

Open

Planning Committee

Agenda

6pm
Tuesday, 19 July 2022
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor A Coleman
Vice-Chairman: Councillor C J Barnett

Councillor V Caulfield
Councillor C Edginton-White
Councillor M J Hart
Councillor F M Oborski MBE
Councillor D Ross

Councillor H E Dyke
Councillor P Harrison
Councillor L J Jones
Councillor C Rogers
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 Louisa Bright, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@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 Head of Strategic Growth before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Head of Strategic Growth.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 110D will always include the case Officer's written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 19 July 2022

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 21 June 2022.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	15
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

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

Not open to the Press and Public

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

PLANNING COMMITTEE

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER**

21ST JUNE 2022 (6PM)

Present:

Councillors: A Coleman (Chairman), C J Barnett (Vice-Chairman), V Caulfield, P Dyke, C Edginton-White, I Hardiman, P Harrison, M J Hart, L J Jones, F M Oborski MBE and C Rogers.

Observers:

There were no members present as observers

PL.01 Apologies for Absence

Apologies for absence were received from Councillors: H E Dyke, D Ross and L Whitehouse.

PL.02 Appointment of Substitutes

Councillor P Dyke was a substitute for Councillor H Dyke.
Councillor I Hardiman was a substitute for Councillor D Ross.

PL.03 Declarations of Interests by Members

Councillor M Hart declared, in respect of applications 21/0031/FUL and 21/0097/OUT, that he was a Non-Executive Director of Worcestershire Children First, as they were receiving financial contributions but he had a dispensation so would participate.

Councillor P Harrison declared in respect of 21/0031/FUL, that he had received three telephone calls on each of the previous three days about the Pearl Lane site from Dunley Road residents regarding infrastructure. He said that during the telephone calls he had not indicated his intention to vote one way or the other and came to the meeting with an open mind.

PL.04 Minutes

Decision: The minutes of the meeting held on 19 April 2022 be confirmed as a correct record and signed by the Chairman.

PL.05 Applications to be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 602 attached).

Agenda Item No. 4

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 602 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

There being no further business, the meeting ended at 8.38pm

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

21 June 2022 - Schedule 602 Development Management

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Planning Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Application Reference: 21/0031/FUL
Site Address: Land To The West Of Pearl Lane, Stourport-on-Severn (Ernleye Meadows), Land At Os 379658 269871, Pearl Lane, Stourport-on-Severn, Worcestershire
The Committee received representations from Max Keen (objector) and Simon Hawley (agent) prior to a decision being made.
Deferral of application to show that the internal roads would meet adoptable highway standards and to require further information on off-site highway improvement works and reason for exceeding the indicative capacity of 250 homes as set out in the site allocation policy SA.S4 of the Wyre Forest District Local Plan.

Application Reference: 21/0097/OUT
Site Address: Land At Os 379586 274992, Stourport Road, Bewdley, Worcestershire
The Committee received representations from Paul Simmonds (objector) and John Pearce (agent) prior to a decision being made.
delegated APPROVAL subject to;
<p>a) The signing of a S.106 agreement for the matters set out in paragraph 4.56; and</p> <p>b) The following conditions;</p> <ol style="list-style-type: none"> 1. Time Limit for Reserved Matters 2. Reserved Matters Details (scale, layout, appearance and landscaping) 3. Require development to be in accordance with the Site Location Plan and Proposed Access to Serve Proposed Residential Development Plan 4. Restrict development to 100 dwellings with at least 2 self-build plots 5. Require details of materials, boundary treatment to include gaps in fences for hedgehogs, proposed site levels and finished floor levels 6. Require Accessible Housing Certification Table to identify 20% of dwellings to be accessible and adaptable (Part M(4) Category 3) and 1% of affordable provision to be wheelchair complaint (Part M(4) Category 3) of Building Regulations 7. Require development to achieve water efficiency standard of 110 litres per person per day 8. Require provision of defibrillator and long-term maintenance 9. Require revised Energy Report to demonstrate 10% of predicted energy requirements to be provided through renewable or low carbon sources 10. Secure implementation of Tree Protection Plan 11. Require details of Children’s Play Area (LEAP), including

- management/maintenance plan
12. Require retention of hedgerows except for hedge to be removed to facilitate access
 13. Require remediation scheme and validation report for potential ground contamination
 14. Unexpected contamination
 15. Require noise mitigation scheme
 16. Require scheme for a surface water drainage strategy
 17. Require management plan detailing future maintenance responsibilities for SuDS assets
 18. Require construction surface water management plan
 19. Require development to adhere to Flood Risk Assessment
 20. Prevent raising of ground levels within Flood Zone 3, the 'high risk'
 21. Require drainage plans for disposal of foul and surface water flows
 22. Require Written Scheme of Investigation (WSI) for Archaeology
 23. Require implementation of WSI
 24. Require pre-commencement badger survey
 25. Require Otter Mitigation Strategy to be implemented in accordance with Section 3.3 of the report during construction phase
 26. Require updated Otter Survey to be undertaken and findings of Survey together with additional mitigation to be submitted and agreed
 27. Require additional botanical survey
 28. Construction Environmental Management Plan (Biodiversity)
 29. Landscape and Ecological Management Plan (LEMP) to include hedgehog boxes and detailed Reasonable Avoidance Method (RAM in relation to reptiles
 30. Require details of External Lighting to demonstrate compliance with Lighting Assessment
 31. Vehicular Access to be implemented in accordance with agreed details
 32. Require visibility splays to be provided and retained
 33. Construction Environmental Management Plan (Highways)
 34. Require details of footpath within northwest corner of site
 35. Electric vehicle charging points
 36. Cycle storage facilities
 37. Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh
 38. Require scheme of Minerals Recovery
 39. The locally listed red brick boundary wall shall be retained and protected during the construction phase

NOTES

- Section 106 Agreement
- The submitted Masterplan (Drawing nos. 103L-I and 103L-J), Landscape Plan (Drawing No. 115A), Landscape Strategy (Drawing No. 11818/P16a), Landscape Strategy Parameter Plan (Drawing No. 11818_P15) and Building Heights Parameter Plan (Drawing No. 11818_P14) are indicative for the purposes of this application
- Reserved Matters relating to scale, layout and landscaping shall ensure a sensitive design approach is undertaken that considers landscape character and views from/to heritage assets and incorporates a robust landscape buffer and buildings comprising bungalows and/or low level two-storey dwellings (no higher

- than 8.5 metres) within southern corner and eastern margin of application site
- Inform developer that battery storage is necessary for dwellings with PV solar panels
 - The revised Energy Report pursuant to condition 9 shall consider the inclusion of solar/photovoltaic panels, air source and ground source heat pumps including battery storage for PV panels
 - Permit for Flood Risk Activity
 - No construction work outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays
 - No burning of any material during construction and site preparation works
 - WFDC Waste and recycling collection
 - Alteration of highway
 - Section 278 Agreement
 - Section 38 Agreement
 - Drainage Details for Section 38
 - Protection of Visibility Splays
 - Works adjoining highway
 - Temporary Direction Signs to housing developments
 - Construction Environment Management Plan

The meeting was adjourned at 7.51pm for a short comfort break and resumed at 8.00pm.

Application Reference: 22/0183/FUL
Site Address: Stourport High School And Sixth Form Centre, Coniston Crescent, Stourport On Severn, Worcestershire, DY13 8JU
The Committee received representations from Simon Hawley (agent) prior to a decision being made.
delegated APPROVAL subject to;
<ul style="list-style-type: none"> a) Referral to the Secretary of State and notification being received that a decision has been made not to call in the application; b) Signing of S.106 to secure affordable housing, play area on site, highway contributions and 3G pitch provision, along with any monitoring fees; and c) The following conditions <ul style="list-style-type: none"> 1. 3-year time limit 2. To require details of external roof material for front canopies 3. To secure all external materials (with the exception of canopy details) including hardsurfacing 4. Implementation of agreed boundary treatment 5. To require site and finished floor levels 6. Retention of all identified retained trees 7. Retention of all identified Allotment gates 8. Implementation of Arboricultural Method Statement and Tree Protection Plan 9. Arboricultural Pre-Start Meeting 10. Implementation of Landscaping Scheme 11. Replacement of any soft landscaping that dies or is damaged within first 5 years of

planting

12. Landscape and Environmental Management Plan
13. Play Provision Implementation and Management/Maintenance Plan
14. Replacement luminaires to the floodlights adjacent to plots 80 and 81 to comply with ILE Guidance and be replaced prior to the first occupation of these plots
15. Implementation of the acoustic screening prior to first occupation
16. Electric Vehicle Charging Provision
17. Cycle Storage Facilities
18. Low Emission Boilers
19. Implementation of provision of PV Panels
20. A reptile method statement and RAMS strategy
21. A walkover badger survey
22. An emergence bat survey of building 1 (caretaker's house)
23. To require no removal of vegetation during bird nesting season
24. To require an ecological enhancement scheme and a letter of compliance from a suitably qualified ecologist
25. To require external lighting scheme including letter from a suitably qualified ecologist to demonstrate that the proposed lighting scheme will create dark corridors
26. To require details of Foul Drainage
27. To require details of Surface Water Drainage
28. To require details of Defibrillator
29. Access and parking arrangements
30. Visibility Splays
31. Travel Plan
32. Construction Environmental Management Plan (Highways)
33. To require water efficiency in each dwelling house
34. To require at least 10% of predicted energy requirements to be from renewable or low carbon sources
35. Implementation of unadopted public footways and cycleways to be provided
36. To require an Accessible Housing Certification Table
37. To require no side facing windows being installed to Plots 1, 4, 18, 26, 30, 36, 37, 44, 52, 56, 107 and 110
38. To remove Permitted Development Rights for any future boundary treatment to front of principle elevation adjacent to highway

NOTES

- Section 106 Agreement
- Inform developer that battery storage is necessary for dwellings with PV solar panels
- The revised Energy Report pursuant to condition 19 shall consider the inclusion of solar/photovoltaic panels, air source and ground source heat pumps
- No construction work outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays
- No burning of any material during construction and site preparation works
- WFDC Waste and recycling collection
- Alteration of highway
- Section 278 Agreement
- Section 38 Agreement
- Drainage Details for Section 38

- Protection of Visibility Splays
- Works adjoining highway
- Temporary Direction Signs to housing developments
- Construction Environment Management Plan

Application Reference: 21/0850/FUL

Site Address: Honeybrook Kennels, Bridgnorth Road, Kidderminster, DY11 5RR

APPROVED subject to the following conditions;

1. A6 (Standard Time)
2. Local Connection for First Occupation
3. J1 (Removal PD Rights)
4. J9 (Restriction of Fencing Forward of Dwellings)
5. B1a (Materials to be submitted)
6. Electric Vehicle Charging Points
7. Cycle Parking
8. Access Track surfacing
9. Passing Bays
10. Parking, access and turning for the dwellings
11. Access and Visibility Splays
12. Landscaping Details
13. Landscape Implementation
14. Floor levels
15. Surface and Foul Water drainage
16. Drainage Management Strategy
17. Compensatory Flood Storage
18. Details of ecological enhancement to be submitted
19. Energy Statement and Details of Sustainable Energy Provision
20. Archaeology Brief to be submitted
21. Deposit of Archaeology report/findings
22. Approved Drawings

Note

- A. Highways
- B. Non Mains Drainage
- C. Pollution Prevention
- D. Culverted Watercourse
- E. Removal of PD Rights
- F. Protected Species
- G. Building Control

Application Reference: 22/0242/HOU

Site Address: 83 Richmond Road, Bewdley, Worcestershire, DY12 2BG

APPROVED subject to the following conditions.

1. A6 (Full with no reserved matters)
2. B3 (Finishing materials to match)
3. A11 (Approved Plans)

Application Reference: 22/0279/HOU

Site Address: 6 Clee Avenue, Kidderminster, Worcestershire, DY11 7BS

APPROVED subject to the following conditions.

1. A6 (Full with no reserved matters)
2. B3 (Finishing materials to match)
3. A11 (Approved Plans)

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
21/0421/OUT	Land at Habberley Lane Low Habberley Kidderminster Worcestershire	Delegated Approval	16

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
21/0881/FUL	Tannery Court Vernon Road Stourport On Severn DY13 8HD	Approval	60
22/0005/FUL	Upper Birch Farm Upper Birch Road Shatterford DY12 1TR	Approval	69
22/0308/FUL	Severn Meadow, Easter Cottage Northwood Lane Bewdley DY12 1AS	Approval	74

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE****19 July 2022****PART A**

Application	21/0421/OUT	Date	19.04.2021
Reference:		Received:	
Ord Sheet:	381000 277300	Expiry	31.03.2021
		Date:	
Case Officer	Helen Hawkes	Ward:	Wribbenhall And Arley

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

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

Applicant: Richborough Estates

Summary of Policy	<p>SP.1, SP.2, SP.6, SP.9, SP.10, SP.12, SP.16, SP.20, SP.21, SP.23, SP.27, SP.28, SP.29, SP.31, SP.32, SP.33, SP.34, SP.36, SP.37, DM.6, DM.7, DM.8, DM.23, DM.24, DM.26, DM.32 and SA.K16 of the Wyre Forest District Local Plan (2016-2036)</p> <p>WFDC Design Guidance SPD WFDC Planning Obligations SPD WFDC Affordable Housing SPD WCC Landscape Character Assessment WCC Streetscape Design Guide WCC Minerals Local Plan Emerging WCC Minerals Local Plan National Planning Policy Framework National Planning Practice Guidance National Design Guide Building for a Healthy Life Wildlife and Countryside Act 1981 (as amended) Natural Environment and Rural Communities (NERC) Act 2006 Protection of Badgers Act 1992 Hedgerow Regulations 1997 The Countryside Rights of Way Act 2000 The UK Biodiversity Action Plan (UK BAP) The Conservation of Habitats And Species Regulations 2017</p>
Recommendation	DELEGATED APPROVAL SUBJECT TO S106 AGREEMENT
Reason for Committee	'Major' Planning Application

21/0421/OUT

1.0 Planning History

1.1 There is no planning history for this site.

2.0 Consultee Responses

2.1 Kidderminster Town Council – No comments received.

2.2 Kidderminster Foreign Parish Council – Object most strongly to this proposed application for the following reasons:

- 1) Inappropriate Green Belt Development and contrary to Paragraphs 136, 137 and 138 of the NPPF which states that green belt boundaries should only be altered where “exceptional circumstances are fully evidenced and justified” and should not conflict with the purposes of the Green Belt. We feel that there are no exceptional circumstances since the site serves as an open countryside buffer between the boundaries of the urban sprawl of Kidderminster and the village of Low Habberley, and this would significantly reduce the gap between the two. In addition, we feel that there are a considerable number of brownfield sites or sites of lesser landscape value that could be used before such an important buffer site as this should be used. Indeed, this site has been found to provide a significant positive contribution to the Green Belt. The Amec Foster Wheeler – ‘Green Belt Review Strategic Analysis (September 2016)’ confirmed the following in their ‘Site Analysis Appendix C: Site by site analysis May 2018’ that the site provides a significant contribution to the green belt in terms of controlling unrestricted urban sprawl of large built-up areas, preventing encroachment into the countryside and ensuring a separate identity is maintained of, the hamlet of Low Habberley. The development of the site would also not constitute ‘rounding off’, despite the presence of development at Coningsby Drive to the northeast which creates an unbounded extension into open countryside north of Habberley Lane. Furthermore, in the recent Inspectorate Examination of the Wyre Forest Local Plan 2016-36, in document ED6, the Inspector makes the following point: “I have not found a comprehensive, integrated and consistent level of explanation of the local-level, site-specific exceptional circumstances that, in the Council’s view, justify the release of each individual site. This explanation should summarise the purposes that each individual site serves in the Green Belt, the effect of its release on these purposes and the overall integrity of the Green Belt, and the other relevant factors in each case that, cumulatively, may amount to exceptional circumstances justifying its release.”

We feel that the local environmental quality of the area will be particularly damaged by this development in that it will destroy undeveloped wildlife corridors leading to the bordering Natural Reserve of Habberley Valley. Habberley Valley Nature Reserve has direct connectivity to this open field site and provides suitable and endangered habitat for a range of protected species, including badgers, bats, birds, invertebrates, amphibians and reptiles. Habberley Valley Nature Reserve is already under considerable pressure from human disturbance, and this development, directly on its border, and with planned new public access routes from this development directly into

21/0421/OUT

the reserve, will only exacerbate the problem, and accelerate the decline of these species, seriously disrupting the wildlife corridors used by such species to access the reserve.

We are also of the opinion that dispersal of surface water has not been adequately addressed. This field, historically, even as agricultural bare earth, has caused surface run-off flooding, and we do not believe that the small pond shown would take the extra run-off from roofs, driveways and hard surfaced roads and pavements. We have no knowledge of any assessment having been made of the adjoining sewerage systems and whether they can take the additional load that these houses would put through that system. It will not have an infinite capacity, and little regard has been given to this aspect in respect of sewage disposal and possible capacity problems.

Of particular importance, and high on the list of objections from residents from the whole of Kidderminster Foreign parish, is the unprecedented amount of extra traffic this will cause to an already stretched highway. Anyone who lives in this area or commutes through it will bear testament to this. The submitted Transport Assessment has already shown Habberley Road to be a dangerous local highway, and therefore this development conflicts with Para.109 of NPPF. The developer has stated that it has undertaken traffic assessments and counts, but this was some years ago, before the new Habberley Trail was opened. The Trail had not really opened, and then the Covid lockdown happened, and the traffic count would have been much lower than we are expecting in coming times. This Trail, on the site of the former Low Habberley Golf Club, is expected to generate considerably more traffic in coming months wishing to turn into Habberley Lane from the roundabout at the junction with Habberley Road. We therefore contend that any reports submitted into the weight and type of traffic using this roundabout junction are now out of date, and inaccurate. We have the addition of traffic wishing to go to the Habberley Trail, which has opened since traffic assessments were done by the developer. Indeed, the tailbacks at this point, due to the heavier flow of traffic – Bewdley-Kidderminster-Bewdley – already cause some road users to take “cut throughs”. This is particularly noticeable via the roads on the Ferndale estate, which will be made worse, and this will endanger the inhabitants and their families, destroying the residential quality of this estate. Although the developer has suggested some minor improvements at the roundabout, these will not solve this problem. Dropped pavements, and pedestrian slopes to the highway will not help or address any of the problems highlighted here. We would also comment that the access points for the site do not show any appropriate visibility splays.

This development will take productive agricultural land from our countryside, which is becoming less and less in the UK, and this will be irreversible. The mix of housing has also not been addressed and we do not believe that a thorough archaeological study of the site has taken place. The Parish Council also submitted their comments that they had made to the Wyre Forest District Local Plan – Pre-Submission Publication 2018.

Kidderminster Foreign Parish Council provided the following additional comments, in connection with new documents that had been submitted:

21/0421/OUT

- The Preliminary Drainage Report - Could assurances please be sought that tree roots in the drainage/infiltration basis at the bottom of the field will not have detrimental impact on tree roots to what are, now, trees covered by TPOs.
- The Proposed Layout - We are concerned that at least one of the proposed houses appears to be very close to the very special veteran oak tree that is the roost for bats. The Main Modifications Document recommends (Chapter 13, Page 121) that for veteran trees, the distance should be greater than the minimum buffer of 15 meters.
- The Minerals Report - Finds no economically viable mineral deposit on the site.
- The Traffic Report - Provided by Richborough Estates does appear to merit much more scrutiny. Pages 30-38 gives the Worcestershire County Council's response in June 2021. The remainder is mainly technical drawings and data tables. The traffic surveys were done in June 2021 on behalf of Richborough Estates. It should be remembered that due to COVID, vehicle movements were at this time, likely to be well below normal. We are not aware when the last survey was carried out by Worcester County Council. We are also concerned that the full impact on volume of traffic has yet to be reached with the full opening of the Habberley Trail. Bus services: Two stops are identified, one in Coningsby Drive within the Ferndale estate and one on Canterbury Road within Habberley Estate. Both of these would, we feel, present difficulties. The field is on a slope and anyone returning from shopping would have to carry bags up the hill from the Coningsby Road bus stop. The bus stop on Canterbury Road is a significant distance away from the field and would see people needing to cross the very busy Habberley Road to access the new development. You will see in the quote in the paragraph below from WCC the following statement "...to take account of the transport needs of elderly and disabled residents". This road is not easy for the young or able-bodied to cross at any time of the day let alone the elderly and disabled. The implementation of the new 'enhanced' pedestrian crossings has not and will not improve the safety of pedestrians attempting to cross this stretch of road. We would also comment about the stated "improvements" to the very inadequate roundabout adjacent to the site. We are concerned that the plans show making the verge here even bigger (for the benefit of pedestrians). The island is already difficult to negotiate for traffic, and when cars approach from Bewdley, the left turn towards Low Habberley seems to throw cars into the opposite lane to negotiate the exit from the roundabout. The enlarged pavement/verges will make this matter worse, and collisions on the entrance of the road leading to Low Habberley may result, with cars being thrown onto the wrong side of the road to negotiate this turn off left. Additionally, in respect of public transport, the subsidies paid by the Council for these services is certainly a significant amount of money per year.
- Community Transport - It is reported in this document that the forecast from census data is that about 20 people elderly or disabled who might live on this site would need to use a community transport service (currently Community Transport Wyre Forest). Richborough has been asked and agrees to make a one-off contribution of £7500 towards this service – which we feel is woefully inadequate, to ensure continuity of transport services into the future, particularly bearing in mind that this plan is supposed to be a steer up to 2036.

21/0421/OUT

- Street Lighting - In this document there is mention of street lighting and its negative effect on wildlife.
- The DEFRA MAGIC website (<https://magic.defra.gov.uk>) shows four designated sites within 2km of the site. This includes Habberley Valley Local Nature Reserve (LNR) approximately 300m to the west; Blakemarsh LNR approximately 220m to the north-east; Devils' Spittleful Site of Special Scientific Interest (SSSI) approximately 1.2km to the south and Puxton Marshes SSSI approximately 1.4km to the east. These sites should not be seen in isolation but as part of a whole – and this field is an important part of the natural corridor.
- Travel Plan has been prepared and submitted as part of the application. The applicant states within the Travel Plan document on page 9 that “appropriate (3 year) baseline target for the site is a reduction in peak hour single occupancy car trips of 5% to be transferred to other modes”. However, we feel that the proposed development is based solely on transport by private car and individual car usage is inevitable. – In essence, it is a commuter development. This goes back to the Council’s own Sustainability Report ED58 that found many negative features in the proposed site, and we reiterate that we are very opposed to the development taking place at all and wish to see the site retained as Green Belt, and a buffer between Kidderminster and the village of Low Habberley.

2.4 Highway Authority – No objections subject to conditions (Conformity with submitted Details, Cycle Parking, Construction Environmental Management Plan (CEMP), Electric Vehicle Charging Points, Residential Travel Plan), Informative (Alteration of Highway, Section 278 Agreement, Section 38 Agreement Details, Drainage Details for Section 38, Protection of Visibility Splays, Works Adjoining Highway, Temporary Direction Signs to Housing Development, Construction Environmental Management Plan (CEMP), Public Rights of Way obligations) and planning obligation of £7,500 towards Community Transport Services.

The responses received from the Highway Authority (dated 24/01/2022, 28/03/202 and 04/06/2022) are summarised as follows:

- a. General Layout – The previous Highway Authority response stated that ‘the masterplan shows an area identified as ‘The Square’. It is noted that the proposed use of divorced footways from the carriageway requires excessive amounts of highway land without highway use. The implications of this should be considered.’ The applicant has confirmed that ‘The Square’ provides a place making function within the development, that the planning application is in outline, the masterplan is illustrative, and details of the site layout will be determined at the reserved matters stage. In addition, the road layout will be subject to the Section 38 approvals process. The Highway Authority agrees that these details can be considered in the context of a future Reserved Matters (RM) application. The applicant should therefore note the concerns and ensure that they are fully addressed at that stage.
- b. Trip Rates - When responding to the scoping study concern was expressed that trip rates selected from the Trip Rate Information Computer System (TRICS) database were considerably lower than what would be expected locally. In response the applicant has revised the assessment with new analysis that predicts that the development will generate a maximum of 76 two-way trips in any peak

21/0421/OUT

period. This equates to just over one additional vehicle on the network every minute. The Highway Authority are now content with the site selection and consider this level of trip generation appropriate for the scale and location of the proposed development.

- c. Drainage Strategy - The applicant was asked to provide a Drainage Strategy report to clarify whether the most appropriate drainage solutions for the development are proposed. The drawing (PJSL20-09-001 - rev C) appears to show that Sewers & Drainage Systems (SWS) will connect to an attenuation basin. However, the Highway Authority cannot see the required outlet. It is currently unclear whether Severn Trent Water (STW) will be adopting onsite drainage. This should be clarified at Reserved Matters stage. However, the applicant should note that if the onsite drainage is not to be adopted by STW the Highway Authority will be unable to adopt the onsite road network.
- d. Lighting Strategy - Previous advice requested that a street lighting assessment be carried out, not only for the proposed development but also Habberley Road and Low Habberley roundabout. The applicant should engage a competent lighting engineer to produce an assessment complying with the latest WCC Street Lighting Design Guide (SLDG) and take account of the promoted new speed limits. WCC also stated "additional engagement must be undertaken by the applicant with an ecologist. This is especially important given that the area is known for its bat foraging routes. This item can form a planning condition". The applicant has responded that a lighting assessment will be undertaken at detailed design stage. A condition for street lighting will be required.
- e. Visibility Splays – Previously the applicant was asked to illustrate appropriate junction and forward visibility envelopes on all junctions and links within the development. The applicant states that, as the layout is illustrative, details of internal visibility splays will be provided at the detailed design (RM) stage. The applicant goes on to state that "this can be informed by the relevant standards/guidance and conditioned as part of the planning application". The Highway Authority agrees that details of internal visibility splays can be considered in the context of a Reserved Matters application. The applicant should therefore note the following and ensure that they are fully addressed at Reserved Matters stage:
 - individual drawings of each junction and crossing should be provided showing the recorded 85th percentile speeds and the dimensions of the visibility splays proposed.
 - information submitted to date is confusing. It is unclear what survey for each situation has been used.
 It would appear at first glance that some splay dimensions are based on the speed limit whilst some are based on 85th percentiles.
- f. Vehicle Tracking – The applicant has provided a series of drawings (ref T18609.002 rev C and T18609.004 rev E) which illustrate that an Olympus – 6x4 (10.5m) refuse vehicle can navigate within the site successfully. In addition, the applicant has provided a swept path assessment of the site access junction using a 4-axle 12m refuse vehicle. The drawings demonstrate that these vehicles can also access the site using the carriageway width available. The Highway Authority is satisfied that its' concerns have been addressed.

21/0421/OUT

- g. Access - Previous highway's advice on this application requested additional information/clarification of the proposed emergency pedestrian/cycle access to Habberley Road. The Highway Authority are now satisfied with the proposed site access points including the emergency pedestrian/cycle access that will be controlled by collapsible bollards. A financial contribution of £5,000 to fund the Traffic Regulation Order Process to control use of the proposed emergency access is required.
- h. Pedestrian and Cycle Movement – The applicant proposes a 3.0m wide pedestrian/cycle link into the site and around the Habberley Road/Low Habberley roundabout as shown on drawing T18609.005 Rev C. This complies with Local Transport Note (LTN) 1/20 (July 2020) and Table 6-3 (Page 68) where guidance states that a 3.0m width is sufficient where cycle flows are under 300 per hour. Pedestrian/cycle data collected by the applicant as part of the Walking, Cycling and Horse-Riding Assessment & Review (WCHAR) show that 27 cyclists passed through the junction during a 12-hour day (07:00-19:00). Consequently, the applicant has successfully demonstrated that the proposals comply with national guidance and that the proposals shown on drawing T18609.005 Rev C are appropriate.
- i. Bus Provision - As referenced within Subsection 4.22 of the Transport Assessment, the proposed development benefits from a reasonable provision of bus services within proximity to the site. All provide access to the centre of Kidderminster, from which connections to a significant number of additional services are available. It should be noted that the Route 4/4A services, which provide 4 trips per day in the morning and evening peaks, are subsidised and receive a combined subsidy of £113,000 in 2018-19. The 297 service, operating every other hour in each direction, is subsidised by Shropshire and links Bridgnorth with Kidderminster. The service is adequate but dependent on availability of subsidies. The Highway Authority previously stated that 'There is a case for Community Transport to provide services for Disabled and Elderly residents who are unable to access bus services to discharge the Council's obligations under the 1985 Transport Act and 2010 Equalities Act. There would be the potential for 20 users, based on census data, which would warrant a contribution of £7,500 to provide this service.' In addition, a financial contribution of £2,000 towards the provision of bus stop flag and pole at Coningsby Drive is required to improve access to bus services.
- j. Highway Safety - In order to establish road safety conditions on the highway network in the vicinity of the site, the applicant has obtained Personal Injury Accident (PIA) from Worcestershire County Council for the latest five-year period available (01/09/2015 to 31/08/2020). A review of the latest accident data concludes that there are currently no highway design and safety issues within the vicinity of the site
- k. Construction Management Plan - Pre-application advice highlighted that the TA should "consider the construction traffic implications of the proposal, it should include an assessment of the number of construction vehicle movements, the time of day, buildout duration and any mitigation including draft construction environment management plan". The planning authority recognises that the

21/0421/OUT

development itself is still within the early stages of planning. The applicant's view that once a contractor is employed a Construction Environmental Management Plan (CEMP) will be implemented for the proposed development is noted. In addition, within the submitted information the applicant states that the gas pipeline operator has stated that "there needs to be another access onto Habberley Road to allow for a pipeline excavation, thus closing off the main access way". Taking the above information into account, the Highway Authority deems it appropriate for the applicant to provide an outline CEMP, setting out the proposed hours of operation, routing, access proposals and site details. This will ensure that the development itself will not restrict the overall construction process. Therefore, production and implementation of this will then form a condition for planning consent.

- l. Parking - The Illustrative Layout included in Appendix D shows how a variety of car parking solutions could be used in different locations in response to the different street typologies and settings created by the structure of the scheme. However, it is the opinion of the Highway Authority that unallocated parking bays do not seem necessary and will only provide additional future maintenance and possible indiscriminate usage. The Highway Authority requested that "to encourage the use of electric vehicles, each dwelling should be fitted with an electric vehicle charging point, which should be retained for the lifetime of the development". The applicants have confirmed their agreement with this. Electric vehicle charging points at each dwelling should be secured by condition.
- m. Public Rights of Way - The Highway Authority notes that the applicant has taken the bridleway and wider rights of way network into consideration when preparing the residential masterplan. The proposal should have no significant detrimental effect on the public right of way provided the applicant is aware of and adheres to the following obligations:
 - The safety of the public using the right of way is to be ensured at all times.
 - No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
 - There must be no diminution in the width of the right of way available for use by the public;
 - Building's materials must not be stored on the right of way.
 - Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way; and
 - No additional barriers are to be placed across the right of way. No stile, gate, fence, or other structure should be created on, or across, a public right of way without the written consent of the Highway Authority.

Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if the development cannot be carried out without temporarily closing the public right of way for the safety of the public during works, application should be made at least 8 weeks in advance to the Public Rights of Way Mapping Team at Worcestershire County Council.
- n. Speed Limit Habberley Road - In their previous submission the applicants proposed that, from the point on B4190 Habberley Road south-west of Canterbury Road, where the existing change from 50ph to 40mph occurs, it should be reduced further to 30mph and continue at that reduced limit to the existing speed limit changes on the 3 other approaches to the Habberley Road/Habberley Lane/Low Habberley roundabout. Having considered that proposal in relation to terms of

21/0421/OUT

highway design standards and guidance, the future character of the route post development, and local policy, Highway Authority safety engineers concluded that a reduction in speed limit on Habberley Road would be unwarranted and that, if the proposed development receives consent, the existing 40 mph limit will remain appropriate and in full compliance with current guidance. The Highway Authority is satisfied that the current speed limits are suitable for the highway conditions that will apply if the development goes ahead.

- o. Travel Plan - The Highway Authority requested the applicant to make amendments to the Travel Plan that had been submitted in support of the application. However, in lieu of this, the applicant has accepted WCC's offer to provide personalised Travel Plans to each household, including a Welcome Pack and incentives where needed. This Personal Travel Planning service requires a financial contribution of £200 per dwelling.

2.5 WCC Minerals Team – No objection and agree with the conclusions of the Minerals Resource Assessment, that a condition would be an appropriate way of ensuring safeguarding in this instance.

2.6 Countryside and Parks Manager - No objection. On site habitat is poor, mitigation wildflower planting demonstrates 3%. The current hedgerow condition is poor, and development will look to do considerable works to improve the hedgerows ecological value on site. Possible ground nesting birds on adjacent fields have a good population of skylark. Site currently a dense crop of wheat but was previously earth and a crop under plastic sheeting so it can be argued that the development would only have a marginal impact on skylark populations as it's only on the odd occasion the field provides any habitat of use to this species between growing crops and there is a large amount of suitable habitat in the adjoining fields and surrounding area. Improvements to hedging will also greatly benefit birds in general. In terms of brown hare, the application site is intensive agriculture most of the time. On occasion habitat of use might exist. Brown hares are highly mobile and will use the surrounding habitat. Hedging and wildflower planting will add to available permanent habitat. A Construction Environmental Management Plan (CEMP) for Ecology will ensure no direct harm to brown hare population. The site has been surveyed for bats and no bat roost have been identified on site. Lighting will need to be conditioned to ensure dark corridors to look after commuting and foraging routes, particularly along the western hedgerow. The survey results found no badger setts and the CEMP will protect itinerant badger from direct effects.

In respect of the impact on Habberley Valley, a financial contribution to create paths to help guide visitors away from sensitive areas would be necessary. Habberley Valley had 80,000+ visits per year in 2017 and therefore the additional visitors arising from this development would not result in a significant impact given that the Local Nature Reserve already experiences a high number of visitors. The financial contribution would also provide enhanced wildlife trails to help direct and educate people about nature conservation.

In addition of the conditions for lighting and CEMP, it would be necessary to ensure the decompensation, mitigation and enhancement measures identified in the

21/0421/OUT

ecological impact assessment are implemented and if works have not commenced by May 2023, then addition ecological survey of the site will need to be undertaken.

- 2.7 Community Led Housing Co-ordinator – No objection and advises that 2 self-build and/or custom-build plots would accord with Policy SP.12 of the Wyre Forest District Local Plan and notes that 16 households of the 37 on the WFDC register have requested a plot in Low Habberley.
- 2.8 Arboricultural Officer – No objection and advises that the proposed development would not have any major impact on any of the arboricultural features on the site. Could I draw your attention to the AMS in appendix 5 of the AIA by Lightwoods Green Ltd. This is a good illustrative plan showing proposed the Tree Protection for the development and mitigation for the areas of the proposed walkway/footpath around the site, that are located within the RPAs of some of the protected trees. It's important that this document is adhered to, if permission is given. I'm satisfied with the proposed density and species choice for the new tree planting on the site. The reserved matters application would require a detailed planting plan and management plan that should include at least 3 years tree establishment.
- 2.9 North Worcestershire Water Management Officer – No objection subject to conditions. They advise that they have now reviewed the revised Flood Risk Assessment (Rev E) which now includes a correctly executed water quality assessment using the simple index approach. This assessment demonstrates that the proposed basins will provide sufficient treatment, providing the infiltration basins contain a minimum 300mm depth of soil with a good contaminant attenuation potential and are well planted with appropriate species. These design details can be arranged via condition.

Based upon this latest submission I believe that there would be no reason to withhold approval of this application on water management grounds, providing that a number of detailed surface water drainage conditions get attached.

- 2.10 NHS Herefordshire and Worcestershire Clinical Commissioning Group – No objection subject to a financial contribution of £46,920 because the development would have an impact on primary healthcare provision in the area and the proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.
- 2.11 WCC Children First – No objection subject to a financial contribution of £388,844. The contribution will be used to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure to support Early Years Provision within the Bewdley area and to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure at Wyre Forest School or any other school in the area providing an SEND resourced base.

Early Years Phase – A contribution of £216,744 would be secured. The Local Authority has a statutory duty to secure, as far as is reasonably possible, sufficient places for children aged 2,3 and 4 to claim their entitlement to funded nursery

21/0421/OUT

education. In addition, the Local Authority should secure sufficient childcare for working parents. The sufficiency of places is calculated each term and in Autumn 2020. The current assessment showed an insufficiency of early years' places in the Wribbenhall and Arley Ward throughout the academic year. A development of 124 dwellings is estimated to yield 14 pupils (full-time equivalent places) on average across the early years' phases of education. The proposed development will put additional pressure on early years provision in the area.

Primary Phase – A contribution of 72,248 would be secured. With regards to mainstream primary school provision, 124 dwellings are estimated to yield 43 primary age pupils equating to 6 pupils on average per year group. Upper Arley CE Primary School was rated Inadequate by Ofsted in March 2019; in response the school converted to an Academy in April 2021. Currently, there are 61 pupils on roll at Upper Arley CE Primary School. Upper Arley CE Primary has some capacity to admit the number of pupils likely to be generated from this development. It is anticipated there will be migration between schools to account for demographic movement and parental preference. Current analysis indicates that Upper Arley CE Primary School is a net exporter of pupils. As of October 2020, there were 72 pupils living in the Upper Arley CE Primary School catchment area who were on roll at a state funded school. 56% of pupils living in the catchment area attend the catchment area school. Of the pupils that attend Upper Arley CE Primary School, 66% of pupils live within the Education Planning Area (EPA). The school currently offer more pupil places than there is a requirement for, and this provides opportunity for migration from outside the EPA.

Bewdley Primary School is a popular school with families living in the area. In September 2020, the Published Admission Number (PAN) for the school increased from 45 to 60 thus increasing the capacity from 315 to 420. Currently, there are 415 pupils on roll at The Bewdley Primary School. The increased PAN is currently working through the school and at present there are more pupils on roll than the PAN that was published for the point of entry into Reception. The school was rated Good by Ofsted in May 2019. Bewdley Primary has minimal capacity to admit additional pupils. It is anticipated there will be migration between schools to account for demographic movement and parental preference. Current analysis indicates that The Bewdley Primary School is a net importer of pupils. As of October 2020, there were 262 pupils living in The Bewdley Primary School catchment area who were on roll at a state funded school. 77% of pupils living in the catchment area attend the catchment area school. Of the pupils that attend The Bewdley Primary School, 88% of pupils live within the Education Planning Area (EPA). The school currently offer more pupil places than there is a requirement for, and this provides opportunity for migration from outside the EPA. St Anne's CE Primary also serves the area and correspondingly from September 2021, St Anne's CE Primary School will reduce their PAN from 45 to 30; operationally and organisationally this is a better number for the school to manage and resource. Current pupil numbers and pupil forecasts support this move. The school was rated Good by Ofsted in February 2020. Current analysis indicates that St Anne's CE Primary School is a net exporter of pupils. As of October 2020, there were 284 pupils living in St Anne's CE Primary School catchment area who were on roll at a state funded school. 54% of pupils living in the catchment area attend the catchment area school. Of the pupils that attend St Anne's CE Primary School, 84% of pupils live within the EPA. The school currently offer more places than there is a requirement for and provides opportunity for migration from outside the EPA. This is being addressed

21/0421/OUT

by publishing a lower PAN and overtime will address the balance. On conclusion, this development is set to yield 6 pupils on average per year group. The extant planning application 21/0097/OUT for 100 is set to yield 4 pupils on average per year group. Forecast pupil numbers indicate a sufficiency of places in the longer term.

Secondary Phase – A contribution of £99,852 would be secured. 124 dwellings are estimated to yield 29 pupils across the secondary phase of education, equating to 5 pupils on average per year group. The Bewdley School and Sixth Form is a Foundation School and is the only high school serving the EPA. There are currently 851 pupils on roll in Years 7 - 11 at The Bewdley School and Sixth Form. The school was rated as Good by Ofsted in September 2019. The Bewdley School and Sixth Form is a popular School which has very little capacity to admit any additional pupils likely to be generated from extant permissions and this development. However, current analysis indicates that The Bewdley School is a net importer of pupils. The school currently offer more pupil places than there is a requirement for and provides opportunity for inward migration from outside the EPA. 580 pupils live within the catchment area. 87% of pupils living in the catchment area attend The Bewdley School and Sixth Form. Of the 852 pupils on roll, 60% attend from within the catchment area, 24% attend from the Kidderminster area, 14% attend from the Stourport area, 1% attend from other schools across the County and 1% attend from out of County. The Bewdley School and Sixth Form has very little capacity to admit the number of pupils likely to be generated from this development. However, it is anticipated over time that families moving into the area who apply on time and at the point of entry are more likely to be able to secure a place at the catchment school. On conclusion, this development is set to yield 5 pupils on average per year group together with the recently submitted planning application 21/0097/OUT for 100 set to yield 3 pupils on average per year group, indicates that The Bewdley School and Sixth Form has sufficient capacity to accommodate in area pupils.

SEND Wyre Forest School opened on its present site in September 2015, offering 220 places from Reception to Year 13. A further 5 places were added in 2017.

- 2.12 WCC Rights of Way Officer – No objection and advises that the definitive line of Kidderminster Foreign bridleway KF-573 is adjacent to but outside of the south-western boundary of the application site, and the Habberley Valley Circular Walk follows the same route. We note that the applicant has taken the bridleway and wider rights of way network into consideration. The proposal should have no significant detrimental effect on the public right of way provided that the applicant is aware of and adheres to the County's Public Rights of Way obligations. It is further noted that a Definitive Map Modification Order (DMMO) application has been submitted in relation to the existing unmade route that runs around the edge of the site. I've compared the plans we have on file from the planning application with the claimed route and there appears to be no obstruction by the development. It is also noted that there is a proposed recreational route around the perimeter which is on a similar line to the claimed route (although not exactly) - with this in mind, you may wish to amend it to match the claimed route as, if the application were to succeed, you could end up with both.

[Officer comment – A Definitive Map Modification Order (DMMO) application relating to the unmade dirt route around the inner edge of the application site was submitted to

21/0421/OUT

Worcestershire County Council and a decision on this application is pending. In response of this DMMO application, the applicant has amended the Masterplan to show that the proposed recreational route would align with the route that currently exist and is subject to a DMMO application]

- 2.13 Worcestershire Regulatory Services (Noise Officer) – No objection subject to a condition to require an updated Noise Impact Assessment as part of the reserved matters application for layout. It is advised that the submitted assessment indicates that road traffic noise, impacting the proposed development, can be mitigated with appropriate glazing and ventilation systems for internal areas and acoustic fences for some of the garden areas.
- 2.14 Worcestershire Regulatory Services (Potential Contaminated Land Officer) – No objection subject to a condition to require appropriate site investigation and remediation if unexpected land contamination is found during the development. It is advised that they have reviewed the above planning application for potential contaminated land issues, the proposed site comprises a single arable field and the historic maps show that this has been its only use. The Planning Statement says that there are two oil pipelines running north to south across the centre of the site; one is active, and the other has been abandoned and can be removed.
- 2.15 Worcestershire Regulatory Services (Air Quality Officer) – No objection subject to a condition to require an air quality assessment to be submitted prior to the commencement of development. The condition would require an assessment on the impact of the development to be undertaken on local air quality and relevant sensitive receptors, the impact of existing local air quality on the development and relevant sensitive receptors and any necessary mitigation to be submitted to and agreed in writing by the Local Planning Authority.
- 2.16 Severn Trent Water – No objection subject to a condition to require final details of the disposal of foul and surface water to be submitted and agreed prior to development. Severn Trent Water also advise that there is a public 150mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

It is further noted 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

21/0421/OUT

significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Catchment team specific comments: Located with SPZ3 of several active groundwater sources. Ensure EA guidance and best industry practices are employed. Best practice construction methods and mitigation measures should be developed and presented in a Construction Environmental Management Plan for the Proposed Development, which should be agreed with the local planning authority in advance of construction commencing.

Part of the land is potentially within the Middle Severn priority surface water catchment, no risk identified assuming best practice is followed. >500m from river.

- 2.17 Natural England (second response to updated Ecological Walkover) – No objection. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.
- 2.18 Conservation Officer – No objection and notes that the site was identified in the emerging Wyre Forest Local Plan as site ref: WA/KF/3. The heritage impact assessment for that site produced by WFDC and included within the Heritage Evidence Base for the Local Plan identified several undesignated heritage assets within the vicinity of the site, although none on the site itself. It was noted that the site is in a landscape of former open heath that has been associated with prehistoric occupation. Of the undesignated heritage assets High Habberley House WSM61521 & WSM53871 is deemed to have some aesthetic and historic value and has low/medium significance as the core of an historic farmstead. The Heritage Evidence Base suggested that the setting of High Habberley House should be buffered with a lower density of development and enhancement of hedgerows and visual softening to the west, and although this is an outline application the indicative layouts show that this is feasible.

The applicant has undertaken a desk-based archaeological assessment (DBA) to identify the significance of heritage assets which might be affected by the development and has produced a heritage impact assessment. This accords with the NPPF paragraph 189. The applicant has also produced a landscape and visual appraisal (L&VA) which illustrates key views to and from the site. It is interesting to note that there has never previously been any development on this site, whereas the remainder of the B4190 has been developed on both sides through Franche.

Perhaps therefore the most significant impact of development on this site is the loss of the existing historic views of the village of Low Habberley from the B4190 road, as per Photo viewpoint 4 (page 13 of the Landscape and Visual Appraisal). This view does include limited glimpses of the Grade II listed Low Habberley Farmhouse, but the corresponding view, (Photo viewpoint 7) is somewhat obstructed by vegetation and

21/0421/OUT

development in Low Habberley itself. Overall, the impact on the setting of Low Habberley Farmhouse is negligible and the significance of the farmhouse remains undiminished as stated in paragraph 7.4 of the DBA. This view does include limited glimpses of the Grade II listed Low Habberley Farmhouse, but the corresponding view, (Photo viewpoint 7) is somewhat obstructed by vegetation and development in Low Habberley itself. Overall, the impact on the setting of Low Habberley Farmhouse is negligible and the significance of the farmhouse remains undiminished as stated in paragraph 7.4 of the DBA.

The DBA then considers the significance of and impact of development on the setting of High Habberley House, an undesignated heritage asset.

Unfortunately, the L&VA is somewhat selective in its choice of viewpoints west, in that Photo viewpoint 1 is from the middle of a housing estate and shows nothing much at all and Photo viewpoint 2 is blocked by a large tree whereas clearly a much better view across the site would have been obtained by standing just to the left of the tree on the pavement there. That notwithstanding there is no intervisibility between the site itself and High Habberley House, owing to the dense hedge and tree screen at the west end of the site and further buildings occupied by the care home, (as noted in the DBA at paragraph 6.12), thus the DBA considers the site makes no contribution to the significance of High Habberley House (derived from its setting). I agree with this analysis. The southern buffer shown in the indicative layout further reduces the potential for development to impact on High Habberley House should some of the existing tree screen be lost in time.

I therefore agree with the conclusion of the DBA at paragraph 8.2: "... there are no designated heritage assets in the study site, and that the proposed development will have no impact upon any designated, or non-designated, heritage assets in the surrounding area".

In this respect therefore, the proposal therefore complies with WFDC Policy SAL.UP6.

[Officer comment – Policy SAL.UP6 of the Site Allocations and Policies Local Plan 2013 has now been replaced with Policies SA.20 and DM.23 of the Adopted Wyre Forest District Local Plan].

- 2.19 WCC Archaeology – No objection subject to conditions to require a written scheme for site investigations and recording of potential archaeology. It is stated that there are no known heritage assets within the proposed development. The application includes a desk-based assessment outlining the potential archaeology on the site. I concur with the conclusion of the DBA that there is nothing that indicates high potential within the site. However, I would class the archaeological potential as moderate, not low. The site lies at the junction of two roads that are likely Medieval or earlier in date. Habberley Road is the main link between Franche and Wribbenhall: both documented medieval settlements. The relatively straight alignment of the road suggests it originated at a time when the landscape setting was dominated by unenclosed heathland. Habberley Lane links Low Habberley and Kidderminster, also both documented medieval settlements. The development site lies at the crossroads of these two routeways on the crest of the hill (more of a north-south ridge). The land drops off steeply to the west into Habberley Valley. It would be good ground for

21/0421/OUT

prehistoric activity overlooking the valley, although I accept that the record for the Neolithic long barrows just to the south is poorly evidenced. Roadside settlement also could be expected, particularly in the north-eastern corner at the crossroads of the two routeways.

It is recommended therefore that a programme of archaeological work is secured as a condition of outline consent. This should include geophysical survey, trial trenching and possibly field walking. Should archaeological features be uncovered then further work would be needed following the evaluation stage. 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 two conditions in relation to archaeology are attached to any decision notice if mindful to approve the application.

- 2.20 WCC Landscape Advisor – No objection subject to conditions to require a Landscape Scheme, Landscape Management Plan and Method Statement detailing creation of semi-natural habitats, and tree, hedgerow and scrub planting and establishment. It is advised that they welcome the reduction in housing numbers, compared with the pre-application proposal, which is now closely aligned with the figure stated in the site allocation. This has provided more flexibility to deliver landscape enhancements and a more effective buffer at the southern part of the site. The Landscape and Visual Assessment has addressed all of the key matters that will result from the development of this site. Viewpoint 4 of the LVA illustrates the current long-range view across open countryside towards a wooded upland horizon, and this view in particular demonstrates a need for careful landscape planning in order to integrate the scheme with both the existing settlement edge and Sandstone Estatelands rural landscape beyond.

The illustrative layout demonstrates the applicant has addressed matters concerning the southern part of the site, and this is supplemented by the landscape strategy that sets out landscape design objectives of which I broadly support. Two points I would like to flag here concern the proposed hedgerow planting and new grassland. *Prunus spinosa* is part of the suggested hedgerow species mix. It is a justified inclusion that delivers biodiversity and landscape benefits. However, it can become dominant and therefore I recommend that its inclusion should not exceed 10% of the overall mix. In terms of the suggested grassland mixes, I will defer to the recommendations of ecology consultees, however, the suggested mixes are suitable from a landscape perspective. Nonetheless, given there will be areas of substantive new, thickened hedgerow planting and tree planting, I recommend these features are considered for underplanting with Emorsgate EW1 (woodland ground flora) or EH1 (hedgerow base mixture).

21/0421/OUT

The measures discussed above, along with all other detailed landscape design, specifications and management can be secured through an appropriately worded condition for a Landscape Management Plan. It may, be expedient to broaden the scope of the condition to be a Landscape and Ecological Management Plan, to secure linked landscape and biodiversity objectives.

[Officer comments – The application has been submitted at outline stage and therefore details relating to landscaping would be matters to be considered at reserved matters stage and therefore it is unnecessary to attach conditions at this stage to require landscaping details and management plan and a method statement]

- 2.21 Worcestershire Wildlife Trust – No objection subject to conditions to secure Construction Environment Management Plan (CEMP), external lighting details, SUDS, and a Landscape Environment Management Plan (LEMP). We note the contents of the various associated documents and in particular the findings and recommendations set out in the EclA by Ramm Sanderson. We also note that the site falls close to Habberley Valley Local Wildlife Site (LWS). In view of the findings set out in the ecological report, and the fact that the site is allocated for housing in the emerging Local Plan, we do not wish to object to the application. However, to protect and enhance biodiversity in line with the biodiversity net gain commentary included therein, and to meet planning policy expectations and your legal obligations, we would strongly recommend that you append conditions as suggested.

Neighbour/Site Notice Representations

- 2.22 1 letter of support received from a nearby occupier and the following was made:

- Additional homes will support local businesses and shops
- Need more affordable homes for young families
- Attract young growing families into the area
- Increase property prices in the area which is a good thing for homeowners

- 2.23 618 objections have been received to the application. This includes 526 online objections and 92 objections received by email or letter. The objections are summarised as follows:

- Rich flora and fauna with protected species such as skylarks, buzzards, Tree sparrows, house sparrows, goldfinch, linnet, meadow pipet, Lapwing, red leg partridge, starlings, kestrel, hedge sparrows, bats, newts, foxes, badgers, rabbits, butterflies, and bumble bees would be harmed.
- Skylarks nest in the fields and are on the RSPB red list due to their rapid decline.
- The Oak tree is used as a roost for bats and the hedgerows and field provide foraging for bats.
- Increased artificial light which would greatly disadvantage the survival of the local bat population.
- Insufficient ecology assessment.
- Site provides field mice which provides food for wildlife.
- Habitats and ecosystems will be severely damaged and destroyed beyond repair.

21/0421/OUT

- Site provides a buffer to Habberley Valley and the development is far too close to this nature reserve. Habberley Valley Nature Reserve is an area of regional importance, being part of the county's most important complex of lowland heath land and providing a home to significant species of flora and fauna, in particular it provides a habitat for woodpecker, tawny owls, buzzard, sparrowhawk and reptiles such as the slow worm and adder. The valley is also made up of a wooded area, and in particular Bilberry woodland which provides a habitat ideal for some of the county's rarest moth species.

The proposed housing would cause significant harm to this important nature reserve due to increased human disturbance to the nature reserve and also the water table will be badly disrupted, which could turn the nature reserve in a muddy pit.

- The site is 220 metres from Blakemarsh Local Nature Reserve.
- Development is contrary to the Environment Bill as it requires 10% biodiversity net gain.
- Need to preserve nature and the countryside for future generations.
- Loss of trees.
- 4 Oak Trees that have a Tree Preservation Order could have roots damaged during construction which would make them unstable and then the developer would have an excuse to remove them.
- Not a robust assessment of the potential for archaeological remains as it fails to mention that the site has historical significance as it was the site of an English Civil War skirmish, and many items of interest have been found covering hundreds of years of our history.
- The landscape and location of this site, specifically its proximity to Wassell Wood earthwork, is historically valuable to our community.
- Brexit and the worldwide pandemic will mean considerable demographic change and the local plan should be updated to reflect this.
- Britain has enough Brownfield Land to solve the housing crisis. In a recent analysis of Brownfield Land Registers, carried out by the Campaign to Protect Rural England, it has been discovered that there is enough space on brownfield sites to build at least one million new homes. Due to the nature of brownfield sites, many of these potential sites are in areas with high housing needs.
- Pandemic has accelerated the hollowing out of the town centre, leaving offices and shops standing empty and the council should consider redesignating much of the town centre as dwellings as this would not only ease the housing issues but make the town centre a more vibrant place.
- Many vacant brownfield sites in Kidderminster that should be prioritised for housing development, especially in the town centre including Woolworths, the old Glades and car park.
- Ministry for Housing, Communities and Local Government (MHCLG) emphasised that councils should prioritise brownfield sites for redevelopment.
- Councils should not allow developers to 'land bank' brownfield sites and sit on them for years and do nothing with them.

21/0421/OUT

- The site has only been proposed as potentially being allocated but this is not yet adopted policy, as such there is no guarantee that the site will be removed from the Green Belt, or the proposed site allocation carried forward into the new Local Plan.
- In the examination of the Wyre Forest District Local Plan document ED6 contains the Inspector's initial queries and points for consideration by the Council which said that the release of the local level, site specific exceptional circumstances was not justified to release individual sites from the Green Belt including this site.
- Every assessment undertaken for the Local Plan Review found that this site provides a significant positive contribution to the Green Belt.
- The Planning Statement is overall weak and generic and highly questionable and there are no benefits for the local area only harm to the openness of the Green Belt.
- Planning Statement states that the site is currently designated as Green Belt and therefore the proposals represent inappropriate development.
- No exceptional circumstances which have been fully evidenced and justified to allow changes to the Green Belt boundary, contrary to the NPPF and the current adopted Development Plan.
- Contrary to the 5 purposes of Green Belt (NPPF).
- Government announced 19/05/2021 that no building will be allowed on greenbelt land.
- Loss of green belt which would have the following consequences: Loss of tourism, or more specifically Agri-tourism; lead to a domino's effect on other greenfield sites being developed for housing; ruin the natural green belt barrier and cause encroachment into the countryside and merging of Kidderminster with Low Habberley which would lead to loss of identity to Low Habberley hamlet; and lead to urban sprawl.
- Draft Policy wording of the Local Plan is inaccurate as it states that the site is well contained by solid boundaries on three sides – this is very inadequate and totally unreasonable ground to propose a major housing development on an undeveloped open field in the Green Belt.
- Development should be considered against current adopted policy, to which they are wholly contrary to.
- Development of the site would not constitute 'rounding off', despite the presence of development at Coningsby Drive to the northeast which creates an unbounded extension into open countryside north of Habberley Lane.
- The fields behind Coningsby Drive will be next for housing.
- Small plots are not the type of houses needed and small gardens with small inside space is not healthy.
- Wyre Forest has got enough houses.
- Would not provide for the current and future needs of the community.
- Quoting from the Housing Topic Paper June 2020 ED3 Paragraph 4.5 which states that, "Amongst people already living in Wyre Forest, deaths are projected to outnumber births by 2,374. Population Growth coming from 7,543 people moving into the area from other areas of the UK, the over 65s accounting for 85% of this

21/0421/OUT

growth. The vast majority of population growth is in single and two-person households”.

- Not designed to provide affordable housing for single or two person households within the local community and not designed to help youngsters get on the property ladder.
- Loss of local character, as there has been no major development in the area since the 1970s.
- Over-development and lack of amenity space, fails to meet policy requirements.
- Damage visual amenity.
- The area has a great amenity value for the existing neighbouring properties.
- Loss of views of the countryside.
- Stop people walking because it will no longer be a nice scenery.
- Fields have been used by people to walk around for years and should not be built on, as there are scores of people who regularly enjoy the fields and this beautiful area of countryside.
- Loss of countryside where you can walk freely would have a detrimental impact on people with mental health. Recent COVID-19 lockdowns have reminded us that green open spaces are important for health and wellbeing perspective.
- Wyre Forest District Council should be proud to prioritise the natural areas and biodiversity within its boundaries and aim to retain those for the future of our community, thereby making the Wyre Forest a healthy place to live for both humans and wildlife.
- This field provides a place of calm to be enjoyed by dog walks and runs and provides an escape from urban life.
- Impact on the network of footpaths.
- Irreversible loss of productive agricultural land
- Loss of farmland would impact the economy, jobs, food production, community food security, flood control, wildlife habitat, carbon banking and open space. As farmland provides fiscal stability to local governments and boosts the economy. It does this by contributing to a community's infrastructure and helps a local economy through sales, job creation, and support services or businesses. Community food security - with rising oil prices, increasing food shortages, and a changing global climate, we need to enhance and retain the ability to feed ourselves, as well as future generations, farmland is finite and irreplaceable. Good soil takes years to be created and cannot be manufactured overnight. Markets for locally grown and processed foods are expanding putting more money into the hands of farmers and rural communities. But these growing markets depend on the land remaining productive and available for agriculture. Well-managed agricultural land provides ecosystem services, such as flood control, groundwater recharge, wildlife habitat, carbon banking, and open space.
- There is a war therefore we need to protect all land for growing crops.
- Farmland is critical to protecting and promoting regional food systems programs. More and more regions and urban areas are looking to create local food systems and want to ensure there is a source of high-quality, healthy food. Not only does supporting local farms provide this, but it also provides a stable and higher paying market for these growers and decreases costs for consumers by

21/0421/OUT

decreasing marketing costs by farmers. This land has the benefit of an irrigation system and is used for food production - an important consideration in the current political climate

- 'Britain is running out of land for food and faces a potential shortfall of two million hectares by 2030 according to new research. The report, from the University of Cambridge, says the growing population plus the use of land for energy crops are contributing to the gap.
- Farmland is green space, even though many don't think of it that way. It is a significant contributor to environmental quality. Farmlands provide food and cover for wildlife, help control flooding, (There is a lack of drainage infrastructure in the area) protect wetlands and watersheds and maintain air quality. They can absorb and filter wastewater and provide groundwater recharge. New energy crops even have the potential to replace fossil fuels.
- "Agricultural land should be protected, especially now as we are no longer in the EU and UK needs to be as self-sufficient as possible.
- Council has declared a climate emergency so should not be building on farmland which is providing sustainable local food.
- Sites could be used much more sustainably by small local builders, self-builders and Cohousing.
- Grow for Britain campaign.
- A North Sea oil pipeline runs through the centre of this proposed development and the active pipeline could have safety issues during construction and how will it be maintained if properties are built over the pipeline.
- Traffic surveys were undertaken in January 2019 when the West Midlands Safari Park was closed and the 2020 traffic survey should also be disregarded having been distorted severely by the COVID-19 reduction in traffic. Other developments such as land adjacent to the Mercure Hotel, Sion Hill Middle School, Lea Castle and land at Catchems End which have been earmarked for development and the Crocky Trail adventure park should be taken into account alongside the traffic volume that would be created by this development and the impact of all these developments on the road should be considered.
- Access is close to the blind summit on Habberley Road and would be dangerous for children. It is also a B-road which experiences high traffic speed.
- Increased traffic would have an unacceptable impact on highway safety. Traffic volumes are certainly going to increase in the area with the proposed building around Bewdley, increased visitor numbers to the Safari Park, the Severn Valley Railway and Habberley Trails. There are already tailbacks from traffic at peak times as people use Habberley Lane as a rat run to Bewdley. Also, writers have stated that it currently takes 5 to 10 minutes to manoeuvre safely onto Habberley Road from Hillside Drive and that it is dangerous to use the junction off Canterbury Road due to the existing traffic congestion on Habberley Road.
- 11 reported road accidents in the vicinity of the proposed development in the last five years.
- Parking at the local primary school has been an issue for years and this development is going to further compound the issue.

21/0421/OUT

- Lack of pedestrian crossings and Habberley road is already dangerous to cross, especially if you had mobility issues. Increase risk of injury to pedestrians.
- There are children on school days who catch the school bus whose safety has not been considered now never mind with another junction to have to contend with.
- Increase risk of road accidents at the island which has already experiences a high number of traffic problems/incidents/collusions and only recently a young boy was knocked off his bike at the island.
- Site is unsustainable as there are no alternatives to car use as the train system does not support this side of the town and buses around Ferndale and Habberley area have now been severely cut or removed.
- Reducing the speed limit will not make any difference to the safety of the road.
- Need more road accesses for this development.
- Area used by walkers, horse riders, families, dog walkers.
- Not enough parking as there is never enough parking for new houses and their visitors.
- Increase volumes of foot traffic.
- Do not want this to go ahead.
- Detrimental to air pollution and light pollution would harm existing residents and nocturnal protected species.
- The carbon footprint from all the extra cars and houses will affect local nature reserve, farmland, and people with health concerns.
- Noise from cars and HGV's.
- Flooding risk to existing dwellings, proposed dwellings and of the roundabout and roads at the base of the hills. The field absorbs rainwater and filters through the sand rock. The tons of runoff water caused by structures would swamp the Habberley Lane, Habberley road junction. The area presently regularly floods. Much water flows off the adjacent fields down Coningsby Drive which becomes a stream under sudden rain bursts. The flow is exacerbated by water and sand flowing down Habberley Lane from Low Habberley The drainage is overwhelmed.
- Impact on the drainage system which already creates flooding problems. Some writers stating that the area has started to smell on rainy days due to over worked sewage system noticeably by the new builds and that Severn Trent has admitted failures of keeping the water safe due to demand in the past years.
- This is a small town without an infrastructure to accommodate more people and many of the proposed residents will travel out of Kidderminster to work as there are no substantial jobs here.
- Government just forces more housing on us with the intention of increasing the population – clearly for economic reasons.
- Communities will be weakened by this development as we don't have the social infrastructure to support such a large population.
- Strain on local amenities, schools, youth centres, hospitals, dentists, health, shopping and facilities (including no buses on Sundays).
- Local infrastructure cannot cope with the massive housebuilding projects that are already being completed all over Worcestershire.
- Need more schools.

21/0421/OUT

- Lack of public transport.
- Lack of an acute hospital and maternity services and Worcestershire health region hospitals are already struggling with capacity issues and GPs are in crisis.
- Increase crime and Police will not be able to manage this development.
- Bin met struggle getting it done already.
- Fire Station decommissioned and relocated.
- Ruin the views and would impact property values as the main selling point is the views from our house of the countryside and access to footpaths.
- Property marketing opportunities will be lost.
- Confusing about the number of dwellings proposed as some assessments submitted with the application state 124, 130 and then 140 dwellings.

- 2.24 An e-petition with 1,290 signatures (as of 5th July 2022) is currently open on [Petition · STOP the Habberley Road Development - Protect our Green Belt · Change.org](#). It is advised in this petition that 'While we are not opposed to the building of new houses, we all understand that there is a shortage of homes in the Wyre Forest and the UK in general, we are opposed to the needless destruction of green belt land for development. There are plenty of Brownfield sites throughout the Wyre Forest which are prime locations for new homes, from affordable and starter homes to luxury apartments and large houses. A huge amount of these sites are not being developed, mainly due to the "costs" that are incurred. In reality these "costs" translate to lower profits for the developers and more effort needed to prepare the land for building. We should not be in a position where we risk losing our valuable green belt land just because some businesses want to maximise profits and build on easy sites. If this development goes ahead this sets a dangerous precedent and puts more green belt land at risk, not just in Kidderminster and its surrounding areas such as Wolverley, Bewdley, Kinver, etc. but also the UK as a whole. The land proposed for this development has been included in the Wyre Forest District Council's local plan, it has been labelled as suitable to be removed from the green belt and made available for developers to submit plans. This local plan is currently under examination and if passed this land will become very vulnerable. There is a development plan prepared and ready to be submitted by Richborough Estates which will see the destruction of this land if it is allowed to go ahead. The removal of this land from its protected green belt status and its development for housing will have a huge and devastating impact on the wildlife of the area. This land is a haven for bats, badgers, house sparrow, skylarks, buzzards and numerous other animals. It is an important corridor in to the much loved and stunning Habberley Valley Nature Reserve and the wider countryside for these animals. WE MUST FIGHT THIS! Join us, sign our petition and please share it to other concerned people. Don't let our greenbelt get stolen piece by piece. This petition will be a great way for us to show our objections to the proposed development of this important land. When the time comes for official objections to be submitted to the Wyre Forest Planning Department, we hope that you will also take the time to send your objection, in writing, as they promise to give all comments careful consideration before making their decisions'.
- 2.25 A petition with 120 signatures was received from residents who oppose the building project.

21/0421/OUT

3.0 Site Location and Description

- 3.1 The application site comprises a single arable field with boundary hedgerows, scattered scrub, and trees around the perimeter of the site. The total site area measures 5.6 hectares and the site has a high point in the southwest corner (measuring 85.1mAOD) and generally slopes down to the northeast corner adjacent to the roundabout junction (to 60.4mAOD). The site is located at the north-western extent of Kidderminster and is bounded to the east by the B4190 Habberley Road, the Habberley Road/Low Habberley/Habberley Lane roundabout junction to the northeast and Low Habberley lane to the north. Existing agricultural fields are to the west and to the south is an area of woodland, a Bridleway and Hollyfields Care Home (High Habberley House). A residential suburb known as Habberley lies to the east and north of the site, on the opposite side of the adjoining roads and a small hamlet known as Low Habberley is situated approximately 330 metres to the northwest of the site, across intervening agricultural fields.
- 3.2 Within the application site there is an active underground oil pipeline and an abandoned oil pipeline that crosses through the centre of the site in a north to south direction. A high voltage 11kV overhead cable also crosses the centre of the site in an east to west direction, which would be grounded prior to the first occupation of the development. The site falls within the Minerals Resource Safeguarding Area.
- 3.3 The nearest statutorily designated ecological site is Blakemarsh Local Nature Reserve (225 metres northeast of the site), with the second closest being Habberley Valley Local Nature Reserve (LNR) (265 metres northwest). The application site has a direct link to Habberley Valley LNR via a bridleway that runs along the southern boundary of the site. Habberley Valley LNR is also designated as a Local Wildlife Site, which comprises a deciduous woodland (UK Biodiversity Action Plan (BAP) for Priority Species and Habitats and Natural Environment Research Council (NERC) habitat of principal importance). Beyond Habberley Valley, approximately 900 metres northwest of the site, is Eastham's Coppice which lies within the Honey Brook Valley near to Trimpley. Immediately to the south of the site, is a group of trees that are protected by a Tree Preservation Order (0299). The site falls within Flood Zone 1 (low risk to flooding). The nearest heritage asset is the Grade II Listed Low Habberley Farmhouse, which is located approximately 800 metres to the northwest of the site. High Habberley House, which lies approximately 60 metres to the south of the site is recorded on Worcestershire County's Historic Environment Record for its historic importance. The site falls within Grade 3 (Good to Moderate) Agricultural Land Classification.
- 3.4 The site is no longer located within the West Midlands Green Belt being removed as part of the Local Plan adoption and is allocated specifically for residential development.
- 3.5 Policy SA.K16 of the adopted Wyre Forest District Local Plan allocates the site for housing with an indicative capacity of 124 dwellings.
- 3.6 Outline consent is sought, with all matters reserved except for means of access to the site, for residential development comprising up to 124 dwellings across the site, of which 25% would be affordable housing and 2% self and/or custom build plots,

21/0421/OUT

together with public open space, landscaping, surface water attenuation and associated infrastructure. Two vehicular access points are proposed off the B4190 Habberley Road, in accordance with the site allocation policy requirements and an emergency pedestrian/cycle access would also be provided to Habberley Road. There would also be a pedestrian/cycle access to Low Habberley lane. New uncontrolled pedestrian crossings would be provided to both Habberley Road and Low Habberley lane including other highway improvements works and provision of a new bus stop flag and pole on Coningsby Drive.

- 3.7 An illustrative Masterplan has been submitted to demonstrate how the site could be developed. It shows housing development set back from the roundabout junction between Habberley Road/Low Habberley/Habberley Lane and set back from the southern and western boundaries of the site behind public open space and a landscape buffer. The proposed housing development would be split into two groups, with the largest housing group being provided in the northern part of the site, at the lowest part and where the development would form a visual connection with the existing housing development located opposite the site to the east and north. In the southern part of the site, the housing group would be limited to a small number of plots and they would be set back from the southern boundary behind a wide landscape buffer. The Masterplan shows that 40% of the site would be provided as open and green space and would include a green wedge of open space running through the centre of the site along the underground oil pipelines. The existing hedgerows and trees within the site would be retained, except for the sections of hedgerows that would need to be removed to facilitate the access points.
- 3.8 The application has been supported with a Planning Statement, Design and Access Statement, Statement of Community Involvement, Health Impact Assessment, Utilities Statement, Landscape and Visual Appraisal, Landscape Strategy, Ecological Assessment April 2021, Updated Ecology Survey, Sustainability Statement, Transport Assessment, Addendum to the Transport Assessment, Travel Plan, Tree Survey and Arboricultural Implications Assessment, Tree Protection Plan, Historic Environment desk-based Assessment, revised Flood Risk Assessment, revised Preliminary Drainage Strategy and revised Minerals Resource Assessment.
- 3.9 The Application Form has been amended with a completed Certificate of Ownership - Certificate B and the relevant notice being served to the site owner and tenant farmer.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Principle of development
- Design and Layout
- Landscape and Visual Impact
- Heritage Assets
- Biodiversity
- Trees
- Loss of Agricultural Land

21/0421/OUT

- Access and Highway Safety
- Climate Change
- Flood Risk and drainage
- Other Matters
- Planning Obligations

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The National Planning Policy Framework (the 'Framework') 2021 sets out the Government's planning policies for England and how these should be applied (para. 1) and is a material consideration in planning decisions (para. 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para. 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras. 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para. 38). It also states that the planning system should be genuinely plan-led (para. 15). The Framework seeks to significantly boost the supply of housing (para. 60) and also requires the housing needs of different groups in the community including those seeking affordable housing to be addressed and people wishing to commission or build their own homes (para. 62).
- 4.3 The Framework sets national policies on the following issues which are relevant to this planning application:
- Achieving sustainable development (paras. 7, 8, 10, 11, 12)
 - Decision making (paras. 38, 39, 40, 41, 43, 47, 48, 54, 55, 56, 57, 58)
 - Delivering a sufficient supply of homes (paras. 60, 65)
 - Promoting healthy and safe communities (paras. 92, 93, 95, 96)
 - Promoting sustainable transport (paras. 110, 111, 112)
 - Achieving appropriate densities (paras. 124, 125)
 - Achieving well designed places (paras. 126-132)
 - Meeting the challenge of climate change (paras. 152, 154-157)
 - Planning and flood risk (paras. 159-169)
 - Conserving and enhancing the natural environment (including landscape character paras. 174b, biodiversity paras. 174d and 179-181, ground conditions and noise paras. 183-185)
 - Conserving and enhancing the historic environment (paras. 194-208)
 - Facilitating the sustainable use of minerals (paras. 209, 213-214)
- 4.4 The statutory provision (as set out within Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. It is also imperative that the planning system is genuinely plan-led, as emphasised in paragraphs 11 and 15 of the Framework (Officer emphasis).

21/0421/OUT

- 4.5 The Local Plan for Wyre Forest comprises the Wyre Forest District Local Plan (the 'Local Plan'), which was adopted on 26th April 2022 and is supplemented by supplementary planning documents, these include the Planning Obligations SPD, Affordable Housing SPD and Design Guidance SPD.
- 4.6 The Local Plan sets out the minimum housing requirement over the plan period (2016-2036) to ensure the housing needs of this and future generations are met. It states that a minimum of 5,520 net additional dwellings would be required, and that Kidderminster would be expected to contribute to this minimum housing growth by delivering 1,231 net additional dwellings.
- 4.7 I note that a number of objections to this application have expressed that brownfield sites should be prioritised for new housing development over greenfield sites, with many claiming that there are enough vacant and derelict sites in Kidderminster such as the former Glades site, Woolworths, and other vacant factory sites to meet the housing requirement. I also acknowledge that the key objectives of the Wyre Forest District Local Plan are to maximise the use of previously developed land. However, it is also highlighted in paragraph 5.15 of the Local Plan that it is no longer possible to be entirely reliant on brownfield land. The housing requirement of the district is significantly greater than the availability of brownfield land and therefore some greenfield land is required for housing development. Paragraph 5.17 also states that the urban areas of the district, including Kidderminster, have the greatest housing needs and are locations where the cost of public service delivery is relatively low.
- 4.8 Policy SP.3 ('Kidderminster town as the strategic centre of the district') advises that future development needs of Kidderminster will be allocated and implemented through the Kidderminster Site Allocations policies. The application site is one of the identified sites that have been allocated for housing for Kidderminster and it is envisaged that the site would provide 124 homes (Policy SA.K16).
- 4.9 The proposed development is for a maximum of 124 dwellings and therefore the amount of development proposed is acceptable and in accordance with Policy SA.K16. The proposed development would therefore make efficient use of the land in accordance with Paragraphs 124 and 125 of the Framework and would not represent an over-development of the site.
- 4.10 Objections have also been raised on the grounds that the development would constitute inappropriate development in the Green Belt and would be contrary to the five purposes of Green Belt. I note that many of these objections were submitted prior to the adoption of the Wyre Forest District Local Plan when the site was indeed washed over by the West Midlands Green Belt. During the examination of the Local Plan, the Planning Inspectorate in their final report (paragraph 131) advised '... development of this site entails a limited extension of the town between Habberley Lane, Habberley Road and the bridleway/access to High Habberley House, and it is unlikely to lead to visual or physical coalescence of settlements'. Also, in paragraph 132, the Inspectorate went on to state 'Mature woodland on the elevated ground adjoining High Habberley House provides a strong landscape setting and will assist in containing visual intrusion into the countryside to the west. Also, the policy's requirements to supplement and strengthen the hedgerow on the western flank of the

21/0421/OUT

site will help to contain encroachment into the countryside and provide a defensible Green Belt boundary’.

- 4.11 Following the adoption of the Local Plan in April 2022, the site has been released from the Green Belt and is now allocated for housing. Therefore, local and national planning policies relating to Green Belt development are not relevant in the decision making of this application and do not apply.
- 4.12 The principle of housing on this allocated site is entirely accepted, subject to the below considerations including the potential impacts on biodiversity, landscape and other important material considerations and the site allocation requirements set out in Policy SA.K16 being met, which include:
- i. The access should be taken from Habberley Road.
 - ii. The existing hedgerows and trees should be retained and supplemented to soften the impact of development and provide biodiversity net gain.
 - iii. The development should be set back from the bridleway to protect the setting of High Habberley House.
 - iv. The rear hedge line should be strengthened to provide a new defensible boundary to the Green Belt.
 - v. The scale and design of the development should be sympathetic to the character and setting of Low Habberley.
 - vi. The impact of any development on the nearby Habberley Valley Nature Reserve and Local Wildlife Site should be balanced out through biodiversity net gain
 - vii. Proposals should specify how existing and surrounding habitats including Habberley Valley and Eastham’s Coppice will be taken into consideration. Measures to protect and mitigate for bats and brown hare should also be considered.

DESIGN AND LAYOUT

- 4.13 Whilst the layout of the proposed development is not fixed at this outline stage, the Masterplan demonstrates that a suitable development of the site can be achieved with large areas of open space within the site and landscape buffer areas to the northeast, west and south of the site to break up and soften the appearance of the housing development. The proposal would result in the loss of some existing site features, notably the short section of hedgerow to Habberley Road, however, a significant amount of new landscaping and planting is shown on the Masterplan to compensate for the loss of hedgerows.
- 4.14 The relationship between proposed buildings and garden sizes would be matters for consideration under the reserved matters application(s), however, I am of the view that an acceptable residential environment can be achieved on this site that would provide a high-quality standard of amenity for future occupiers and encourage sustainable modes of travel. Worcestershire Regulatory Services raise no objection subject to conditions to protect future occupiers from noise nuisance caused by traffic noise and to mitigate the impacts of unexpected, contaminated land that may be found during the construction phase. Worcestershire Regulatory Services have also requested an air quality assessment to be submitted to ensure appropriate mitigation can be

21/0421/OUT

implemented to offset any rise in air pollution. I am of the view that planning conditions can be used to mitigate the development's impact on potential air quality and ensure a high-quality standard of living is achieved at reserved matters stage.

- 4.15 The submitted Health Impact Assessment advises that the development would deliver a range of dwelling types (including detached, semi-detached and terraced homes and apartments) and house sizes (from 1-4 bedrooms) and that 25% of the total dwellings would be affordable housing. Also, that the development would meet the higher access standards of Part M Building Regulations (Access to and use of buildings): Category 2 M4 (2) accessible and adaptable dwellings, with a further 1 % of the total affordable housing provision meeting Category 3 M4 (3), wheelchair user dwellings standards. The applicant has also agreed to provide 2 self and/or custom-build plots. Whilst further the final housing mix and type would be agreed at reserved matters stage, I am of the view that the development would be capable of providing an acceptable mix of housing to accord with Policies SP.9, SP.10, SP.12 and SP.13 of the Local Plan.

LANDSCAPE AND VISUAL IMPACT

- 4.16 Paragraph 174 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy SP.22 'Landscape Character' of the Wyre Forest District Local Plan states that new development must protect and where possible enhance the unique character of the landscape.
- 4.17 The site comprises an arable field with a total area of 5.6 hectares that is currently being used to grow crops. The field has an existing hedgerow boundary and scattered trees along the northern boundary. There is also a group of trees, which are protected by a tree preservation order, that lie adjacent to the southern boundary of the site and screen the views of the bridleway and High Habberley House (nursing home). Open countryside that is washed over by West Midlands Green Belt lies to the west and to the northwest of the site, on the opposite side of Low Habberley Lane and is attractive countryside with open views afforded across the fields. The site itself is not Green Belt. To the north and east, on the opposite side of the adjoining roads, are houses on modern estates, located on the edge of Kidderminster town. I therefore agree with the Landscape and Visual Appraisal, that the site appears within views to the north and west against the existing residential edge of Habberley, which provides a transitional role from open countryside to built form'.
- 4.18 In terms of the visual impacts, the submitted Landscape and Visual Appraisal has considered the effects of the development from 8 viewpoints in various locations, varying in short to long distance viewpoints and has advised that 'Views are generally limited and localised within approximately 200 metres of the site, aside from a more expansive view from roads and public footpaths to the northwest. Development of the site, along with the proposed mitigation including an area of woodland, enhanced hedgerow boundaries, sensitive set-backs and housing orientations, will assist in providing a more positive residential edge to Habberley'.
- 4.19 To the south, the approach towards the site along Habberley Road first passes through a rural landscape until you reach the top of the hill when you start to pass the site and descend the hill to go down into Kidderminster. At this point, the application

21/0421/OUT

site is appreciated in the context of the suburban housing to the east and north and it is apparent you are approaching a settlement. I also consider that views of the adjoining countryside to the west and northwest would not completely be lost because of this development as the indicative site layout shown in the Masterplan includes a green wedge of open space that runs along the underground Oil pipelines that cross the site southeast to northwest.

- 4.20 To the southwest, the site can also be viewed at a short distance from the Bridleway (no. 573) through a small number of gaps in the southern boundary vegetation. To reduce the visual impact on the Bridleway it shown on the Masterplan that the housing would be set back from the southern boundary behind a substantial landscape buffer and open space.
- 4.21 To the northwest of the site is a public footpath (no. 592) which is at Low Habberley and there are also passive footpaths to the west of the site in the adjoining fields which all provide medium to long distance views of the site. However, again the site is situated against the existing built edge of Kidderminster and views of the housing would be filtered and softened by the existing hedgerow boundary and proposed tree planting. The Masterplan also shows that the housing would face outwards towards the open countryside to provide an attractive urban edge to the settlement and the retention of the field hedgerow to the west boundary would ensure a strong and defensible new green belt boundary is provided, in line with the site allocation requirements.
- 4.22 A short distance view can also be obtained of the site from the roundabout junction and as you travel onto Low Habberley Lane, however, the proposed housing development would be seen in context with the existing housing located to the north of the site in Coningsby Drive and Masterplan shows that the housing would be set back from the roundabout junction behind an attenuation basin and a wide area of open space. Also views of the development would be filtered by the existing hedgerow boundary and scattered trees along the northern boundary of the site.
- 4.23 The WCC Landscape Advisor raises no objection but advises that careful landscaping will be required to integrate the development with both the existing settlement edge and Sandstone Estatelands rural landscape beyond. It is also advised that the illustrative layout has addressed matters concerning the southern part of the site, and this is supplemented by the landscape strategy that sets out landscape design objectives.
- 4.24 I also note that the site lies within the Sandstone Estate lands landscape character type, as identified within the Worcestershire Landscape Character Assessment (2011) and within this character type it is advised that the conservation and restoration of hedgerows remains a priority and that new tree planting is recommended to help preserve the key characteristics of this landscape character type. The Masterplan demonstrates that the hedgerows around the edge of the site would be retained and enhanced with new planting and that there would be additional hedgerow and tree planting within the site to help strengthen the key characteristics of this landscape character type.

21/0421/OUT

- 4.25 To conclude, I recognise that the proposed development would cause some harm to the landscape, as it would be replacing the existing undeveloped field with dwellings and associated works. However, I consider that the effect on the landscape character would be limited as the site would be visually contained by the existing hedgerow and the proposed landscaping buffer areas and the proposed development would be seen in the context of the adjacent housing. I therefore consider that limited harm would occur to the intrinsic character and beauty of the countryside and that the long-term harm would be minimised as the new planting matures.

HERITAGE ASSETS

- 4.26 There is a statutory requirement on decision makers to have special regard to the desirability of preserving Heritage Assets or their setting or any features of special architectural or historic interest which they possess, as set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The nearest designated heritage asset to the application site is the 18th century Grade II Listed Low Habberley Farmhouse, which is situated approximately 800 metres to the northwest of the site. The submitted Historic Environment (desk-based) Assessment advises that due to the separation distance and lack of key views to or from the farmhouse, the site makes no appreciable contribution to the significance of the farmhouse through forming part of its setting. The Conservation Officer and I agree with the assessment and do not consider that the proposed development would result in harm to the significance of this heritage asset.
- 4.27 The Historic Environment (desk-based) Assessment also considers the impact on High Habberley House, which although not included on the WFDC Local Heritage List it is recorded on the Worcestershire County Historic Environment Record as being a building of historic interest. The assessment advises that there is no intervisibility between High Habberley House and the site due to the strong tree planting and high hedgerow along the southern boundary of the site. In addition, it states that there are several modern care home buildings within the grounds of High Habberley House which effectively sever its connection with the wider landscape and that the setting of High Habberley House is almost completely in isolation due to the tree planting around the building. The assessment goes on to conclude that the site is, therefore, not considered to make any contribution to the significance of High Habberley House through forming a part of its setting.
- 4.28 In addition, the site allocation policy (SA.K16) (criteria iii) requires that any development on this site should be set back from the bridleway to protect the setting of High Habberley House. I am satisfied that the submitted Masterplan demonstrates that the development would be set back from the southern boundary behind a large area of open space in accordance with the site allocation policy and that with the retention of the boundary vegetation and an appropriate site layout, there would be no material harm to the setting of High Habberley House. The Conservation Officer raises no objection to the impact of the development on the setting of High Habberley House, as a non-designated heritage asset.
- 4.29 Nearby residents have raised an objection about the submitted Historic Environment desk-based assessment being insufficient as it fails to mention that the site was part of an English Civil War skirmish and some writers objecting to this application have stated that items of interest have been found covering hundreds of years of our

21/0421/OUT

history. WCC Archaeologist have reviewed the submitted assessment and agrees with the applicant that there is nothing that indicates high archaeological potential within the site despite what has been contended by public representatives. However, the Archaeologist has expressed that the site does have moderate archaeological potential because it is located at the junction of two roads that are likely Medieval or earlier in date and whilst they have no objection to the development, they have advised that it would be necessary for the developer to carry out a programme of site investigations for potential archaeology prior to the commencement of development and to ensure appropriate recording of any archaeology that is found and to make this publicly accessible. Subject to conditions being attached to require appropriate historic recording of the site, I consider that the development would accord with Policy DM.23 of the Local Plan.

BIODIVERSITY

- 4.30 Paragraph 174(d) of the Framework requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. It is also required by Paragraph 180(a) of the Framework that when determining planning applications, that the local planning authority should apply the following principle (amongst others): if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Local Planning Authorities have a duty to have regard to conserving biodiversity as part of decision making of planning applications.
- 4.31 Policy SP.23 of the Local Plan advises that developments should support the conservation, enhancement and restoration of biodiversity. The site specific allocation policy SA.K16 also requires any development of this site to achieve biodiversity net gain and to take into consideration the impact on existing and surrounding habitats including Habberley Valley and Eastham's Coppice, as well as ensuring measures are taken into account to protect and mitigate for bats and brown hares.
- 4.32 An Ecological Impact Assessment (dated June 2021) of the site, including a Biodiversity Impact Assessment (BIA) and an extended Phase 1 Habitat Survey have been undertaken in support of this application. Also, an updated Ecology Survey was carried out in May 2022 due to the previous surveys now considered to be out of date (i.e., older than 12 months) and a report of the updated survey findings has been submitted.
- 4.33 The original Ecological Impact Assessment surveyed the site for protected species and advised that due to the site being intensively farmed and used for the growing of crops that it would have low ecological value, but it was acknowledged that the hedgerow boundaries and scattered trees provided habitat for wildlife and foraging potential. The assessment concluded that the site lacks suitable habitat to support great crested newts and that the scattered trees within the site were assessed as having negligible to low potential for bat roosting. The assessment also confirmed that no habitats on the site offered breeding habitat for Schedule 1 birds and no local records of Skylark were identified. It was advised that the site is likely to support the common and widespread bird species only and that due to the hedgerows and

21/0421/OUT

scattered trees being mostly retained and the nesting opportunities in the adjoining farmland, that the impacts on breeding birds including ground nesting birds would be negligible. It was further advised that the site had very limited value for reptiles as it was largely arable land and that the existing hedgerow boundaries would potentially have some value for refuge and foraging for reptiles and it was concluded that there would be negligible impact on reptiles because the hedgerows would be mostly retained and enhanced. The site was surveyed for badgers and whilst no setts or field signs were recorded it was concluded that badgers may access the site for foraging or commuting to alternative feeding areas and it was recommended that best practice should be followed during construction to minimise injury to badgers. It was, however, found that the site contained suitable habitat for hedgehogs and the survey results recorded brown hares to the northwest of the site. It has been recommended by the ecological impact assessment that precautionary measures should be taken during construction to mitigate any potential impacts to these species which are Species of Principal Importance (NERC Act, 2006). The assessment also recommends a lighting strategy to be designed for the development to ensure any external lighting avoids where possible, the site hedgerow boundaries as these are used by nocturnal species, including bats for foraging and commuting routes.

- 4.34 The Updated Ecological Walkover report submitted in June 2022 advised that the previous assessment remains accurate and that the recommendations for mitigation and enhancement measures as identified in the original Ecological Impact Assessment should be implemented.
- 4.35 With regards to biodiversity net gain (BNG), the Ecological Impact Assessment also makes recommendations for enhancements to offset the loss of biodiversity following development of the site and to ensure measurable BNG is achieved in accordance with Policy SP.23 of the Local Plan. The assessment predicts that the development, as shown in the Masterplan, would achieve a net gain of 88.22% hedgerow units and a net gain in biodiversity of 3.17%.
- 4.36 Objections have been raised to this application on the grounds that the development would not achieve at least 10% biodiversity net gain as required by the Environment Act (November 2021), however, the Government has advised that there would be a 2-year implementation period for mandatory BNG and that it is not likely to come into force until at least November 2023. As such, there is no mandatory requirement to provide 10% BNG and Policy SP.23 of the Local Plan only requires a measurable net gain in biodiversity value to be achieved post development. The Framework also advises in Paragraph 180 that when determining planning applications, local authorities should apply the following principles (amongst others): d) 'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.' As both Policy SP.23 of the Local Plan and Paragraph 180d of the Framework only require measurable biodiversity net gains to be achieved, it is considered that the development is acceptable (Officer emphasises).

21/0421/OUT

- 4.37 In terms of off-site ecological importance, the nearest statutorily designated site is Blakemarsh Local Nature Reserve (LNR), which is located 225 metres northeast of the site, and entirely enclosed by existing residential development and includes good, surfaced footpaths through and around the LNR and therefore any increased recreational impacts as a result of this development are likely to have a negligible impact on Blakemarsh Local Nature Reserve.
- 4.38 The site is also close to Habberley Valley Local Nature Reserve/Local Wildlife Site (located 200 metres to the west of the site) and Eastham's Coppice (located some 900 metres northwest of the site). The Ecological Impact Assessment has considered the impact of the development on these important ecological sites and has recommended that during the construction phase that a temporary fence (such as HERAS fencing) should be installed along the southern boundary of the site. Furthermore, to alleviate direct recreational pressures as a result of the development, the submitted Masterplan shows that a circular walking and dog walking route would be provided within the open space of the site and it is advised within the supporting details that the proposed recreational routes would be suitably surfaced to encourage use and would include litter bins and signage to inform people of appropriate countryside behaviours, for examples instructions to clean up after dogs, keep dogs on leads and to keep on the surfaced paths to avoid vegetated areas. To further mitigate the impacts of the development, the applicant has agreed to pay a financial contribution of £112,000 towards improvements to the surfacing of footpaths and signage within Habberley Valley Local Nature Reserve and to also facilitate a children's interaction virtual trail. This would provide significant benefits to Habberley Valley as it would encourage people to stay on the footpaths and avoid vegetated and woodland areas, which have high ecological value, thereby minimising the impacts on habitats within Habberley Valley LNR/LWS.
- 4.39 The Worcestershire Wildlife Trust and Natural England have not objected to the application, and I have recommended the planning conditions that have been recommended by the Countryside and Parks Manager and the Wildlife Trust. These include a Construction Environmental Management Plan, external lighting details, implementation of the mitigation and enhancement measures and to require a further ecology survey if the development doesn't commence by May 2023. I am also of the view that the proposed development would accord with the site allocation policy (criteria vii) which requires measures to protect and mitigate for bats and brown hare to be considered.
- 4.40 Overall, the site has been found to have low ecological value because it has been intensively farmed and a precautionary approach together with agreed mitigation measures would be implemented to avoid and minimise harm to biodiversity within the hedgerow boundaries and trees around the site. It has also been demonstrated that measurable biodiversity net gain can be achieved post development. A financial contribution towards improvements to the footpaths, signage and wildlife trails within Habberley Valley Local Nature Reserve would also be secured to ensure visitors to this nature reserve remain on the paths to avoid sensitive habitat areas and the signage would also educate them about nature conservation. The development therefore would accord with Paragraphs 174 and 180 of the Framework and Policies SP.23 and SA.K16 of the Local Plan, which seek to ensure the conservation and enhancement of biodiversity is achieved by new developments.

21/0421/OUT

TREES

- 4.41 In terms of the impact on existing hedgerows and trees, an Arboricultural Impact Assessment has been submitted with the application together with a series of plans that identify those existing trees and hedgerows to be retained and those likely to require removal, although it is noted that the detailed layout for the site would be subject to a later reserved matters application (when the impact on existing trees/ landscaping would be further considered). The Assessment also includes an acceptable tree protection plan and appropriate mitigation for the areas of the proposed access and walkways/footpaths and I have attached a condition to ensure the tree protective fencing and mitigation measures are implemented.
- 4.42 I note that during the consideration of this application, a veteran Oak tree has been removed as it had fallen during severe weather conditions. To rectify the loss of this tree it is considered necessary to require two replacement Oak trees to be provided as part of any future reserved matter application relating to landscaping and I have recommended a condition to secure this.

LOSS OF AGRICULTURAL LAND

- 4.43 Concerns have been raised by nearby residents about the loss of agricultural land and that many writers are of the view that the loss of agricultural land for the growing of crops is needed more than ever due to food prices increasing and England having to be more sustainable due to the global consequences. A number of objectors have expressed that the Council should support 'Grow to Britain' campaign, to ensure Britain can be self-sufficient, reduce importing and be environmentally friendly.
- 4.44 I have taken these concerns into full consideration and understand the social and economic impact caused by the increasing cost of food and fuel prices and have considered the 'Grow to Britain' campaign. However, Policy DM.32 of the Local Plan advises that agricultural land, including best and most versatile agricultural land, will not be protected where the site has been allocated for development in the Local Plan.
- 4.45 The loss of agricultural land therefore does not apply to land allocated for development in the Local Plan, as this has already been addressed through the Local Plan process. Therefore, the loss of agricultural land is not a matter for consideration in the decision making of this application.

ACCESS AND HIGHWAY SAFETY

- 4.46 Objections have been raised about the proposed vehicular access with many concerned that it would have a detrimental impact on road safety as the proposed site access points would be close to the blind summit on Habberley Road and that it is already difficult to pull out onto Habberley Road from Canterbury Road/Hillside Drive due to the existing high levels of traffic. Furthermore, objections were raised on the grounds that the development would result in increased traffic, road accidents especially increased safety risk to pedestrians and that the development is likely to increase parking issues at nearby schools.
- 4.47 Matters relating to access has been submitted for approval at this outline stage and would consist of two vehicular access points off Habberley Road, which would be north of the existing junction between Habberley Road/Canterbury Road. The location of the access points complies with the site allocation requirement (criteria i) which

21/0421/OUT

requires vehicular access to be taken from Habberley Road. Also, the submitted drawings showing the proposed site access junction layouts are in line with WCC Streetscape Design Guide. The visibility splays to and from the proposed access points are also considered to be acceptable by the Highway Authority. A package of highway improvements has also been agreed with the applicant to improve pedestrian and cycle movement along and across Habberley Road and Low Habberley lane and at the roundabout junction. In addition, new pedestrian/cycle access points would be provided to Habberley Road and Low Habberley. The pedestrian/cycle access onto Habberley Road would be for emergency access only and would be controlled by collapsible bollards. A financial contribution would be secured to fund the traffic regulation order process that would be required to implement the emergency access. New uncontrolled pedestrian crossings to Habberley Road and Low Habberley lane are also proposed to ensure safe pedestrian movement.

- 4.48 Objection has also been raised on grounds that the submitted Traffic surveys were incomplete and inaccurate as they were carried out during COVID-19 and did not consider the high level of traffic generated by the safari park and Habberley Trails when they are open and that the Transport Assessment also failed to consider the traffic that would be generated by other future housing developments on sites that have been allocated for housing.
- 4.49 The submitted Transport Assessment (TA) included automated traffic counts in January 2019 and September/October 2020. However, because the data was taken during the COVID-19 pandemic it was agreed with WCC that the data collected would be compared to historical data available in the area and growthed up to reflect accurate results. The applicant also assessed the development for up to 140 dwellings to provide robustness and it has been agreed with WCC that the development would generate 76 and 74 two-way trips in the AM and PM peak periods respectively.
- 4.50 The Transport Assessment predicts that the majority of traffic (91%) would arrive/depart the site to/from the north (Kidderminster direction) and that this would lead to approximately 52 additional vehicles on the Habberley Road arm of the roundabout junction, it is advised within the assessment that the junction would operate within capacity when development traffic is added to the junction even in the year 2036-year scenario. The assessment also advised that the proposals would not encourage rat-running through the Ferndale Estate (via Coningsby Drive).
- 4.51 The Transport Assessment also advised that when the development traffic is added to the local road network the predicted increase in queues and delays at the roundabout junction between Habberley Road/Franche Road/Bridgenorth Road/Wolverley Road would be negligible in the 2036 base year. The assessment concluded that the proposed development would not lead to a material impact on the operation of both roundabout junctions, and therefore cannot be classed as severe in the Framework terms.
- 4.52 A review of personal injury accidents was also undertaken by the Transport Assessment, and it was concluded that there are no particular accident clusters in the vicinity of the site and that the development would not have an unacceptable impact on highway safety.

21/0421/OUT

- 4.53 The Framework in paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Subject to conditions and off-site mitigation measures including planning obligations, no objection has been offered by the Highway Authority in relation to the likely increased movements on the local road network and on highway safety grounds. I agree with the view of the Highway Authority and do not consider that the development would be in breach of paragraph 111 of the Framework.
- 4.54 In terms of pedestrian and cycle movement, the Masterplan includes a network of proposed paths around the perimeter of the site with links to the proposed internal roads and onto Habberley Road and Low Habberley Lane to connect to the wider public footpath network. A minor amendment has been made to the Masterplan to ensure the proposed perimeter footpath would retain the current alignment of the existing unauthorised path, which is well used by local walkers and dog-walkers. It is considered that the proposed development would protect the existing path and that there would be no conflict with Paragraph 100 of the Framework if a Public Right of Way Order was made on the unauthorised path following the decision of County on the current application. I also note that the existing path is currently a dirt track in a farmers field and as such, it is considered that this development would provide the opportunity to enhance the existing path in terms of width and hard surfacing whether or not it is to be given a Public Right of Way Order and this would significantly improve its use all year round for the benefit of future occupiers of the proposed development and the wider community who currently use this path. A condition has been attached to ensure the footpaths are provided prior to first occupation and that details of dimensions and hard surfacing are submitted and agreed by the local planning authority. No objection has been raised by the WCC Public Rights of Way team.
- 4.55 The site has good accessibility to local shops, services and facilities including local primary and secondary schools, convenience stores, pharmacies, a post office, restaurants, and pubs. The nearest bus stops to the site are located on Coningsby Drive and Canterbury Road, both of which are approximately 300 metres from the centre of the site. It is therefore considered that the site is a suitable location for new housing and would future occupiers of the development would have access to facilities and services by a range of sustainable transport modes, in accordance with Policy SP.27 of the Local Plan and Paragraph 112 of the Framework. A financial contribution of £7,5000 is also sought towards Community Transport Services to help their service meet the additional demand that would be created by this development and a contribution of £2,000 to provide a new bus stop pole and flat on Coningsby Drive to improve access to bus services.

CLIMATE CHANGE

- 4.56 The application has been accompanied by a draft travel plan in line with Policy SP.27 of the Local Plan and Paragraph 113 of the Framework, and the travel plan will be finalised by WCC and would promote the use of sustainable modes of travel to help reduce the reliance on private car and reduce the impacts on climate change. Other measures including electric vehicle charging points, cycle storage facilities and measures to reduce non-renewable energy consumption (with preference to be given to PV solar panels, air-source and/or ground source heat pumps) and ensure water efficiency have also been conditioned to help reduce and adapt to climate change, in

21/0421/OUT

accordance with Policies SP.27 and SP.37 of the Local Plan and Paragraphs 112, 113, 153, 154 and 155 and of the Framework.

FLOOD RISK AND DRAINAGE

- 4.57 The application site falls within Flood Zone 1 (lowest risk of flooding) and is not near to any main rivers and there are no historical records of fluvial flooding events in the area.
- 4.58 A preliminary drainage strategy has been submitted in support of this application which shows that the development would have two infiltration basins with one located in the centre of the site adjacent to the western boundary and a second basin located near to the northeast corner of the site, in the lowest part of the site. Also, a Flood Risk Assessment has been submitted which concludes that the increase in impermeable areas as a result of the development would be mitigated by a SUDS network utilising infiltration as a primary outfall, which would allow the development to proceed without being subject to significant flood risk and that the development would not increase flood risk to the wider catchment area, in compliance with the Framework.
- 4.59 The North Worcestershire Water Management Officer has carefully considered the drainage strategy and the submitted Flood Risk Assessment and raised no objection to the proposed development in terms of surface water flooding, subject to conditions to agree the final drainage strategy and management plan of these SUDS features.
- 4.60 No objection has been offered by Severn Trent Water subject to a condition to require the full details of the surface water and foul water disposal drainage. I have attached conditions accordingly.
- 4.61 I therefore consider that suitable drainage of the development can be achieved and that the proposed housing scheme would not be at risk of flooding or increase the risk of flooding elsewhere in accordance with Policies SP.31 and SP.32 of the Local Plan and Paragraphs 159 and 167 of the Framework.

OTHER MATTERS

- 4.62 The applicant have agreed to provide a defibrillator within the development site or nearby, for example within Habberley Valley.
- 4.63 The site has been highlighted for mineral resource safeguarding under sub-paragraph 15.37 of Policy SP.34 of the Local Plan. I note that sites listed in 15.37 were only identified during the main modifications to the Local Plan Review in September 2021. A submitted Minerals Resource Assessment has been submitted which advises that the site contains sandstone, however that extraction of the prospective mineral safeguarding land could not be possible due to the site topography, physical constraints (for example the existing overhead high voltage electricity cables and oil pipeline and the requirement to have a 100 metre stand-off from residential properties and a 20 metre stand off from a public highway) and close proximity to existing residential properties. Furthermore, any substantial extraction of minerals would lower the ground levels, that would then in turn require additional infill material to raise the levels back to original levels before the site could be developed for housing as envisaged by the site allocation policy. Furthermore, through the plan-making stage it

21/0421/OUT

was accepted that minerals on this site would be sterilised. The WCC Minerals team have considered the application and supporting Minerals Resource Assessment and

agree that extraction of minerals is not viable on this site and have recommended a condition to ensure that any minerals extracted during the site preparation works are recovered and reused in the construction phase. I have attached a condition accordingly and consider that the development would accord with Policy SP.34 of the Local Plan.

- 4.64 Objections have been received about the impact on existing views and property values and adverse noise during the construction phase and from heavy goods vehicles, however, these concerns are not material considerations in the assessment of planning applications. I also note that concerns were expressed about additional strain on local amenities and infrastructure. The applicant has agreed to make the full financial contribution as requested by Highways Authority, Worcestershire Children's First and NHS Clinical Commissioning Group to mitigate the impact on nearby schools and GP surgeries and to provide additional funding to Community Transport Services to help meet the additional demand on their services as a result of this development.

PLANNING OBLIGATIONS

- 4.65 The legal tests for when a s106 obligation can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended and Paragraph 57 of the Framework. The tests are that an obligation must be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

- 4.66 The Council's Cabinet report, dated 16th September 2020, sets out the priorities for Section 106 planning obligations for sites where there is a shortfall in meeting the costs of all obligations following a viability assessment. It was agreed that the Council will prioritise in the following order:

1. On and/or off site infrastructure necessary to make the development acceptable
2. Affordable housing
3. Open space and recreation
4. Education
5. Other stakeholder contribution requests such as infrastructure costs associated with health provision or the police

- 4.67 The applicant has agreed to enter into a Section 106 agreement to secure the following planning obligations to make the development acceptable in planning terms which also meet the tests as set out in Paragraph 55 of the Framework and Regulation 122(2), these are:

Highways Infrastructure

- a. A contribution of £7,500 towards Community Transport Services, to provide services for Disabled and Elderly residents who are unable to access bus services to discharge the Council's obligations under the 1985 Transport Act and 2010 Equalities Act'. Payment to be made prior to occupation.

21/0421/OUT

- b. A contribution of £2,000 towards provision of bus stop flag and pole at Coningsby Drive. Payment to be made on commencement of development.
- c. A financial contribution of £5,000 to fund traffic regulation order process to control use of proposed emergency access. Payment to be made on commencement of development.

WCC Highways Monitoring fee to be agreed.

Affordable Housing Provision

- a. A minimum of 25% with tenure split 65% social rent and 35% intermediate (shared ownership) and to be subject to Local Letting Policy

Offset Biodiversity harm due to increased recreational pressure/Public Open Space provision to accord with Adopted Planning Obligations SPD

- a. A contribution of £112,000 to provide interactive virtual play opportunities at Habberley Valley and to physically enhance the site to encourage physical recreation. Payment to be made before the development commences.

Education

- a. £388,844 - The contribution will be used to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure to support Early Years Provision within the Bewdley area and to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure at Wyre Forest School or any other school in the area providing an SEND resourced base. Contribution to be paid on or before occupation of one third of dwellings. Payment in instalments will be considered but first payment must be received before occupation of one third of the dwellings and full payment must be received before occupation of the final dwelling. The contribution rate is applicable as of April 2020. This figure may be subject to change to reflect the up-to-date cost at the point the application is determined. Indexation may be charged as at the date of this assessment.

WCC Highways Monitoring fee to be agreed.

Worcestershire Clinical Commissioning Group (CCG)

- a. A contribution of £46,920 to mitigate the impacts of this proposal on health services. Herefordshire and Worcestershire CCG calculate the level of contribution required in this instance directly relating to the number of dwellings to be £46,920. Payment to be made before the development commences.

Green Infrastructure management

- a. Requirement of a management body to be set up to maintain the landscaped areas within the open space, and the SUDS subject to LEMP and SUDS management plan to be secured by conditions.

21/0421/OUT

Two Self-build plots

- a. Together with the first reserved matters application, details of at least two self-build plots as defined by the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) shall be submitted and approved. Marketing Strategy to be agreed and Plots to be serviced.
- WFDC MONITORING FEES - The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations (“the CIL Regs”), Regulation 122 (2A) allows Local Authorities to charge a fee in relation to section 106 agreements for the monitoring and reporting of planning obligations. Whilst the County Council have recently introduced monitoring fees, currently the District Council do not include monitoring fees with their obligations. The S.106 requirements include any monitoring fees that are applicable at the time of the signing of the S.106 agreement.

5.0 Conclusion and Recommendations

- 5.1 The application has received a high level of objection although many of these pre-dates the adoption of the Wyre Forest District Local Plan and are not material considerations in the decision making of this application, for instance, the site no longer falls within the Green Belt and there is no policy requirement to protect agricultural land when the site is allocated for development within the Local Plan. The Wyre Forest District Local Plan allocates the site for housing, for up to 124 homes with access to be taken off Habberley Road, and therefore the principle of development including the access arrangements is entirely established by the plan-making process and accepted.
- 5.2 A comprehensive set of assessments has accompanied the application with some being revised to address consultee concerns. The application has demonstrated that the proposed site accesses and impact on the operation of the nearby roundabout junctions would be acceptable, subject to highway improvement works, and that there would be no risk to the safety of users of the highway including pedestrians or to the local road network. Mitigation and enhancement measures secured by condition would also protect and create habitats for all species found at the site to ensure all harm to biodiversity can be minimised and biodiversity net gain can be achieved. The development would be set back from the site boundaries behind large areas of open space and landscaping, and together with suitable external lighting, there is unlikely to be any significant harm to the adjoining or nearby local nature reserves and a financial contribution has been agreed to offset the increased recreational pressure on Habberley Valley local nature reserve. Any harm to the landscape character would be satisfactory mitigated in the long term. Sustainable drainage methods have been indicated to show that the development would not be at risk of flooding and that the development would not cause flooding elsewhere. No objection has been raised by Natural England, the Highways Authority, Worcestershire Regulatory Services, WCC Archaeologist and the North Worcestershire Water Management Officer, subject to safeguarding conditions.
- 5.3 The proposed scheme would deliver housing in a suitable and sustainable location close to local amenities and facilities including regular bus services and would secure

21/0421/OUT

the provision of affordable housing, enhanced biodiversity and improved recreational footpaths that would also benefit the wider community.

- 5.4 To conclude, the principle of housing on this allocated site is entirely acceptable, including the points of accesses, and the development would be in accordance with the Wyre Forest District Local Plan. It is therefore recommended that planning permission should be granted.
- 5.5 I therefore recommend **delegated APPROVAL** subject to;
- a) The signing of a S.106 agreement for the matters set out in paragraph 4.67; and
 - b) The following conditions;
 1. Time Limit for Reserved Matters
 2. Reserved Matters Details (layout, scale, appearance and landscaping)
 3. Approved drawings
 4. Restrict maximum number of dwellings to 124 units and 2 self-build and/or custom-build plots
 5. To require details relating to layout and appearance to provide 2.24 hectares of green infrastructure, 2 semi-mature Oak trees (to replace the Veteran Oak that was felled during the course of this application) and to require the development to be in conformity with the Landscaping Strategy Plan.
 6. To require an updated Noise Assessment to be submitted at reserved matters stage.
 7. To require details to show conformity with Part M4(2) and Part M4(3) Building Regulations in accordance with Policy SP.13
 8. To require details to show water use of no more than 110 litres per person per day for each dwellinghouse, in accordance with Policy SP.29
 9. To require details to show 10% of predicted energy requirement is sourced from non-renewable or low carbon energy sources with preference to be given to PV solar panels, air-source heat pumps and/or ground source heat pumps, in accordance with Policy SP.37
 10. To require details of recreational footpaths within site including timescales, surfacing, public seating and dog waste bins
 11. To require implementation of tree protection fencing
 12. To require retention of hedgerows (with the exception of those required to be removed to facilitate the proposed site accesses)
 13. Unexpected contamination condition
 14. Surface water drainage strategy
 15. Management plan for SuDS assets
 16. Construction surface water management plan
 17. Drainage plans for the disposal of foul and surface water flows
 18. Written scheme for archaeology site investigations and recording
 19. Implementation of Written Scheme for Archaeology

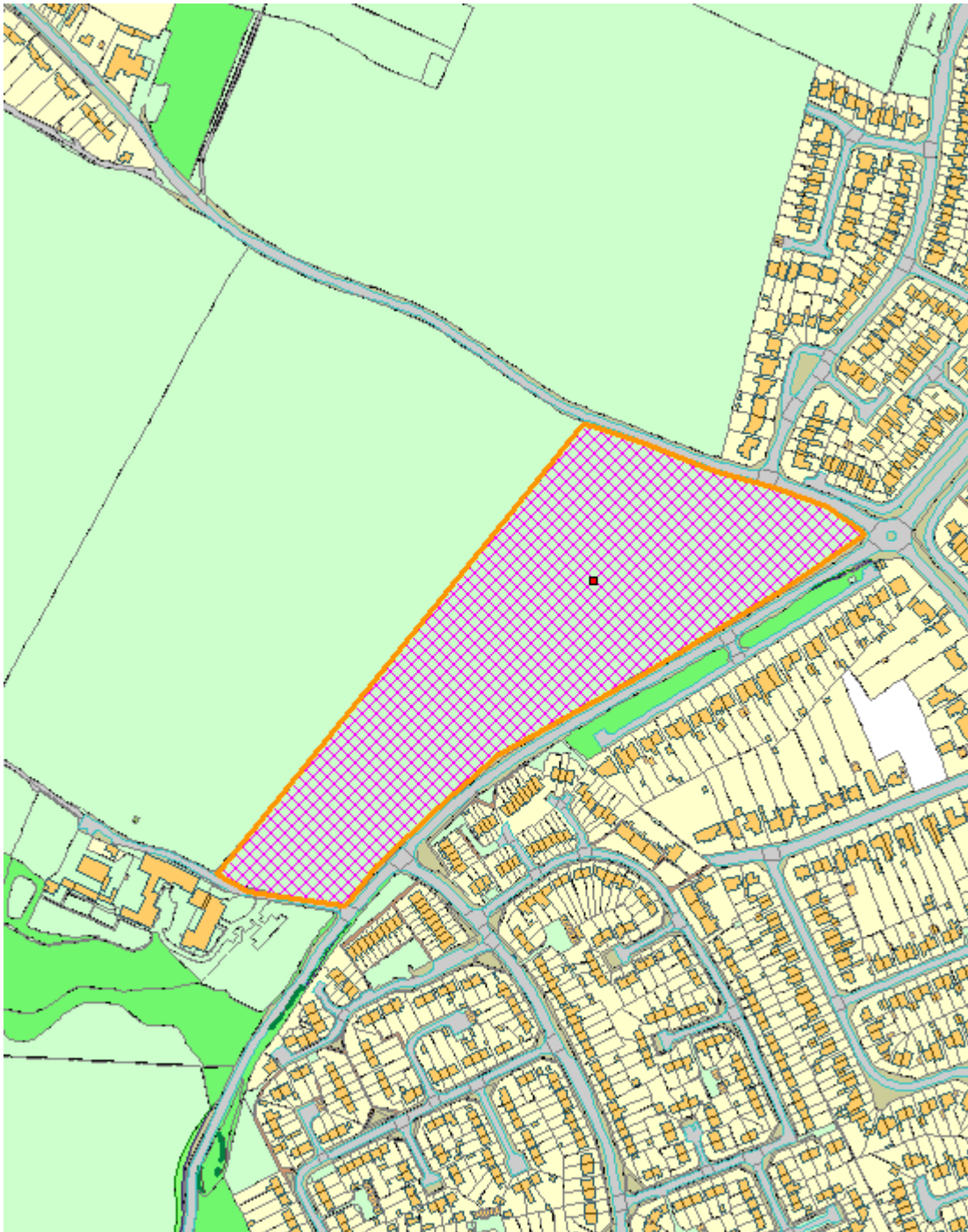
21/0421/OUT

20. Landscape Plan including Maintenance Plan
21. Method statement for the establishment of semi-natural habitats
22. Implementation of Ecological Mitigation Measures
23. To require revised Biodiversity Net Gain calculation at reserved matters stage once layout has been finalised and a Biodiversity Enhancement Plan
24. To require a further bat survey if development has not commenced by 27th May 2023
25. Construction Environmental Management Plan for Biodiversity
26. Landscape and Ecological Management Plan
27. To require details of external lighting
28. To require an Air Quality Assessment
29. To require development to be implemented in accordance with proposed site access details
30. To require details for cycle storage
31. To require details for electric vehicle charging points
32. To require Construction Environmental Management Plan
33. To require Travel Plan details
34. To require a lighting strategy for Highways
35. To require an Incidental Recovery Plan for Minerals
36. Prior to the first occupation of the development the high voltage 11kV overhead cable within the site shall be grounded.
37. Defibrillator to be provided in a location to be agreed.

NOTES

- Section 106 Agreement
- WRS Best Practice Guidance for Construction
- Waste and Recycling Collection for Wyre Forest residents
- Alteration of Highway
- Section 278 Agreement details
- Section 38 Agreement details
- Drainage details for Section 38
- Protection of Visibility Splays
- Works adjoining highway
- Temporary direction signs to housing developments
- Removal of trees and hedgerows to be undertaken outside of bird nesting season
- Public Rights of Way obligations
- Severn Trent Water (public 150mm foul sewer located within site)
- Severn Trent Water (SPZ3 of several active groundwater sources)

21/0421/OUT



Economic Prosperity and Place Directorate

Land At Os 381000 277300 Habberley Lane Low Habberley Kidderminster Worcestershire

Crown Copyright 100018317



PART B

Application Reference:	21/0881/FUL	Date Received:	07.09.2021
Ord Sheet:	381047 271601	Expiry Date:	31.07.2022
Case Officer	Paul Round	Ward:	Mitton

Proposal: Proposed development of 12 affordable dwellings composed of 8 x 1 bed flats and 4 x 3 bed houses, with associated access, parking, amenity and landscaping.

Site Address: Tannery Court , Vernon Road, Stourport On Severn, DY13 8HD

Applicant: Rebecca Crann

Summary of Policy	SP2 SP5 SP9 SP10 SP20 SP21 SP27 SP29 SP30 SP32 SP33 SP35 SP37 DM23 DM24 DM25 DM26 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	APPROVAL
Reason for referral to Committee	'Major' Application

1.0 History (of relevance)

1.1 18/3049/PNDEM - Prior Notification for the demolition of Tannery Court – Approved 23/07/2018

2.0 Consultation Responses

2.1 Stourport Town Council – Recommend Approval

2.2 Highway Authority – No objections subject to conditions.

The proposed development of 12 affordable dwellings is located adjacent to the junction between Vernon Road and Tan Lane with a new vehicular access proposed on Tan Lane. Whilst this access is closer to the junction than existing, the existing access points will be closed up and from a Highways point of view, this is seen as a betterment.

The proposed access will be laid out as a dropped kerb access and tactile paving will be required. All works in the highway will require a S278 agreement with the Highway Authority as per the note below and as part of this process, the reconstruction of the footway which abuts site may be required. In addition, any changes as proposed, to

21/0881/FUL

the existing limited waiting parking bays on Tan Lane adjacent to the access, will require an amendment to the Traffic Regulation Order (TRO), the cost of which will be included in the S278 Agreement.

It is noted that the frontage area either side of the proposed access is open which will allow for pedestrian visibility of and from emerging vehicles and this openness should be maintained in accordance with the plan. The access width is sufficient for 2 vehicles to pass and the block paving surfacing is also noted. Whilst car parking is provided in line with standards, further details of the cycle parking are required by condition.

The proposed site is in a highly sustainable location, close to town centre facilities and services and a Welcome Pack is expected which will promote the sustainable travel options to future occupiers. Guidelines for producing the pack will be provided separately. Electric vehicle charging points should also be provided. The developer will also be required to carry out a lighting assessment of the existing lighting on the highway with regard to both vehicular and pedestrian access to the site (i.e. Tan Lane and Vernon Road). This assessment should be carried out in accordance with WCC's Street Lighting Design Guide and in particular should consider the performance and specification of the existing lighting equipment.

- 2.3 Countryside and Technical Manager – No Objection subject to conditions. This application comes with appropriate and sufficient ecological studies. There are no significant biodiversity concerns, there is a need to condition some precautions and recommended enhancements.
- 2.4 Conservation Officer – No Objections
- 2.5 Arboricultural Officer – No Objections subject to landscape implementation
- 2.6 Housing Enabling Officer – No Objection, fully support the scheme
- 2.7 Designing out Crime Officer – No Objections. This is a low crime area, on balance the activity created by residents going to the flats facing the parking area hopefully will be sufficient to deter any criminal activity. Therefore, in terms of designing out crime I find this application acceptable but not ideal.
- 2.8 Worcestershire Regulatory Services (Contamination) – No Objection subject to conditions. We have looked over the documents submitted for the site, the site appears to have had some commercial/industrial past use, and is currently occupied by a number of dilapidated buildings, as such it would be prudent for the applicant to consider the potential risk posed by the previous land uses through an appropriate condition
- 2.9 Worcestershire Regulatory Services (Nuisance) - The submitted noise assessment appears satisfactory. The assessment predicts a significant adverse impact, in terms of BS4142, during the daytime and night time due to noise from external plant / equipment and vehicle movements within the service yard of the coop store. The

21/0881/FUL

assessment suggests that as future occupants would be moving to an already noisy area that this may be acceptable. However, the excess of specific noise above the background noise level is significant (+25dB during the day) especially in the external amenity areas of plots 9-12. The proposals show a glazing specification and boundary treatment that achieves as much as is possible in mitigation. During the night time the assessment confirms that bedroom windows facing the service yard would need to be kept closed in order to maintain suitable internal noise levels which may not be acceptable to future occupants during warmer nights. It is an existing town centre location which has noise as a general characteristic, the applicants have investigated fully all possible mitigation measures and have proposed the maximum they can in these circumstances. Such measures will be need to be conditioned should the application be approved.

2.10 North Worcestershire Water Management – No Objection subject to condition.

To my knowledge this site itself is not at risk of any type of flooding, however a low risk of surface water flooding has been identified in the vicinity. I understand that the site is currently 100% impermeable. The development includes garden space etc and will therefore reduce the amount of impermeable area, and therefore the amount of runoff.

It is the Council's policy that all new developments fully explore the use of Sustainable Drainage Measures (SuDs). The submitted drainage concept drawing (RPS) details that all dwellings and shared impermeable surfaces will discharge to a single geocellular soakaway located under the car park. As it has been confirmed by Bromford that the 12 units will be for rent only and Bromford will remain the landlord, I do not envisage any issues regarding the maintenance responsibility for this asset.

The infiltration test report submitted confirms that the site is suitable for infiltration SuDS from a soil permeability point of view. It is my understanding that the submitted geoenvironmental assessment has not flagged up any reasons why the proposed infiltration SuDS would not be suitable for this site from a pollution point of view.

I understand from the submitted drainage concept drawing (RPS) that the proposal is to discharge foul water to the public sewer. As this would be subject to STW approval I do not believe that a foul water drainage condition will be required.

2.11 Worcestershire County Archaeology – No Objection subject to condition.

The proposed development site at Tan Lane lies in an area of Stourport outside the medieval settlement of Mitton, but adjacent to a routeway (Tan Lane) of likely medieval origin and sited on river gravels that elsewhere are densely populated with prehistoric settlement. The site includes the locally listed, rare, early industrial blind-back workers cottages, probably associated with the former adjacent tannery. The original sash windows remain in upper floors (3/6 light) (2 windows per cottage). The ground floor has been subject to modern extensions and last used for commercial purposes. The desk-based assessment by Cotswold Archaeology submitted with the application presents a detailed assessment of the known and potential heritage assets on the site.

It is disappointing to see the loss of these Locally Listed structures, especially as they are subject to a previous demolition application and, therefore, there is not even the ability to condition an historic building record to partially mitigate for their loss.

21/0881/FUL

In terms of below-ground archaeological potential, I concur with the assessment in the desk-based assessment:

“There is low to moderate potential for the Site at Tan Lane to contain archaeological remains dating from the prehistoric period through to the early modern, and a high potential for remains related to the 18th to 20th century buildings that currently occupy the Site. The archaeological potential of the Site should be investigated by intrusive investigation (such as trial trenching) to be agreed through consultation with the archaeological advisor. This would clarify the survival, nature, extent and significance of buried archaeological remains – and would help establish the scope of any additional archaeological work.”

All required archaeological recording and works have been undertaken during the course of the application and have been deposited with County Records. There are no further works that are required.

2.12 Severn Trent Water – No comments submitted

Neighbour/Site Notice Representations

2 letters of objection received raising the following concerns.

- The development will cause a lot of dust and disturbance for elderly residents with breathing difficulties
- The proposed buildings and car parking area will overlook neighbouring properties resulting in loss of privacy which could have a detrimental effect on the bungalow's value.
- The dwellings and car park will be no doubt lit 24/7 causing extra unnecessary light pollution.
- The proposed build has a pathway right next to the neighbouring property and bungalow which will mean foot traffic will be constant through the day and night, which again, will result in loss of privacy.
- The increase in traffic within the vicinity will be unbelievable on a route that is already used as a speeding rat run.
- Parking, local residents already find it a struggle to parking legally in close proximity to their homes. The development only has allocated parking for its residents visitors will have to park on the road.
- I agree the plans for the site look good and I agree the site does need improving.
- My main concern is whether the developer will keep the existing boundary fence which is already there.

21/0881/FUL

- If this on street parking is taken away we have nowhere else to park. The parking in Vernon road is very tight since they built School Gardens as there is no parking for the staff and visitors to the homes.

3.0 Site Location and Description

- 3.1 The site forms a 0.15ha brownfield site within Stourport-on-Severn. The site previously contained a number of buildings in commercial use. Whilst these were of Local Historic interest, they had no statutory protection and they have been demolished under permitted development. The site currently forms a vacant cleared site. The site is allocated for residential purposes within the Adopted Local Plan.
- 3.2 To the north lies School Gardens which are residential apartments constructed recently by the Register Social Landlord for this application. To the south and west lies residential properties, with the service yard to the existing Co-op foodstore to the east.
- 3.3 The proposal seeks to provide 12 affordable dwellings composed of 8 x 1 bed flats and 4 x 3 bed houses. These are shown in two blocks with flats fronting Vernon Road and the houses facing Tan Lane. Parking is provided to the rear of the site.

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT

- 4.1 The site is part of the general allocation for residential development within the Local Plan. Policy SP.2 and SP.5 of the Local Plan allows for windfall developments on previously developed sites within Stourport-on-Severn. The principle of development is clearly then in favour of the proposal.
- 4.2 Policy SP.10 sets out an annual average requirement of 90 affordable units to be delivered each year throughout the plan period. Members will note that these 12 units will all be affordable managed by the Applicant as a Registered Social Landlord. This 100% provision carries great weight in enabling the Council to meet the affordable housing needs of the District as set out within the Local Plan.

LAYOUT AND DESIGN

- 4.3 The residential properties are positioned so as to have a clear frontage to both Veron Road and Tan Lane which is important for this corner site. The design context is of traditional properties that reflect the distinctive character and form within Stourport. The development of the former Tan Lane School sets a clear position of maintaining traditional buildings but bringing forward modern methods of construction and design.
- 4.4 The properties are well designed, bringing an overall approach of modern design having a clear connection with School Gardens, whilst including traditional elements such as, pitched dormer windows, blind windows and front gardens within railings. The pitched roof, brick and tile properties blend well with the surrounding properties and will provide a design quality to this streetscene, to the benefit of the surrounding area.

21/0881/FUL

- 4.5 The siting of the dwellings ensures that separation distances are provided to avoid direct overlooking into properties from first floor windows to the front. Distances to the rear are in excess of the separation distances required. As such, the privacy of existing residents and future occupiers will be maintained. Garden space or shared amenity space is provided for the dwellings in a way that is suitable for the location and type of units proposed. Bin and cycle storage are provided for all units, with a specific brick store being provided for the flats.
- 4.6 Adequate space is provided for landscaping and tree planting. Specific details will be conditioned to ensure that the dwellings are provided with a landscape design that reflects the quality of the built design.
- 4.7 Overall, the design and layout of the dwellings is acceptable in the context of the surrounding area and complies with Policies SP.20 and DM24 of the Local Plan.

HIGHWAY ACCESS AND PARKING

- 4.8 Access will be provided from Tan Lane leading to parking to the rear of the dwellings for 16 vehicles. The existing access points on Tan Lane and Veron Road will be closed. To protect the visibility splays required for the access point a Traffic Regulation Order (TRO) is proposed to remove six on street parking spaces close to the access. These spaces are limited waiting parking bays offering 30 minutes of parking, during Monday to Saturday 8am – 6pm.
- 4.9 The Highway Authority have fully assessed the application and have raised no objections. The number of traffic movements can be accommodated on the surrounding highway network without a severe impact on highway safety. Parking provision for cars and cycles is fully in accordance with the County’s Streetscape Design Guide ensuring that opportunities are provide for alternative transport modes and where cars are used that they can be parked off the highway.
- 4.10 It is appreciated that the proposal will result in the loss of on street parking. As these are limited stay parking bays, I do not feel that their loss will cause significant harm for most of the day. Admittedly, nearby residents may use these spaces during evening and overnight, and there maybe displacement of parked cars. However, I do not consider that such a displacement will result in harm to the surrounding area. In the main, surrounding properties have their own parking provision within the curtilage of their dwellings. Where properties have no parking, such as 1, 2 and 3 Tan Lane, it is my view that there are ample other opportunities to park on nearby streets where there are no parking restrictions. The primary purpose of these parking bays was to serve the commercial units that originally stood on the site, limiting the parking time to avoid causing harm to surrounding residents. They do not provide any purpose for normal shoppers parking or for those visiting Stourport. On this basis I am satisfied that the loss of limited stay parking will not result in any adverse impact on the surrounding area or parking in the locality generally.

NOISE AND AMENITY OF FUTURE RESIDENTS

- 4.11 Paragraphs 185-187 of the National Planning Policy Framework (‘the Framework’) make it clear that new developments should take account of noise to ensure that future residents are provided with a suitable quality of living environment. This is supported by the Government’s Noise Policy Statement for England.

21/0881/FUL

- 4.12 A full noise assessment has been carried out to support the application and ongoing discussions have taken place through the life of the application with Worcestershire Regulatory Services (WRS).
- 4.13 The noise assessment shows that the locality of the site near the town centre and main roads provides a noise environment. This level of noise is high and without mitigation would result in harm to the amenity of future residents. The location of the units 9-12 adjacent to the delivery yard and external plant for the adjoining supermarket adds to this concern.
- 4.14 The noise assessment provides a full mitigation strategy which will ensure that internal rooms, particularly bedrooms have noise levels that allow residents not to be disturbed. This achieved through window glazing specifications and ventilation, to allow residents the opportunity to keep windows closed. An overheating assessment has been undertaken, which confirms that the internal temperature of dwellings can be maintain a suitable temperature during summer months without reliance of opening of windows. This approach results in the internal spaces being acceptable.
- 4.15 A high wall exists between the boundary of the supermarket and the site. The boundary to the garden area of plot 12 will be treated with an additional 2.5m high wall to provide an additional barrier to noise breakout within the delivery yard area. This will provide residents with some protection from noise when outside to ensure the spaces can be used as intended, in accordance with the Government's guidance on Noise within the Planning Practice Guidance.
- 4.16 It is accepted that the noise environment is not ideal, but it does exist. It is noted that existing residential properties, without mitigation, are within the locality and close to the supermarket and that no noise complaints have been made. In addition, the proposal is for a scheme that will be retained and managed by the Registered Social Landlord. Finally, the applicants have expended a huge amount of effort in attempting to resolve the noise matters both on site and at source. The solution of mitigation now presented is the best possible solution that can be achieved at this time.
- 4.17 Where there is any element of concern in respect of noise, it is considered that the weight of providing a high-quality development that provides 100% affordable housing to meet an identified and required need, outweighs any of these concerns or harm.

OTHER MATTERS

- 4.18 Pedestrian access to 1, 2 and 3 Tan will be maintained and is outside the application site. Normal precautions over pedestrian access and building sites will need to be observed and can be covered through Construction Management Plan that is recommended as part of the conditions below.
- 4.19 Surface and foul water drainage will be provided in accordance with requirements of North Worcestershire Management and Severn Trent Water. Conditions are recommended to ensure that adequate drainage is provided prior to occupation. In addition, the recommended conditions will require that the dwellings achieve water efficiency of 110l per person per day.

21/0881/FUL

- 4.20 A defibrillator is sited opposite the site at School Gardens which is operated by the Applicant. Given the proximity of this facility it is not considered that an additional defibrillator is required in this instance
- 4.21 The applicants have confirmed that full consideration is to be given to heating and energy solutions as part of the construction of the dwellings, although full details are not yet available. Policy SP.27 requires that new dwellings should ensure that minimum of 10% of the predicted energy requirements are provided from renewable or low carbon sources. This requirement can be met through the imposition of a suitably worded condition that will require details to be submitted.
- 4.22 In view of the number of units that are proposed and the affordable tenure that is proposed, no contributions or S.106 requirements are necessary in this instance. The tenure of the units can be adequately controlled through an appropriate condition and local lettings policy.

5.0 Conclusion and Recommendations

- 5.1 The redevelopment of this vacant brownfield site for residential purposes is fully supported by Local Plan strategic policies for housing. The provision of 100% affordable scheme is very much welcomed to support the Council's provision of units for those who desperately need them. The proposal will not result in harm to existing or future residents, with access and parking arrangements provided in accordance with the County Council's standards. The proposed development will provide a high quality development that will enhance the appearance of the area and visual amenities of the streetscene. The acoustic environment has been fully considered and the prevailing existing conditions established. The mitigation measures proposed will provide residents with the best possible solution to ensure that living conditions are appropriate, where there is any residual harm this is outweighed by the clear, social, environmental, and economic benefits of the development. The proposal represents sustainable development and accords with the relevant policies of the Local Plan.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions;
 - 1. A6 (standard time)
 - 2. Affordable units only, local letting plan to be submitted
 - 3. B1 (Materials)
 - 4. B11 (Boundary fencing to be provided and to be retained)
 - 5. C6 (Landscaping)
 - 6. C8 (Landscape Implementation)
 - 7. Access and Parking
 - 8. Existing access points permanently closed
 - 9. cycle parking
 - 10. Residential Travel Welcome Pack
 - 11. Electric vehicle charging points
 - 12. Construction Environmental Management Plan
 - 13. Bat and Bird Boxes

21/0881/FUL

14. Lighting plan
15. Contamination Tiered Investigation
16. Contamination Verification
17. Unknown Contamination
18. Noise mitigation implementation and testing prior to occupation
19. SuDS
20. Waste water
21. Energy Statement to show 10% sustainable energy

Notes

- A. Section 278 Agreement

PART B

Application Reference:	22/0005/FUL	Date Received:	05.01.2022
Ord Sheet:	379811 280486	Expiry Date:	02.03.2022
Case Officer	Richard Jennings	Ward:	Wribbenhall And Arley

Proposal: Erection of 60 x 20 mts riding arena with an additional single bay of hay storage and parking for a horse box, erection of a covered walkway, a stable block with 10 stables, wc, tack room and store, a covered horse walker, all for domestic use by the applicant

Site Address: Upper Birch Farm , Upper Birch Road, Shatterford, DY12 1TR

Applicant: Ms Leah Tolley

Summary of Policy	DM24 DM22 DM31 SP19 SP33 SP24 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	APPROVAL
Reason for referral to Committee	Statutory Consultee Objects and Approval is Recommended

1.0 History (of relevance)

1.1 10/3005/AG – Erection of agricultural storage building – Approved

2.0 Consultee Comments

2.1 Kidderminster Foreign Parish Council

'We are still of the opinion that the application is an over-development of the site. From a few years ago, when this was just a simple farmhouse, the whole site now bears no resemblance to the original. We are also aware that, despite assurances from the applicant, neighbours remain concerned about the size of this development, and its potential future use. Nevertheless, the applicant has attempted to allay fears in their letter, giving assurances, and promising to address some of the issues raised.

If the District Council Planning Authority are minded to approve this application, then we would ask that it must be strictly regulated with conditions imposed. viz:

- a) at no time in the future should the site be used as a commercial business, including no 3rd party livery facilities, nor commercial veterinary facilities for animals;
- b) all effluent disposal must be strictly managed, and measures installed to the highest standards to prevent pollution of nearby water courses. This to cover liquid run off as well as disposal of solid manure.

22/0005/FUL

c) that colours chosen for building materials are muted to blend in with local landscape (not bright blue as shown on the plans).'

2.2 Highway Authority

No Objection. It is noted in the submitted supporting document entitled Council Letter, that the proposal is now for replacement stables which will be entirely for use by the applicant only, with no associated commercial activity and the development has been scaled back to 8 stables measuring 261 m². It is also accepted that there will be a reduction in vehicle trips on the transport network as the applicant will not be required to travel to look after the horses every day and there are adequate access arrangements as existing.

Neighbour/Site Notice Representations

2 Neighbour objections received summarised as follows:

- The development appears to be above and beyond a private venture and if so noise nuisance potential.
- Situated closer to neighbouring property than the applicant's property.
- Traffic/Highways issues.
- Waste storage and drainage concerns
- Green Belt location and inappropriate
- Lack of detail on grazing areas and lighting
- Domestic only and no business use

3.0 **Site Location and Description**

3.1 The site forms a large historical agricultural farm holding, which has operated as a private equestrian facility for many years. The proposal seeks consent to replace a large array of equestrian buildings, including stable blocks, tack rooms, stores and concrete yard areas. The proposal results in a combined building, which is less sporadic in nature to the existing setup and will include stables, horse exercise area, covered walkway tack room and wc, carefully combined within a smaller footprint than the existing. The proposed facilities are to accommodate the applicants 8 privately owned horses. The applicant has been involved in both private dressage and showing both locally and nationally for in excess of 30 years.

4.0 **Officer Comments**

POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN

4.1 The application proposes the demolition of existing stabling, tack room and other equine facilities and replacement with a new purpose built private facility. The development of private equestrian facilities is listed as an exemption under the NPPF as they constitute outdoor sport and recreation. The NPPF also confirms that development is 'appropriate' for the replacement of a building where it remains within the same use and is not materially larger. The overriding consideration of this proposal must therefore be whether the replacement structures result in any demonstrable

22/0005/FUL

increase in harm to openness and visual amenity of the Green Belt and whether they result in an increase in the volume, floor area and massing of the resulting replacement facility over and above the existing.

- 4.2 The volume and floor area consideration are purely one of comparative numerical values which are either policy compliant or not. As with all Green Belt Development however, openness and visual amenity is a subjective balanced judgement.

THE PROVISION OF APPROPATE EQUESTRIAN FACILITIES

- 4.3 Both Policy DM.22 and paragraph 149 of the Framework accept that buildings and structures can be provided within the Green Belt areas in connection with outdoor sports and recreation, so long as the facilities are 'appropriate' to the use. In terms of the proposed covered arena, the applicant has carefully considered the comments of the Parish Council in terms of massing and scale of the development. Concerns have also been raised by officers in terms of the covered exercise arena specifically, as although the sand surfaced arena and post and rail enclosure is clearly 'appropriate' under the Green Belt exemption of 'outdoor sport and recreation', the all-weather use of this arena by means of a large covered enclosure could not be considered 'appropriate development in the Green Belt and would therefore require very special circumstances if this element were to proceed as part of the proposal. The applicant's agent has therefore revised the scheme in line with officer advice, removing the structure which was proposed to enclose the arena and the proposal is revised to the construction of an open air arena of sand surface and post and rail enclosure only. I therefore consider that this element now constitutes 'appropriate' development along with all proposed private equestrian related facilities, forming the basis of the revised proposal subject to conditions.
- 4.4 The Councils Equestrian Policy, DM.31, requires that all equestrian structures harmonise with the landscape and are of traditional design. The structures which form the basis of this application are of timber construction, with horizontal cladding and corrugated roofs typical of other equestrian and agricultural facilities both in close proximity to the proposal and within the wider District. This policy also requires that all associated structures comply with the British Horse society standards in terms of providing adequate size and space from a welfare perspective, and that the land area is commensurate with the horse/pony stocking density. The site equates to approximately 15 acres of high quality available grazing area, which is considered more than adequate for the proposed 8 horses providing both sufficient exercise space and grazing. To ensure that the built development on site is not exacerbated by further chattels, a permission provides the opportunity to impose a condition restricting any further structures, either moveable or fixed without permission, therefore ensuring that future development is only of the highest quality in terms of design and siting. Policy DM.31 also requires that proposals for the erection of equestrian structures will provide adequate screening as part of the proposal. The structures back on to existing built development across the boundary of larger size and massing and ensure the proposals outline is Brocken and that they harmonise with their rural setting. I therefore consider that the current proposal complies in full with the requirements of the Councils Equestrian Development Policy.

22/0005/FUL

GREEN BELT POLICY AND APPROPRIATE DEVELOPMENT

- 4.5 The application site lies within the West Midlands Green Belt. The NPPF at paragraphs 149 - 150 and Policy DM.22 of the Adopted Local Plan set out the exceptions in which development will be permitted in Green Belt Locations. The provision of facilities for outdoor sports and recreation is included within these specific exemptions as is the replacement of existing buildings so long as it remains within the same use, which is private equestrian purposes in this instance, and that they are not materially larger.
- 4.6 In terms of the proposed development, by virtue of their size and position, reading against a back-drop of existing farm buildings, I consider that minimal loss of openness will occur and little harm results to the visual amenity of the Greenbelt. I consider that the proposed new position of the structures has carefully considered the wider impact of the development, and the proposal results in a net reduction in terms of impact to that of the existing structures and development.
- 4.7 The existing stable buildings and structures to be demolished total 648 square meters of developed area, with the proposed replacement facility totalling 405 square meters, with the horse walker accounting for 95 square meters. Overall, the proposal represents a reduction in developed floor area of 148 square meters over and above that existing, and therefore results in policy compliant development. A condition requiring demolition of the existing facility prior to the first use of the proposed will also be applied to the consent. The application also provides the Council with an opportunity to maintain green belt integrity with the addition of a condition restricting the addition of moveable structures on the site without prior approval.
- 4.8 I therefore conclude that the proposal results in 'appropriate' development which results in minimal increase in loss of openness and visual amenity impact above and beyond the existing lawful development. The proposal therefore complies in full with the requirements of the Green Belt Policy DM.22 and the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

- 4.9 Neighbour concerns have been raised regarding the impact of any future commercial use of the site. A restrictive condition is therefore applied to ensure the facilities remain in private use and restricted to use by horses leased or owned by the landowner.
- 4.10 In terms of the concerns regarding the movement of the facility away from the applicant's property to a location which is closer to neighbours, I conclude this to be unsubstantiated as the separation distances between the existing buildings and the proposed to neighbouring residential amenity are extensive. The proposal is separated from third party land by an array of existing farm buildings which form the backdrop to the proposal, and I therefore consider that so long as the proposal is restricted from any commercial use, impact on residential amenity will be minimal and no greater than that existing.

HIGHWAYS AND ACCESS

- 4.11 Initial deferral withdrawn by the Highway Authority following the submission of additional information from the applicant and confirmation that they are in agreement

22/0005/FUL

to the addition of a condition restricting the site to private use only with no commercial element. A specific condition restricting the use of the site is proposed and outlined for members at the end of this report.

5.0 Conclusion and Recommendations

- 5.1 The proposal for upgraded private equestrian facilities are considered 'appropriate' development which results in a net reduction in built form above and beyond the existing situation on site following demolition. The revised siting and position of the proposal results in no greater impact upon openness, visual amenity or neighbouring residential amenity than the existing lawful structures for which they seek to replace.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions;
1. A6 (Standard Time)
 2. A11 (Approved Plans)
 3. B6
 4. Any manure heap shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. The manure heap shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.
 5. No lighting of the site or buildings without the prior written consent of the Local Planning Authority
 6. No commercial livery use of the site. Private equestrian facility only.
 7. Demolition of existing stables, associated structures and removal of hard standings. Site to be remediated with topsoil and grassed down prior to first use of the approved scheme.
 8. No moveable structures on the land without written approval from the LPA

PART B

Application Reference:	22/0308/FUL	Date Received:	08.04.2022
Ord Sheet:	377819 277363	Expiry Date:	03.06.2022
Case Officer	Richard Jennings	Ward:	Wribbenhall And Arley

Proposal: Changes to Planning Application following grant of permission 21/0388/FUL

Site Address: Severn Meadow, Easter Cottage , Northwood Lane, Bewdley, DY12 1AS

Applicant: Mr Jeff Toye

Summary of Policy	DM22 DM24 DM25 NPPF Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	APPROVAL
Reason for referral to committee	Objection from Statutory Consultee and Approval Recommended

1.0 History

1.1 21/0388/FUL (Approval) - Retention of Easter Cottage as a permanent dwelling house (Use Class C3), including extensions and demolition of unlawful extension.

2.0 Consultations and Representations

2.1 Kidderminster Foreign Parish Council
Recommend Refusal. We are not supportive of the latest proposal for Easter Cottage since this makes the roofline too high, giving the impression, particularly from the road, that this is a house, rather than a bungalow, and is not in keeping with the other properties in this field. The raised roofline is out of keeping with the area, and blocks the open aspect. We fear that this may be a proposal designed to give a further floor to the property rather than storage.

Neighbour/Site Notice Representations

1 representation received on the following grounds:

- Development too high
- Out of keeping with character of area

22/0308/FUL

3.0 Site Location and Description

- 3.1 The application site sits within the lower field of the Hill Farm shack site, immediately adjacent to the River Severn. The site is identified in the Minister's decision (1963) which covers the Hill Farm site. The original property at that time was assumed to be immune from planning control and operates as an unrestricted dwelling house. The site lies within the West Midlands Green Belt.
- 3.2 Unauthorised extensions were added to the original bungalow, which were the subject of an Enforcement Notice which sought their removal, which was subsequently upheld on appeal. A previous application resolved the outstanding breach of planning control through the demolition of the unauthorised disproportionate extensions and original chalet and construction of an alternative, modest, proportionate replacement chalet.
- 3.3 The current application seeks retrospective approval for the increase in height of the eaves of the chalet by 1.1 metres and the modest increase in floor area of 2.1 square metres.

4.0 Officer Comments

APPROPRIATENESS

- 4.1 The site lies within the West Midlands Green Belt. Policy DM.22 sets out the exceptions in which development will be permitted. The 'closed list' of exceptions reflects Government policy paragraph 145 of the NPPF. Extensions to properties within the Green Belt is included as an exception, provided that the extension does not result in disproportionate extensions over and above the original building. The scale of the building is small, slightly larger in plan than the approved scheme but only by a resulting 2.1sqm. The structure is 1.1m taller to the eaves than previously approved. The overall increase in volume and footprint is therefore below the 75% increase threshold which is considered 'proportionate' and therefore the proposal is considered 'appropriate' development. It therefore falls to purely to consider the resulting level of impact on visual amenity of the Green Belt which results from the modest increases as outlined, above and beyond the previously approved scheme.

DESIGN, LANDSCAPE AND OPENNESS

- 4.2 In respect of design, massing and appearance Policies DM.25 and DM.30, which deal specifically with Chalet sites around the district, set out the considerations, with the Adopted Supplementary Planning Document on Design adding further advice. Policy DM.24 provides a general policy requirement that development should enhance the appearance of the building and not have a significant adverse impact on adjacent occupiers or the surrounding landscape and comply with all other policies.
- 4.3 The as-built development accords with the 45 degree code in respect of protecting the daylight of the adjoining property and therefore complies with criterion of Policy DM.25. No overlooking of adjacent plots results from the proposed changes and minimal harm results in terms of the amendments within the immediate vicinity.

22/0308/FUL

- 4.4 The as built design draws architecturally on both the chalets within the Lower field but importantly, the Severn Valley Signal building to which it is in very close proximity due to the applications sites peripheral position on Severn meadow. The very small footprint, and tall reclaimed brick vertical walls and reclaimed roof of steep pitch result in a very aesthetically pleasing structure when approaching from Northwood Lane when both the application building and the signal building are in view simultaneously. On approach the building reads with the signal building with no other chalets on the site visible within this important street scene approach.
- 4.5 The materials used, along with the form and scale of the fenestration, including window to void relationships maintains the architectural characteristics and detailing of the host property. The modest increase in height and floor area result in a building which is architecturally pleasing and ensures that window headers have good clearance to the eave resulting in good spacing to the principal elevation and the appearance of a well designed façade.
- 4.6 It is acknowledged that whilst the surrounding landscape is uniquely one of open meadow with chalet properties siting within individual plots. The individual chalets are low level and discrete in their plots sitting adjacent the embankment or riverbank, maintaining the open aspect of the landscape and the Green Belt. Although marginally higher than the neighbouring chalets the building is far less sprawling in floor area, and although visible from a number a vantage points within Severn Meadow, the amendments do not result in a jarring appearance within the context of the landscape or wider views of the site.
- 4.7 Paragraph 126 of the NPPF states that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” The proposal results in good design, albeit slightly taller than that previously approved, it represents good design in terms of the National Planning Policy Framework and raises the bar in terms of design on the site in general for future development. Permitted Development right removal is a proposed condition at the end of this report and will ensure that any future expansion of the building would be controlled.
- 4.8 Members should be aware that recent correspondence has been received from the applicant’s agent in response to the Parish Council concerns regarding the first floor mezzanine storage area which it is feared may become a first floor element which they understand would be uncharacteristic of the site in general. The applicant has carefully considered these concerns and has therefore formally confirmed agreement to a condition being attached to an approval which requires the removal of this storage area to alleviate any further concerns over future development of this element of the proposal.

PLANNING BALANCE AND RESULTING HARM

- 4.9 It has therefore been established that the extensions result in ‘appropriate’ development within the Green Belt. In terms of openness and visual amenity, I consider that the minimal increases in footprint and height of 2.1 square meters and

22/0308/FUL

1.1 metres respectively, result in minimal harm above and beyond the previously approved scheme and would be extremely difficult to substantiate on appeal.

4.10 The harm to the character of the landscape is minimal as is the developments impact on neighbouring residential amenity. The extension results in good design and quality material selection which is both aesthetically and architecturally superior to the previously approved scheme, and many of the existing chalets on the site in general. The development results in a high quality street scene approach when compared to the original structure upon approach to the development from Northwood Lane, with both the site and the Severn Valley Signal building in full view simultaneously within the street scene, hence the architectural design brief being drawn from this building.

5.0 Conclusion and Recommendations

5.1 The moderate increase in height of the approved replacement chalet represents 'appropriate' development in the Green Belt that causes minimal harm in terms of openness, the character of the landscape and to the original property. The minimal increase in height of the resulting chalet, is considered to result in a far superior resulting design and architectural quality with a roof pitch that has offered the ability to finish the property in high class materials. The development therefore complies with the Development Plan and national policy contained within the National Planning Policy Framework.

5.2 I therefore recommend **APPROVAL** subject to the following conditions.

1. J1 (Permitted Development rights removed)
2. First-floor storage area shall be permanently removed and the building shall remain single storey for the life of the development.
3. A11 (Approved Plans)