strongly recommend that you append the following conditions so as to inform later reserved matter applications.

1. CEMP – to include protection for retained ecological features and prevention of pollution during construction, especially in relation to any direct harm, runoff, noise, extraneous light or dust risks to the nearby SSSI, mature trees, hedgerows and offsite habitats. Timing of works to avoid nesting birds and method statements to minimise risk to other protected species will also be needed, along with a licence for any works affecting bat roosts.
2. Lighting – To ensure that the development, both during construction and once operational, does not cause harm to nocturnal wildlife within the site, and commuting to and from the nearby SSSI and other habitats.
3. SUDS – to ensure that long-term drainage of the site does not cause harm to receiving waterbodies or the Wyre Forest SSSI.
4. LEMP – to include biodiversity enhancement in line with planning policy, together with long term management of that enhancement. This should include comprehensive enhancement of the wet grassland elements of the site, potentially through a well-designed SUDS, as well as appropriate tree and hedgerow improvements.

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Appropriate model wording for ecological conditions can be found in Annex D of BS42020:2013 Biodiversity – Code of practice for planning and development.

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

2.8 Principal Housing Strategy Officer – No objection. Paragraph 71 of the Framework states that Councils should support entry level exception sites suitable for first time buyers unless the need for such homes is already being met. I believe the entry level requirements will be catered for in the emerging Local Plan, however, at present, the Council have 15 applications on our housing waiting list who have specified Rock Parish as their 1st (5 applicants), 2nd (3 applicants) or 3rd choice (7 applicants) as preferred location to live. Further analysis reveals that of the 15 applicants; 3 are couples, 4 are pensioners, 4 are families and 4 singles, in terms of their current accommodation 6 are requesting transfers from their current RP accommodation, 2 are owner occupiers, 2 are living in caravans, 4 are privately renting and 1 is in tied accommodation. Our housing waiting list currently has 2431 applications, it should be noted a number of applications will not have specified their choice of preferred location.

2.9 Worcestershire Childrens First – No objection. By way of an update, pupil numbers at the local primary school have increased by 5% in the past 12 months. The reduced scheme is likely to yield less pupil numbers per year group than the previous scheme however, current analysis indicates that affordable dwellings produce a higher pupil yield based on bedroom occupation.

Worcestershire Children First will continue to monitor pupil numbers and, with the exception of year 6, there is currently sufficient capacity in the school to accommodate the pupil numbers likely to be generated from the proposed development.

October 2020							
Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL
13	14	11	17	15	12	20	102

October 2019							
Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL
11	10	18	12	12	19	15	97

As previously mentioned, we would want to ensure there is a safe walking route to the school. It is noted that there is a link from the proposed development to the school site. Any proposals will need to ensure the safety of pupils at all times and discussions regarding the proposals will need to take place with the school.

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2.10 Severn Trent Water - No objection subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

2.11 North Worcestershire Water Management Officer – No objection subject to a condition to require a surface water drainage strategy. It is advised that no surface water or fluvial flood risk has been modelled for this site, but I do note that residents in their consultation responses have mentioned that this site is notoriously 'wet'. The site is located in the catchment of a tributary of the Dowles Brook, which is part of the Wyre Forest SSSI downstream. In addition, I am aware that there are known flooding issues of Sugars Lane, downstream of this site, where the road dips. This means that it will be important that runoff will not increase as a result of development and that any discharge will not pollute the natural water environment.

A Flood Risk Assessment and Drainage Strategy (Banners Gate, December 2020) has been submitted. This strategy assumes that the geology of the site will not allow infiltration drainage on the site. Site specific infiltration testing will need to confirm that this is indeed the case, but based upon the soilscape classification (Slowly permeable seasonally wet acid loamy and clayey soils) I tend to agree with this assumption. The drainage strategy sets out that post-development rates of surface water runoff will be restricted to the Greenfield rate (2.5 l/s/ha) for all events up to and including the 1 in 100 year plus climate change return period. This is in line with the non statutory technical standards for SuDS.

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The drainage strategy document does in the main document not detail a specific strategy setting, but instead defers this to the detailed design stage. In appendix III of the document however a plan has been included which shows tanked porous pavement, a swale and a detention area. These types of SuDS will all provide an element of runoff treatment. A bypass sewer is also shown on the plans. I don't know what the reasoning is behind this proposed set-up. Is it to ensure that STW will be willing to adopt the drainage system or is this to get Highways to adopt the road?? For water quality treatment purposes it will be important that the swale and detention area are online with the bypass sewer only being used when this online route is blocked / overwhelmed; we would not want to see the swale and detention area as offline assets, only in use when the piped system is overwhelmed.

I note that the route downstream of the site to a suitable outfall location has not been arranged yet and that residents in their consultation response have mentioned that the ditch in Plough Lane which is intended to take the attenuated discharge from the site only runs along the length of the proposed development site. The drawing included in Appendix III notes "Proposed route of SW outfall will require additional topographical survey to prove a gravity connection can be made and land ownership is established. Agreement with any third party land owners is required, alternatively, a sewer requisition will be required." Obviously establishing a suitable route and outfall downstream of the site is important, as well as ensuring that this route will be maintained in perpetuity. I would prefer an open ditch rather than a culverted asset both from a maintenance and a biodiversity point of view.

I note that the proposal is to connect the foul drainage of the development to the mains sewerage system. This will require Severn Trent Water's approval. STW in a letter dated 20th December 2019, Appendix I, have raised concerns regarding the performance of their Sugars Lane Sewage Pumping Station, to which the site would drain. STW would need to undertake a hydraulic assessment to understand what impact the development will have. I assume that this will be adequately covered in the STW consultation response and will refrain from commenting upon this element of the application.

I believe that based upon the submitted information (in particular the submitted drainage strategy including appendix III) there would be no reason to withhold approval of this application on surface water management grounds, providing the following condition will be attached:

"No works in connection with site drainage shall commence until a detailed surface water drainage strategy has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall conform with the principles set out in the Flood Risk Assessment & Drainage Strategy Flood Risk Assessment (Banners Gate, December 2020) submitted with the application. Calculations and models (.mdx files or similar) shall be submitted to verify that the runoff rate from the development will be limited to Greenfield levels up to the 1 in 100 year rainfall event plus an appropriate allowance for climate change, using the latest Environment Agency's guidance. Details regarding the entire route to a suitable off-site outfall shall be included. The information submitted shall set out how the surface water drainage measures will provide an appropriate level of runoff treatment on the site. Details regarding the future maintenance responsibility for all on-site and off-site measures shall be provided, and



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how this responsibility will be communicated with future home owners / occupiers. The approved surface water drainage shall be implemented prior to the first use of the development and thereafter maintained."

- 2.12 WCC Landscape Advisor – No objection to the principle of development, subject to a condition to secure design matters. It is noted that this is a this is a significant improvement over the previous submission where the density was too high and much more of a block, despite the proposed landscaping. The reduction to 16 units is welcomed as is the subdivision of the housing into three relatively discrete areas separated by landscaping. That said, I see there are what looks to be a block of four carpark spaces separating the northernmost block of houses from the next block. Is it a planning requirement to provide additional spaces? If so that leaves very little space beyond that in private control to develop and manage a green infrastructure corridor across that part of the site, which, in the context of the overall landscape scheme would be beneficial.

I note the applicant has shifted the development to be all affordable and that bungalows will be part of the offer. Our planning advice for building and design for the 'Forest and Smallholdings Landscape Type' states that: *Whilst not necessarily slavishly copying the design of existing buildings, development should respect traditional materials, scale and design details of the area, for example, the proportions and design of windows, use of roofing materials and external wall treatments, over-all size of dwellings, and height of roof-line; detailing of associated buildings and size of associated grounds/land holding.*

*New development must respect the historical ad-hoc development of the settlement pattern of these landscapes and avoiding standardisation of design and layout. Additional individual dwellings may be accommodated in some circumstances where the scale of the original settlement would not be compromised. Clustered groups of new housing however would not be appropriate. The retention of small pastures/orchards between houses is important.*

Following the second of the two statements above to the letter, this would still be an objection on landscape grounds, however, I believe there is some measure of compromise that can be achieved as long as the development delivers a high quality scheme in terms of massing, materials and landscaping. My interpretation is based on the benefits of the revised scheme, offering all affordable housing (although I acknowledge this is a matter for the District to evaluate), and an indicative layout that does address some, if not all, of the landscape issues. My concern with the scheme is its proximity to the 20th century block development, and what weight that gives towards design. 20th century development has had a notable, and negative impact on the historic settlement character of Far Forest. The historic vernacular of Wyre Forest and its setting is one that has a clear signature of sandstone and red brick with slate or tile roofing. Given the main visual aspect of the development will be from Plough Lane rather than within the core area of 20th century expansion, I believe the design palate should closely reference historic form, details and materials. This is particularly important because the site sits firmly within the setting of Wyre Forest, and by that I mean there is no element of detachment between the site and Forest setting. To give an example of where the design has not worked (and should therefore be avoided with this application), I would nominate Oakleaf Rise. While the developer has referenced

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elements of the local vernacular with some of the materials used, the overall result is urban in form, and is largely indistinguishable from developments that would typically be seen on brownfield sites or urban extensions. I note the applicant intends to address detailed design as Reserved Matters. I do question if that is advisable given the sensitivity of the site and its setting, and would assume it better to agree appropriate design matters with the LPA at application stage. If the application is permitted, then I recommend that all key design matters are secured through appropriately worded conditions. As a minimum I believe these should address landscape and ecological matters through a CEMP and LEMP; a lighting design plan to avoid impact to the setting of Wyre Forest, habitat and light-sensitive species, and a condition to ensure the housing conforms to the adopted District Design Guidance SPD, and informed by County LCA guidance (referred to above).

In conclusion, I do not object to the development in principle, in its revised form. I am however concerned that, given the sensitivities of the landscape setting, that detailed design is proposed to be dealt with as as Reserved Matters. Therefore, should the LPA be minded to grant permission, I recommend that all design matters are secured through suitably worded conditions.

- 2.13 WFDC Arboricultural Officer – No objection subject to conditions. From an arboricultural standpoint, I'm satisfied that the proposed development can take place without impact on any of the arboricultural features of note. as long as the finding and recommendations of the submitted AIA (by Brindle & Green) are adhered to strictly. If permission is granted, a condition stating this will be required. A pre-start condition for me to meet with the site foreman and retained Consulting Arborist would also be required. The design of the proposed soft landscaping looks satisfactory. Details on the tree and hedges species will need to be submitted to ensure the species chosen are suitable for a rural site and local character.
- 2.14 Worcestershire Regulatory Services (Contaminated Land Team) - No objection.
- 2.15 Worcestershire Regulatory Services (Noise Nuisance Team) - No objection in terms of any noise / nuisance issues. In order to minimise any nuisance during the construction phase from noise, vibration and dust emissions the applicant should refer to the WRS Code of Best Practice for Demolition & Construction Sites <https://worcestershire.gov.uk/media/5713177/WRS-contractor-guidance-2nd-edition-V10.pdf> and ensure its recommendations are complied with
- 2.16 WCC Archaeologist - No objection subject to conditions. The site comprises part of a small-scale assarted farmstead of 19th century or earlier date. The earliest mapping in the HER is the 1842 Tithe, when it was owned by a John Moore. There is no evidence or indication that the site might hold below-ground remains of archaeological significance, therefore there are no concerns or issues from an archaeological perspective.
- 2.17 WFDC Planning Policy Officer – Objects to the application, as the site falls outside the settlement boundary and the site area exceeds 1 hectare therefore fails to meet the criteria required for entry level exception sites as set out in Paragraph 71 of the National Planning Policy Framework. In addition, the very narrow access road is unacceptable to serve the proposed development.

### Neighbour/Site Notice Representations

34 Letters of objection received from nearby occupiers, including one from a Planning Consultant on behalf of a nearby resident (this letter is accompanied with an independent Highway Technical Note which has assessed the development on highway grounds) and survey data of bats from a member of the Wyre Forest Study Group and Worcestershire Bat Group.

- Objections remain the same as per the previous application for 25 dwellings.
- Lack and strain on existing infrastructure to support additional houses on Plough Lane, in particular the unadopted road and the existing Primary School within the village is at capacity and would not be able to accommodate the needs of young families when the Emerging Plan is adopted, and extra homes are built at Lem Hill Nursery and there are no connecting bus services to Secondary Education or to Worcestershire Acute Hospitals.
- Cleobury and Bewdley Dental practices have no vacancies for NHS patients.
- Lack of local employment opportunities or regular bus services.
- No mains gas supply in village.
- Overload on existing sewer system which is already not coping with existing demands, contrary to Policy CP02.
- Not positive improvement to the local economy as there are no good local amenities and residents will travel out of the village.
- Lack of certainty who will maintain the open space.
- Commuting and travelling to areas outside village would be reliant on motor vehicles, due to poor bus services and opportunities for sustainable model transport choices, contrary to Policy CP01.
- Spoil Plough Lane as a popular walking route.
- Harm the landscape value, as it would urbanise a historic part of the village and remove the intrinsic character of the countryside, contrary to Policy CP12, Paragraphs 127 and 170 of the Framework. The proposed development is at odds with other properties along Plough Lane. It would extend the development at Oakleaf Drive across to Plough Lane resulting in an unacceptable urbanising effect irrevocably damaging the character and nature of the lane and Far Forest.
- Non-previously developed land, outside of settlement boundary.
- No evidence submitted to demonstrate local need. The Rock Parish Housing Needs Survey 2019 shows a need for 6 affordable homes in the next 10 years, and this survey informed the Local Plan Review and in the Emerging Plan an allocation of 20 homes is made on the Bill White Nurseries Site at Lem Hill, Farm Forest. As such there is no proven need for this development.
- Far Forest is bottom 4 of the 15 within the settlement hierarchy and should only have new housing to meet the identified need of local people (DS01). It will exceed the identified local housing need and due to the site location not being well related to the existing built up area of the settlement would not be an appropriate exceptions site for new rural housing, contrary to Policies DS01, SAL.DPL1, SAL.DPL2 and Paragraph 77 of the Framework.
- WFDC are meeting their 5 year housing land supply.
- Contrary to Paragraph 71 of the Framework, as it is for 14% (however some writers note that it would increase the size of the settlement by 18% and 20%) and that the site measures 1.7 hectares in area and therefore would fail both criteria as it would exceed 5% the size of the existing settlement and would be over 1 hectare.

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- Development would result in a significant highway safety concern in respect of conflict between vehicles and pedestrians using the public footpath and due to inadequate road width and visibility at the junction with Cleobury Road, contrary to Paragraphs 108 and 109 of the Framework.
- Safe and suitable access cannot be achieved for all users, in particular school children walking to school, and the significant impacts on highway safety cannot be mitigated and the residual impacts of the development are likely to be severe.
- Inadequate width on Plough Lane will cause damage to the front of dwellings.
- Plough Lane is a private road on unregistered land, which is maintained by existing residents and as such it would be unacceptable to have more vehicles using the land each day, as residents have to pay for the lanes maintenance.
- Any widening of the current road surface on Plough Lane will not be require use of existing frontages and any agreement necessary to undertake these works will not be forthcoming by existing residents. Plough Lane cannot be widened as the verges contain essential ditches for water run off and are crucial and cannot be removed without impacting properties further down the Lane (This has not been considered in the Flood Risk Assessment).
- Junction between Plough Lane and Cleobury Road is an accident blackspot and it will be impossible to maintain the visibility splay as proposed, as the existing hedgerow will require cutting back and this cannot be done during bird nesting season.
- Number of road accidents at the junction and even though they have not been recorded it does not justify that the junction is safe.
- Ice will be a major highway concern in winter.
- Insufficient quick and safe access for emergency services.
- Ecology report is inadequate and inaccurate as it has undertaken an unacceptable assessment of the biodiversity baseline of the site to demonstrate net gains for biodiversity can be achieved and any significant harm to biodiversity can be avoided, adequately mitigated or compensated for, contrary to Policies CP14, SAL.UP5 and Paragraphs 170d and 175 of the Framework. Site contains deer, owls, hawks, foxes, buzzards, herons, bats, hedgehogs, snakes including adders (as we have a male adder that visits our pond to eat the frogs), grass snakes, slow worms and newts and close to SSSI site.
- An independent examination of the site has found the presence of roosting Noctule bats and Rosel's Bush Crickets. One writer also states that there are 9 out of the 17 UK bat species present. It would be illegal to remove the willow trees on the site, under the Countryside and Rights of Way Act 2000 as these trees support roosting bats.
- Small field sites like this are rapidly declining in Far Forest and are the fastest disappearing habitat in Wyre Forest. They not only provide for wildlife but also provides a glimpse into the small holding farming practices in the area and they need to be protected.
- Impact on the local deer herd due to a significant increase in traffic and speed of traffic on Plough Lane increasing the risk of deer casualties.
- Loss of substantial areas of hedgerows would exacerbate damage to local ecology. The development ignores the fact that the extensive areas of the site is covered by rush, which will have a distinctive species assemblage, especially insects. There is also a lack of findings relating to nesting birds, other invertebrates and mammals and although there was no opportunity for reptiles/amphibians this year there should be further survey work at the right time of the year to consider these

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- species and no mitigation measures would match let alone 'improve' biodiversity on this site.
- Large part of the site is damp, often wet and dominated by soft rush, consistent with seasonally waterlogged soil type and the proposed drainage, in particular the SuDs pond would be inadequate in terms of its location as it is not sited on the lowest point of the site, which would lead to unacceptable drainage issues. The applicant has also failed to note the existence of a spring.
- Any lighting would be completely out of character for this part of the village leading to a negative impact for our numerous nocturnal species.
- Impact on the SSSI site due to daily pollutants from the development (car shampoos, garden chemicals etc) draining from the SuDs pool and down to Wyre Forest.
- The proposed SuDs pool will be a hazard for infants.
- General dislike of proposal.
- Out of character of the area and overdevelopment.
- Increase flood risk and undermine ground stability.
- Increase light, traffic and noise pollution.
- Disruption to local residents and water run-off during construction.
- Detrimental impact on the wellbeing of the local community.
- Loss of privacy and overlooking.
- Loss of view and visually overbearing impact.
- Loss of light and overshadow existing properties caused by new trees, hedges and fences to screen the development.
- Security of existing properties will be compromised, contrary to Policy CP07.
- Inappropriate development of the Green Belt and in the absence of special circumstances would be harmful on the open, rural and undeveloped character of the Green Belt.

[Officer comments – The site does not fall within the Green Belt and concerns relating to loss of views is not a material planning consideration. The application has been submitted at Outline Stage in which layout and scale are not considered until the subsequent reserved matters stage and an indicative Masterplan has been submitted to demonstrate that the site can be development without causing a detrimental impact on the amenity of existing residents of neighbouring properties in terms of overlooking and overshadowing. No objections have been raised by Worcestershire Regulatory Services in terms of noise nuisance and a no objection has been offered by the North Worcestershire Water Management Officer and Severn Trent Water in relation to whether the site would have appropriate drainage or lead to an increase in the risk of flooding elsewhere. If Members are minded to approve this application then planning conditions could be imposed to secure suitable drainage of this site and to minimise surface water run-off].

10 letters have been received from nearby occupiers following re-consultation on the application in respect of the TMS Road Safety Assessment (RSA), which has been submitted in an attempt to address the concerns raised by the Highway Authority. The letters reiterate the comments summarised above with the only additional comments to these being:

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- Plough Lane is a private road which has no known owner and no title is registered within HM Land Registry, therefore under the rule of “ad medium filum”, owned by its frontagers.
- The proposed road improvement works to mitigate the impact of the development on highway safety makes extensive use of third-party land and there has been no contact with owners and without agreements with the owners of the ‘frontages’ the whole scheme is unachievable.
- The hedgerow at the junction will not be able to be cut back as the applicant has not got the landowner’s consent.
- There is already a new development planned at the bottom of the lane which will cause even more traffic.
- The proposed highway works have made no provision for changes in levels and gradients and natural obstructions (hedges) and will require retaining walls where levels are unequal.
- Plough Lane is a popular public footpath and footfall census taken on 13 February 2021 showed 32 pedestrians despite this day being bitterly cold and the lane also features as part of Worcestershire County Council’s recommended walks as “Far Forest Circular Walk”. The proposed 1.5 metre wide footway is not sufficient for the existing use of Plough Lane which has a high footfall.
- To expect large vehicles to mount the footway to pass each other is hardly a safety proposal for pedestrian and would be illegal under Section 34 of the 1988 Road Traffic Act.
- There is no mention of ongoing maintenance of the lane, which often gets significant rainwater damage caused by run off from the A4117 and exacerbated by use of heavy vehicles.
- The submitted Road Safety Assessment (RSA) fails to recognise the risk factors associated with the junction with the A4117 as it lies opposite a busy car park to a public house (of which is also used as a bus stop) and is within 20 metres of the entrance to the very busy car park serving the local shop.
- The submitted RSA contains significant flaws and that the safety aspects of the development have not been adequately addressed.

### **3.0 Site Location and Description**

- 3.1 The application site measures 1.72 hectares in area and relates to agricultural grass fields that includes a hedgerow that divides the field into two, along with scattered mature trees, including an Oak tree which is subject to a Tree Preservation Order (TPO 248). There is a substantial hedgerow along the road frontage and a field gate to Plough Lane. The site will be accessed from Plough Lane, which is an unadopted private road, and Public Right of Way (No. 541(B) and is accessed from the A4117 Cleobury Road.
- 3.2 The settlement boundary to Far Forest village as defined by the Adopted Policies Map abuts the site to the northeast, where there is a cluster of dwellings arranged around two cul-de-sacs (Oakleaf Rise and New Forest Rise) which have access from New Road via the A4117 Cleobury Road. The southwest corner of the site adjoins the rear boundary to Far Forest Lea Memorial (Church of England) Primary School and within the village there is a local shop, restaurant and bus services. Plough Lane has a rural character and contains 19 dwellings, which are dispersed along the road frontage and

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often separated from one another by pastoral fields. To the east, on the opposite side of Plough Lane, are agricultural fields and beyond (approximately 1km from the site) is an ancient woodland known as Doghanging Coppice and Wyre Forest (a Site of Special Scientific Interest).

- 3.3 The proposed development is for the erection of 16 entry-level starter homes (comprising 9 shared ownership and 7 affordable rent units), together with new access, parking provision and landscaping. The application is submitted as Outline with only the principle of development and access to be considered at this stage. An indicative Masterplan has been submitted in support of the application which shows a new access proposed to Plough Lane, the siting of the dwellings together with the internal roads and an attenuation pond. The plan shows a pedestrian access to the primary school from the application site however it is also indicated on the submitted plan that this pedestrian access is subject to future agreement with the school.
- 3.4 This application is a resubmission of a previously refused Outline application for 25 open market dwellinghouses.
- 3.5 The application has been submitted with a supporting Planning Statement, Design and Access Statement, Landscape Statement, Transport Statement, Ecological Assessment, Flood Risk and Drainage Statement, Arboricultural Statement, Topography Survey and a Statement of Community Involvement.

#### **4.0 Officer Comments**

- 4.1 The proposed development is for the erection of 16 entry-level starter homes with access from Plough Lane. The application has been submitted in Outline with all matters reserved except for access. An illustrative masterplan has been submitted to indicate how the site could be developed. The application site relates to non-previously developed land and is not allocated for housing in the Development Plan nor the Emerging Wyre Forest Local Plan (2016-2036). It lies outside of the settlement boundary for Far Forest village and is therefore located in the open countryside for planning policy purposes.

#### **POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined according to an adopted development plan unless material considerations indicate otherwise.
- 4.3 The plan led strategy for new housing and growth as set out in the Wyre Forest District Development Plan is to concentrate new housing development on previously developed land within the urban areas of the District before applying the sequential hierarchy on other preferable sites (Policies DS01 and SAL.DPL1). Policy SAL.DPL1 advises that residential development outside of the locations identified within the policy will not be permitted unless in accordance with Policy SAL.DPL2 (rural housing), or relevant Rural Development and Green Belt policies. In this case, Policy SAL.DPL2 contains exceptional circumstances where new rural housing would be permitted, although none of these exceptions include entry-level housing, which is the subject of this application. It does however permit rural exceptions site on sites adjoining the

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edge of rural settlement boundaries providing they meet a 'specific affordable' housing need which could apply to a district wide need. Policy DS04 of the Adopted Core Strategy advises that new residential development in the District's villages will be to meet local housing needs only, as established through the Parish surveys. However, as this application is proposing an entry level exception site, it should be assessed against criteria of meeting a district wide need for affordable homes and not just the local housing need set by the Parish housing survey.

- 4.4 The revised National Planning Policy Framework (the Framework) was published in July 2018 and introduced a new concept of *entry level* exception sites to support the delivery of affordable housing. Entry level starter homes are defined as being only suitable for first time buyers (or equivalent, for those looking to rent) and are only permitted on 'entry-level exception sites'.
- 4.5 Paragraph 71 introduces support for the development of entry-level exception sites, unless such need is already being addressed within the local planning authority's area. The criteria for entry-level exception sites, as set out in Paragraph 71 reads as follows:

*Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:*

*a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*

*b) be adjacent to existing settlements, proportionate in size to them (footnote 33), not compromise the protection given to areas or assets of particular importance in this Framework (footnote 34), and comply with any local design policies and standards.*

*33 - Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.*

*34 - i.e. the areas referred to in footnote 6. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.*

- 4.6 Evidence identified by the Principal Housing Strategy Officer shows that there is an unmet need for affordable housing in Rock Parish and within the Authorities area. The Council's waiting list information confirms that there are 15 householders seeking affordable housing with Rock Parish being their preferred location and there is also a high number (2431) of households in need of affordable housing in the district. Paragraph 71 does not require the applicant to demonstrate a need for this type of development and in the absence of any other evidence to suggest otherwise, I have to accept that there is a need for entry level homes in Wyre Forest District which cannot be met by the current affordable housing stock levels. The draft allocation for 20 new dwellings at Lem Hill Nurseries (Policy 36.1) would provide 5 affordable houses and



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therefore would not meet the need of affordable housing in the Parish. The proposed development would therefore help to address the gap that exists between need and

supply, as well as providing dwellings at an affordable price for first time buyers. I therefore consider that the development would accord with the criteria set in Paragraph 71(a).

- 4.7 Turning next to the criteria in Paragraph 71(b), the application site adjoins the defined Development Boundary for Far Forest village settlement, as identified on the Adopted Policies Map 2013 but lies outside of the Green Belt and would not impact the nearby Wyre Forest, which is a Site of Special Scientific Interest (SSSI).
- 4.8 Footnote 33 of the Framework establishes the acceptable scale of entry-level exception sites and requires the site to be no larger than one hectare and not exceed 5% of the size of the existing settlement. I have identified that there are approximately 304 dwellings in Far Forest (and this excludes all chalets and caravans) and 5% of this number equates to 15 dwellings. However, the site area at 1.72 hectares exceeds the threshold under footnote 33 and as such, it cannot be said that the development for 16 dwellings would be in proportion with the scale of the settlement. The proposals would be contrary Paragraph 71(b).
- 4.9 Paragraph 71(b) also requires entry-level exception sites to *comply with any local design policies and standards*. Whilst the application is at Outline Stage with access only to be considered, I consider it is necessary to apply the wider general policies of the Development Plan and the Emerging Wyre Forest Local Plan (2016-2036) including those on landscape, highway safety, biodiversity and amenity as these are relevant in terms of this proposed development. I have considered each of these site-specific issues in the report below.
- 4.10 Also relevant in the decision making of this application, is draft Policy 8B of the Emerging Wyre Forest Local Plan (2016-2036), which includes the Council's most up-to-date policy position regarding entry-level exceptions site. Although this policy is not yet adopted it does provide an indication of the approach the emerging Local Plan is likely to take. In addition, in line with Paragraph 48 of the Framework, some weight can now be given to the Emerging Local Plan given that it has undergone public consultation and an independent examination and is now at an advance stage in its preparation. In addition, no substantial objection has been made to draft Policy 8B and the policy approach is consistent with the Framework.
- 4.11 Draft Policy 8B of the Emerging Wyre Forest Local Plan sets out criteria for the assessment of applications for entry-level exception sites, which includes the following:
- i. The scheme must include provisions to maintain houses at an affordable price or rent for future eligible households;
  - ii. The site should be adjacent to the existing settlement, and should be accessible to local services and facilities;
  - iii. The number, size, type, mix and tenure of dwellings must not exceed the extent of identified local need;

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- iv. The scale of the scheme should be appropriate to the size and character of the settlement and must not damage the character of the settlement or the surrounding landscape; and
  - v. Any enabling market housing required to make the development viable must be accompanied by a robust viability assessment.
- 4.12 In considering the proposal against this emerging Policy the proposal would fail to comply with criteria (ii) and (iv) in that the scale of the development would damage the character of the surrounding landscape and due to the current condition of Plough Lane with no dedicated footpaths, inadequate road width, poor surface and substandard visibility at the junction with Cleobury Road is likely to provide poor accessibility to local services and facilities within the village especially for pedestrians including school children. This is explained in full below.
- 4.13 To conclude, the proposals would not meet the provisions of an entry-level exception site as set out Paragraph 71 of the Framework and draft Policy 8B of the Emerging Wyre Forest Local Plan due to the site area exceeding 1 hectare and not being in proportion with the size of the settlement, resulting in unsustainable housing growth and damage to the character of the settlement and surrounding landscape. As a consequence, the proposed development of this non-previously development site, outside the settlement boundary would result in an unsuitable and unsustainable location for new rural housing, contrary to Policy DS01 of the Adopted Core Strategy and Policies SAL.DPL1 and SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan. The principle of development is therefore unacceptable.

#### IMPACT ON LANDSCAPE CHARACTER

- 4.14 The application site comprises agricultural fields divided by a hedgerow and includes scattered trees in the fields and a hedgerow along the road frontage with Plough Lane. The site lies immediately adjacent to the settlement boundary and next to a 20<sup>th</sup> century housing estate comprising residential development on Oakleaf Rise and New Forest Rise. From Oakleaf Rise, the site provides a rural setting to the built area of the settlement and from within the site, there are views across the open countryside and of Wyre Forest and Doghanging Coppice Ancient Woodland to the east. The site has a rural appearance and reads as part of the wider pastoral scene, which plays an important part in terms of providing intervening fields between wayside dwellings on Plough Lane. The site also serves to separate the urban development within the settlement boundary from the rural setting of Plough Lane.
- 4.15 The comments from the WCC Landscape Advisor have been carefully considered and there is no doubt that the reduction in the number of dwellings proposed in this resubmission scheme has provided greater opportunities for mitigation to minimise the landscape and visual impact of the development, however, it is still considered that 16 dwellings together with the new internal roads, boundary treatments and domestic paraphernalia would result in a significant change to this currently open and rural site and would lead to an unacceptable protrusion of urban development into this part of the open countryside, eroding the rural character of Plough Lane.
- 4.16 The Landscape Character Assessment for 'Forest Smallholdings and Dwellings' advises that any new development will need to respect the historic ad-hoc

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development and that unified and regular patterns, including clustered groups of housing, which lead to an urban character, should be avoided, in order to protect the landscape character. It is evident from the indicative layout that the proposed houses would be sited in a cluster in the north and west part of the site and parking would dominate the frontages of four houses. This layout and form of development would result in a stark and urban form of development. I also consider that any development of 16 dwellings on this site is likely to appear dense and given the separation from the remainder of the village, would appear poorly integrated with the village.

- 4.17 Furthermore, in order to achieve the required 43m by 2m visibility splay at the access point, the entire roadside hedgerow would need to be removed and although it is indicated on the indicative layout that the hedgerow would be translocated to suitable receptor sites within the site, the loss of this roadside hedgerow, together with the proposed access with associated streetlighting, would severely damage the character of the landscape.
- 4.18 Any new structural landscaping, as shown on the indicative layout, would not alleviate the visual impact on the landscape, as the scale of the development would still represent a shift of the built up development beyond the edge of the village and into the rural setting of Plough Lane.
- 4.19 Members will note that this is an outline application which seeks the principle of development on the site and agreement of the access details and not the finer details such as appearance, scale, site layout and landscaping. I note that the WCC Landscape Advisor recommends that the design matters for this scheme should be agreed at this Outline stage, however, these details have not been submitted for consideration.
- 4.20 To conclude, the application site adds to the character and appearance of this part of the village and provides an important contribution to the rural setting of the village, to Plough Lane and to the wider countryside. The loss of this undeveloped open parcel of land and its development for housing would result in a harmful impact on the landscape character and would fail to conserve or enhance the intrinsic character and beauty of the countryside. The proposed development would therefore be contrary to Policy CP12 of the Adopted Core Strategy and draft Policy 11C of the Emerging Plan which both require new developments to protect and where possible enhance the unique character of the landscape. The proposals would also conflict with Paragraph 127c of the Framework which requires developments to be sympathetic to local character and the landscape setting. Paragraph 170b also requires planning decisions on new developments to ensure they contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

#### ACCESS AND HIGHWAY SAFETY

- 4.21 Plough Lane is a private unadopted road, which currently serves 19 residential properties. The applicant has submitted a Transport Statement and a Road Safety Assessment (RSA) which recommends a number of highway improvement works to Plough Lane to mitigate against the increased vehicle and pedestrian movements arising from the new development. These improvements include a new 1.5m wide footway along the northern side of Plough Lane, divided from the carriageway by a low level 60mm high kerb. Plough Lane would be altered to provide a new footway

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between 1.5m and 2.0m in width from Cleobury Road to the new development and the lane would be increased in width from 3.7 metres to at least 3.9 metres to ensure vehicles can overtake cyclists more safely. The lane would also be resurfaced to remove the existing defects (pot holes, cracks etc.) in the surface. At the A4117 Cleobury Road/ Plough Lane junction, the access will be widened by splaying the kerbs and the hedgerow would be cut back to ensure the right-hand visibility splay can be provided. The applicant has also suggested that the existing 30mph speed limit on this part of Cleobury Road should be extended down Plough Lane to the proposed development, however, it also points out that a 20mph speed limit would be more desirable.

- 4.22 The Highway Authority have reviewed the submitted information and contend that the proposed development for 16 dwellings has not addressed the previous reasons for refusal given in 20/0078/OUTL and would result in an unacceptable impact on highway safety. Within their refusal comments, the Highway Authority clearly note that Plough Lane in its current state is unsuitable for adoption as public highway or to carry additional traffic arising from this development. It is also noted that the proposed highway improvements do not comply with the Adopted Streetscape Design Guide and would not be adopted. Fundamental to their objection is the substandard road width (of 3.7 metres at its narrowest point), which would be insufficient to allow two large vehicles, such as a refuse or agricultural vehicle, to pass one another without having to mount the proposed footpath, thereby undermining the safety of pedestrians. Also, that it has not been demonstrated that the proposed improvements to the junction with Cleobury Road would comply with the Adopted Streetscape or be sufficient for larger vehicles. Lastly, that the proposed highway improvements rely solely on the adoption of Plough Lane via a Section 228 Agreement however there is no certainty that the S228 would be granted given that no evidence has been provided to show that Plough Lane is unregistered and there is no guarantee that no objections would be made to the S228 application.
- 4.23 I also have concerns with the findings of the Safety Assessment and proposed improvement works as it relies on the hedgerow at the junction with Cleobury Road being cut back to achieve the desired visibility splays and maintained, however, the hedgerow lies on third party land outside of the applicant's control. I also agree with the Highway Authority that the width of Plough Lane would remain substandard following the proposed highway improvement works and that it would result in an unacceptable impact on pedestrian safety.
- 4.24 Furthermore, the application site is not considered to be well connected to the existing settlement as the only access is along the existing unadopted road and whilst the applicant has indicated a possible pedestrian link to the primary school via the application site, the school have confirmed that they have not been approached by the applicant. I also have doubts that this would be feasible due to safeguarding issues and that the school is unlikely to permit access to the school via their playing fields away from the main school entrance. As such, I consider that the only pedestrian access to the site would be via Plough Lane, which would not provide a safe route to and from the village, especially in its current state with uneven surface and no dedicated footpaths.

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- 4.25 I therefore agree with the Highway Authority that the proposed development has not demonstrated that safe and suitable access is achievable for all road users and that it is likely to result in an unacceptable impact on highway safety, contrary to Paragraphs 108 and 109 of the Framework. It would also be in conflict with Policy CP03 of the Adopted Core Strategy which states that development proposals should have full regard to the traffic impact on the local highway network. Also, draft Policy 13 of the Emerging Wyre Forest Local Plan (2016-2036) which advises that proposals must demonstrate that they offer viable sustainable transport choices, with a particular focus on active travel modes (walking and cycling) and that they address road safety issues.

**IMPACT ON PUBLIC RIGHT OF WAY**

- 4.26 The definitive line of a public right of way, footpath Rock RK-541, passes over the length of Plough Lane for some 400 metres from the A4117 Cleobury Road, including that length of the lane that provides vehicular access to the development site.
- 4.27 WCC Public Rights of Way Team object to the application on the grounds that it would undermine the priority that is given to pedestrians using Plough Lane over vehicular use and would therefore be detrimental to the Public Right of Plough Lane. I concur with this view. The proposed development is likely to result in vehicular traffic being given priority over pedestrians due to an increase in traffic arising from the proposed development and due to the substandard width of Plough Lane is likely to be able to meet the need for safe pedestrian use, which is required over the full width of the right of way. As such, the proposed development is likely to result in a detrimental impact on the use of Plough Lane as a Public Right of Way and would fail to meet the objectives of Paragraph 98 of the Framework which require planning to protect and enhance public rights of way.

**IMPACT ON BIODIVERSITY**

- 4.28 I note that many representations to this application have observed protected species and mammals in the application site and that they do not consider that the submitted ecological surveys have adequately assessed the biodiversity value of the site. I also note the objection raised by the Worcestershire Wildlife Trust and their recommendation for a further bat survey. However, I share the views of the Council's Countryside and Parks Manager who agrees with the findings of the survey report and that the site characteristics offer only moderate forage and potential commuting value for protected bat species and that the proposed development can be delivered with appropriate mitigation and enhancement measures to offset the loss of foraging and habitats.
- 4.29 With regards to other species, the Countryside and Parks Manager has noted that the submitted Ecological Survey has not considered other protected and notable species, including Dormice, hedgehog and Nobel chaffer and it has been requested that the applicant confirms why these species were excluded from the survey reports, or alternatively to provide further surveys and proposed mitigation.
- 4.30 The applicant has been invited to submit additional information to address these concerns however, no information has been forthcoming. As such, I consider that the application has been supported by insufficient information to enable the Local Planning Authority to fully consider the impacts on biodiversity and whether appropriate mitigation and enhancements can be achieved as part of this proposed

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development. The proposed development is therefore contrary to Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan, draft Policy 11D of the Wyre Forest Local Plan (2016-2036) and Paragraphs 170d and 175a of the National Planning Policy Framework.

PLANNING BALANCE

- 4.31 The applicant contest that "... the tilted balance is engaged in light of the adopted plan being out of date (having an out of date housing requirement which relates to a long abolished Regional Spatial Strategy)". I acknowledge that Policy DS01 of the Adopted Core Strategy in terms of housing land supply is out of date.
- 4.32 The 'tilted balance' is defined in Paragraph 11d of the Framework, which means for decision making that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date planning permission should be granted unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Footnote 7 of Paragraph 11 defines "out of date": This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."
- 4.33 In determining whether a development plan policy is relevant to a particular application it was concluded in the high court case between Paul Newman New Homes Ltd v Secretary of State (Court of Appeal, 12 January 2021) that "In a case that involves a housing application, there is no reason to restrict the concept of "relevance" to policies that are specifically targeted at the type of development under consideration (such as affordable housing, or a block of flats) or the location of the proposed development (such as policies about building in the countryside). A general development control policy may be capable of having a real role to play in the outcome of an application; its importance is a different matter, which will depend on the facts and circumstances of the particular case, and is a matter of value judgment on which the expertise of a planning inspector will carry significant weight".
- 4.34 When applying this court decision, I am of the view that Policies SAL.DPL1 and SAL.DPL2 are relevant in the decision making of this application, because they seek to first concentrate new housing development on previously developed land, which is consistent with Paragraph 117 of the Framework which seeks to make as much use as possible of previously developed land in order to promote an effective use of land in meeting the need for homes, while safeguarding the environment. Policy SAL.DPL2 allows for new rural housing in exceptional circumstances, which although does not include a specific exception on entry level housing it does include one on rural exception sites where affordable housing would meet a 'specific affordable' need and this can apply to district wide housing need. The objective of this policy is to allow for limited housing growth whilst safeguarding the landscape character of the countryside and is consistent with Paragraph 78 of the Framework which seeks to promote sustainable development in the rural areas and Paragraph 170 of the Framework seeks to require all new developments to contribute to and enhance the natural

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environment by recognising the intrinsic character and beauty of the countryside. Policy CP12 is also relevant given that it seeks to safeguard the landscape character and whilst layout and landscaping will be considered in the reserved matters application that now at the Outline stage, it is still considered to remain relevant as to whether a satisfactory development could be achieved in principle. On this basis, I consider that the Development Plan contains relevant policies and I give full weight to it in the decision making of this application.

- 4.35 The Council can demonstrate a five-year supply of housing land against the relevant housing requirement of the Development Plan. The latest five-year housing land supply (HLS) report (April 2020) shows that against Policy DS01 housing requirement of 231 dwellings per annum, with a 5% buffer, the Council could demonstrate a 8.2 Year Housing Land Supply. The April 2019 HLS report concluded a 7.18 Year Housing Land Supply. Also, if all draft site allocations are taken forward in the Emerging Local Plan then against Policy 6A housing requirement of 276 dwellings per annum, the Council would have a 7 Year Housing Land Supply (which includes the additional 20% buffer that now has to be applied following the recent Housing Delivery Test (January 2021) which gave Wyre Forest District a measurement of 84% delivery of housing against the housing requirement over the previous three years). As such, footnote 7 to Paragraph 11 of the Framework has no relevance to the determination of this application.
- 4.36 For these above reasons, I do not consider that the presumption in favour of the development under Paragraph 11d)ii (the ‘tilted balance’) is applicable.
- 4.37 Paragraph 12 of the Framework is also of relevance, which states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan ... permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”. Therefore, the planning balance should be applied as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.38 Having considered this application carefully and noting the Government’s objective to boost the housing land supply and the economic benefits that will arise from the development in terms of new construction jobs and local expenditure spending by future occupiers. It is considered that the housing and economic benefits of the proposals would not outweigh the significant harm on the landscape character, highway safety, public right of way or potentially to biodiversity. The application is therefore judged to be not in accordance with the Development Plan and there are no other material considerations to indicate a departure of the Plan.

## **5.0 Conclusion and Recommendations**

- 5.1 The application is a resubmission of a previously refused application and the main difference in this application is a reduction in the number of dwellings from 25 to 16

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and the offer of entry level affordable homes to meet an unmet housing need in the District for first time buyers (or equivalent, for those looking to rent).

- 5.2 When applying the provisions of Paragraph 71 of the Framework, the development would not be in proportion with the size of the adjoining settlement as the application site would exceed the threshold of 1 hectare in size and therefore cannot be considered as an acceptable entry-level exceptions site. The proposed development would also be contrary with draft Policy 8B of the Wyre Forest Local Plan (2016-2036)

in terms of meeting the criteria set out for entry-level exceptions sites. As a result, the proposals would represent an unacceptable housing development on non-previously developed land outside the settlement boundary of Far Forest village, contrary to Policies SAL.DPL1 and SAL.DPL2.

- 5.3 Whilst there are benefits arising from the proposed development, primarily, the housing and economic benefits, it is considered that these benefits would not be outweighed by the significant harm on the landscape character, to highway safety, the public right of way and potentially on biodiversity. For these reasons, the proposed scheme would not represent a sustainable development and would be contrary to the Development Plan, the Emerging Wyre Forest Local Plan (2016-2036) and the National Planning Policy Framework.

- 5.4 It is therefore recommended that the application be **REFUSED** for the following reasons:

1. The development would not be in proportion with the size of the adjoining settlement of Far Forest Village, as the application site would exceed the threshold of 1 hectare in size contrary to footnote 33 given in Paragraph 71b and therefore cannot be considered as an acceptable entry-level exceptions site. The proposed development would not accord with the plan led strategy for housing and growth for the area, as it relates to new housing development on non-previously developed land, outside the settlement boundary of Far Forest Village and fails to meet any of the exceptions for new rural or affordable housing. The proposed scheme therefore would be contrary to Policies DS01 and DS04 of the Adopted Core Strategy, Policies SAL.DPL1 and SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan, draft Policies 8B and 8C of the Emerging Wyre Forest Local Plan (2016-2036) and Paragraphs 71 and 77 of the National Planning Policy Framework.
2. The landscape of this part of Plough Lane, in which the application site is situated, forms an integral part of the attractive and high quality landscape in this part of countryside and a clear distinction between the rural character of Plough Lane and the urban development that lies within the adjoining settlement boundary of Far Forest village. The proposed development due to its scale, amount of development and location, would cause substantial visual harm to the character and appearance of the landscape, village setting and the positive characteristics of this landscape character type 'Forest Smallholdings and Dwellings'. As such, the proposals would conflict with Policy CP12 of the Adopted Core Strategy and draft Policy 11C of the Wyre Forest Local Plan (2016-2036) which seek to protect and where possible enhance the unique character of the landscape, including individual settlements.



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The proposals would also conflict with Paragraphs 127c and 170c of the National Planning Policy Framework, which seek to ensure developments are sympathetic to their landscapes and surroundings and that they contribute to and enhance the intrinsic character and beauty of the countryside.

3. The access to the application site is from Plough Lane and the proposed highway improvement works to mitigate the impact of the development arising from the additional traffic and pedestrian movement on this unadopted private road would not comply with the Adopted Streetscape Design Guide (2020) and the proposals would fail to provide safe and suitable access to the site for all users. There is a lack of certainty that the proposed highway improvement works can be delivered to mitigate the impacts on highway safety given that no evidence has been submitted to demonstrate that Plough Lane is unregistered and there is no guarantee that the required Section 228 Agreement would be granted to enable the adoption of Plough Lane. It would also result in substandard road widths and undermine pedestrian safety. As such, the development would have an unacceptable impact on highway safety and the residual cumulative impacts of the development would be severe, contrary to Policy CP03 of the Adopted Core Strategy, draft Policy 13 of the Wyre Forest Local Plan (2016-2036) and Paragraphs 108 and 109 of the National Planning Policy Framework.
4. The proposed development would undermine the Public Right of Way, footpath Rock RK-541, as it is likely to result in vehicular traffic being given priority over pedestrians due to an increase in traffic generation as a result of this development and the proposed highway works are likely to have a detrimental impact on pedestrian safety given the substandard width of Plough Lane and the uncertainty that the road improvement works can be undertaken on this unadopted road. As such, the proposed development would fail to protect or enhance the Public Right of Way, contrary to Paragraph 98 of the National Planning Policy Framework.
5. Insufficient information has been submitted to enable the Local Planning Authority to ascertain the full extent of the impacts on biodiversity and to ensure biodiversity net gains can be achieved following the development of the application site, contrary to Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan, draft Policy 11D of the Wyre Forest Local Plan (2016-2036) and Paragraphs 170d and 175a of the National Planning Policy Framework.