

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 17th August 2021  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Planning Committee

### Members of Committee:

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

Councillor J Aston

Councillor A Coleman

Councillor P Harrison

Councillor L J Jones

Councillor C Rogers

Councillor V Caulfield

Councillor H E Dyke

Councillor M J Hart

Councillor F M Oborski MBE

Councillor L Whitehouse

### Information for Members of the Public:-

**Part I** of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

**Part II** of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

**Delegation** - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

### Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sian Burford, Assistant Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732766 or email [sian.burford@wyreforestdc.gov.uk](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.

## **WEBCASTING NOTICE**

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

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

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

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

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

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

\*Unless there are no reports in the open session.

## **NOTES**

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

Wyre Forest District Council

Planning Committee

Tuesday, 17th August 2021

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<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.	
<b>3.</b>	<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.	
<b>4.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 18th May 2021.	7
<b>5.</b>	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	9
<b>6.</b>	<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>New Enforcement Case</b></p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place on a new enforcement Case.</p>	-
9.	<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>	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

HELD REMOTELY

18TH MAY 2021 (6PM)

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**Present:**

Councillors: C Edginton-White (Chairman), C J Barnett (Vice-Chairman), J Aston, V Caulfield, A Coleman, H E Dyke, M J Hart, L J Jones, and L Whitehouse.

**Observers:**

Councillors: R H Coleman, P Dyke, S Griffiths, I Hardiman, K Henderson, N Martin, Mary Rayner and John Thomas.

**PL.01 Apologies for Absence**

Apologies received from Councillors P Harrison, F M Oborski MBE and C Rogers.

**PL.02 Appointment of Substitutes**

Councillor B Dawes was appointed as a substitute for Councillor C Rogers.  
Councillor A Totty was appointed as a substitute for Councillor F M Oborski MBE.

**PL.03 Declarations of Interests by Members**

Councillors H E Dyke, M J Hart, C J Barnett, L Whitehouse, L J Jones, A Coleman, B Dawes and C Edginton-White declared for transparency that they had all received correspondence about the application but had made no comment. Councillor A Totty declared for transparency that that he had commented on the application on social media, and Councillor V Caulfield declared for transparency that she had met with representatives from PGM to find out more about the application but all Members confirmed they came to the meeting with an open mind and would judge the application on the information received from Officers.

**PL.04 Minutes**

**Decision: The minutes of the meeting held on 16<sup>th</sup> March 2021 be confirmed as a correct record and signed by the Chairman.**

**PL.05 Applications To Be Determined**

The Committee considered the response to be submitted to Worcestershire County Council as part of the statutory consultation on application 20/0758/COUN following a presentation from the Development Manager on the application.

**Decision: Members provided comments to enable the Development Manager to provide a full response to the County Council on application 20/0758/COUN.**

## Agenda Item No. 4

Full response to Worcestershire County Council on application 20/0758/COUN.

Following a full discussion the Planning Committee noted that based upon the Development Plan, the Framework and the National Planning Policy Statement for Waste that there were no planning grounds to object to the proposal. However, they had significant concerns in respect of environmental issues and the impact that the proposal would have on local residents of Wyre Forest. In particular the following concerns were highlighted;

- Increase of pollutants within Air Quality Management Areas in Kidderminster, Stourport and Bewdley from both additional traffic and from the facility itself.
- That Wyre Forest has a higher level of Asthma sufferers than the national average and particularly in Stourport where levels are the highest in Wyre Forest, any increase in pollutants could push AQM's and other areas of high pollutants to be above acceptable levels and have an adverse impact on health. There are difficulties in getting emergency help for sufferers given the District's location away from key health care facilities.
- Concern of where pollutants will fall during differing weather patterns.
- Increase of pollution due to increased congestion.
- That whilst the facility is highlighted as being 'low carbon' this is only due to the way this is calculated, in reality it will increase carbon in a District that has declared a Climate Emergency. Proposals should be looking at being carbon neutral in this context.
- That no environmental permit had been applied for, and as such that there was no confidence in the evidence presented thus far without this process being at least commenced.
- A number of Councillors had received letters from residents which they wished to be shared with the County Council.

The Planning Committee resolution (on a vote of 5 to 3 (with 3 abstentions)) was that they were unable to support the Officers proposal of a no objection response, due to environmental concerns and the impact that it was perceived that the proposal could have on local residents of Wyre Forest. However, the Committee acknowledged that there were no material planning matters that they were able to raise as part of this consultation.

There being no further business the meeting ended at 7:54pm.



**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>
20/0159/FUL	Land At Os 384500 275750 Barnetts Lane Kidderminster Worcestershire	Approval	<b>10</b>

**Part B Applications**

<b>Ref:</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
21/0298/FUL	28 Blakebrook Kidderminster DY11 6AP	Approval	<b>34</b>

**WYRE FOREST DISTRICT COUNCIL****PLANNING COMMITTEE****17 August 2021****PART A**

<b>Application</b>	<b>20/0159/FUL</b>	<b>Date</b>	<b>16.03.2020</b>
<b>Reference:</b>		<b>Received:</b>	
<b>Ord Sheet:</b>	<b>384500 275750</b>	<b>Expiry</b>	<b>11.05.2020</b>
		<b>Date:</b>	
<b>Case Officer</b>	<b>Julia Mckenzie-Watts</b>	<b>Ward:</b>	<b>Aggborough And Spennells</b>

**Proposal:**           **Erection of 3no. detached dwellinghouses with associated works**

**Site Address:**   **Land At Os 384500 275750, Barnetts Lane, Kidderminster, Worcestershire, ,**

**Applicant:**       **De Rosa International Ltd**

<b>Summary of Policy</b>	DS01 CP01 CP02 CP03 CP07 CP11 CP12 CP14 DPL1 CC1 CC2 CC7 UP5 UP6 UP7 UP9 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
<b>Recommendation</b>	Approval
<b>Reason for referral to committee</b>	Objector has registered to speak

**1.0 Planning History**

No Planning History

**2.0 Consultations and Representations**

- 2.1 Parish Council - Objection - The development will have a deleterious effect on local wildlife.
- 2.2 Highways Authority (WCC) - No objection subject to conditions. It is advised that the applicant has submitted a revised plan (3905-01H). Visibility splays based on actual speeds have been demonstrated with only a slight reduction in the eastbound direction which is within an acceptable range in this specific location. Gradient details on the submitted site plan would indicate that the access slopes into the site and surface water draining into the highway will not be an issue.

The ACO drain at the edge of the highway as indicated is not desirable nor required and further details will be required if the ACO drain is retained.

The access is to be laid out as a dropped kerb as indicated and whilst a bin collection area has been shown, the refuse collection vehicle is not likely to enter a private drive serving 3 dwellings and tracking details have not been provided to demonstrate that

20/0159/FUL

refuse vehicle access is achievable. Accordingly, the distance from the refuse vehicle on Barnett's Lane to the bin collection point within the site should not exceed 25 metres and future residents will need to be aware of this. Parking complies with standards and the spaces are oversized with circulation space included plus cycle parking can be accommodated in the garages. A *raised paved area with full faced kerbs around to form traffic calming* is shown on the access drive and there is an opportunity to improve the design aesthetically, for example with a smoother line rather than the block as shown and possibly some landscaping, however as a private drive, this is a matter of choice for the applicant. Any vehicular access works in the highway can only be carried out by WCC contractors Ringway as per the note below.

Conditions

1. The Development hereby approved shall not be occupied until the visibility splays shown on Drawing No. 3095-01H have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

REASON: In the interests of highway safety.

2. The Development hereby approved shall not be occupied until the access, turning area and parking facilities shown on Drawing No. 3905-01H have been properly provided, surfaced and drained with details to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained and kept available for their respective approved uses at all times with visibility splays maintained at all times with no obstruction above 600mm.

REASON: In the interests of highway safety

3. The Development hereby approved shall not be occupied until a suitable refuse collection point within the site has been provided within 25 metres of the highway to facilitate kerbside refuse collection.

REASON: In the interests of highway safety and to comply with guidelines

4. No part of the development hereby approved shall begin until a Construction Environment Management Plan to include details of:

a. Parking and facilities for site operatives

b. Hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring

c. Areas for the storage of plant and materials

d. Wheel washing equipment to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway; shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be implemented throughout the construction period.

REASON: To ensure the provision of adequate on-site facilities and in the interests of highway safety

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

20/0159/FUL

- 2.3 Crime Risk Manager - No Comment Received.
- 2.4 Natural England - No Comment Received.
- 2.5 Sport England - No Comment Received.
- 2.6 Worcestershire Wildlife Trust - No Comment Received.
- 2.7 Severn Trent Water - No objections to the proposals and do not require a drainage condition to be applied. With Reference to the above planning application the company's observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system.
- 2.8 North Worcestershire Water Management (WFDC) – No objection subject to condition. The information submitted for application 20/0159/FUL has been reviewed and various flood maps have been checked. I believe that the site is not at risk of any type of flooding. The application form and submitted drainage strategy details that surface water will be discharged to soakaways. Infiltration drainage is the preferred method of discharge where ground conditions allow. I have no reason to believe that soakaways would not be possible for this site. According to this website: <http://www.landis.org.uk/soilscapes/index.cfm> the soils are generally freely draining slightly acid sandy soils. An on-site permeability test (as set out in Building Regulations) will be required to confirm this and to determine the exact permeability to size the soakaways. This test will need to be documented appropriately (date when the testing was undertaken, the name of the person/company that did the testing, map of location of the test pit(s), and if possible a photo). The submitted drainage strategy states 'the soakaway sizes are as indicated on the drawing and have been designed in accordance with BRE 365 to cope with the 1 in 100-year flood events.' I have not spotted these sizes on a drawing. I agree with the return period mentioned but we require that an allowance for climate change is also taken into account. Finally, the submitted drainage strategy refers to a calculation sheet, but I have not found this on the planning website. The strategy itself appears to have been uploaded twice, so maybe something has gone wrong there? The submitted block plan shows one indicative location for a soakaway for the tarmac access drive and indicative locations for a private soakaway in the back garden of each of the 3 proposed dwellings. Given the length and slope of the tarmac drive I believe additional measures are likely be required to adequately deal with the runoff generated on the access drive. The application form details that foul water will discharge to the main sewer. The drainage strategy details that it is intended to discharge all foul drainage into the existing sewer in Barnetts Lane or a foul drain serving property at Barnetts Close. It states that 'as the site is lower all foul water will discharge initially into a packaged pumping unit and then have a pumping main into a manhole with gravity discharge into the main sewer.' I have had a quick look at the foul sewer invert levels and believe that it might be possible to discharge completely via gravity to the foul sewer in Barnetts Close. This would require the necessary permissions but would negate the need for a pumping station. In line with Building Regulations and sustainability principles imbedded in the NPPF, pumping should only be used when it is not reasonably practicable to drain by gravity. I believe there would be no reason to withhold approval of this application on water management grounds but would request that the following conditions get

20/0159/FUL

attached to a future approval: 'No works in relation to site drainage shall take place until a scheme for surface water drainage for all impermeable areas has been submitted to, and approved in writing by the Local Planning Authority. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. Where communal surface water drainage assets are being proposed details regarding the future maintenance responsibility will be provided, and 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' 'No works in relation to site drainage shall take place until a scheme for foul drainage has been submitted to, and approved in writing by the Local Planning Authority. If a pumping station is being proposed then it shall be detailed why it was not reasonably practicable to discharge foul water by gravity. Where communal foul water drainage assets are being proposed details regarding the future maintenance responsibility will be provided, and how this responsibility will be communicated with future home owners / occupiers. The approved foul water drainage shall be implemented prior to the first use of the development and thereafter maintained'

Kirsten Huizer For North Worcestershire Water Management

- 2.9 Countryside And Parks Manager (WFDC) - No Comment Received.
- 2.10 Contaminated Land Team (WRS) - No Comment Received.
- 2.11 Wyre Forest District Council (Arboricultural Officer) – Recommend refusal. I'm not supportive of this application as too many trees with a high amenity value will be directly affected.
- 2.12 Worcestershire County Council (Archive And Archaeology Service) – Recommend deferral and requests a heritage statement to be submitted. I have read through documents submitted in support of the above application and the comments below reflect my consideration of the scheme in its landscape/townscape context.

For note, I have also read the research document submitted to your office by Dr Harris-Fry. There has been some correspondence between my HER colleague, Andie Webley, and Dr Harris-Fry this week concerning the matter of the hedgerow and boundary that will be affected by the scheme. The paper presents a sound historical and cartographic background as evidence in support of the early 19th century presence of the lane and its associated features. I also agree that it is likely to have been established prior to the 19th century, although there is an increasing level of conjecture in terms of its potential as a medieval feature. That is not to say that I disagree with the principle of this interpretation, rather that more direct evidence is needed to establish the fact. Nonetheless, I believe the hedgerow, with its associated species mix, is sufficiently diverse to warrant its consideration as an important feature within the wider green infrastructure network. It's historic importance can justifiably linked to the early 19th century and the historic Parliamentary boundary, with further potential for a much earlier origin. In terms of local landscape/townscape character, Barnetts Lane, its hedgerow and trees associated within the red line boundary and its setting, are all established, distinctive and significant assets that contribute towards

20/0159/FUL

an extensive green infrastructure network that includes the golf course, extending south to the major GI corridor associated with Hoo Brook. I would expect the hedgerow in particular to be of high potential as a linear habitat. Our view is that with all developments there should be no net loss of biodiversity and its supporting landscape features. I note from the public comments submitted for this application that the woodland area that forms the core part of the site was cleared of trees in May of 2020. While this is not a large development it is nonetheless not insignificant in terms of its impacts to landscape. In terms of cumulative impacts, mitigating for the loss of the section of hedgerow and the core area of trees will be difficult within the context of the scheme as proposed. However, there is clearly scope to deliver enhancements to the new site boundaries and areas of existing landscaping that would go some way towards offsetting the landscape and visual impact, and maintenance of GI connectivity. Having reviewed the submitted Site Plan I can only see measures related to those trees being retained with no details of how the scheme would contribute enhancements as part of a landscaping scheme. Such measures should include new native trees and shrubs underplanted with a floristically enhanced grass mix. I will defer to your arboricultural and ecology colleagues for advice on species appropriate to the setting. This raises a wider matter concerning ecological impacts that will result from the loss of tree cover and part of the hedgerow, which should really be assessed and addressed through an appropriate level of ecological survey and reporting that would also inform mitigation and landscape planning for the scheme. In summary, I recommend that you consider the following measures that should be addressed by the applicant that are proportional to the impact of the scheme: 'A heritage statement that sets out the historic and archaeological background and significance of the boundary bank and hedgerow; addresses impacts, and options for mitigation (that should include options for further investigation to determine significance)' 'An ecological survey of the hedgerow and remaining soft landscaping within the site boundary to inform biodiversity and landscape mitigation and opportunities for enhancement' 'A landscape plan and schedule of works (including details of species, planting methods and aftercare) informed by the measures above I do recognise and understand that commissioning qualified specialists to complete the above comes at a cost, however, the impacts of the scheme need to be carefully considered in the context of the site and its setting. Therefore, I would recommend the heritage statement and ecological survey are carried out pre-determination. I hope the above will be of some help in the first instance. If you are minded to grant consent then I am happy to advise on condition wording for the respective measures.

- 2.14 Conservation Officer (WFDC) – Recommend deferral and requests a Heritage Statement. Although there are no upstanding heritage assets on the site it is however adjacent to the former Comberton Hall HER reference WSM12929 (now demolished and replaced by Barnett's Close and Burlington Close).

The Historic Kidderminster Project Report ref: 474 suggests that Comberton Hall originated from around 1600 and was demolished sometime after 1973. The building was originally listed Grade III but did not survive the rationalisation of the listing system in the late 1960s and was subsequently de-listed, a fact that perhaps made demolition inevitable even though the case went to appeal. Historic maps from 1842 tithe map through the various OS maps of 1884, 1903, 1926, mid-C20 etc indicate that the application site remained undeveloped at those dates, although an outbuilding or barn related to Comberton Hall may have stood within the present application site boundary at its SE corner. What is not clear is whether there was any ancillary

20/0159/FUL

development close to the hall prior to the 1840s and which may have been cleared away during enclosures in the 18th century. As there is potential for archaeology on this site given its close proximity to a substantial 'manor house' of the C16/17 I suggest that WAAS is consulted and they will advise whether there should be a condition requiring an archaeological desk-based assessment for the site. Hedgerow boundary to Barnett's Lane At the location of the proposed access driveway to serve the development Barnett's Lane runs through a slight cutting (which could imply there is a sandstone outcrop here). The public footpath rises to follow the contour (as it is assumed did the lane originally) whilst the roadway runs at a lower level. There is a dense hedgerow on the southern side of Barnetts Lane which appears to have been allowed to grow to form a natural boundary to the golf-course. If this hedge has historic associations (eg: it formed the parliamentary boundary) and/or has significance due to its age, purpose or ecological value then it could quite justifiably be considered to be a heritage asset in its own right, with its own significance. I refer you to the comments of the County's Landscape and Archaeological Advisors at WAAS in determining the significance of this hedgerow and whether it should be retained in whole or in part and concerning what specific mitigation measures are required. Conclusion The application is not supported by a heritage statement describing the significance of those heritage assets (either natural or man-made) affected by the proposed development. I suggest that the applicant is required to provide a heritage statement and that a further period of public consultation should take place on its receipt. This to fulfil the requirements of the NPPF at paragraph 189.

- 2.15 Wyre Forest District Council (Arboricultural Officer) (Second comments) - Following my recent site visit and discussion with owners of neighbouring properties I have the following comments about the current proposals. From an arboricultural perspective the hedgerow, along Barnetts Lane, is of poor quality with few woody species, dominated by ivy growth. Historically, there looks to have been a boundary hedge of some kind there since the late 19th century, so it does have historic importance, even if the current condition of it isn't great. One point to make is that sections of the hedge has been removed to facilitate the development as Barnetts Close and this development will only remove a small amount of the remaining hedgerow. I cannot see, within the ecological assessment of the hedgerow, anything that I disagree with. Planting a new mixed species hedgerow on the boundary of the new development and the golf course seems to be suitable mitigation and will allow connectivity with the existing woodand/trees that are on the boundary of the golf course. There is mixed feeling (among neighbours) about the loss of the tall Leyland Cypress hedge. Its removal will allow for more light into the nearby properties. However, there is concern about the amount of golf balls, which the hedge currently stops, that will not only enter the current properties but also the proposed dwellings. The health and safety of the development goes beyond my expertise, but additional tree planting along the boundary of the new development could assist with preventing a serious incident of harm or property damage. I am pleased to see a group of trees proposed at the back of the site, as these will act as a screen and be important mitigation for the woodland that was removed prior to the application for the development. However, there are some concerns, among neighbours, as to who will be responsible for the establishment and maintenance of the new trees. I feel these are valid concerns and should be addressed at this stage of the development process. The owner of number 10 Burlington Close has a planted and maintained a number of small cypresses, which he would like to see retained, as these act as a screen to his property and any new trees planted would take a number of years to reach their current size. This should be noted

20/0159/FUL

for the detained landscaping proposal/planting plan for the site should permission be given. The two poplars, T2 & T3 in the submitted Arb Report, are currently included for retention. However, T3 is classified as U in the arb report, so needs to be removed on safety grounds. In addition, the RPA for T2 has been drawn incorrectly. It is currently drawn at around 5 metres, but it should be 13.7 metres. This puts the RPA within the front of the dwelling of plot 3. If this tree is to be retained the dwelling for plot 3 would have to be moved outside the RPA. However, given the space available, this will probably not be possible. So, the tree will need to be removed and replaced with a suitable specimen. I have mentioned before about the need for a no-dig method of constructing the driveway to prevent root damage to the protected Sycamore T5. This is not included in the current plan, so should not be the approved plan until this is amended. A site specific (not generic) Arb Method Statement will need to be supplied as a pre-start condition to show how the driveway is going to be constructed. Finally, I'd like to see more standard trees planted in the new native hedgerow that boards the golf course. Pre-start condition should therefore include: 1. Tree Protection Plan 2. Site specific Arboricultural Method Statement to address how the new access driveway can be constructed without damaging the roots of the protected Sycamore and other trees on the boundary of the site. 3. Detailed Planting Plan 4. Establishment and maintenance plan for the new tree and hedge planting on the site.

- 2.16 Worcestershire County Council (Archive And Archaeology Service) - Previously we advised that a Heritage Statement should be submitted with the application in line with paragraph 189 of NPPF. There is no heritage statement and therefore the application is not in accordance with NPPF 189. The development site is bounded to the north by a hedgerow and boundary bank recorded on the Historic Environment Record as a non-designated heritage asset. Immediately to the east of the site was the former Comberton Hall, now demolished, also recorded on the HER. There is potential for below ground remains to survive within the development site associated with Comberton hall or earlier occupation. The hedgerow (HER WSM73540), with its associated species mix, is sufficiently diverse to warrant its consideration as an important feature within the wider green infrastructure network. Its historic importance can justifiably be linked to the early 19th century and the historic Parliamentary boundary, with further potential for a much earlier origin.

The heritage statement should set out the historic and archaeological background and significance of the boundary bank and hedgerow; address impacts, and options for mitigation (that should include options for further investigation to determine significance). Comberton Hall (HER WSM12929), originated from around 1600 and was demolished sometime in the late 20th century. There is no development within the site recorded on surviving 19<sup>th</sup> century maps, but there may have been ancillary development close to the hall prior to the 19th century. The heritage statement should investigate this possibility and the potential for survival. We would recommend that the LPA does not determine the application until this information is provided. Should the LPA feel it has enough information at this stage to determine the application, then a balanced judgement should be taken as per paragraph 197 of NPPF with regard to the loss of part of the hedgerow and bank, and whether this is outweighed by the benefits of the development. We would also recommend a condition for an archaeological programme of work is included on any grant of consent as the site may contain archaeological remains and the applicant has not demonstrated otherwise. This would consist of an archaeological evaluation in the first instance to determine the presence/absence of medieval or post-medieval occupation associated with



20/0159/FUL

Comberton Hall.

- 2.17 Countryside And Parks Manager (WFDC) - No Comment Received.
- 2.18 Conservation Officer (WFDC) - I responded to this application on 16th November 2020 as follows: 'Although there are no upstanding heritage assets on the site it is however adjacent to the former Comberton Hall HER reference WSM12929 (now demolished and replaced by Barnett's Close and Burlington Close). The Historic Kidderminster Project Report ref: 474 suggests that Comberton Hall originated from around 1600 and was demolished sometime after 1973. The building was originally listed Grade III but did not survive the rationalisation of the listing system in the late 1960s and was subsequently de-listed, a fact that perhaps made demolition inevitable even though the case went to appeal. Historic maps from 1842 tithe map through the various OS maps of 1884, 1903, 1926, mid-C20 etc indicate that the application site remained undeveloped at those dates, although an outbuilding or barn related to Comberton Hall may have stood within the present application site boundary at its SE corner. What is not clear is whether there was any ancillary development close to the hall prior to the 1840s and which may have been cleared away during enclosures in the 18th century. As there is potential for archaeology on this site given its close proximity to a substantial 'manor house' of the C16/17 I suggest that WAAS is consulted and they will determine whether there should be a condition requiring an archaeological desk-based assessment for the site. Hedgerow boundary to Barnett's Lane At the location of the proposed access driveway to serve the development Barnett's Lane runs through a slight cutting (which could imply there is a sandstone outcrop here). The public footpath rises to follow the contour (as it is assumed did the lane originally) whilst the roadway runs at a lower level. There is a dense hedgerow on the southern side of Barnetts Lane which appears to have been allowed to grow to form a natural boundary to the golf-course. If this hedge has historic associations (eg: it formed the parliamentary boundary) and/or has significance due to its age, purpose or ecological value then it could quite justifiably be considered to be a heritage asset in its own right, with its own significance. I refer you to the comments of the County's Landscape and Archaeological Advisors at WAAS in determining the significance of this hedgerow and whether it should be retained in whole or in part and concerning what specific mitigation measures are required. Conclusion. The application is not supported by a heritage statement describing the significance of those heritage assets (either natural or man-made) affected by the proposed development. I suggest that the applicant is required to provide a heritage statement and that a further period of public consultation should take place on its receipt. This to fulfil the requirements of the NPPF at paragraph 189'. Conclusion 10th May 2021 To date no heritage statement has been received and thus the application still fails to comply with the NPPF paragraph 189 and WFDC policy SAL.UP6.
- 2.19 Contaminated Land Team (WRS) - No Comment Received.
- 2.20 Crime Risk Manager - No Comment Received.
- 2.21 Natural England - No Comment Received.
- 2.22 North Worcestershire Water Management (WFDC) - No Comment Received.

20/0159/FUL

- 2.23 Parish Council - No Comment Received.
- 2.24 Sport England - No Comment Received.
- 2.25 Severn Trent Water - No Comment Received.
- 2.26 Worcestershire Wildlife Trust - No Comment Received.
- 2.27 Conservation Officer (WFDC) - No Comment Received.
- 2.28 Worcestershire County Council (Archive And Archaeology Service) - With regard to the hedge and bank, the heritage statement demonstrates that this has likely been shifted for road widening and the bank is probably 20th century in that location. The loss of a small part of this hedge and bank to facilitate access to the site is not an issue archaeologically. There is also no objection to the development from an archaeological perspective. I've had a good look through the evidence in the HER because, although the heritage statement gives a lot of detail about the hall in the 19th and 20th century, there is an absence of evidence around the origins of Comberton Hall and the small settlement at the crossroads here, which may have medieval origins. The application site was within the ownership of Comberton Hall in the 19th century and is close to the former hall (redline boundary is directly against the western wall of the former hall), which likely dated to c.1600. The manor of Comberton was in existence from at least the 13th century. The Victoria County History (VCH) refers to..'The prior's reeve had charge of the whole estate during the 13th and 14th centuries. He collected rents and enforced services, kept the houses in repair, supervised the sale of wood (which in one year included as many as fifty-one oaks), provided for the wants of the prior when he visited the 'halls' of Oldington or Comberton'...' The VCH also suggests that the prior's second hall mentioned in a 1281AD document may have been on the site of Comberton Hall, although this is far from certain. The documentary evidence shows that the manor of Comberton had a hall in the medieval period. The most likely location for this is on the site of the early 17th century hall that is now demolished. If this is the case, then the earlier hall may have been on a slightly different part of the site or may have had ancillary buildings. On balance there is potential for medieval settlement associated with the medieval Comberton Hall to survive within the proposed development site which would be damaged by the proposed development. Consequently, should the LPA be minded to grant consent, I would advise a condition on any grant of consent to ensure that any archaeology is properly recorded through a programme of archaeological work. The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 16, paragraph 199;"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."In order to comply with policy, we recommend that the following two conditions should be attached to any consent:1) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation(s), has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of

20/0159/FUL

significance and research questions; and:a) The programme and methodology of site investigation and recording.b) The programme for post investigation assessment.c) Provision to be made for analysis of the site investigation and recording.d) Provision to be made for publication and dissemination of the analysis and records of the site investigatione) Provision to be made for archive deposition of the analysis and records of the site investigationf) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.2) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation(s) approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Reason: In accordance with Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan and the requirements of paragraph 199 of the National Planning Policy Framework.

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

**14 objections received from nearby occupiers and the following comments have been made:**

- Development will result in the destruction of part of the HER. Please can you tell us how the HER will be safeguarded. The proposed development still involves the destruction of part of the embankment, verge and hedgerow forming the boundary between Barnett's Lane and the golf course. As you know these features are part of a Historical Environment Record (see attached) because they form an ancient boundary and an ancient hedgerow together with established wildlife habitats. It seems to us that as a HER the features cannot be removed. Thus the proposal in its present form should be refused.
- A Historic Environment Record is a national designation. Any such status should be fully respected by developers, landowners, the local community and councils. To disregard this is to make any such designation worthless and a major affront to those who have striven successfully to achieve the HER status
- One of the widest parts of the verge in the whole of Barnetts Lane is where the proposed extended entrance to the development is located. The hedge is thick and well developed also at this location. It is totally wrong to decimate the verge and hedgerow at this location where the biodiversity is significant. To allow this clearly goes against the stated aims of the Council to protect the biodiversity and environment of the area.
- The proposed new access for the development will make a huge cut into the widest part of the verge and also through a thick hedge. It will result in the loss of low vegetation and hedgerow. It is important that this problem of the proposal is highlighted. For this and other reasons such as traffic dangers and pedestrian safety this is not the right place to gain access to the development. The Council should ask the applicant to look at a different access. The Council should honour its commitment to conserving the natural environment in the town.

20/0159/FUL

- We have become very aware of the range of flora and we have carried out a careful survey of the Lane
- We would like to draw the Planning Committee's attention to the fact that in this northern boundary of the proposed site we have an 'intact hedgerow' (to quote the Ecological Report itself) which is an intrinsic and key part of a designated 'ancient hedgerow'. As such, this is a rare archaeological survival in Kidderminster and needs to be considered in a much more nuanced way than appears to be the case in the documents submitted as part of this application.
- Environmental degradation - We have been encouraged to see this precious strip of habitat start to flourish in recent years and have noted that the relative lack of light pollution is also beneficial to permitting this habitat to flourish. We nightly hear tawny owls hunting, for example, and have muntjac deer and bats visit our front garden. Because it is such an unusually long piece of hedgerow in a setting such as this, it forms an excellent wildlife corridor running from Barnett's Close to Chester Road South. As a result, sparrow hawks regularly hunt along the hedgerow
- Examination of historical mapping for Barnetts Lane, and the pattern of ownership of this area since the 1780s, reveals that this is a very old piece of hedgerow/verge indeed and is extremely likely to pre-date the Enclosure Acts. The fact that it is so species-rich also supports this assertion. As such, it would meet the definition of an ancient hedgerow as defined by the Hedgerow Regulations, 1997. Not only this, but the hedgerow represents part of the ancient parish boundary between Stone and Kidderminster, as well as part of the parliamentary boundary drawn up in the early 19th century Reform Acts and probably the demarcation of the Comberton Estate before the Enclosure Acts. Any one of these would render it 'important' under the current legislation and regulations; to have such a piece of historical hedgerow in a semi-urban setting is very rare indeed.

The proposed entrance/exit to the site will destroy a very valuable section of this hedgerow/verge. Such an action could never be reversed, given the age of the hedgerow.

- We note that the development site was, until 3 months ago, it almost entirely comprised of woodland. This was cut down by contractors on the May Bank Holiday 2020, without warning, and on a day when it proved impossible for neighbouring residents to reach relevant Wyre Forest DC personnel by telephone. One can only assume that the woodland was destroyed in anticipation of planning permission being granted. Thus, a valuable habitat for wildlife and woodland plants has been removed (incidentally, in the nesting season), as has an important source of carbon dioxide absorption, while simultaneously unnecessary levels of carbon have been released into the local atmosphere. Given this tragic loss and that already such disregard of the ecology of our local environment has already been exhibited, it is all the more axiomatic that the hedgerow and verge on Barnett's Lane should be preserved in its entirety.

20/0159/FUL

- Light Pollution
- Our house (44) and our neighbours' house (45) is situated directed opposite the entrance to the proposed development and thus we have a unique insight into the safety implications of this application. The application does not make reference to the fact that Barnett's Lane is a single-track road with very limited visibility and that the houses opposite the site entrance both have driveways which are angled to necessitate a swing to the opposite side of the road before turning either left or right. An additional flow of traffic into this precise section of the road has significant implications for road safety in this location, especially if vehicles exiting the proposed development were permitted to turn left into Barnett's Lane, where there is a 'blind zone' vis-a-vis vehicles exiting the driveways of numbers 44 and 45. At the very least, vehicles entering and exiting the proposed development should do so from the Comberton Road end of Barnett's Lane and not be permitted to exit left and travel towards the Chester Road South end of the Lane. In any case, it is possible that for larger vehicles such as dustbin lorries this would be a physical impossibility.
- We assume that the proposed development will be lit by conventional streetlights and, paradoxically, believe that this also has implications for road safety in the area. We frequently observe that drivers using the lane as a 'rat run' accelerate as they approach the area of Barnett's Lane with street lights (around the Barnett's Grove and Barnett's Close entrances) when this is the very area that more caution might well be exercised, being close to the intersection with three other roads. Drivers exercise far more caution when driving on the unlit part of the road. In other words, the light pollution promotes faster driving.
- We noted that the Drainage Strategy considers linking the drains to Barnetts Close: Our neighbours and ourselves already have huge problems with drains backing up due to root blockages. Therefore any attempt to further burden our drains would also be opposed as strongly as possible.

The DRAINAGE\_STRATEGY-754719 document suggests the use of pumping unit as the site is lower than the drains on Barnetts Close and Lane. My understanding is that the best practice for such a development is to use gravity discharge, rather than a pumping unit. This also raises key questions as to where the pumping unit will be sited and what will be the noise associated with it? None of these details are present on the plans in the submission. We certainly do want a constant pumping noise perpetuating our daily life.

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

- 3.1 The application site comprises 0.32 hectares of undeveloped land lying on the south side of Barnetts Lane and slopes downwards from Barnetts lane to the properties located in Barnetts Close and Burlington Close, close to the junction between Barnetts Lane and the A448 Comberton Road. The surrounding area is predominantly residential in character and the site lies within the urban area of Kidderminster, close to nearby shops and services. The site itself is an area of the golf course that identified as open space on the Adopted Policies Map and is currently unused. It has been

20/0159/FUL

retained by Kidderminster Golf Club as a buffer zone between the golf course and the adjacent residential dwellings.

- 3.2 The proposed development is for the erection of three two storey dwellings which would be located at the bottom of a new driveway close to the rear of numbers 6 and 8 Barnetts Close and to the side of number 10 Barnetts Close and number 10 Burlington Close. The design of the properties is similar to the newer housing development at the end of Barnetts Close. Building materials would comprise brickwork and roof tiles. The development would include the retention of a tree screen to the rear of the site in order to retain a buffer to the adjoining golf course.
- 3.3 The application site is located on Barnett's Lane which is a restricted access road however it is also known to be a local route linking Comberton Road (A448) and Chester Road South (A449). It is intended to create a new vehicular access point to the front of the site which would be opposite to numbers 44 and 45 Barnetts Lane. The new entrance drive proposes the removal of a section of the hedge on Barnetts Lane with a 1.2m post and rail fence to the side of the access drive in order to create a new boundary to the golf course.

#### **4.0 Officer Comments**

- 4.1 The main issues in the consideration of this application are whether the principle of residential development is acceptable, and the impact of the proposed development on the character of the locality, on the amenities of existing residents, biodiversity, heritage impacts, biodiversity and trees, loss of open space and the impact of the development upon highway safety.

#### **POLICY CONTEXT**

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.3 The National Planning Policy Framework (the 'Framework') sets out the Government's planning policies for England and how these should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development.

#### **PRINCIPLE OF DEVELOPMENT**

- 4.4 The site relates to an area that is not a formal part of the golf course within an urban area of Kidderminster. Whilst the site is in a sustainable location and within reasonable walking distance of nearby services and facilities, including public transport, it is a greenfield site and is not considered to be a suitable site for new development as set out by Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan or draft policy 6B of the Emerging Local Plan which seek to concentrate development on previously developed land first.

20/0159/FUL

- 4.5 The proposed development would be in conflict with Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan and also draft Policy 6B of the Emerging Local Plan in terms of land use, however, I am of the view that it is an appropriate windfall site given that it is located within a sustainable location of Kidderminster. The development of windfall sites is supported by the Framework, in Paragraph 69, when the site is located within existing settlements for homes.
- 4.6 Policy SAL.UP4 of the Adopted Site allocations and Policies Local Plan and emerging Policy 20B relate to the loss of open space and that this is identified on the Policies Map and includes a range of private and public open spaces. These policies state that these sites should be safeguarded and not be built on unless the following applies:
- i. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - ii. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - iii. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 4.7 Whilst the site is designated as Outdoor Sports Facilities (Kidderminster Golf Club) in the adopted Local Plan, the application site is not part of the formal golf club (greens or fairways) and has never been. The application site is a small area of overgrown land with bramble and self-set trees with no public access to the site. The designation in the local plan simply reflects the ownership of the land rather than the land use and as such the proposal would not result in the loss (in full or part) of any formal sports facility.
- 4.8 Whilst the land is owned by the golf club, it is not used by them for any purpose, hence their decision to sell the land. The proposal would benefit the golf club as all revenue from the sale of the land will go back to the club to reinvest in their facilities and assist with the future viability of the club which is an important local community asset.
- 4.9 I therefore consider that the principle of development is acceptable subject to the following site specific considerations.

#### IMPACT ON HIGHWAY SAFETY

- 4.10 Further to previous comments made by the Highway Authority, the applicant has submitted a revised plan (3905-01H). Visibility splays based on actual speeds have been demonstrated with only a slight reduction in the eastbound direction which is within an acceptable range in this specific location. Gradient details on the submitted site plan would indicate that the access slopes into the site and surface water draining into the highway will not be an issue. The ACO drain at the edge of the highway as indicated is not desirable nor required and further details will be required if the ACO drain is retained.
- 4.11 The access is to be laid out as a dropped kerb as indicated and whilst a bin collection area has been shown, the refuse collection vehicle is not likely to enter a private drive serving 3 dwellings and tracking details have not been provided to demonstrate that

20/0159/FUL

refuse vehicle access is achievable. Accordingly, the distance from the refuse vehicle on Barnett's Lane to the bin collection point within the site should not exceed 25 metres and future residents will need to be aware of this. due to the length of the proposed driveway. Highways have asked for a condition to be added to the approval which requires the submission of a plan to show a suitable refuse collection point to facilitate kerbside refuse collection. The current plan shows a paved area for a designated bin collection area but at the request of highways this may need to be re-located slightly further up the access drive area which is considered to be acceptable as there is adequate space to be able to accommodate this within the site. Parking complies with standards as set out in the Adopted Streetscape Design Guide and the spaces are oversized with circulation space included plus cycle parking can be accommodated in the garages.

- 4.12 A raised paved area with full faced kerbs around to form traffic calming is shown on the access drive and there is an opportunity to improve the design aesthetically, for example with a smoother line rather than the block as shown and possibly some landscaping, however as a private drive, this is a matter of choice for the applicant. The Councils Arboricultural Officer has requested the inclusion a condition relating to the submission of a detailed planting plan and therefore additional planting as suggested will form part of the condition discharge to the agreement of the tree officer and Highways. There are no objections to the layout of the internal road in highway terms.
- 4.13 Conditions are to be added to ensure that the visibility splays shown on Drawing No. 3905-01H has been provided , the access and turning area and parking facilities as shown on the drawing have been properly provided, a suitable refuse point shall be provide within 25 metres of the highway to facilitate kerbside refuse collection and a Construction Environment Management Plan has been submitted.
- 4.14 Concern has been raised by an objector in relation to the access being directly opposite another drive entrance. Whilst I can appreciate the objector's concerns and acknowledge that the proposed site access is opposite their access, in this location Barnett's Lane measures approximately 4.7m in width which is not 'narrow' in Highway terms and certainly not as narrow as further on where the lane reduces to about 3.5m. I wouldn't necessarily expect a vehicle to 'sweep' across the road however using more of the road to manoeuvre would be expected in these circumstances on a lane with no road markings. At the same time, all vehicles entering and exiting their individual sites would be expected to use due care and attention and to wait and give way if another vehicle is manoeuvring as is standard good driving practice. As the proposed site access is opposite, any vehicles would be clearly visible.
- 4.15 Furthermore, the Highway Authority have confirmed that the proposed access width exceeds the requirement for a Shared Private Drive design therefore vehicles would be able to enter and exit the site without exaggerated manoeuvres and again would be expected to give way if other vehicles are using the existing access points on Barnett's Lane. In my view, there would be sufficient width for emergency vehicles to get in and out and in an emergency, vehicles will do whatever is necessary so overrunning the verge for example wouldn't be an issue. Based on comments received from Highways it is my view that the proposed access is considered to be acceptable. You need to say whether the access is acceptable.



20/0159/FUL

- 4.16 I therefore consider that the proposed development would result in an acceptable impact on highway safety and would therefore be in accordance with Policy CP03 of the adopted Core Strategy, Policy SAL.CC1 of the adopted Site Allocations and Policies Local Plan, draft policy 13 of the Emerging Local Plan, the adopted Streetscape Design Guide and the Framework, namely paragraphs 110 and 111.

#### IMPACT ON RESIDENTIAL AMENITY

- 4.17 The Framework at paragraph 126 advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. It further states that planning decisions should ensure that developments (amongst other things) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Also, that developments are sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). The Framework also sets out the trees makes an important contribution to the character and quality of urban environments as these can help mitigate and adapt climate change and that opportunities are taken to incorporate trees elsewhere in developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees and that existing trees are retained wherever possible.
- 4.18 Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and draft policy 27A of the Emerging Local Plan accord with the Framework in requiring new developments to have high quality design and to relate well and enhance the character and appearance of the existing built environment and its surroundings.
- 4.19 The surrounding area comprises a mix of detached two-storey dwellings erected at different times during the last 40 years (approximately) with the properties at the end of Barnetts Close being the most recent addition, as such the properties are varied in design style. The nature of the properties is Burlington Close and Barnetts Close are dwellings that are set back from the road with a front garden, garage and one or two parking spaces.
- 4.20 The proposed dwellings would be set into the site off the new access road with similar frontage arrangements to the existing residential development in Burlington Close and Barnetts Close and would therefore be seen in the context of nearby residential development, which have similar plot sizes and density as proposed, for example the nearest properties to the side and rear of the site. There would be a tarmac driveway and turning area with block paved driveways to each of the properties with three parking spaces provided for each.
- 4.21 The design of the new dwellings is reflective of the design and style of the properties in Burlington Close and Barnetts Close which are modern detached two storey properties. The plots will not form part of a conventional street scene from Barnetts Lane because of the significant setback from the lane so the properties in the adjoining closes have been more influential on the design.

20/0159/FUL

- 4.22 The indicative layout also shows that adequate separation distances will be achieved between the proposed rear facing windows of numbers 6 and 8 Barnetts close and the garage and side facing elevation of plot 1. The rear of plots 1,2 and 3 would face the side of 10 Barnetts Close and 10 Burlington Close each having at least a 10m deep rear garden.
- 4.23 The development has been designed with a tree buffer to the rear to further reduce the impact of the dwellings on 10 Barnetts Close and 10 Burlington Close. This buffer presently contains some large established trees which are to be retained and additional trees are to be planted to provide further screening. A planning condition has been recommended to secure the details of the proposed new and to require the future maintenance of the buffer area by a private management company. It is proposed to retain the established hedgerow to the west of Plot 3 but remove the existing large conifer tree screen to the side of what will become plot 3 and erect a 1.8m close boarded fence with a newly planted hedge to the inner side.
- 4.24 It is my Officers view that the layout of the new properties and the tree buffer to the rear will ensure an appropriate degree of privacy for adjoining residents and I am also satisfied that there would be no 45 degree issues in this case. Adequate separation distances have been shown and this coupled with the fact that the orientation of the properties is such that this will ensure that the impact of the development on the neighbours in Barnetts Close and Burlington Close is minimal. It therefore considered that the proposed dwellings can be accommodated on the site without detriment to the character and appearance of the area and would accord with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, the draft Policy 27A of the Emerging Local Plan, the Adopted Design Guidance SPD and the Framework.

#### TREES

- 4.25 The Council's Arboriculturist has been involved in what has been a lengthy planning application process in this case and from an Arboricultural perspective the hedgerow along Barnetts Lane is of poor quality with few woody species, dominated by ivy growth. Historically, there looks to have been a boundary hedge of some kind there since the late 19th century, so it does have historic importance, even if the current condition of it isn't great. It appears that sections of the hedge have been removed to facilitate the development as Barnetts Close and that this development will only remove a small amount of the remaining hedgerow and therefore it is concluded that within the ecological assessment of the hedgerow there are no planning grounds to justify a refusal of the application.
- 4.26 The planting of a new mixed species hedgerow on the boundary of the new development and the golf course would be suitable mitigation and will allow connectivity with the existing woodland/trees that are on the boundary of the golf course. It is noted that there are mixed feelings (among neighbours) about the loss of the tall Leyland Cypress hedge but its removal will allow for more light into the nearby properties. There is also concern about the amount of golf balls, which the hedge currently stops, that will not only enter the current properties but also the proposed dwellings, the Arboricultural Officer has advised that the health and safety of the development goes beyond his expertise, but additional tree planting along the

20/0159/FUL

boundary of the new development could assist with preventing a serious incident of harm or property damage. Whilst there is a concern with respect to golf balls this is not a planning issue and will be a matter for the Golf Course to deal with, however I am in agreement with the Council's Arboricultural Officer that the provision of a 1.8m close boarded fence and the planting of a new hedge will help to reduce the amount of balls ending up in the residential areas of the new dwellings.

- 4.27 The Arboricultural Officer is pleased to see a group of trees proposed at the back of the site, as these will act as a screen and be important mitigation for the woodland that was removed prior to the application for the development.
- 4.28 The owner of number 10 Burlington Close has planted and maintained a number of small cypresses to the side of his property on the rear of the proposed development site which are already at a height which provides a good level of screening and the Council's Arboricultural Officer has suggested that these are retained as any new trees planted would take a number of years to reach their current size. The agent has agreed that these trees should remain and will show these in the detailed landscaping proposal/planting plan for the site that has been requested by the tree Officer should permission be given.
- 4.29 The two poplars, identified as T2 & T3 in the submitted Arboricultural Report, are currently included for retention. However, T3 is classified as U (which relates to trees that cannot be retained for longer than 10 years due to their poor condition or defeat) , and will need to be removed on safety grounds. In addition, the root protection area (RPA) for T2 has been drawn incorrectly. It is currently drawn at around 5 metres, but it should be 13.7 metres. This puts the RPA within the front of the dwelling of plot 3. If this tree is to be retained the dwelling for plot 3 would have to be moved outside the RPA. However, given the space available, this will probably not be possible. So, the tree will need to be removed and replaced with a suitable specimen.
- 4.30 The Council's Arboricultural Officer has discussed with the agent about the need for a no-dig method of constructing the driveway to prevent root damage to the protected Sycamore T5 but this is not included in the current plan, so should not be the approved plan until this is amended (*officer comment – the agent is aware of this and a revised plan is to be submitted*) *Don't put your Officer comments in italic.* A site specific (not generic) Arb Method Statement will need to be supplied as a pre-start condition to show how the driveway is going to be constructed.
- 4.31 It has also been suggested that some further standard trees are planted in the new native hedgerow that boards the golf course and 5 pre-start conditions are to be attached to any approval given:
1. Tree Protection Plan
  2. Site specific Arboricultural Method Statement to address how the new access driveway can be constructed without damaging the roots of the protected Sycamore and other trees on the boundary of the site
  3. Detailed Planting Plan

20/0159/FUL

4. Establishment and maintenance plan for the new tree and hedge planting on the site
5. Pre-commencement Tree Site Meeting

4.32 In terms of the Arboricultural Officer's comments I concur with the comments and feel that the pre-commencement conditions proposed are clearly justified in line with paragraph 56 of the Framework in that the requirements of the conditions (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.

#### HERITAGE ISSUES

- 4.33 Initially no heritage statement had been submitted as part of the application, however in line with the Framework paragraph 194 and following subsequent requests from the Council's Conservation Officer and Worcestershire Archaeology and archive services a detailed statement has now been received. This statement sets out the history of the site and the fact that the present golf course site appears to have been incorporated into the course in 1919. Aerial photographs in the heritage statement from 1932 show the golf course with minimal vegetation and no tree cover except on the perimeter agricultural hedging on the boundary with occasional hedgerow trees with a single track to Barnetts lane and sporadic development to the north.
- 4.34 Further to the submission of the heritage statement the Council's Conservation Officer has offered no objections.
- 4.35 WCC Archaeologist have commented that although the heritage statement gives a lot of detail about the hall in the 19th and 20th century, there is an absence of evidence around the origins of Comberton Hall and the small settlement at the crossroads here, which may have medieval origins.
- 4.36 The application site was within the ownership of Comberton Hall in the 19th century and is close to the former hall (redline boundary is directly against the western wall of the former hall), which likely dated to c.1600. The manor of Comberton was in existence from at least the 13th century. The Victoria County History (VCH) refers to....."The prior's reeve had charge of the whole estate during the 13th and 14th centuries. He collected rents and enforced services, kept the houses in repair, supervised the sale of wood (which in one year included as many as fifty-one oaks), provided for the wants of the prior when he visited the 'halls' of Oldington or Comberton....." The VCH also suggests that the prior's second hall mentioned in a 1281AD document may have been on the site of Comberton Hall, although this is far from certain.
- 4.37 The documentary evidence shows that the manor of Comberton had a hall in the medieval period. The most likely location for this is on the site of the early 17th century hall that is now demolished. If this is the case, then the earlier hall may have been on a slightly different part of the site or may have had ancillary buildings. On balance there is potential for medieval settlement associated with the medieval Comberton Hall to survive within the proposed development site which would be damaged by the

20/0159/FUL

proposed development. WCC Archaeologist has therefore suggested that if the Local Planning Authority is minded to grant consent, a condition to ensure that any archaeology is properly recorded through a programme of archaeological work should be included as the County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the Framework section 16, paragraph 199;

*"...Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."*

- 4.39 In order to comply with policy, two conditions will be attached to any approval to ensure that a written scheme if investigation is carried out.
- 4.40 I consider that the submitted heritage statement has addressed the main concerns of the Council's Conservation Officer and Worcestershire Archaeological and Archive Service. The addition of two conditions will ensure that a Written Scheme of Investigation is carried out in order to record what is on the ground and as such the development is considered to be in compliance with Policy SAL.UP6 of the Adopted Site allocations and Policies Local Plan and the NPPF in terms of its heritage impact.

#### LOSS OF HEDGEROW

- 4.41 WCC Archaeologist (WAAS) has commented that with regards to the hedgerow and bank, the heritage statement demonstrates that this has likely been shifted for road widening and the bank is probably 20th century and therefore the loss of a small part of this hedgerow and bank to facilitate access to the site is not an issue archaeologically.
- 4.42 Barnetts Lane is typified with residential accesses along its northern side and given the close proximity of the proposed access to Barnetts Close, this new access would not appear out of character or incongruous in the street scene however concern has been raised with by numerous objectors with regards to the permanent removal of approximately 12m of hedgerow to the front of the site on Barnetts Lane.
- 4.43 The new access, bell-mouth and visibility splays will result in the loss of approximately 25m of the existing roadside hedge, however this would be fully mitigated by the replanting of 13m of new hedgerow along the site frontage behind the visibility splay and 64m of new native hedgerow along the western side of the new access road. This equates to 52m of additional hedgerow and 13m of replacement hedgerow with only 12m of hedgerow being permanently lost. (all details to be submitted to the LPA for approval).
- 4.44 The council's Arboricultural Officer has commented that from an arboricultural perspective the hedgerow, along Barnetts Lane, is of poor quality with few woody species, dominated by ivy growth and WAAS has commented that with regard to the

20/0159/FUL

hedge and bank, the heritage statement demonstrates that this has likely been shifted for road widening and the bank is probably 20th century.

- 4.45 The hedge itself extends to approximately 900m and it is my opinion that the permanent removal of a small section of this hedge to create an access would not undermine the integrity of this important historic landscape feature as a whole or adversely affect the local and semi-rural character of the lane particularly given that the vast majority of the length of the hedgerow would be retained and significant new hedgerow planting is proposed which would mitigate against its removal.
- 4.46 It is acknowledged that there is considerable concern from neighbours regarding the removal of the historic hedge, however WAAS, the Council's Arboricultural Officer, Council's Countryside and Parks Manager are all now satisfied that with sufficient justification has been put forward to outweigh this harm. I therefore see no justifiable planning reasons to refuse this application on grounds of loss of hedgerow.

#### BIODIVERSITY

- 4.47 In May 2020, an area of woodland which extended to an approximate area of 0.23ha was removed and as a result of this tree removal an updated biodiversity report was requested as part of the consideration of this application.
- 4.48 In order to mitigate the biodiversity loss from the removal of this area of woodland the Golf club has agreed to allow on site biodiversity gain (NBG) within the golf course. This area measures 0.4ha which is almost twice the size of the area of woodland that was removed last year. The piece of land for the on-site habitat creation is situated approximately 160m south-west at the closest point and is located next to existing areas of woodland between fairways. This land is not currently in use, it is thought that in the past it was used as an informal driving range and is therefore ideally located for the replacement/additional woodland planting.
- 4.49 The submitted location plan has been updated to show land outlined in blue which is owned by the Golf Club and the plan also shows the area outlined in green where the NBG will be located. A s106 is to be secured to ensure that a management company to be set up in order to maintain the NBG area and the other landscape areas including trees and hedgerow (existing and proposed) that are outside of the residential gardens. The company would be bound to the occupiers of the properties and the Golf Course, all who would be shareholders. By securing a s106 agreement this is a robust way of ensuring that maintenance of the non domestic landscape areas are continued to be maintained and in particular the NBG is maintained for a significant period of time. The agent had requested the use of a condition rather than a s106 but in this case it is felt that this mechanism cannot be achieved through a condition as it would not bind owners of the properties.
- 4.50 The Biodiversity Net Gain Addendum Report dated 14<sup>th</sup> (April 2021) shows that the development proposals with the on-site habitat creation would achieve an overall 17.32% gain in habitat biodiversity units (in excess of the 10% increase required to achieve Biodiversity Net Gain) and an overall gain of 45.87% gain in hedgerow habitat. As per the conclusions of the 2021 Report and addendum, the development would therefore be in accordance with paragraph 175 (double check that this is the correct paragraph in the revised NPPF) of the Framework and Policy CP14 of the

20/0159/FUL

Adopted Core Strategy and draft Policy 11D of the Emerging Local Plan which seek to minimise harm to biodiversity and ensure new developments deliver measurable net gains in biodiversity through the enhancement and creation of new habitats.

- 4.51 In addition, the proposed development would have opportunity to provide ecology enhancement measures in the form of suitable bird and bat boxes and native tree/shrub planting to enhance the biodiversity value of the site. The Council's Countryside and Parks Manager has stated that bat and bird boxes are to be provided and that these are welcomed, however he has requested a condition requiring the submission of landscape environment management plan (LEMP) to set out the detail of planting, and how it will be managed. The LEMP will also need to include all the Species mitigation measures as laid out in the 2021 ecological report. He has also requested a condition that required a certificate of completion from a suitably qualified and competent ecologist that the works described in the LEMP have been completed within 5 years of the LEMP being approved.
- 4.52 I therefore consider that the development is acceptable in terms of biodiversity, and would accord with Policy CP14 of the adopted Core Strategy, Policy SAL.UP5 of the adopted Site Allocations and Policies Local Plan, draft Policy 11D of the Emerging Local Plan and Paragraphs 174(d) and 180 of the Framework.

#### **DRAINAGE**

- 4.53 The North Worcestershire Management Officer (NWWM) has raised no objection to the application and has stated that they have checked the various flood maps and believes that the site is not at risk of any type of flooding and would be able to achieve suitable drainage of the site subject to a condition to secure a detailed drainage scheme.
- 4.54 I concur with the suggested conditions of NWWM in terms of drainage.

#### **OTHER MATTERS**

- 4.55 The agent has said that he is happy to fund a defibrillator but would not want it to go on the site as it's a private drive to private residences and has therefore suggested that it would be a great asset to have such equipment at the golf club as this would benefit the local community. The Golf Club have accepted the offer and I consider this reasonable and have attached a condition accordingly.

### **5.0 Conclusion and Recommendations**

- 5.1 The proposed development would not have a detrimental impact on the character and appearance of the area, because of the distance it is to be located from the road; the modest built form and scale of the proposed dwellings; and the design style which is in keeping with neighbouring properties. I also consider that the plot size and spacing around the proposed buildings reflects similar developments within Barnetts Lane. The development would not give rise to any overlooking, overshadowing or any other harm on neighbouring occupiers. Adequate access and parking provision can be provided and an acceptable living environment for future

20/0159/FUL

occupiers can be achieved. Biodiversity net gain has been put forward and the loss of part of the hedge has been fully justified. The proposed development would be on the existing golf course land and would therefore result in the loss of open space, contrary to the Development Plan which results in harm. However, in the overall planning balance, I consider that the benefits of the new housing development, on this windfall site and within the urban area of Kidderminster, outweighs the harm, especially given that this part of the golf course is unused by the club, and the proposals would result in an acceptable and sustainable development.

5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions and the signing of a s.106 in order to agree the management of the on site Net-Biodiversity Gain area and maintenance of other existing and new trees / hedges outside of the residential areas and also the secures management of the off-site NBG which is to be provided within the golf course.

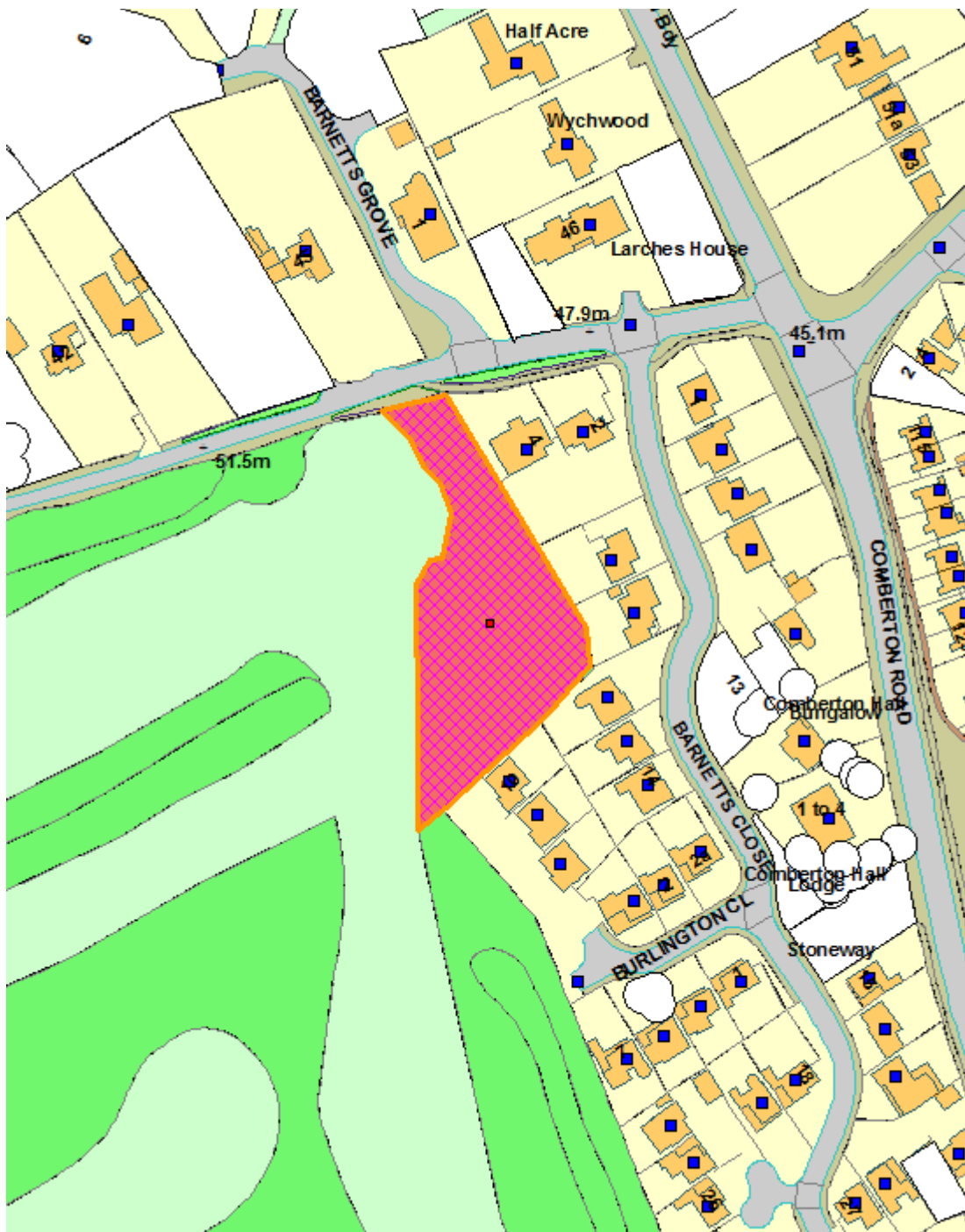
1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. B11 (Details of enclosure)
5. B13 (Levels details)
6. Visibility splays (highways)
7. Parking Provision and Access Arrangements to be provided
8. Refuse collection point detail to be provided
9. Details of Electric charging points to be submitted.
10. Submission of details of a defibrillator
11. Submission of CEMP
12. Removal of PD Rights for Alterations to Roof and Extensions
13. Surface water drainage
14. Foul drainage
15. Tree Protection Plan
16. Submission of a site specific Arboricultural Method Statement
17. Detailed Planting Plan
18. Establishment and maintenance plan for the new tree and hedge planting
19. Pre-commencement Tree Site Meeting
20. Submission of a LEMP (landscape Environment management plant)
21. Completion certificate for LEMP
22. Programme of archaeological work including a Written Scheme of Investigation
23. Completion of submitted site investigation and post investigation

#### Notes

A. This permission does not authorise the applicant to carry out works within the publicly maintained highway.

B Severn Trent Water to approve any new connection to their system.





Economic Prosperity and Place Directorate

Land At Os 384500 275750 Barnett's Lane Kidderminster Worcestershire

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**PART B**

<b>Application Reference:</b>	<b>21/0298/FUL</b>	<b>Date Received:</b>	<b>19.03.2021</b>
<b>Ord Sheet:</b>	<b>382170 276583</b>	<b>Expiry Date:</b>	<b>14.05.2021</b>
<b>Case Officer</b>	<b>Richard Jennings</b>	<b>Ward:</b>	<b>Blakebrook And Habberley South</b>

**Proposal:**           **Erection of 1 No. dwelling**

**Site Address:**     **28 Blakebrook, Kidderminster, DY11 6AP**

**Applicant:**         **OFAH Properties**

<b>Summary of Policy</b>	CP11 UP7 UP8 CC2 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
<b>Recommendation</b>	Approval
<b>Reason for referral to committee</b>	The proposal represents a departure from the Development Plan.

**1.0 History**

WF/0145/05 - Erection of a front porch, rear kitchen and conservatory extensions

20/0087/PAE - Erection of one new dwelling

20/0816/FUL - Single storey rear extension

20/0861/TCA - T1 - Removal of Cypress due to proximity to next doors garage and also the dwelling in question.

T2 - Removal of Sycamore tree due to hanging over the dwelling in question.

T3 - Removal of Ash Due to the same reasons as T3 as the trees are intertwined and canopy is over the house.

T4 - Removal of Cypress due to proximity to house and also the light is causing no low level growth. This tree is out of control.

T5 - Same as T4 as the trees are next to each other. Also the removal of these will allow all the quality trees along T8 to further mature.

T6 - Removal of multiple cypress bushes due to all now being different shapes and not in keeping.

T7 - we will retail the front hedge in line with the conservation area however it will be sculpted back to a better shape.

T8 - all these trees will be retained to ensure the majority of the area is maintained as these pose no risk to dwellings.

T9 - The fruit trees need major maintenance and we may look to relocate on the site.

The grounds will be fully landscaped with a variety of different plants including bushes and

21/0298/FUL

trees in place to ensure all wildlife is maintained. Overall this whole site has been neglected for many years and these works are required to allow us to get the house back up firstly in keeping with the area but also into a liveable safe space.

## 2.0 Consultations and Representations

2.1 Parish Council - No objections

2.2 Conservation Officer (WFDC) - Revised comments (27/07/2021) This application has been revised: the proposed dwelling has been re-designed and a comprehensive heritage impact assessment which complies with the NPPF at paragraph 189 has now been submitted. The heritage impact assessment considers the impact of the proposal in some detail both on heritage assets in the vicinity of the site and upon the Blakebrook Conservation Area in which the proposed development sits. My prime concerns in relation to the previous scheme focussed on the proximity of the dwelling to the road which obstruct some historic views of the spire of St John's Church to the east, and the design of the new dwelling itself. In this revised scheme the proposed dwelling is relocated further from the road although still much closer than most properties within the Conservation Area, albeit now set slightly further back from the existing hedgerow, which is to be retained, although reduced in height. The heritage impact assessment at plate 3 illustrates that the spire of the church will still be clearly visible from vantage points in the southern part of the Conservation Area but argues that: "The study area clearly makes no contribution to the significance of the setting of the church and there are no obvious reciprocal views between. There are glimpses at various points along the street but it is difficult to see how the proposed development would either impact on these or, more significantly, impact on the significance of the setting of the church". Whilst I do not agree entirely with this analysis I accept that that the views of the church are over the roof-tops of existing housing and nowhere is there an uninterrupted view or designed view (eg: an avenue of trees leading towards it) of the Church. The re-designed dwelling now presents a more traditional pitched roof-slope towards the street and incorporates a doorway with porch in a traditional style on the street-facing elevation. This allays to a large degree my concerns relating to the impact of the building on the street-scene, although I remain concerned at how close to Blakbrook it is to be sited, notwithstanding the retention of the hedgerow boundary. The heritage impact assessment at page 19, however, states: "Whilst other properties can be set back further from the roadside, only a handful are set so far back that long drives are needed. In addition, even where properties are set back there has been in several cases nearby an erosion in their former relationships with the road and the public realm through the creation of large areas of hardstanding for carparking, often removing the garden areas between the road and the houses. In this case the roadside elevation will be set back behind the existing hedgerow so that despite the fact that it is physically closer to the road than some other properties, there will be more of an idea of separation than in properties fronted by carparking areas open to the road. The new build will be visible in views along Blakebrook, tucked behind the hedgerow. Whilst this will result in a degree of visual change it is not considered that it will equate to harm to the character or significance of the conservation area or to the streetscape." I think it is important to distinguish between change and harm, and that it is also important to recognise that change per se does not necessarily cause harm. The argument made within the heritage impact assessment relating to the separation of the property from the roadside is convincing, not least because as it is noted a good

21/0298/FUL

many front gardens have been removed to create parking. I therefore consider that the revised scheme whilst still very close to the roadside is much improved and better explained and analysed than the previously submitted scheme. And on that basis I would agree with the overall conclusions of the heritage impact assessment that there is no harm to the setting, character or significance of any adjacent listed buildings, non-designated heritage assets, or to the adjacent conservation area, and thus Policy SAL.UP6 is satisfied. This application is accompanied by a 'Heritage Statement' which states: 'The proposal is to construct a new 3-bed detached in front of 28 Blakebrook, to mirror No 28A [sic] which is situated on the roadside'. The design features of the new dwelling will retain the significance and character of the Blakebrook Conservation Area. The proposed new dwelling to the front of 28 Blakebrook will not harm the significance of the Development Area'. The heritage statement contains no assessment or description of significance of the Conservation Area, or indeed any other heritage assets which may be affected by the proposed development, merely asserting that the proposed development will retain significance. It does not evidence a search of the Historic Environment Record and as such it fails to comply with the NPPF paragraph 189. The Conservation Area Character Appraisal for Blakebrook Conservation Area (available to view on the WFDC website) contains much information about the significance of the Area. Section 3.12 of the CACA states: '3.12 Pattern and density of buildings a) In summary the general characteristics of the buildings in the Area are as follows:- Setting: Set well back from the road and parallel to it, those furthest back reached by a drive. Larger detached houses are surrounded by landscaped grounds planted with many specimen trees and most houses are separated from the road by a boundary wall. Size: Two storeys in height. Semi-detached and detached houses of moderate to large scale. Form: Mainly of classical proportions: symmetrical, low pitched roofs, many of them hipped. The two storey buildings are wider than they are high. The semi-detached houses are built to look like one large house, not having divisions of any sort externally. 'The Heritage Statement refers to mirroring '28A [sic] which is set at the roadside'. This may mean 27 Blakebrook which is indeed set at the roadside with its front door facing the road. This Victorian property is one of only two houses set at the roadside, the other being 29 Blakebrook which actually faces the Green. The new property cannot mirror 28A [sic] 27 Blakebrook if it is rotated by 90 degrees. 27 Blakebrook is an anomaly having its own distinctive character facing the road and close to it, however the vast majority of residential properties within the Conservation Area whilst facing the road are set well back from it. The proposed development is set at 90 degrees to the road and thus the side elevation is very close to it, concealed only by a hedge. The side elevation comprises only four windows and is set behind a hedge, so that the active frontage of the front elevation with its pitched roof porch and small gables are set to face the south and the access road not the west. This means that the building turns 90 degrees sideways to the main road and therefore interrupts the established development pattern within the Area. The location is best seen in the photograph within the CACA at 3.11 'Views, view north along Blakebrook'. Here 27 Blakebrook is seen in isolation facing the road and surrounded by trees and hedges. The CACA notes that 'Views out of the Conservation Area are difficult owing to its low elevation compared to its surroundings, and the main thoroughfare, Blakebrook, being lined by trees and houses. The west front and spire of the church of St. John the Baptist to the east does form a significant landmark when viewed from across The Green, and from the end of St. John's Avenue where there is an absence of tree cover. The row of tall trees lining the avenue through St. John's churchyard forms a backdrop to the view stretching off to the north'. There is direct intervisibility between the properties opposite 1-4

21/0298/FUL

Blakebrook, and the spire of St John's Church; the spire is also clearly visible in summer from the road looking across the proposed development site, despite the tree cover, from a location between the telegraph pole and the streetlamp. The construction of the proposed dwelling this far forward on the plot removes the historic views of the church which are considered important in the CACA. Given the very prominent location chosen the development neither serves to preserve or enhance the character or appearance of the Conservation Area, and thus fails to meet the requirements of the P(LBCA)A 1990. The application fails the requirements of the NPPF paragraph 189 in that impacts on heritage assets both designated and undesignated have not been fully considered and this also results in the application failing WFDC Policy SAL.UP6. There is no clear and convincing evidence provided that the proposal will not harm the character of the Conservation Area. Whilst this harm may be less than substantial there are no clear public benefits evident from the construction of one 3 bedroomed detached house which would outweigh the degree of harm. I therefore recommend that this application be refused on the grounds of less than substantial harm to the Blakebrook Conservation Area.

2.3 North Worcestershire Water Management (WFDC) - Revised comments 27/07/2021

I have now been able to review the additional / revised information submitted for application 21/0298/FUL - Erection of 1 No. dwelling at 28 Blakebrook, Kidderminster, DY11 6API understand that the proposal is to provide an element of compensatory flood storage by lowering an area of approximately 17m<sup>2</sup> to a level of 44.46mOD which will provide 2.8 m<sup>3</sup> of compensatory flood storage. This is in an area away from the root protection zones so it is my understanding that the creation of compensatory flood storage should not adversely impact the trees present on/near the site. In addition it is proposed in the FRA that voids will be included in the side walls of the garage to allow the garage to flood internally. This means that flood storage will actually be available inside the garage. An updated plan of the garage showing these voids has been submitted. Based upon the submitted information I believe there would not be a reason to withhold approval of this application on flood risk or water management grounds, providing a series of 5 conditions get attached: Finished floor level: "The finished floor levels of the dwelling shall be a minimum of 44.93mOD. There shall be no variation in the approved finished floor level without the prior written approval of the Local Planning Authority." Ground level: "There shall be no raising of ground levels within the area of the site believed to be at risk of flooding, as detailed in Appendix E of the Flood Risk Assessment submitted with the application (Prepared by EWE Associates Ltd Final RevA June 2021), without the prior written approval of the Local Planning Authority." Voids: "Prior to commencement of the garage hereby permitted detailed drawings of the garage wall voids including any associated grills shall be submitted to and approved in writing by the local planning authority. The invert levels of the voids should be set flush with the garage finished floor level. Development shall be carried out in accordance with the approved details and thereafter retained. There shall be no infilling or blocking of any garage wall voids." Permeable surfaces: "Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority." Soakaway: "Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 40% allowance for climate change. The soakaway shall be located outside the area believed to be at risk of flooding, as detailed in Appendix E of the Flood Risk Assessment submitted with the application (Prepared by EWE Associates Ltd, Final RevA June 2021). The drainage shall be implemented prior to the first use of the development and thereafter

21/0298/FUL

maintained."21/0298/FUL - Erection of 1 No. dwelling at 28 Blakebrook, Kidderminster, DY11 6AP Following a national modelling exercise (see <https://flood-warning-information.service.gov.uk/long-term-flood-risk>) parts of this site are believed to be at risk of flooding, so it was good to see that the comprehensive flood risk assessment (FRA) I requested in the pre-application stage indeed accompanied this application. The flood risk is believed to stem from the Blake Brook which created the valley that the site sits in and gave this part of Kidderminster and indeed this street its name. The FRA has determined a design flood level of 44.63mOD for the site, which is the level of the road downstream which is believed to be the critical level as this acts like a dam across the valley. I approve of this pragmatic approach in the absence of modelled flood levels for this watercourse. The estimated flood level of 44.63mOD has been plotted using the topographical survey (appendix G). I note that the resulting flood envelope (everything to the right/east of the dark blue line) is a similar shape and extent as the modelled surface water flood risk extent for the medium return period (1 in 100 year). This provides a validation of the assessment undertaken. The FRA details that the dwelling will be situated outside the area believed to be at risk of flooding, and that finished floor levels will be raised 300 mm above the design flood level (44.93mOD). I would prefer to see this finished floor level included on the submitted plans, to ensure that this mitigation measure will indeed be embraced, and will not remain a recommendation in the FRA only. The access and egress to the property is dry. The garage will be in an area believed to be at risk of flooding. Flood water kept out of the garage could increase the flood risk in the vicinity and to mitigate this compensatory flood storage is being proposed. The FRA sets out that 5m<sup>3</sup> of storage space would be lost and proposes to lower an adjacent 32m<sup>2</sup> area by 0.2m to provide 6m<sup>3</sup> of compensatory flood storage. I was unable to establish whether this compensatory flood storage would be available at the same level, and it would be good if the consultant could confirm this. Again, I would prefer to see this compensatory flood storage indicated on all of the submitted plans (not just the ones in the FRA), to ensure that this mitigation measure will indeed be incorporated in the development. To ensure that additional runoff generated on the site will not increase flood risk elsewhere it will need to be dealt with on the site itself. The FRA proposed to install a crate soakaway. Permeability tests have been undertaken to establish the permeability of the ground and based upon this the required size has been determined for the 1 in 100 year plus 40% climate change event. Again, I would prefer to see this soakaway indicated on the submitted plans, to ensure that the correctly sized soakaway will be provided. I note that the soakaway is currently proposed in the area believed to be at risk of flooding. I would request that an alternative location outside the area at risk of flooding will be explored and that the results of this assessment get added to the FRA. I would welcome the points set out in my consultation response above to be clarified / addressed prior to drafting up my final comments. Should you be minded to approve this application prior to this, then I would request that you inform me of this so that I can consider further comments and recommend appropriate conditions. I believe conditions will probably be required regarding the finished floor level of the dwelling, not raising of ground levels on the site, the provision and retention of compensatory flood storage, the retention of permeable surfaces where proposed and the provision of the soakaway. Kirsten Huizer For North Worcestershire Water Management

2.4 Countryside And Parks Manager (WFDC) - No Comment Received.

21/0298/FUL

2.5 Severn Trent Water - Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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.

2.6 Contaminated Land Team (WRS) - Further to your consultation request dated 22nd March 2021 we have reviewed the submitted application and our records. We have no adverse comments to make with regard to the application and contaminated land. Yours sincerely Land & Air Quality Team Worcestershire Regulatory Services

2.7 Nuisance Assessment Team (WRS) - I can confirm that I have reviewed the supporting documentation and the location of this proposal and I raise no objections. As there are other residents in close proximity there is a potential for dust and noise to cause disturbance therefore if you were mindful to approve this application please refer the applicant to the following guidance document:  
<https://worcsregservices.gov.uk/pollution/planning-and-pollution.aspx>

2.8 Highways Authority (WCC) - The proposed development of a 4no. bedroom dwelling within the curtilage of the existing dwelling No. 28 Blakebrook, will be served by a shared access on to the A4535 and adequate visibility can be provided not least because of the wide footway in this location. Whilst a generic splay of 2.4m x 43m is shown, in line with the 30mph limit, greater visibility is available and it is noted that the existing boundary hedge will be reduced in height. The shared access will be widened to 4.5m which exceeds the policy requirement for a private drive serving up to 6 dwellings and the additional width will allow for some pedestrian visibility. Adequate parking and turning is indicated for both dwellings and cycle parking can be accommodated within the garages. The first 5m of the access should be surfaced in a bound material and any works in the highway to extend the existing dropped kerb must be carried out by WC contractors Ringway as per the note below. Provision must be made within the site for construction vehicles in order to keep the A4535 clear and to maintain the free flow of traffic on a principle route.

21/0298/FUL

CONDITIONS:

1) The Development hereby approved shall not be occupied until the visibility splays shown on Drawing No. 2273-03 Site Layout have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

REASON: In the interests of highway safety.

2) The Development hereby approved shall not be occupied until the access including the access and driveway widening to 4.5 metres, turning area and parking facilities for both dwelling shown on Drawing No. 2273-03 Site Layout have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

3) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety

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

- 2.9 Wyre Forest District Council (Arboricultural Officer) - I am largely in agreement with the recommendations of the submitted Arboricultural Impact Assessment (AIA). However, I have the following concerns that should be addressed prior to a final comment. 1. The Tree Protection Plan does not show protective fencing for the boundary hedge. This should be rectified as the hedge is an important arboricultural feature for the amenity of the local streetscape. 2. There is mention of constructing the garage with a no-dig method, but I can't see the design of the garage and (more importantly) its proposed foundation type on the system. If one hasn't been provided, it needs to be please. 3. As the garage is to be built within the RPZ of neighbouring trees, a Site Specific Arboricultural Method Statement should be provided at this stage of the development, as I need to be sure of all the measures proposed to ensure the tree roots aren't impacted by the development.
- 2.10 Wyre Forest District Council (Arboricultural Officer) - Can you ensure this is the approved plan for the design of the garage foundation please. A watching brief would be a prudent condition, by their retained Arb consultant. Also, ensure the TPP and AMS are adhered to in a condition. Other than that I'm now satisfied with the proposals.
- 2.11 Countryside And Parks Manager (WFDC) - No Comment Received.
- 2.12 Conservation Officer (WFDC) - This application has been revised: the proposed dwelling has been re-designed and a comprehensive heritage impact assessment which complies with the NPPF at paragraph 189 has now been submitted. The



21/0298/FUL

heritage impact assessment considers the impact of the proposal in some detail both on heritage assets in the vicinity of the site and upon the Blakebrook Conservation Area in which the proposed development sits. My prime concerns in relation to the previous scheme focussed on the proximity of the dwelling to the road which obstruct some historic views of the spire of St John's Church to the east, and the design of the new dwelling itself. In this revised scheme the proposed dwelling is relocated further from the road although still much closer than most properties within the Conservation Area, albeit now set slightly further back from the existing hedgerow, which is to be retained, although reduced in height. The heritage impact assessment at plate 3 illustrates that the spire of the church will still be clearly visible from vantage points in the southern part of the Conservation Area but argues that: 'The study area clearly makes no contribution to the significance of the setting of the church and there are no obvious reciprocal views between. There are glimpses at various points along the street but it is difficult to see how the proposed development would either impact on these or, more significantly, impact on the significance of the setting of the church'. Whilst I do not agree entirely with this analysis I accept that that the views of the church are over the roof-tops of existing housing and nowhere is there an uninterrupted view or designed view (eg: an avenue of trees leading towards it) of the Church. The re-designed dwelling now presents a more traditional pitched roof-slope towards the street and incorporates a doorway with porch in a traditional style on the street-facing elevation. This allays to a large degree my concerns relating to the impact of the building on the street-scene, although I remain concerned at how close to Blakbrook it is to be sited, notwithstanding the retention of the hedgerow boundary. The heritage impact assessment at page 19, however, states: 'Whilst other properties can be set back further from the roadside, only a handful are set so far back that long drives are needed. In addition, even where properties are set back there has been in several cases nearby an erosion in their former relationships with the road and the public realm through the creation of large areas of hardstanding for carparking, often removing the garden areas between the road and the houses. In this case the roadside elevation will be set back behind the existing hedgerow so that despite the fact that it is physically closer to the road than some other properties, there will be more of an idea of separation that in properties fronted by carparking areas open to the road. The new build will be visible in views along Blakebrook, tucked behind the hedgerow. Whilst this will result in a degree of visual change it is not considered that it will equate to harm to the character or significance of the conservation area or to the streetscape.' I think it is important to distinguish between change and harm, and that it is also important to recognise that change per se does not necessarily cause harm. The argument made within the heritage impact assessment relating to the separation of the property from the roadside is convincing, not least because as it is noted a good many front gardens have been removed to create parking. I therefore consider that the revised scheme whilst still very close to the roadside is much improved and better explained and analysed than the previously submitted scheme. And on that basis I would agree with the overall conclusions of the heritage impact assessment that there is no harm to the setting, character or significance of any adjacent listed buildings, non-designated heritage assets, or to the adjacent conservation area, and thus Policy SAL.UP6 is satisfied.

2.13 Contaminated Land Team (WRS) - No Comment Received.

2.14 Highways Authority (WCC) - 28/07/2021 Observations (as per online) The proposed development of a 4no. bedroom dwelling within the curtilage of the existing dwelling

21/0298/FUL

No. 28 Blakebrook, will be served by a shared access on to the A4535 and adequate visibility can be provided not least because of the wide footway in this location. Whilst a generic splay of 2.4m x 43m is shown, in line with the 30mph limit, greater visibility is available and it is noted that the existing boundary hedge will be reduced in height. The shared access will be widened to 4.5m which exceeds the policy requirement for a private drive serving up to 6 dwellings and the additional width will allow for some pedestrian visibility. Adequate parking and turning is indicated for both dwellings and cycle parking can be accommodated within the garages. The first 5m of the access should be surfaced in a bound material and any works in the highway to extend the existing dropped kerb must be carried out by WC contractors Ringway as per the note below. Provision must be made within the site for construction vehicles in order to keep the A4535 clear and to maintain the free flow of traffic on a principle route.

CONDITIONS: (amended to Rev B)

1) The Development hereby approved shall not be occupied until the visibility splays shown on Drawing No. 2273-03 Rev B Site Layout have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

REASON: In the interests of highway safety.

2) The Development hereby approved shall not be occupied until the access including the access and driveway widening to 4.5 metres, turning area and parking facilities for both dwelling shown on Drawing No. 2273-03 Rev B Site Layout have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

3) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety

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

Further to the re-consultation, the revised site plan indicates 2 parking spaces (P1 & P2) for the proposed dwelling however the number of bedrooms has not changed therefore 3 spaces are still required. The applicant should be requested to confirm that adequate parking (2.4m x 4.8m per space) is provided in line with standards, on the revised drawings plus adequate turning (6m required). On the basis that the existing dwelling has 3no. bedrooms with 2 spaces required, adequate parking and turning is retained. The Highway Authority therefore submits a deferral until the details as above are confirmed.

2.15 North Worcestershire Water Management (WFDC) - 28/07/2021I have now been able to review the additional / revised information submitted for application 21/0298/FUL –

21/0298/FUL

Erection of 1 No. dwelling at 28 Blakebrook, Kidderminster, DY11 6API understand that the proposal is to provide an element of compensatory flood storage by lowering an area of approximately 17m<sup>2</sup> to a level of 44.46mOD which will provide 2.8 m<sup>3</sup> of compensatory flood storage. This is in an area away from the root protection zones so it is my understanding that the creation of compensatory flood storage should not adversely impact the trees present on/near the site. In addition it is proposed in the FRA that voids will be included in the side walls of the garage to allow the garage to flood internally. This means that flood storage will actually be available inside the garage. An updated plan of the garage showing these voids has been submitted. Based upon the submitted information I believe there would not be a reason to withhold approval of this application on flood risk or water management grounds, providing a series of 5 conditions get attached: Finished floor level:"The finished floor levels of the dwelling shall be a minimum of 44.93mOD. There shall be no variation in the approved finished floor level without the prior written approval of the Local Planning Authority."Ground level:"There shall be no raising of ground levels within the area of the site believed to be at risk of flooding, as detailed in Appendix E of the Flood Risk Assessment submitted with the application (Prepared by EWE Associates LtdFinal RevA June 2021), without the prior written approval of the Local Planning Authority."Voids:"Prior to commencement of the garage hereby permitted detailed drawings of the garage wall voids including any associated grills shall be submitted to and approved in writing by the local planning authority. The invert levels of the voids should be set flush with the garage finished floor level. Development shall be carried out in accordance with the approved details and thereafter retained. There shall be no infilling or blocking of any garage wall voids."Permeable surfaces:"Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority."Soakaway:"Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 40% allowance for climate change. The soakaway shall be located outside the area believed to be at risk of flooding, as detailed in Appendix E of the Flood Risk Assessment submitted with the application (Prepared by EWE Associates Ltd, Final RevA June 2021). The drainage shall be implemented prior to the first use of the development and thereafter maintained."Re-consultation 21/0298/FUL - Erection of 1 No. dwelling at 28 Blakebrook, Kidderminster, DY11 6APThe information now submitted includes a revised drainage strategy (with the soakaway moved so it sits outside the flood contour) and a finished floor level of 44.93 m OD has also been included on the plan, as I had requested. My comments regarding compensatory flood storage have I believe not been addressed. Without level by level flood storage we cannot be certain that the development (which will see the garage being erected within the floodable area) will not exacerbate flood risk for others. It is not clear to me that sufficient space is available on this site for the successful delivery of compensatory flood storage especially when the tree protection zones have been taken into account. As an alternative it might be possible to omit the garage or to build the garage so flood water can still be stored underneath the floor, using stilts or voids. I believe determination of this application should be deferred until it has been demonstrated that the proposed development can be delivered without the loss of flood storage. Should you nevertheless be minded to approve this application before this information has been made available, then I would request that you inform me of this so that I can consider further comments and recommend appropriate conditions. As previously advised, I believe conditions will probably be required regarding the finished floor level of the dwelling, not raising of ground levels on the site, the provision and retention of compensatory flood storage, the retention of permeable surfaces where proposed and

21/0298/FUL

the provision of the soakaway. Kirsten Huizer For North Worcestershire Water Management.

2.16 Parish Council - No Comment Received.

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

Kidderminster Town Council have raised no objections to the proposal.

7 letters of objection received and a summary of the objections is as follows:

- Affect local ecology
- Close to adjoining properties
- Development too high
- Loss of privacy
- Proposal is out of keeping with the character of area
- Over development
- Loss of trees on site
- Inadequate parking provision

2 letters of Objection received following revisions and re-consultation and a summary of the subsequent objections is as follows.

- Close to adjoining properties and increased overlooking from revised layout
- Setting a precedent for others to destroy trees and green space in order to build additional dwellings in their gardens
- Over development in a conservation area causing loss of trees and green space
- Over development and out of proportion to the size of the proposed site
- The new dwelling would change the street scene and does not harmonise with neighbouring properties
- Increase flood risk due to poor drainage/sewers
- Increased pressure on ancient gas pipes that are constantly in need of repair
- General overlooking and loss of privacy to neighbouring properties
- Noise and disruption to neighbouring properties during construction
- Increase in traffic and pollution on a busy road serving two schools
- Impact on ecology.
- Inadequate parking provision
- Increase in traffic

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

3.1 The application site relates to a detached dwelling house located in Kidderminster. The existing property is substantially set back from the road frontage, and is set in extensive gardens, the majority of which is forward of the property. The area is predominantly residential in character and comprises similar house types which are in the main set back from the road frontage however this is interspersed with intermittent properties in close proximity to the road frontage, with no clear apparent building line evident.

21/0298/FUL

- 3.2 The application is for the erection of a single dwelling house on the extensive front garden to which the existing dwelling benefits from. Off-street parking for three cars and a double garage would be provided and access would be gained from the existing driveway that would be shared with 28 Blakebrook. The proposal results in a retained front and rear garden for the existing dwelling, 28 Blakebrook. The existing side boundary would remain unchanged and the roadside hedge would be retained but reduced in height.

#### **4.0 Officer Comments**

- 4.1 The main considerations in this application are whether the development would be acceptable in principle and the likely impacts on highway safety, existing residential amenity and local character.

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

- 4.2 The National Planning Policy Framework (the Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. Also, to ensure sustainable development is pursued in a positive way, the decision taking should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. As such, the starting point for all decision making is the Development Plan when the most important policies applicable to the proposed development are considered to be up-to-date.
- 4.3 The application is for the erection of one dwelling on a site that currently forms part of the front garden of 28 Blakebrook. As the site comprises non-previously developed land (PDL), the proposed development would be contrary to Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan, which seek to concentrate new residential development on PDL and therefore the application represents a departure of the Development Plan.
- 4.4 Paragraph 69 of the Framework states that small and medium sized sites can make an important contribution to meeting the housing requirement in an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst other things): support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. This adds weight to the consideration of this development.
- 4.5 The proposed development would be in conflict with Policy DS01 and SAL.DPL1 in terms of land use, however, I am of the view that it is an appropriate windfall site given that it is located within a sustainable location of Kidderminster. The development of windfall sites is supported by the Framework, in Paragraph 69, when the site is located within existing settlements for homes. I therefore consider that the principle of development is acceptable subject to the following site-specific considerations.

21/0298/FUL

#### DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.6 Adequate separation distance exists between the proposed dwelling and the nearest neighbouring residential dwellings, and there would be no impact in terms of overlooking or outlook for the existing occupiers of either. I am also satisfied that the internal layout and room sizes of the proposed dwelling, together with the size of the outdoor amenity spaces, would provide a good standard of living for future occupiers. The retained garden for 28 Blakebrook would also be of an acceptable size and in proportion to the size of the property.
- 4.7 The proposed development would achieve a high quality design that would be in keeping with the local character and would add to the overall quality of the area in accordance with the Framework, Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Site Allocations and Policies Local Plan and the Design Guidance in the Supplementary Planning Document. A revised proposal has been submitted, with the building relocated further into the plot and re-orientated to ensure the proposal blends with the existing street scene. The design policies clearly state that a common building line, historic street pattern and skyline should be provided. Although the road does not benefit from a clear, common building line, it was considered that the initial proposal should not have proposed a shift in the building line further forward than the existing properties in the vicinity, this has been rectified and is now considered acceptable. The existing neighbouring property, 27 Blakebrook, now occupies the forward most position to the Highway.
- 4.8 A condition is recommended to remove permitted development rights for extensions to the building and the construction of any outbuildings without the benefit of express consent, in order to avoid any uncontrolled or sporadic development of the site in the future.

#### HIGHWAYS AND ACCESS

- 4.9 The Highway Authority has raised no objection to the proposal, as adequate parking provision in the form of 3 spaces and a double garage is proposed to serve the dwelling house. The site benefits from more than adequate visibility and ample on-site parking provision. The proposal is therefore considered to pose no detrimental harm to the free flow or safety of the Highway Network and would comply in full with the requirements of the Highways Policies.
- 4.10 Conditions are proposed requiring the proposed widening of the access, turning arrangements and parking provision to be implemented in accordance with the submitted details, and retained for the life of the development. Completion of the proposed visibility splays in accordance with the submitted details including surfacing in a bound material and retention in accordance with the submitted details for the life of the development will also be a conditional requirement.

#### CONSERVATION AND HERITAGE

- 4.11 The application has been amended in terms of siting and design in an attempt to alleviate previous heritage concerns regarding the proposals potential interruption of views of and within Blakebrook Conservation Area. Although the proposal sits closer

21/0298/FUL

to the Highway than the majority of other dwellings in the vicinity, it does not impede the most important views, thus being the Spire of St Johns Church.

- 4.12 I therefore consider that the revised scheme whilst still very close to the roadside is much improved and better explained and analysed than the previously submitted scheme. The Council's Conservation Officer agrees with the overall conclusions of the submitted heritage impact assessment in that there is no harm to the setting, character or significance of any adjacent listed buildings, non-designated heritage assets, or to the adjacent conservation area. As highlighted within this submission, it is also very important not to confuse change with harm. Although the proposal results in a change to this part of the Conservation area, it is not considered that these changes amount to a level of harm which would warrant a refusal of Planning Permission, as change should not automatically be associated with harm. I therefore consider that the proposal complies in full with the requirements of Policy SAL.UP6 of the Site allocations and Policies Local Plan in terms of its heritage impact.

#### FLOODING AND DRAINAGE

- 4.13 North Worcestershire Water management have now raised no objection to the proposal on a conditional basis following the submission of a satisfactory Flood Risk Assessment (FRA) and mitigation measures. Two main issues were highlighted in terms of flooding, one being the protection of the proposed dwelling itself from flood damage and the other being to ensure that the proposal does not impact on the flood storage capacity that the site offers and subsequently it's importance in alleviating flooding downstream.
- 4.14 In terms of flood protection of the proposed dwelling itself, the submitted FRA has demonstrated a safe finished floor level, taking account of the 1 in 100 year flood event potential plus climate change. The figure of 44.93mOD has been calculated as a safe finished floor level and a condition is therefore applied to ensure that floor levels are set no lower than this figure. The proposed dwelling is therefore considered to be sufficiently elevated to ensure it remains free from flood damage for the life of the development and the North Worcestershire Water Management Officer has raised no further objection subject to a condition requiring FFL to be set as per the requirements of the FRA.
- 4.15 The flood storage capacity of the site has also been carefully considered and it is both a local and nationally accepted consideration that new development proposals must not lead to the reduction in flood water capacity and subsequently lead to increased flooding elsewhere. The garage is considered to fall within an area of potential flood storage capability, and therefore the applicants were requested to reconsider the proposal to incorporate adequate flood storage capacity. Revised drawings now incorporate an open, grilled access area for flood water, allowing flood water to utilise the garage footprint and recede out of the building as and when required. The North Worcestershire Water Management Officer has accepted the mitigation measures and raises no further objection subject to a condition requiring mitigation measures are implemented and completed in accordance with the submitted details, and retained for the life of the development.

21/0298/FUL

## ARBORICULTURAL IMPACT

- 4.16 Concerns have been raised from neighbouring residents regarding the loss of existing trees on site and the potential damage the development will impose on remaining trees on site and in close proximity to the site boundary. The site has already been cleared of a large proportion of existing trees, through the submission and approval of an earlier removal application. The remaining trees on site with a high amenity value are protected and would not be impacted by the construction of the proposed dwelling, which is outside of the root protection zone. The garage does however fall with the root protection zone of one of the protected trees and therefore appropriate tree protection measures are proposed as part of the development.
- 4.17 The Council's Arboricultural Officer has carefully considered the foundation details, which are of a no dig nature, with a structural concrete slab laid on original ground to avoid any root disturbance. It is considered that the future health and welfare of the tree has been carefully integrated into the proposal and no objection is raised. An adequate tree protection plan, to ensure the trees are not damaged during the construction phase and a satisfactory Arboricultural method Statement has also been submitted and are considered to suitably address the potential impact the development poses on the retained trees on site and those trees situated adjacent to the boundaries of the site. Conditions will be imposed to ensure the tree protection and mitigation measures are fully implemented and adhered to. A further condition will ensure that the no-dig, slab on ground, foundation method for the garage is completed in accordance to avoid any potential root disturbance, as well as a condition requiring a watching brief is undertaken by the applicant's retained Arboriculturalist during the construction phase, as a final level of protection, to fully ensure the health, protection and longevity of all trees to be retained on site.

## 5.0 Conclusion and Recommendations

- 5.1 The proposed development has been subject to a number of amendments and it is considered that one dwelling house can be accommodated on this land without resulting in an adverse impact on the local character of the Conservation area and street scene or the amenities of occupiers of existing dwellings. The proposed layout has been amended to ensure adequate parking provision has been provided within the site and safe means of access exists without resulting in an increased safety risk to users of the access or the Highway network including pedestrians. All outstanding issues relating to flood risk and tree protection have also now been suitably addressed and mitigated against as part of the proposal.
- 5.2 As the site relates to garden land, which is not previously developed land, it is not of the preferred location for new housing development as set out in the current Development Plan, which prioritises previously developed land. The proposal would be located in a sustainable location, close to local shops and services where new housing is encouraged. No adverse impacts have been identified based on a conditional approval and it is considered that this proposal would represent a sustainable development and that a departure of the Development Plan should be supported.



21/0298/FUL

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

1. Full with no reserved matters
2. Approved plans
3. Materials in accordance with submitted details
4. Removal of permitted development rights
5. First 5 metres of the access to be constructed in accordance and in a bound material
6. The Development hereby approved shall not be occupied until the access including the access and driveway widening to 4.5 metres, turning area and parking facilities for both dwelling shown on Drawing No. 2273-03 Site Layout have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.
7. The Development hereby approved shall not be occupied until the visibility splays shown on Drawing No. 2273-03 Site Layout have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.
8. The finished floor levels of the dwelling shall be a minimum of 44.93mOD. There shall be no variation in the approved finished floor level without the prior written approval of the Local Planning Authority.
9. There shall be no raising of ground levels within the area of the site believed to be at risk of flooding, as detailed in Appendix E of the Flood Risk Assessment submitted with the application (Prepared by EWE Associates Ltd Final RevA June 2021), without the prior written approval of the Local Planning Authority.
10. Prior to commencement of the garage hereby permitted detailed drawings of the garage wall voids including any associated grills shall be submitted to and approved in writing by the local planning authority. The invert levels of the voids should be set flush with the garage finished floor level. Development shall be carried out in accordance with the approved details and thereafter retained. There shall be no infilling or blocking of any garage wall voids.
11. Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority.
12. Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 40% allowance for climate change. The soakaway shall be located outside the area believed to be at risk of flooding, as detailed in Appendix E of the Flood Risk Assessment submitted with the application (Prepared by EWE Associates Ltd, Final RevA June 2021). The drainage shall be implemented prior to the first use of the development and thereafter maintained.
13. On-site parking provision for site operatives shall be made available.
14. A watching brief shall be undertaken by a suitably qualified arboriculturalist to ensure trees are protected during the construction phase and remain undamaged.
15. The approved Tree protection Plan and Arboricultural method Statement shall be implemented in accordance with the submitted details and strictly adhered to at all times.
16. The garage foundation and groundworks shall be completed in accordance with the revised technical garage foundation plan hereby approved, and there shall be no deviation without the formal written consent of the Local planning Authority.

21/0298/FUL

Informative

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