

Open

Planning Committee

Agenda

6pm
Tuesday, 18 October 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 B Brookes
Councillor H E Dyke
Councillor P Harrison
Councillor F M Oborski MBE
Councillor D Ross

Councillor V Caulfield
Councillor C Edginton-White
Councillor M J Hart
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, 18 October 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 20 September 2022. | 7 |
| 5. | Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined. | 17 |
| 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. | |

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| 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

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| 8. | <p>Consideration of an Exempt Report</p> <p>To receive a report from the Head of Strategic Growth to consider what actions need to be taken following a refusal of planning permission by Planning Committee.</p> | |
| 9. | <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> | |

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

20 SEPTEMBER 2022 (6PM)

Present:

Councillors: A Coleman (Chairman), C J Barnett (Vice-Chairman), B Brookes, V Caulfield, H E Dyke, P Harrison, M J Hart, F M Oborski MBE, C Rogers, D Ross and L Whitehouse.

Observers:

Councillors: P Dyke and S Miah.

PL.11 Apologies for Absence

Apologies for absence were received from Councillors: C Edginton-White and L J Jones.

PL.12 Appointment of Substitutes

Councillor B Brookes was a substitute for Councillor L Jones.

PL.13 Declarations of Interests by Members

Councillor D Ross declared an Other Disclosable Interest (ODI), in respect of application 22/0543/S73, that he worked for a competitor of the applicant and he would leave the room whilst the application was determined.

Councillor B Brookes declared an ODI, in respect of application 21/1071/FUL, that he knew a trustee that owned the site. He had not discussed the application with the person and came to the committee with an open mind and intended to remain in the room.

As recorded later in the schedule, Councillor F Oborski MBE declared an ODI, in respect of application 22/0532/RG3, that she was the treasurer of the H.E.L.P charity that feed homeless people in the Tulip Tree Centre adjacent to the site. She intended to remain in the room.

PL.14 Minutes

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

PL.15 Applications To Be Determined

The Committee considered those applications for determination (now incorporated

Agenda Item No. 4

in Development Control Schedule No. 604 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 604 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

There being no further business, the meeting ended at 7.30pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

20 September 2022 - Schedule 604 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.

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| 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 |
| Delegated APPROVAL subject to: |
| <ul style="list-style-type: none"> a) The signing of a S.106 agreement as set out at paragraph 4.77; and b) The following conditions; <ul style="list-style-type: none"> 1. 3-year Time Limit 2. To require site and finished floor levels 3. To secure external materials and hard surfacing details 4. To require amended Boundary Treatment details to show gaps for hedgehogs to pass through 5. Notwithstanding the soft landscaping details submitted, no development above damp-course level shall commence until soft landscaping details have been submitted to and agreed in writing by the LPA, and implemented in accordance with the agreed details 6. Play Provision Implementation and Management/Maintenance Plan 7. Require details of Defibrillator 8. To require recreation footpaths and cycleways to be provided 9. Retention of all identified retained trees and hedgerows 10. Site Investigation for Potential Contaminated Land and Remediation Strategy 11. Unexpected Contamination 12. Construction Environmental Management Plan (Noise) 13. Electric Vehicle Charging Provision 14. Secure Cycle Storage 15. Low Emission Boilers 16. Implementation of provision of PV Panels (34 Plots) 17. Require 66 Plots to be designed to higher access standards of Part M Building Regulations (2010) Category 2 M4(2) and 4 Plots designed to meet wheelchair user dwellings standards of Part M Building Regulations (2010) Category 3 M4(3) 18. Require water efficient measures 19. Scheme of Minerals Recovery 20. Archaeology – Written Scheme of Investigation 21. Archaeology – Archive WSI 22. Archaeology Interpretation Board 23. Method Statement for translocation of Dormouse 24. Construction Environmental Management Plan (CEMP - Biodiversity) to |

include:

- a. Implementation of Tree Protection Fencing and Pre-start meeting with Council's Arboricultural Officer
- b. Amphibians survey prior to vegetation and ground clearance and relocation by hand if any are found during construction
- c. Vegetation clearance to be undertaken outside of bird nesting season
25. A walkover badger survey and scheme of mitigation if required
26. Further bat survey of trees to be felled that have been identified as having potential roost features
27. To require an ecological enhancement scheme and a letter of compliance from a suitably qualified ecologist
28. To require external lighting scheme including letter from a suitably qualified ecologist to demonstrate that the proposed lighting scheme will create dark corridors
29. Landscape Environmental Management Plan (LEMP) including management/maintenance of soft landscaping and site habitats and enhancement measures and biodiversity monitoring strategy for dormouse
30. Off-site swale and associated attenuation basin to be constructed prior to first occupation
31. Existing culverted watercourse to be diverted appropriately, avoiding all residential plots including driveways
32. The SuDs to be constructed and maintained in accordance with the approved details
33. A Construction Surface Water Management Plan
34. To require highway lighting details
35. Construction Environmental Management Plan (Highways)
36. Access and Parking arrangements
37. Visibility Splays
38. To prevent side facing windows within the dwelling on the following Plots that face opposing rear gardens: Plots 3, 10, 15, 16, 19, 21, 24, 25, 30, 34, 36, 42, 46, 52, 56, 64, 66, 72, 74, 75, 80, 81, 87, 90, 94, 98, 103, 107, 108, 109, 112, 114, 115, 119, 120, 128, 129, 130, 135, 138, 143, 150, 181, 191, 193, 197, 199, 205, 206, 208, 213, 216, 217, 219, 226, 244, 252, 274, 275, 279, 283, 304, 306, 307, 313, 315, 319, 321, 327
39. To prevent rear facing clear glazed windows with cill height less than 1.7metres within the dwelling on the following Plots 227 and 303
40. Removal of Permitted Development Rights for future boundary treatment forward of the principle elevation of any dwelling house

NOTES

- Section 106 Agreement
- Inform developer that battery storage is necessary for dwellings with PV solar panels
- Severn Trent Water – Aqueduct
- Public Right of Way obligations
- The revised Energy Report pursuant to condition 19 shall consider the inclusion of solar/photovoltaic panels, air source and ground source heat pumps including battery storage for PV panels
- 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: 21/1071/FUL

Site Address: Land at Os 385175 277187, Husum Way, Kidderminster
Worcestershire

The Committee received representation from Councillor S Miah (ward member for Offmore & Comberton) prior to a decision being made.

Delegated APPROVAL subject to:

- a) The signing of a S.106 agreement;
- b) The following conditions;

1. 3-year Time Limit
2. Require development to be implemented in accordance with submitted plans
3. Installation of a defibrillator prior to first occupation
4. Secure agreed external materials
5. Secure agreed boundary treatment and enclosure details
6. Require hard surfacing materials
7. Removal of PD rights for front boundary treatment
8. Removal of PD rights for side facing windows for properties within 10 metres of a neighbouring rear garden
9. Require recreational footpaths to be constructed prior to first occupation
10. Require noise mitigation strategy
11. Require details of the disposal of foul and surface water (STW)
12. Surface Water Drainage Strategy (NWWM)
13. SuDS assets management plan (NWWM)
14. Construction surface water management plan (NWWM)
15. Minerals Recovery plan
16. Implementation of Tree Protection Fencing
17. Network Rail method statement and risk assessment
18. Details of fencing adjacent to network rail
19. Details of scaffolding works within 10m of the railway boundary
20. Prior to any vibro-impact works on site, a risk assessment and method statement
21. Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway
22. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary
23. Details of appropriate vehicle safety protection measures along the boundary with the railway
24. Require External lighting details
25. Require Landscape Scheme and Implementation showing: hedgerows to be retained together with measures for their protection: hedgerow enhancement

- planting; street trees; SuDS planting; and landscaping details to screen pumping station
26. Landscape and Environmental Management Plan
 27. A walk over survey for protected species and mitigation strategy
 28. Ecological Enhancement Plan
 29. Action plan to displace active fox den
 30. All site clearance works to be undertaken outside of the bird nesting season or for a qualified ecologist to be on site at all times
 31. Require details of soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising
 32. Unexpected Contamination
 33. Require Implementation of PV Panels
 34. Require details of Part M4(2) dwellings
 35. Require compliance of water efficiency measures
 36. Electric vehicle charging points
 37. Low emission boilers
 38. Require Written Scheme of Investigations (WSI) for Archaeology
 39. Require Implementation, Recording and Publication of WSI
 40. Require Highway Access Works to be implemented
 41. Require Visibility Splays to be provided
 42. Require Residential Welcome Pack
 43. Require Layout, Parking and Turning Facilities to be provided
 44. Require Sheltered and Secure Cycle Parking
 45. Construction Management Plan
 46. Safeguarding of an area of land on the northern boundary adjacent to the A456 Birmingham Road for highway improvement works

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)

Councillor S Miah left the meeting at 7.07pm

Councillor P Dyke entered the meeting at 7.19pm

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| <p>Application Reference: 22/0532/RG3</p> |
| <p>Site Address: Castle Road Car Park, Castle Road, Kidderminster, Worcestershire DY10 1AQ</p> |
| <p>Councillor F Oborski MBE declared her interest during the debate.</p> |
| <p>APPROVED subject to;</p> <p>The following conditions;</p> <ol style="list-style-type: none"> 1. 3-year time limit 2. Development to be carried out in accordance with submitted plans 3. Require external materials and hard surfacing details 4. Require finished site and ground floor levels 5. Require boundary treatment to be installed including 2.0m acoustic wall 6. Require refuse storage, cycle storage and smoking shelter to be provided 7. The use hereby approved shall be limited to 20 short term accommodation units for people and/or households who meet the eligibility tests set out under Section 188 Housing Act 1988 (as amended by the Homelessness Reduction Act 2017)(or any Act amending, revoking or re-enacting that Act with or without modification) 8. Require details of glazing and ventilation products and the second-floor roof construction to ensure adequate noise mitigation 9. Require development to adhere to the noise limits for all external plant and equipment 10. Require Environmental Health Construction Environmental Management Plan to limit dust, noise and vibration 11. Require details of size and position of PV arrays to ensure no glare is caused to the adjacent Grade II listed Paddington House building. Details of associated battery storage to be agreed by the LPA. 12. Require development to adhere to external lighting strategy and prevent any new external lighting being installed without the prior approval of the local planning authority (in the interest of light pollution and impact on biodiversity) 13. Require tree protection plan to protect Yew tree during construction 14. Require implementation of recommended Ecological Mitigation and Enhancement Measures 15. Require details of Landscaping Scheme and Implementation 16. Landscape and Environmental Management Plan, which includes the provision of a 1.5-metre-high hedgerow along the boundary adjacent to the River Stour and long-term maintenance 17. Require Reasonable Avoidance Methodology Statement for Otters 18. Prevent site clearance during bird nesting season unless undertaken with the supervision of a qualified and competent ecologist. 19. Require Written Scheme of Investigations (WSI) for Archaeology 20. Require implementation and publication of Written Scheme of Investigation for Archaeology 21. Require risk assessment, mitigation measures/remediation strategy for potential contaminated land 22. Require details for Foul and Surface Water Drainage (STW) 23. Require implementation of Surface Water Drainage Scheme (NWWM) 24. Require permeable paving areas to be maintained to facilitate the optimal functionality and performance of the surface water drainage scheme 25. Require method statement for the protection of the adjacent river from pollution during the construction phase |

26. Require access, turning area and parking facilities to be provided as proposed
27. Require existing vehicular access to be permanently closed
28. Require electric vehicle charging facilities to be provided
29. Travel Information Pack to promote sustainable modes of travel
30. Require Construction Environmental Management Plan to protect Highways
31. Defibrillator to be provided prior to first occupation that is located in a publicly accessible location.

NOTES

- WRS Best Practice Guidance for Construction
- Waste and Recycling Collection for Wyre Forest residents
- Severn Trent Water (public sewer located within site)
- Mineral recovery - applicant to consider whether any opportunities exist for "incidental recovery" of the mineral resource, i.e., recovering a portion of the mineral as an integral part of the non-mineral development, such as recovering material removed in landscaping or footings, which could be reused within the development to minimise the need for materials to be brought on to site.
- Environmental Permit may be required due to proximity to the River Stour
- Section 278 Agreement

Application Reference: 22/0315/OUT

Site Address: Land Off, Areley Common, Stourport On Severn, Worcestershire

Delegated REFUSAL for the following reasons;

- 1) The application site is an unallocated greenfield site, that falls outside of the settlement boundary of Stourport-on-Severn and within the open countryside where housing development is strictly controlled and limited to specific housing developments such as rural exception sites. The development by virtue of its scale, location and housing tenure would not be an appropriate rural exception scheme. As such, the principle of development in terms of location, land use and amount of development is unacceptable and in conflict with Policies SP.1, SP.2, SP.6 and SP.11 of the Wyre Forest District Local Plan.
- 2) The proposal would have an unacceptable impact on the open and tranquil rural character of this part of the countryside and would lead to a permanent urbanising effect of this landscape. The proposed location and quantum of development is inappropriate for this rural location and would result in an intrusive and dominant form of development and visual erosion of this landscape character and countryside location, giving rise to substantial harm to the landscape character and public rights of way. The development would diminish the intrinsic character and beauty of the open countryside and would be contrary to Policy SP.22 of the Wyre Forest District Local Plan and Paragraphs 100 and 174(b) of the National Planning Policy Framework.
- 3) The demand for solid sand resources remains high following the adoption of the Local Plan and the planned growth for the district. The submitted Minerals Resource Assessment is unacceptable on the grounds that it fails to show how much minerals (solid sand, silica sand, and terrace and glacial sand and gravel) would be potentially sterilised by the proposed development and no sequential approach has been undertaken to determine whether sterilisation of mineral resources could be avoided or minimised through full, partial or incidental extraction of the resource, contrary to Policy SP.34 of the Wyre

- Forest District Local Plan, the Worcestershire Minerals Local Plan and Paragraphs 209 and 212 of the National Planning Policy Framework.
- 4) Insufficient information has been submitted to ascertain the development impacts on protected species, including badgers, bats, breeding birds and reptiles. Further survey work is required and in the absence of this information the local planning authority is unable to determine whether the mitigation proposed would be acceptable in order to minimise impacts on biodiversity and provide measurable net gains for biodiversity, in accordance with Policy SP.23 of the Wyre Forest District Local Plan and Paragraphs 174 and 180 of the National Planning Policy Framework.
 - 5) Insufficient information has been submitted to demonstrate that the proposed development would achieve appropriate long-term sustainable management of surface water drainage. As currently proposed, the applicant cannot guarantee that a connection to off-site drainage can be achieved or that the proposed discharge can cross an aqueduct, to the south of the site, and that the applicant has permission for the surface water discharge routing to cross land in control of third parties. The proposal therefore fails to demonstrate that an acceptable long-term sustainable management of surface water drainage can be provided as part of the development, contrary to Policy SP.32 of the Wyre Forest District Local Plan and Paragraphs 167 and 169 of the National Planning Policy Framework.
 - 6) The application site is unallocated and would result in the loss of Grade 2 and Grade 3 agricultural land that is considered worthy of protection given that it is of higher quality grades of agricultural land and is of a sufficient size and topography. The development is therefore contrary to Policy DM.32 of the Wyre Forest District Local Plan and Paragraph 174 of the National Planning Policy Framework.

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| Application Reference: 22/0506/HOU |
| Site Address: 32 Bowpatch Road, Stourport On Severn, Worcestershire DY13 0ND |
| APPROVED subject to the following conditions: |
| <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. B3 (Finishing materials to match) 3. A11 (Approved Plans) |

Councillor D Ross left the meeting at 7.28pm

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| Application Reference: 22/0543/S73 |
| Site Address: Part Ground Floor, 1 High Street, Kidderminster, Worcestershire DY10 2DJ |
| APPROVED subject to the following conditions: |
| <ol style="list-style-type: none"> 1. Premises shall operate in accordance with the Operational Management Plan at all times 2. CCTV system to remain in full operation at all times when the premises is open and be maintained |

Councillor D Ross re-joined the meeting at 7.29pm.

Application Reference: 22/0641/HOU

Site Address: 3 Hawkstone Close, Kidderminster, Worcestershire DY11 5EG

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. |
|------------------------------|---|-----------------------|-----------------|
| 22/0563/HOU & 22/0573/LBC | Swallows Barn The Holloway Chaddesley Corbett DY10 4QD | REFUSAL | 18 |

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE****18 October 2022****PART A**

| | | | |
|-------------------------------|--------------------------------------|-----------------------|--------------------------|
| Application Reference: | 22/0563/HOU & 22/0573/LBC | Date Received: | 11.07.2022 |
| Ord Sheet: | 389104 274361 | Expiry Date: | 05.09.2022 |
| Case Officer | Richard Jennings | Ward: | Wyre Forest Rural |

Proposal: First floor side extension**Site Address: Swallows Barn, The Holloway, Chaddesley Corbett, DY10 4QD****Applicant: Mr J and Ms S Thomas and Green**

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|---|---|
| Summary of Policy | SP.20, SP.21, DM.22, DM.23, DM.24, DM.29 of the Wyre Forest District Local Plan Design Guidance SPD National Planning Policy Framework National Planning Practice Guidance |
| Recommendation | REFUSAL |
| Reason for referral to Committee | Referral by a Ward Member |

1.0 History

- 1.1 WF.0619/05 – Conversion of Barns to 3 no. dwellings – Approve
- 1.2 WF.0620/05 (LBC) – Conversion of Barns to 3 no. Dwellings - Approved
- 1.3 08/1041/FULL - Erection of a garden shed - Approved
- 1.4 12/0438/LIST - Installation of three Velux windows on front elevation - Approved
- 1.5 14/0045/FULL - Proposed Sun Lounge – Approved
- 1.6 21/1154/HOU - Single storey front extension – Withdrawn

22/0563/HOU & 22/0573/LBC

2.0 Consultation and Representations

- 2.1 Chaddesley Corbett Parish Council – Please see previous comments and refer to Policy DM.29 regarding extensions to barn conversions.

Previous comments: Chaddesley Corbett Parish Council – Recommend Refusal in line with the comments of the Conservation Officer.

- 2.2 Conservation Officer - Recommend Refusal.

This property was formerly an agricultural building associated with New House Farm. It was converted under policies which did not permit the extension of agricultural buildings when being converted to residential use.

The current adopted WFDC Local Plan 2016-2036 Policy DM29 part 6 is relevant to this application:

Policy DM.29 - Re-use and adaptation of rural buildings

6. 'Where previous development has relied upon this policy or an earlier equivalent no further development (including extensions) will be permitted within the curtilage'.

Whilst the barn now known as Swallows Barn may now be separated both physically and in legal tenure from New House Farmhouse, it is the relationship at the date of listing which determines whether it is considered to be a curtilage listed building or not.

The council has previously determined that the building is curtilage listed by virtue of it requiring and granting listed building consent for the original conversion.

The applicant has submitted a heritage statement which describes the significance of New House Farm house but this does not describe the significance of the former agricultural building to be converted. This may be because the applicant disputes the fact that the building is 'curtilage listed', however the only way to resolve that would be for the applicant to apply to Historic England to re-assess the significance of the farmstead as a whole and via which process the significance and status of each of the individual components of the farmstead could be determined categorically.

As it stands the application is deficient because the heritage statement has not properly considered the significance of the building to be converted.

It is my opinion that the original conversion recognised the significance of the agricultural nature of the building and retained the most significant element of it which comprises an open yard and animal pens.

Such enclosed open yards and animal pens are increasingly rare and the proposed first floor extension will effectively remove any understanding of the former use of the building. As the building is curtilage listed it is not only somewhat of a rarity but also statutorily protected. The proposed extension does not serve to better reveal the significance of the building rather it serves to cause harm to it and this harm is not insignificant because its main Architectural and Historic interest will be lost.

22/0563/HOU and 22/0573/LBC

As a curtilage listed building the same protections are offered as to the main listed building (New House Farm), and the NPPF allows any less than substantial harm arising from proposals to be considered against any public benefits arising from the proposal. Whilst there may be substantial benefits to the existing owners arising from the proposal, including the special circumstances they cite, these should be considered against the loss to the public domain of features of a rare and interesting agricultural building.

As it stands, I consider this application fails the requirements of the NPPF and WFDC Planning Policy DM 23.

It also fails the test set in WFDC Policy DM29 part 6 (see comments on the associated application for planning permission).

The application is thus contrary to adopted Local Plan Policy and should be refused.

- 2.3 WCC Archaeology – No objection subject to a condition to secure a historic building record to be undertaken.

Swallows Barn is recorded on the County Historic Environment Record as a Grade 2 Listed range of farm buildings, originally part of New House Farm, now converted (WSM53851, national ref: 1348335). The section of the building to be converted comprises the former pigsty. The Conservation Officer should be consulted on the appropriateness of the development. Should it be deemed appropriate and you are minded to grant consent the pigsty should be subject to an historic building record prior to conversion, the subsequent report being logged with the Historic Environment Record.

3.0 Site Location and Description

- 3.1 The application relates to a modest converted 18th Century former agricultural building of traditional brick and tile construction which is set within a complex of converted former agricultural buildings and are considered curtilage Listed by their association to the Grade II listed New House Farm to which they are closely associated.
- 3.2 Swallows Barn itself, obtained approval for conversion from an agricultural building to a residential dwelling in July 2005 under planning approval WF.0619/05 and WF.0620/05 (LBC). The building to date retains much of its former agricultural character through its sensitive original conversion.
- 3.3 The proposal seeks planning permission and listed building consent for the erection of an upward first floor extension, utilising the existing low level walls, of the former historical animal pens which are of brick construction and topped with sandstone copings.

4.0 Officer Comments

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4.1 BACKGROUND INFORMATION

A recent application 21/1154/HOU for the erection of a single storey front extension in a similar position to the current proposal was considered by the Planning Committee on 19th April 2022, and following a deferral and a subsequent site visit by Members, the application was withdrawn. The current application is a resubmission of that previously withdrawn, and seeks to overcome the concerns of the Parish Council, Members of the Planning Committee and officers in relation to the principle of development, the impact on the rural character of the building and upon the significance of the heritage asset. Three significant amendments have been made to the previous submission in an attempt to overcome the previous concerns:

- The floor plan now depicts the proposed additional floor space being utilised as a ground floor bedroom.
- The loss of the air holes within the building is mitigated by their re introduction in the proposed new wall.
- The important animal pen walls and coping stones are retained on the exterior of the development so as to preserve their visual significance.

PRINCIPLE OF DEVELOPMENT

4.2 Policy DM.29 of the Adopted Wyre Forest District Local Plan and previous conversions Policy SAL.UP11 of the Adopted Site Allocations and Policies Local Plan, have been consistent in their approach to the conversion of rural buildings to dwelling houses for many years. Although the policy wording may have altered over time, the overriding thrust of all of the policies has been to resist the addition of extensions and additions to these former rural buildings, firstly by way of ensuring that they are of a sufficient size at the time of initial conversion to successfully operate as a dwelling without the later requirement of additions and to subsequently resist any future applications to enlarge them, in order to ensure the architectural and historic characteristics of the rural building is not destroyed through its conversion. Within the sub-text of Policy DM.23 it states that within paragraph 27.5 that ‘... no extensions to dwellings created (whether through Policy DM.29 and earlier rural building policies or via implementation of permitted development rights) will be permitted’. Detailed consideration will be given to the detailed matters as part of this report. However, it is clear from the outset that the proposal is contrary to Policy DM.23 which carries weight against the proposal.

IMPACT ON HERITAGE ASSETS

4.3 Careful consideration must also be given to the Curtilage Listed status of the application building, in terms of paragraph 202 of the National Planning Policy Framework (the ‘Framework’) and corresponding development plan policy DM.23. Careful consideration of the 1884, 1903 and 1926 Ordnance Survey clearly indicates the existence of the animal pens attached to the small barn, now converted, and known as Swallows Barn. The entire structure is attached to the Grade II listed farmhouse by way of walling forming an enclosed farmyard. By way of the barn’s close association and attachment to the Listed farmhouse it is clear that the barn is Curtilage Listed by association.

4.4 The loss of the open animal pens represents a loss of the agricultural character to this small, converted barn and causes harm to its significance as a heritage asset.

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- 4.5 Furthermore, the proposal negatively impacts on the intrinsic character and key features of the barn, which were carefully retained through the original conversion. New openings in the form of a doorway, which does not utilise the existing opening and results in hiding of the original opening, the loss of its traditional header, the masking and loss of historic 'breathing holes' in the main elevation of the barn and the removal of the historic wall separating the pens. This all results in a significant deterioration in both the historic nature and interpretation of the barn, and the key features that link to its former use and appearance. It should be noted that these were all critical to the design brief of the initial conversion application.
- 4.6 The current walled garden which results from the former animal pens also serves as a bin storage area ensuring that these are discreetly tucked away out of site and do not impact on the barn or its setting. If this walled area is lost it can only be assumed that the refuse bins will either be stored in a far more prominent position or further applications would be submitted to provide an additional building for their storage. The impact of the bins located in a prominent position or an application for a storage building would both lead to a deterioration in the setting of the Listed Barn and its rural, agricultural appearance.
- 4.7 Your Officers therefore consider that the proposed development would result in harm to the significance of the heritage asset and would be contrary to Policy DM.23.
- 4.8 Such harm to the significance of the heritage asset, is considered to be 'Less than Substantial' but at the higher end of the scale of harm. The Framework sets out a high test for consideration of harm to Heritage Assets. This links to the statutory duty on those making planning decisions to have "special regard" to the desirability of preserving the building and any features of historic interest. Paragraph 202 of the Frameworks states that;
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use
- 4.9 The applicant has provided justification for the proposed extension to the existing barn conversion in an attempt to outweigh on balance what is otherwise a clear departure from the development plan. The applicants state that 'the applicants have lived at Swallows Barn since 2007. Swallows Barn as the name suggests, resulted from the conversion of an agricultural building on the site. Ms Green's mother is elderly and now requires additional care with extended stays at the property. In order for her to comfortably stay in our clients' care the extension is crucial. Additionally, the couple have a strong affection for their home and wish to remain in it. They appreciate that they are getting older and due to this have recognised that they need more ground floor space. This would ensure that the clients will still be able to remain in the property in their later life'.

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- 4.10 It is acknowledged that considerations put forward are personal and there is some sympathy for the aspirations of care within the community. However, Members will note that the supporting statement is not amplified in respect of how the extension meets the requirements for providing this care or how that the additional ground space will provide for adaptive needs. It is accepted that the proposed addition will serve as a ground floor bedroom however little further information has been provided other than that additional accommodation will serve as elderly relative accommodation and provide a ground floor bedroom for the homeowners to future proof their occupation of the property. Whilst it is accepted that space can be utilised for varying purposes, no evidence has been advanced to show that a suitable wet room or accessible bedroom, for example can also be provided. Whilst weight can be given to such material circumstances, Members are reminded of that the National Planning Practice Guidance (PPG) which states that to grant planning permission solely on the grounds of an individual's personal circumstance will scarcely ever be justified in the case of permission for a permanent building. This follows the established principle from previous Government Guidance that the harm will be permanent long after the personal circumstances are no longer relevant. It is often the case with conversions of this nature that when the building no longer provides the correct facilities for the occupants whether that be age related or expanding family's that the building may have reached the point where it should be sold and more suitable accommodation found elsewhere. Your Officers therefore consider that the justification for the proposed extension is solely for personal circumstances and that it carries limited weight in favour of this development in the planning balance.
- 4.11 Officers are of the view that the harm that has been identified to the Heritage Asset would not be outweighed by the circumstances put forward by the Applicant. In addition, there is a statutory requirement to balance heritage harm against public benefits. There are no wider public benefits that flow from this proposal to a degree that outweigh the loss of an important heritage feature and the harm to the character of the heritage asset.
- 4.12 The proposal is therefore considered to be contrary to the Adopted Wyre Forest District Local Plan Policy DM.23 as well as the advice contained within the Framework paragraph 202, as there are no public benefits arising from the proposals. This type of animal pen are now a rarity, especially in this good condition, and in this case its survival is essential if the former agricultural functions of the historic farmstead are to be understood by future generations.

HIGHWAYS AND ACCESS

- 4.13 There are no objections from a Highway perspective as the proposal does not result in a deterioration in Highway safety or parking availability.

5.0 Conclusion and Recommendations

- 5.1 Policy DM.29 of the Adopted Wyre Forest District Local Plan and its predecessor SAL.UP11, have consistently sought to ensure that the intrinsic character of rural buildings is maintained whilst allowing for their appropriate conversion and re-use.

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Although each proposal should be judged on its merits on a case-by-case basis, fair and equal interpretation of the policy must be an overriding consideration.

5.2 In this particular case, I have seen no compelling reasons to indicate why the conversions policy should not be given full weight in its requirement that proposals relating to converted rural buildings ‘must not include extensions or significant alterations’—The buildings Listed status requires that any less than substantial harm to its significance should be outweighed by the public benefits arising from the development proposals, for which in this case there are none presented. The proposal also fails on this count to comply with the requirements of the Heritage policy DM.23 and the requirements of the Framework, which seek to ensure the significance of heritage assets is preserved and enhanced where possible. The existing traditional animal pen structures are a common intrinsic feature of many former farm buildings throughout the district and to approve this application would set an undesirable precedent for other applications to come forward seeking to extend and enclose these features, which would detract from the agricultural appearance of the buildings. The proposed development is considered to be contrary to Policies DM.23 and DM.29 of the Adopted Wyre Forest District Local Plan and there are no material considerations to indicate a departure of the Local Plan.

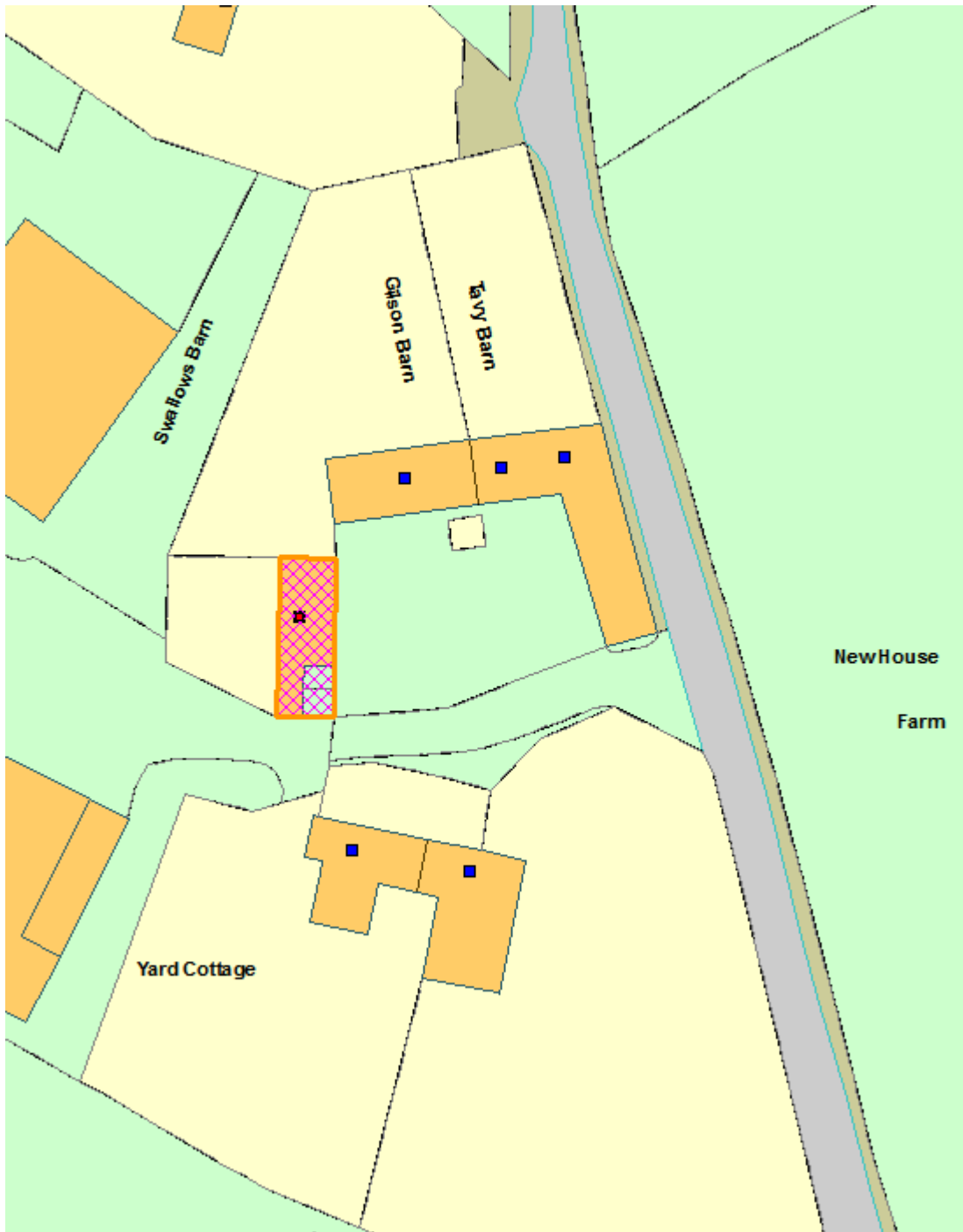
5.3 It is therefore recommended that:

a) Application 22/0563/HOU be **REFUSED** for the following reason:

1. The proposed extension and enclosure to the former animal pen would result in detrimental harm to the character, form and appearance of this rural building and would result in less than substantial harm to the significance of this important Heritage Asset, in which there are no public benefits to outweigh the harm. The proposal would set an undesirable precedent for other residential conversions to extend and enclose traditional open animal pens that form an intrinsic part of the fabric and built form of the rural building. The development is therefore contrary to the requirements of Policies DM.23 and DM.29 of the Adopted Wyre Forest District Local Plan and Paragraphs 199 and 202 of the National Planning Policy Framework.

b) Application 22/0573/LBC be **REFUSED** for the following reason:

1. The proposed extension and enclosure to the former animal pen would result in loss of the historic agricultural built form of the former barn and lead to less than substantial harm to the significance of the Heritage Asset, in which there are no public benefits to outweigh the harm. The development is therefore contrary to the requirements of Policies SP.21 and DM.23 of the Adopted Wyre Forest District Local Plan and Paragraphs 199 and 202 of the National Planning Policy Framework.



Economic Prosperity and Place Directorate

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