

Open

Planning Committee

Agenda

6pm
Thursday, 18 May 2023
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

To be confirmed following the Annual Council meeting on 17 May 2023

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

Disclosure of Interests

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in advance of each meeting whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPis and ORIs at the meeting.

Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.

Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where a matter affects the NRI of a Member or co-opted Member, the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required. Again please ensure you have spoken in advance to the relevant legal advisor.

Please see the Members' Code of Conduct as set out in Section 14 of the Council's constitution for full details.

WEBCASTING NOTICE

This meeting is being filmed* for live or subsequent broadcast via the Council's website site (www.wyreforestdc.gov.uk).

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

Thursday, 18th May 2023

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 interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. 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 18th April 2023.	8
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

7.	Exclusion of the Press and Public To consider passing the following resolution: “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”.	
-----------	---	--

Part 2

Not open to the Press and Public

8.	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.	
-----------	--	--

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

18TH APRIL 2023 (6PM)

Present:

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

Observers:

Councillors: R H Coleman.

PL.40 Apologies for Absence

There were no apologies for absence

PL.41 Appointment of Substitutes

No substitutes were appointed

PL.42 Declarations of Interests by Members

No declarations of interest were made.

PL.43 Minutes

Decision: The minutes of the meeting held on 14th February 2023 be confirmed as a correct record and signed by the Chairman.

PL.44 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 608 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 608 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

There being no further business, the meeting ended at 6.37p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18 April 2023 - Schedule 608 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: 22/0996/S73

Site Address: Old Hall Farm, Tenbury Road, Clows Top, Worcestershire, DY14 9HE

DEFERRED for further investigation following issues raised by neighbouring residents.

Application Reference: 22/0464/OUT

Site Address: Land At Os 388200 278800, Station Drive, Blakedown, Kidderminster, Worcestershire.

The Committee received representation from Sue Fowler, Chair of Churchill & Blakedown Parish Council (objector) prior to a decision being made.

DEFERRED for additional information requested by members to be provided to assist with their decision and for a site visit.

Application Reference: 22/0927/FUL

Site Address: Old Pumping Station, Trimpley Lane, Shatterford, Worcestershire.

APPROVED subject to the following conditions:

1. A6 (Standard Time)
2. B1a (Materials to be submitted for any new works)
3. Parking area no-dig method of construction
4. Retention of green roof / no use of roof as seating area
5. Boundary treatment details
6. Access and parking
7. Highway surfacing
8. Electric vehicle charging point
9. Landscape Environmental Management Plan including BNG calculation
10. Details of new hedgerow planting
11. Hedgerow planting implementation
12. No external lighting
13. No vegetation clearance in nesting season
14. All excavation works to be covered at night
15. No person(s) shall stay at the holiday let for a period in excess of 3 weeks continuously at any one time, nor return to the holiday let until a period of at least 2 weeks has lapsed.
16. The holiday let shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

17. The applicant shall keep an up-to-date written register of all persons (including full name and main home addresses) staying at the holiday let. The written register shall be maintained daily thereafter and made available to the Local Planning Authority for inspection at Reasonable notice.

Informative
a. Highways

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
21/0672/FUL	Land On The South Side Of Kidderminster Road Bewdley Worcestershire	Delegated Approval	12
22/0153/FUL	Old Bliss Farm Barns Old Bliss Farm Gorst Hill Rock Kidderminster Worcestershire DY14 9YG	Approval	49

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
22/0635/FUL	Aventine House And Innovation House Edwin Avenue Hoo Farm Industrial Estate Kidderminster Worcestershire DY11 7RA	Approval	58
23/0144/RG3 & 23/0156/S19	Former Worcester Cross Factory And Offices, Weaving Sheds & Worcester Cross Worcester Street Kidderminster Worcestershire	Approval	64

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE****18 May 2023****PART A**

Application	21/0672/FUL	Date	27.07.2021
Reference:		Received:	
Ord Sheet:	379793 275850	Expiry	28.02.2022
		Date:	
Case Officer	Helen Hawkes	Ward:	Wribbenhall And Arley

Proposal: Proposed residential development comprising 79 dwellings, new vehicular access off Kidderminster Road, public open space, SUDS, associated landscaping and engineering works

Site Address: Land On The South Side Of, Kidderminster Road, Bewdley, Worcestershire, ,

Applicant: Persimmon

Summary of Policy	SP.1, SP.2, SP.5, SP.9, SP.10, SP.12, SP.13, SP.16, SP.20, SP.21, SP.22, SP.23, SP.26, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.33, SP.35, SP 36, SP.37, DM7, DM.8, DM.23, DM.24, DM.26, and SA.B3 of the Wyre Forest Local Plan (Adopted April 2022) Design Guidance SPD Planning Obligations SPD Affordable Housing SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	DELEGATED APPROVAL SUBJECT TO S106 AGREEMENT
Reason for Referral to Committee	Report Back following Deferral of Application "Major" Planning Application

UPDATE

This planning application, for 79 residential dwellings, access, landscaping, and drainage to be located on land off Kidderminster Road, was considered by members of the planning committee in December 2022. The application was deferred by members for the following reason:

21/0672/FUL

Deferred to enable the applicant to provide an up-to-date Traffic Assessment and to allow Bewdley Town Council to comment which the LPA will encourage them to do, and whilst acknowledging that it is not a requirement that an alternative boiler system to that proposed be provided that it should be explored with the applicant, and comments bought back when the application is bought back.

Bewdley Town Council recommended approval of this application, dated 6 October 2021, which had not been reported in the original Officer report.

Since the deferral decision, a Highway Technical Note prepared by PJA Consultants and an updated Sustainability Report by JSP Limited have been submitted by the applicant to address the matters above.

In terms of highways, the Highway Technical Note has been reviewed by the Highway Authority and they have provided the following comment:

Highway Authority – No highway objection. The Highways Technical Note (Document Reference: 06166-VD) provides sufficient responses and demonstrates that the proposed development is acceptable in highway terms.

The PJA submitted Technical Note (Document Reference: 06166VD), dated 11 April 2023, includes a further assessment of the following:

- Updated traffic surveys, and a comparison to those used within the submitted TA for the site; and
- Updated junction modelling for the site access, as well as the two adjacent junctions (as listed above).

1. Traffic Survey - As recommended the applicant has undertaken a second traffic survey, as the previous surveys that were undertaken on 31 March 2021 and may have been affected by COVID-19 restrictions applying at the time. An Automatic Traffic Count (ATC) was undertaken on Kidderminster Road in the vicinity of the proposed site access between 20 and 26 March 2023, and junction turning counts were undertaken on Tuesday 21 March 2023. The Department for Transport (DfT) notes that traffic surveys should be carried out within a neutral period. This is defined in Transport Assessment Guidance (TAG) Unit M1.2 (Data Sources and Surveys) as:

“Neutral periods are defined as Mondays to Thursdays from March through to November (excluding August), provided adequate lighting is available, and avoiding the weeks before/after Easter, the Thursday before and all of the week of a bank holiday, and the school holidays. Surveys may be carried out outside of these days/months, ensuring that the conditions being surveyed (e.g., traffic flow) are representative of the transport condition being analysed/modelled.”

21/0672/FUL

The Technical Note then goes onto state that:

“During the survey period, it understood that there was an emergency road closure in operation on B4195 Stourport Road, between B4190 and Ricketts Place. It is considered that this may have increased the volume of traffic using the B4190 Kidderminster Road within the vicinity of the proposed development, as it formed part of the signposted diversion route. On this basis, it is considered that use of these traffic flows, with the road closure in place, provides an even more robust assessment than that which would have been undertaken without the road closure in place”.

The Highway Authority acknowledges the evidence and accepts that the surveys conform with DfT guidance and are suitable for modelling purposes.

2. Traffic Flows - Using the updated two-way flows from the ATC data for Kidderminster Road, the average weekday network peak periods for the 2023 survey data were:

- AM Peak – 08:00-09:00
- PM peak – 16:00-17:00

PJA have then proceeded to replicate the previously agreed methodology used in the June 2022 TA with traffic flows growthed from 2023 to a 2026 base year using TEMPro v7.2c. To be consistent, traffic flows along Kidderminster Road have been derived using relevant approach and exit flows from the adjacent junction turning counts at the A456/B4190 Kidderminster Road and B4190 Kidderminster Road/Habberley Road junctions. The resultant traffic flows for a revised 2026 Base (using 2023 survey data) have been compared to the 2026 Base flows used within the TA (using 2021 survey data), excluding committed development.

The Applicant has provided a full report within the Appendix B of their Technical Note. The key findings are summarised in Table 1 below and show the traffic flows passing through each junction, in each flow scenario. Table 2 summarises these results. All flows illustrated below are presented in Passenger Car Units (PCUs).

Table 1

Difference in Traffic Flow (2026 Base) 2021 Surveys vs 2023 Surveys - Junction Total

Junction	2026 Base (based on 2021 surveys)		2026 Base (based on 2023 surveys)		Change	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
A456/B4190 Kidderminster Road	2,469	2,311	2,381	2,242	-88	-69
B4190 Kidderminster Road/Site Access	1,491	1,678	1,480	1,588	-11	-89

21/0672/FUL

Habberley Road/B4190 Kidderminster Road	1,781	1,969	1,752	1,874	-30	-95
---	-------	-------	-------	-------	-----	-----

Table 2

Difference in Traffic Flow (2026 Base) 2021 Surveys vs 2023 Surveys

Junction	Arm	2026 Base (based on 2021 surveys)		2026 Base (based on 2023 surveys)		Difference in Traffic Flow	
		AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
B4190 Kidderminster Road / Site Access	B4190 Kidderminster Road	860	716	860	669	0	-46
	A456 Kidderminster Road (N)	747	966	717	907	-30	-59
	A456 (S)	862	629	803	665	-59	37
Junction Total		2,469	2,311	2,381	2,242	-88	-69
A456 / B4190 Kidderminster Road	B4190 Kidderminster Road (E)	654	896	627	903	-27	7
	B4190 Kidderminster Road (W)	837	782	853	686	16	-96
Junction Total		1,491	1,678	1,480	1,588	-11	-89
B4190 Kidderminster Road / Habberley Road	Habberley Road	461	506	470	419	10	-87
	B4190 Kidderminster Road (E)	654	896	631	893	-23	-3
	B4190 Kidderminster Road (W)	667	567	650	562	-17	-5
Junction Total		1,781	1,969	1,752	1,874	-30	-95

Table 2 demonstrates that for all movements at each junction, the 2021 flows provide higher traffic flows than those calculated using that of the revised 2023 base flows.

However, Table 2 does demonstrate that some individual turning movements are higher using the 2023 flows. The ATC data collected on Kidderminster Road has

21/0672/FUL

been used to demonstrate the level of daily variation in traffic flows on this section of the local highway network.

This is summarised in Figure 1 and 2, for eastbound and westbound movements, respectively. These show variations of approximately 100 vehicles per hour are recorded on the local network, during the peak periods, across an average, neutral week.

Figure 1

Daily Traffic Variation – Kidderminster Road Eastbound

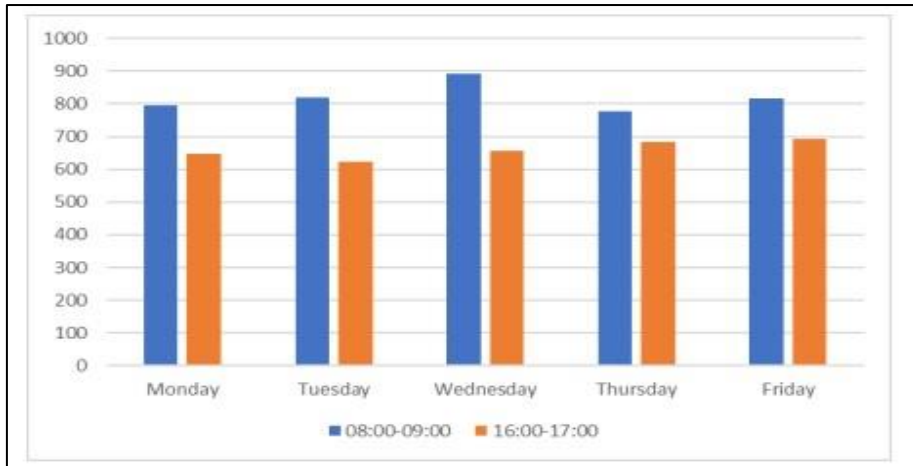
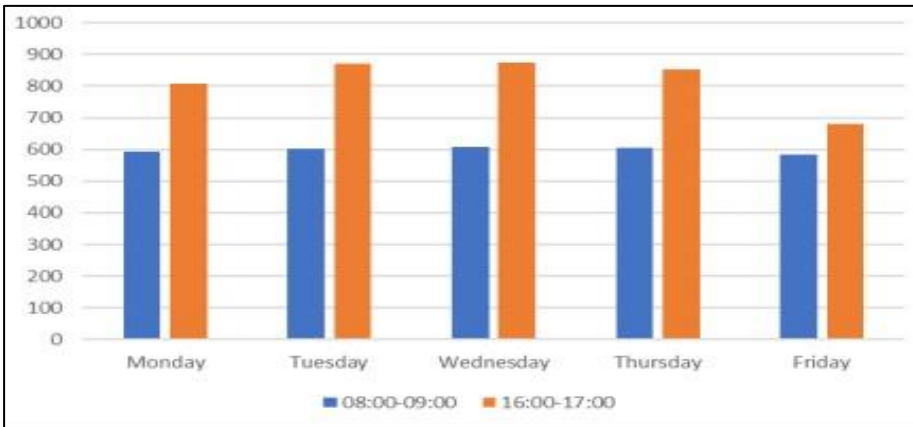


Figure 2

Daily Traffic Variation - Kidderminster Road Westbound



From the information provided above, the updated traffic flows are lower than those used within the original assessment presented within the submitted TA.

Minimal increases have been identified on individual movements, which are well within what would be expected as part of daily variation in traffic flows. Therefore, the previous conclusions included within the TA of off-site impact and site operation remain valid. The Highway Authority acknowledges and accepts this approach.

21/0672/FUL

3. Junction Modelling - The remaining issue raised by BTC concerned the capacity of off-site junctions. The latest data reports the following key assessments:

- 2026 Base + Committed Development
- 2026 Base + Committed Development + Proposed Development

Site Access/Kidderminster Road

Table 3 summarises the results of updated junction modelling and demonstrates that the proposed site access junction will operate well within capacity in a future year of 2026, with no queueing and minimal delay.

Table 3

Site Access / Kidderminster Road - Modelling Summary

Arm	AM Peak (08:00-19:00)			PM Peak (17:00-18:00)		
	RFC	Queue (PCU)	Delay (secs)	RFC	Queue (PCU)	Delay (secs)
Site Access (right, left)	0.13	0	16	0.07	0	19
Kidderminster Road (ahead, Right).	0.02	0	4	0.05	0	4

The Highway Authority are satisfied with the results and no further assessment is required for the Site Access/Kidderminster Road junction.

A456/ B4190 Kidderminster Road

Table 4 summarises the results for the updated junction modelling. The Applicant has demonstrated that the junction will continue to operate within capacity in a future year of 2026 following addition of the traffic generated by the proposed development, with minimal increases to queueing or delay.

Table 4

A456 / B4190 Kidderminster Road - Modelling Summary

Arm	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	RFC	Queue (PCU)	Delay (secs)	RFC	Queue (PCU)	Delay (secs)
2026 Base + Committed Development						
A456 Kidderminster Road (NE)	0.54	1	5	0.65	2	6
A456 (SW)	0.63	2	7	0.60	2	7

21/0672/FUL

B4190 Kidderminster Road	0.78	4	14	0.55	1	6
2026 Base + Committed Development + Proposed Development						
A456 Kidderminster Road (NE)	0.54	1	5	0.66	2	7
A456 (SW)	0.64	2	7	0.61	2	7
B4190 Kidderminster Road	0.80	4	15	0.56	1	6

The Highway Authority are satisfied with the results and that no further clarification is required for the A456/B4190 Kidderminster Road junction.

B4190 Kidderminster Road / Habberley Road

Table 5 summarises the results of the updated junction modelling as undertaken by PJA. The results demonstrate that the junction currently operates at capacity in the PM peak period, with existing queues of up to 22 PCUs on Kidderminster Road.

PJA then go onto state that in the 2026 Base + Committed Development scenario, without the addition of the Proposed development the junction is forecast to continue to operate at capacity in the PM Peak, with the maximum queue increasing to 35 PCUs. It should however be noted that once the RFC increases over 1, the queues and delays increase exponentially and in reality, this level of queuing and delay may well not occur.

In order to assess the impact of the development, a comparison of capacity results for the future year, with and without proposed development, has also been undertaken (Scenario 2 & 3). This comparison provides an indication of the impact of the development on queuing and delay at the junction. Any increase in queuing or delay between Scenario 1 (2023 Base) and Scenario (2026 Base + Committed Development) will be due to background growth in traffic and that generated by committed development and may occur regardless of whether the proposed development comes forward, or not.

21/0672/FUL

Table 5

B4190 Kidderminster Road / Habberley Road- Modelling Summary

Arm	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	RFC	Queue (PCU)	Delay (secs)	RFC	Queue (PCU)	Delay (secs)
2026 Base + Committed Development						
Habberley Road (left)	0.89	7	49	0.75	3	22
Kidderminster Road (right, ahead)	0.64	3	13	1.03	35	116
2026 Base + Committed Development + Proposed Development						
Habberley Road (left)	0.89	7	49	0.76	3	23
Kidderminster Road (right, ahead)	0.66	7	12	1.03	37	121

Following introduction of the development traffic in 2026, there are imperceptible increases to queueing and delay during the AM and PM peaks. Moreover, the proposed development will generate just 13 two-way trips through this junction during the peak hours. As such, the impact of the development at this junction is not considered to be severe in the context of the NPPF.

As highlighted within our previous response to the Applicant in June 2022, WCC Highways accepted that the impact of the development at this junction, which was comparable to that results provided within Table 5 above were not severe and hence no objection were offered to the Application on this basis.

The Highway Authority are therefore satisfied with the results and no further clarification is required for that of the B4190 Kidderminster Road/Habberley Road junction.

Officer Consideration

Your Officers highlight that the main concern raised by Members during the committee meeting in December was that the Traffic Surveys contained in the Transport Assessment had been undertaken during COVID-19 when traffic levels were not normal due to the pandemic restrictions placed on households. It has been advised within the submitted Technical Note that the recent Traffic Surveys have demonstrated that *'across all three junctions (site access, Kidderminster Road/Habberley Road, Kidderminster Road/A456) these revised traffic flows were*

21/0672/FUL

lower than those used within the original assessment presented within the submitted TA. Across both off-site

junctions, the traffic flows on some turning movements were marginally higher in the revised traffic flows compared to the original flows. However, these minimal increases and are well within the daily variation in traffic flows that would be expected on these roads, as demonstrated using traffic count data for Kidderminster Road also collected in March 2023'. Your Officers therefore conclude that the Traffic Assessment that has been carried out for the proposed housing development, based on all of the Traffic Surveys undertaken, is robust and accurate.

Officers also note that since the previous application was considered by Members in December 2022, 1 additional letter of objection has been received from a neighbouring resident on grounds that the new traffic surveys were carried out during March and not April in which the Highway Authority Officer had reported at the Planning Committee meeting that April would be the first neutral month for when the new traffic surveys could be carried out. The objector also states that there were a number of discrepancy in the new traffic assessment for example the peak times are only over 1 hour (8-9am, 4-5pm) and should include the hours between 7-10am and 4-7pm and the assessment does not take into account the traffic lights/crossing and in terms of the Highway Authority comment in relation to the capacity of the Kidderminster Road/Habberley Road junction forecasts.

The comments received from the neighbouring resident have been carefully considered and fully taken into account by the Highway Authority and your Officers. The recent traffic surveys and updated junction capacity modelling have demonstrated that the revised traffic flows do not alter the impact of the development on the local highway network and that the development would be acceptable on highway grounds. The proposal would accord with the latest national guidance on Transport Assessments which identifies March as a neutral month when traffic surveys can be undertaken and overall, the evidence provided by the application demonstrates that the development would comply with Policy SP.27 of the Wyre Forest District Local Plan 2022 and the guidance contained within the National Planning Policy Framework.

Paragraph 111 of the National Planning Policy Framework advises 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"*.

Therefore, in the absence of any evidence to suggest otherwise, your Officers consider that the proposed development on this allocated site is acceptable in terms of highway matters and would accord with national and local planning policy.

In terms of heating, the applicant has submitted an updated Sustainability Report which states that every dwellinghouse within this development would have low carbon air source heat pumps which would provide 100% of each property's space heating

21/0672/FUL

and hot water requirements. In addition, 9no. dwellinghouses would be installed with PV Panels to accord with Part L of the Building Regulations. As such, 55.51% of the site's regulated energy requirements would be sourced from renewable technologies. Your Officers fully support the revised proposals to include air source heat pumps to help reduce climate change through the heating of homes by renewable and low carbon energy sources. The development fully accords with Policy SP.37 of the Wyre Forest District Local Plan.

Addenda and Correction sheet from previous Committee

Severn Trent Water advise they have no objection to the pumping station but that it should have a maximum rate of 3.8l/s if being put forward for adoption or otherwise a maximum flow of 2.5l/s if the station is to remain private.

Paragraphs 4.24 & 4.55 – Correction to be made to affordable housing provision to read as:- '20 (25%) affordable dwellings (7 (35%), shared ownership and 13 (65%) social rent)' to accord with Policy SP.10 of the Wyre Forest District Local Plan

ORIGINAL REPORT

1.0 Planning History

1.1 There is no planning history for this site.

2.0 Consultations and Representations

2.1 Bewdley Civic Society – Broadly support the WFDC plan in terms of its allocated sites in Bewdley but is surprised that the developers have increased the numbers of houses proposed. The site is on one of the major access roads into Bewdley and will be the first view for visitors – every effort therefore should be made to make this view as attractive as possible. It is suggested that the brick wall with old capping stones could be renovated/repared. It is in poor condition due to lack of maintenance. The coping stones are imprinted with the letters SKEY which shows that they were manufactured in Skey's Brickworks in Bewdley over 100 years ago and are therefore of historic importance. A condition on any approval is requested to ensure that this wall is restored and retained. No reference to greener forms of energy within the developers plans, which is disappointing.

[Officer comments – The site is allocated for housing under Policy SA.B3 of the Local Plan and the indicative capacity for the site allocation is 80 dwellings. The proposal has been amended during the course of the application from 88 to 79 dwellings. A structural report of the brick wall with old capping stones to Kidderminster Road frontage has been undertaken which has confirmed that the wall is generally in poor condition, leaning either towards the footpath or towards the site and that due to the trees along the boundary being planted very close to the wall they have exerted lateral pressure on the wall. It is advised that the wall is dangerous and should be removed

21/0672/FUL

and re-built immediately. The applicant has confirmed that the wall would be rebuilt with reclaimed bricks and the coping would be reinstated. A Sustainability Statement has been submitted which confirms that the proposed dwellings would be provided with electric vehicle charging points, photovoltaic (PV) panels to deliver a minimum 10% energy from renewables, high levels of insulation, energy efficient light fittings, high performance glazing and efficient gas condensing boilers with confirmed NOx emissions of 40mg/kWh and would accord with Policy SP.37 of the Local Plan]

2.2 Bewdley Town Council – Awaiting comments to the application.

2.3 WCC Sustainability, waste and minerals – Generally satisfied with Sustainability Statement but point out that statement is over 2 years old and Building Regulations changes in June 2022 to include more stringent energy efficient targets with the headline target requirement of new homes to produce around 30% less CO2 emissions. (Not applicable to building work provided it starts before 15 June 2023. No mention of EV charge points. To take in account the projected changes in climate, additional measures such as wide gutters with emergency overflow points, outdoor shading for buildings in summer, provision of flexible shading to windows to reduce internal temperatures expected for direct sunlight, water butts, consideration of green/sedum roofs to slow/decrease run off during heavy rain. Waste Core Strategy policy WCS 17 aims to ensure that the waste implications of development are considered. The provision of each property with storage for refuse bins within the curtilage of the property is welcomed. WCC satisfied that the development of the site would materially increase the risk to mineral safeguarding, as such no further evidence is required.

[Officer comment – A revised Sustainability Statement has been submitted which addresses the initial concerns raised by WCC Sustainability Team and concludes that the development would be designed to reduce waste and water consumption and that every dwelling would be provided with rainwater butts, electrical vehicle charging points, low emission boilers and would be constructed to robust standards of energy efficiency and PV arrays capable of generating 42,687.85kWh/year (i.e., 10% of the predictable energy requirement of the development) would be installed across the site]

2.4 Highway Authority – No objection subject to conditions and obligations.

The justification for this can be summarised as follows:

Following review of the submitted Transport Assessment the Highway Authority identified some areas of concern. A Technical Note seeking to address the concerns raised was received on 22nd June. In addition to this a Road Safety Audit (RSA) was provided which identified one minor issue involving the uncontrolled pedestrian crossing on Kidderminster Road. The comment highlighted the fact that *“due to the curvature of the carriageway, approaching road users from the east appear to be increasing speed. This may result in late/harsh braking resulting in rear end shunt type collisions should a road user fail to see a pedestrian in the carriageway using the crossing.”* The recommendation was to relocate the uncontrolled crossing closer to the development access. The site access and on-site crossing provision has been amended and visibility in both directions is achievable without obstruction.

The Highway Authority are satisfied with the improvements proposed by the applicant. The Highway Authority is also satisfied that all vehicles can navigate safely within the site and that all tracking concerns have been dealt with.

21/0672/FUL

The Highway Authority no longer considers it necessary to implement parking restrictions (double yellow lines) within the vicinity of the proposed site access but as an alternative, some form of parking monitoring should take place 6 months after first occupation. If, after that survey it was decided that parking restrictions should be introduced, monies to process and sign and TRO's may be required.

The Highway Authority is satisfied with the internal layout of the site. In relation to the provision for cyclists, the applicant has confirmed that no specific cycle infrastructure is proposed, noting that Cycle Infrastructure Design Guidance LTN 1/20 states that roads with speed limits of 20mph and 24 hour traffic flow of less than 2,000 PCUs, cycling in mixed traffic will be suitable for most people. The applicant also highlights that all plots have cycle parking to meet standards set out within the WCC Streetscape Design Guide, in either the form of a garage or shed.

The development will not have a direct impact on the Public Right of Way. The revised masterplan shows the definitive line of Bewdley footpath BW-648 – the Highway Authority is satisfied. The Highway Authority has agreed to a lighting assessment being required by condition of the planning permission. It was also confirmed that this will also be dealt with via the S38/S278 applications.

The applicant has confirmed that a safe pedestrian crossing, suitable for disabled access will provide a direct route to bus stops on Kidderminster Road and Habberley Road. The design will be subject to RSA and once undertaken, the results along with a Designers Response will be submitted to the HA for review. The following financial contributions are requested:

£60,000 to fund extension of existing bus service from Kidderminster Bus Station to Bewdley on weekdays;

£4,500 to establish Community Transport service for residents with mobility impairments; and

£5,000 to improve bus stops on Habberley Road

The applicant has agreed to use the WCC Personalised Travel Planning Service, at a cost of £220 per dwelling.

The Highway Authority will require a CEMP to be prepared and submitted for approval, setting out the proposed hours of operation, routing, access proposals and site details via the imposition of a condition on the planning permission.

2.5 Worcestershire Wildlife Trust – No objections to the principle of development as the site is allocated in the Local Plan. However, concern is expressed that the proposals will fail to deliver biodiversity net gain to a level commensurate with policy expectations. Further work is required to demonstrate appropriate gains across the site – noting that there is the potential for biodiversity enhancement on the undeveloped western parcel. If this is an option, further work is recommended to demonstrate that this is both achievable and securable in the long term. Accordingly, a holding objection was placed pending the receipt and consideration of further information. If however, the council is minded to grant permission the following aspects should be secured by use of condition:

1. CEMP – to include protection for retained ecological features and prevention of pollution during construction, especially in relation to any direct harm, runoff, noise, extraneous light or dust risks to the nearby ecological assets, including watercourses, mature trees and hedgerows. Timing of works to avoid nesting birds and method statement or protected species licences to minimise risk to bats and other species;

2. Lighting – to ensure that the development, both during construction and once operational, does not cause harm to nocturnal wildlife within, and commuting to and

21/0672/FUL

from, the adjacent habitats;

3. SUDS – to ensure that a long-term drainage of the site does not cause harm to receiving waterbodies or nearby habitats. The drainage strategy should include overland conveyance features to provide additional biodiversity and visual enhancements and to ensure that the attenuation basin is designed and implemented in a way that delivers a strong multi-functional role within the POS.

4. LEMP – to include measurable biodiversity net gain in line with planning policy, together with long term management of habitats and features.

Applicant response to the comments (Aspect Ecology) – The LPA officer has confirmed that there are no issues in regard to protected species and that the remaining concerns are limited to Biodiversity Net Gain (BNG) calculations / considerations associated with the proposals. The information submitted included a formal BNG assessment using DEFRA metric (2.0) which demonstrated a net gain in habitat units (0.08%) and hedgerow units (25.36%) within the red line boundary. No specific issues were raised with the calculations; however, the comments suggest that a greater level of BNG should be required/demonstrated. How the BNG is to be achieved is demonstrated within the DEFRA metric tool and the associated proposed habitats are shown on drawing 5809/BIA2 rev A.

Current national and local policy for BNG is referred to, particularly SP.23 which identifies that developments should deliver measurable gains in biodiversity, the level of which should be proportionate to the type, scale and impact of the development – but with no specific set minimum threshold. It is envisaged that the development would deliver biodiversity net gain on the field to the west of the application site which falls within the applicant's ownership and that it is intended to establish a cherry orchard on this field with a new unadopted public footpath linking the application site with Wheatcroft Avenue that would follow the historic footpath route.

- 2.6 Community Led Housing Co-ordinator – No objection to the provision of two self custom build plots to be secured through the Section 106 agreement.
- 2.7 Worcestershire Regulatory Services (Noise Nuisance) – No objection to the application following a redesign of the scheme to reduce noise levels to below 55dB for the plots affects and an updated Noise Assessment which concludes that a 2.5 metre acoustic barrier on top of retaining wall to the rear boundary of plots 45 – 50, which would be set in from the boundary with the A456, and painted green to blend into the greenery along this boundary. A condition is recommended to secure the proposed mitigation and to require a revised noise assessment/technical note to demonstrate that the selected glazing and ventilation products meet the recommended sound insulation specifications of the originally submitted noise assessment for approval.
- 2.8 Worcestershire Regulatory Services (Contaminated Land) – No contamination issues have been identified – no objection.

21/0672/FUL

- 2.9 Worcestershire Regulatory Services (Air Quality) - No objection but recommend the incorporation of mitigation measures as part of the development to minimise impact on local areas of poor air quality and assist in alleviating pollution creep arising in the general area such as – secure cycle parking, electric vehicle charging points, low emission boilers – all of which can be required by condition.
- 2.10 WCC Archaeologist – No objection. A desk-based assessment and written scheme of investigation for the recommended programme of works has been submitted. A condition is recommended to ensure the programme of works as detailed in the WSI is carried out.
- 2.11 WCC Children first – During the course of the application updated sufficiency figures for 2022 have been received which show that there is currently insufficient space for early years children within the Bewdley area and therefore request a financial contribution to support early years provision. A contribution toward all relevant phases of education is sought in line with the Worcestershire County Council Policy on S106 Education Contributions to provide additional education facilities within a 2 mile radius as follows:
£144,496 for early years;
£415,462 for primary;
£72,248 for SEND
- 2.12 Environment Agency – No comments to offer on this application. Whilst there is a small area of fluvial flood risk on the western portion of the site all built development is located in Flood Zone 1, the low risk Zone.
- 2.13 North Worcestershire Water Management Officer – No objection. Summary of comments as follows:
I believe that based upon the information now provided there would be no reason to withhold approval of this application on water management or flood risk grounds and ask that the following conditions get attached:

"No works in relation to site drainage shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all surface water drainage measures and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the drainage strategy submitted with the application (Travis Baker, May 2021) and addendum (Travis Baker, RevA, May 2022). The detailed design of the basins shall be informed by the requirements to ensure sufficient treatment will be provided by the surface water drainage in accordance with the SuDS manual (Ciria C753). Flows resulting from rainfall in excess of the design event shall be managed in exceedance routes that minimise the risk to people and property. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme."

"Prior to the first use of the approved development a management plan detailing future maintenance responsibility for SuDS assets shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal

21/0672/FUL

assets. The approved management plan shall be implemented prior to the first use of the development and thereafter maintained."

"No works or development shall take place until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance and soil stripping. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site thereafter maintained during the full duration of the construction phase."

2.14 WFDC Arboricultural Officer – No objection, satisfied with the design and AIA and can now support the application. Concern was originally expressed in relation to the impact of the original layout on the tree belt (running parallel with Kidderminster Road). Requested that the proposed building line be amended to behind the existing plough line to retain the longevity of the trees, ensure there is not pressure to fell them in the future and would also maintain good green infrastructure to the frontage of the site, which has a visual connection with the green open space in the eastern corner of the site. Amended plans were received to take on board these comments. An AIA was produced to show the protection of all retained trees and an AMS to show works close to or within the protected trees.

2.15 WFDC Conservation Officer – No objection – following the receipt of a Landscape Visual Impact Assessment which concluded:
"8.11. Overall, the Proposed Development would result in limited effects on landscape character and visual amenity, restricted to the Site and its immediate environs, and seen in the context of the existing settlement edge of Bewdley.

8.12. A range of landscape and visual receptors have been assessed and impacts have been identified for both landscape character and for visual receptors. This is part of an iterative process whereby potential impacts have informed the landscape strategy for the Site and mitigation has become integral to the Proposed Development. The residual impacts identified through this process highlight that the greatest effects would relate to the Site and to a very localised area immediately adjacent to the Site. The effect on potential receptor groups in the wider landscape context, including users of the wider PRow network, would be generally very limited. The existing trees and hedgerows which surround much the Site would also help to soften the appearance of new built form where this is visible.

8.13. Overall, the context provided by the existing settlement edge of Bewdley and the combined screening effects of topography, and existing vegetation and built form means that effects on landscape character and local visual amenity would be very limited in scale. Therefore, on balance, the Proposed Development is considered acceptable in landscape and visual terms".

21/0672/FUL

The development will certainly impinge on views towards Maypole Piece from the east but not to the extent that this causes tangible harm to the Conservation Area. Similarly, whilst it might be possible to glimpse views of All Saints Church Wribbenhall from the same direction in reality there is again no tangible impact. Views from both Maypole Piece and All Saint's Church will inevitably include the proposed new development but it is somewhat distant and due to the topography does not interfere with the wider ranging views to the east towards the Safari Park and the former parkland around Spring Grove.

- 2.16 Severn Trent Water – No objection subject to the inclusion of the following conditions: The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the LPA. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
- 2.17 WFDC Countryside and Technical Services Manager – In relation to protected species; there are two bat roosts on site, both likely to impacted upon by the development. The loss of these features is unlikely to have a strategic impact on bat populations and mitigation for the loss of these features can be covered by condition which should require a bat mitigation strategy to be prepared by an experienced and licenced ecologist pre-commencement. A separate condition requiring a lighting report that has been reviewed and commented upon by an ecologist is also suggested to ensure that proposed lighting does not impact upon newly created features to support light sensitive wildlife. The report should also detail dark corridors across the development to allow light sensitive wildlife to cross the development. As there is badger activity in close proximity to the site, a condition is also required to secure a survey takes place prior to commencement of development. If badger are found, a badger mitigation strategy should be produced. Otter are likely to be present off site, and although their presence on site is considered unlikely, a condition requiring a walkover survey is recommended prior to commencement. A condition is also required to ensure otter have not become involved in stored material and/or become trapped in the workings; Great Crested Newts are present in an offsite pool less than 250m from the site. An addendum survey was submitted in July 2022 which confirmed that no Great Crested News were identified during 2021 survey work, including within two waterbodies closest to the site. However, given the presence of GCN's within the more distant waterbody (P2), the report recommends that precautionary mitigation measures should be implemented to minimise the risk of harm; Reptiles – a population of three species of reptiles were found on site. Prior to approval details of reptile translocation off site or enhancement/landscaping plan for reptile population to remain on site. A reptile mitigation strategy (also appropriate for GCN) is then also required by condition detailing how the needs of the animals will be catered and mitigated for. All works on site should take place outside of the nesting season or in the presence of an experienced ecologist to ensure no harm to nesting birds.

With regard to habitats and biodiversity net gain, similar concerns to WWT raised. However, it is noted that an updated calculation brings the net gain to the desired 10%. A LEMP picking up on the measures identified by the applicant's ecologist is suggested.

21/0672/FUL

The site is located 750m away from a statutory Devil's Spittleful SSSI whose principal habitat is highly susceptible to nutrient deposition. Principles should be agreed prior to approval that clearly demonstrate how the development can be realised without detrimentally impacting on the SSSI. Some concern also expressed in relation to the adjacent site which appears to be a wetland habitat/Priority Habitat. [Officer comment – A condition has been recommended to secure a scheme of ecological mitigation measures to minimise impacts from dust on the nearby Devil's Spittleful SSSI during the construction phase]

2.18 WCC Landscape Advisor– No objection providing the following matters are addressed and appropriate measures secured by condition.

Need to secure the future management of boundary trees (including those that will become rear plot boundaries as part of the site GI provision) (to reduce any risk that shading caused by proximity of trees will remove in removal of non TPO trees); root protection measures secured by condition or within a CEMP that should also include all measures to protect existing landscape and habitat features present on the site during groundworks and build out of the scheme.

2.19 WFDC Landscape Officer – The planting is typical of a landscape shrub planting on most developments but some replacement species required to better enhance the scheme and to add to the biodiversity by attracting more pollinating insects and bees. Scheme amended to include detailed landscaping amendments made to satisfy comments – changed the proposed ornamental hedging of *Elaeagnus x ebbingei* to *Carpinus betulus* (Hornbeam), increase number of tree species to 5 flowering trees such as *Prunus* sp, and Liquidamber for additional autumn colour, replace proposed amenity seed mix areas with a flowering meadow mix and include a 1.5m amenity mowing margin. A condition should be attached to secure a programme of monitoring, aftercare and replacement planting for all soft landscaping included in the public open space areas and GI networks. Condition required to secure a LEMP and accompanying method statement detailing the creation and establishment of semi-natural habitats, public open space, trees, hedgerow and scrub planting.

The scheme was amended to include a LEAP to include the following:

- 1 swing bay with 2 cradles has been shown however there also needs to be 1 bay with 2 flat seat swings for Juniors.
- The scheme is lacking in more dynamic play elements older children will require more risk, include a Basket swing for the older children
- The scheme is limited on inclusive items please change Item 2 for a floor mounted inclusive roundabout to accommodate a wheelchair as well as outer seating for able bodied children (DDA Inclusive Play))
- The scheme needs a slide to be included ideally a raised bank area with an embankment slide and steps up to it
- Combo 1 (4) Is very limited and offers limited play value it needs to include more elements (Stepping Stones, Wobble Bridge etc) and be twice as long

2.20 Natural England – No objection. The proposed development will not have a significant adverse impact on statutorily protected nature conservation sites or landscapes.

21/0672/FUL

2.21 NHS Primary Care Trust - (Hereford and Worcestershire CCG). The development is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area. The development could generate approximately 192 residents and subsequently increase demand upon existing services. It 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 development, provide appropriate levels of mitigation. The housing development falls within the boundary of a practice which is a member of Wyre Forest Health Partnership Primary Care Network (PCN), and as such, a number of services for these patients may be provided elsewhere within the PCN. The Capital Cost Calculation of additional primary healthcare services is £30,291. A financial contribution from the developer for that amount is therefore requested to mitigate the impacts arising from the development.

2.22 WFDC Cycle Forum - Motor vehicle congestion is above all the most frequent comment opposing the development. If this development was to progress further, it is yet another reason for facilitating a safe direct Active Travel Corridor from Bewdley, through Wribbenhall to Kidderminster: a virtually straight continuous travel corridor being the best option, and after all, we have the evidence already that the Catchems End to Kidderminster is already the most used Active Travel route for cyclists.

2.23 Neighbourhood/Site Notice Representations

234 objections received from nearby residents. They have all been taken into account in the consideration of this application and can be summarised as follows:

- The entrance/exit to the site is far too close to the traffic island where queues form a peak times and during summer months (with tourists); traffic can be in gridlock; resultant impact on highway safety (for cars, cyclists and pedestrians) – traffic survey supporting the proposals was undertaken during Covid lockdown and therefore not representative of the situation;
- Danger to children crossing the road, despite pedestrian crossing
- Local doctor's surgeries cannot cope with additional people
- Increased parking pressure as a result of the development
- Location between 2 main roads will create noise environment for occupiers
- Change the character of Bewdley (for the worse) by visual impact on entering Bewdley, site forms an important backdrop to the church;
- Increase in pollution and dust
- Bus service inadequate
- Development of 100 dwellings within the Stourport Triangle for 100 dwellings has already been approved – no additional houses in Bewdley are needed
- Not enough school places in the area
- Site contains protected trees, Skylark nesting, Great Crested Newts and Slowworms
- Impact on hedgehogs and badger
- Loss of field for agriculture
- Density of proposed development is too high and no bungalows for the elderly included in the mix, there should be more larger house types to cater for housing market in Bewdley – not to just attract new people in;
- Impact of water drainage and sewage facilities; sewage pumping station in the

21/0672/FUL

vicinity of the site is already at capacity since new houses in Threfall Drive development;

- Council should be using brownfield land first – plenty to use in the area
- Adverse impact on ecology - bats nest in the area
- No jobs for new residents
- Climate change and flood risk around the Riddings brook
- Contamination to the river;
- Site should remain within the Green Belt
- What will the Town Council “do” with the western parcel
- Loss of privacy, open aspect on entering town;
- Loss of important green space – would adversely impact on people’s mental wellbeing;
- Houses proposed not affordable – young people cannot afford to buy them;
- Proposals will result in Bewdley and Kidderminster being one town;
- Use as bridle path from the site will encourage new residents to take a short cut past existing houses;
- No site notices erected around the site to correctly advertise the planning application; queries/concerns that correct consultation periods are being followed;
- Loss of historic wall along Kidderminster Road;
- Conflict with NPPF, the Health Impact Assessment is just a wish list with no real evidence that the development will be beneficial for the town;
- House design poor, not sustainable or energy/water efficient, large areas of hard paving adding to water run off issues;
- Applicant has a reputation for building poor quality houses.

7 comments of support acknowledging that new houses are needed to meet the needs of the growing population; that the government requires LPAs to set their own housing targets to deal with their own need; and that there is little incentive for developers to develop brownfield land. More houses will result in more people living in the town which will be good for local business; general economic benefits for retail and hospitality; the Parish and District Council will benefit in terms of revenue and affordable housing for the next generation. Ideal location near to commuter roads.

3.0 Site Location and Description

- 3.1 The application site is located in between the Kidderminster Road (B4190) and the main A456 to the southeast of the built- up edge of Bewdley, known as Catchem’s End. The site comprises of two separate land parcels; referred to as the eastern and western parcels. The western parcel will remain undeveloped and be transferred to an appropriate body to be managed as public open space/community land. The western parcel is designated Green Belt. Both sites extend to approximately 5.61 hectares, while the developable parcel (the Site) extends to 3.53 hectares.
- 3.2 It is irregular in shape and comprises of one agriculturally managed field with trees and hedgerow along much of its perimeter. A brick wall forms the boundary to the site along Kidderminster Road along the northern boundary. The site is immediately adjacent and opposite to existing residential development (a mixture of 2 and 2 and half storey houses) along Kidderminster Road, along the site’s northern boundary. A

21/0672/FUL

access lane (public footpath BW-648) leading to a house off Kidderminster Road runs along the western boundary of the site, beyond which lies residential development comprising 1970s bungalows and lodge style 2 storey houses. To the south, on the opposite side of the A456 is an area of public open space with the West Midlands Safari Park beyond.

- 3.3 The topography of the site varies, but generally rises from the north-eastern part of the site, southward to a localised highpoint in the southern corner. There are no water features on the site, however the lower ground on the western and southern boundaries include wet woodland areas and drainage ditches.
- 3.4 The site is located to the east of the central conservation area of Bewdley, which contains the majority of the town's heritage assets. There are two Grade II listed buildings within 250m of the Site, both of which are screened from the site by existing housing on Kidderminster Road.
- 3.5 The Site is allocated for residential development under Policy SA. B3 of the Wyre Forest District Local Plan, which was released from the West Midlands Green Belt and which confirms that the site has an indicative capacity of 80 dwellings subject to several principles being met.
- 3.6 The application seeks full planning permission for the erection of residential development for 79 dwellings, (originally 80) new vehicular access off Kidderminster Road, public open space, SUDS, associated landscaping and engineering works.
- 3.7 Proposed house types will comprise of a range of sizes from one to four bedrooms predominantly in conventional two-storey houses in detached, semi-detached and terraced layouts. Two of the open market homes will be custom build (2x 3 beds). 25% of homes will be affordable providing 6 shared ownership dwellings and 16 for social rent local people.
- 3.8 The dwellings would be traditional in appearance utilising a mixture of render and brickwork to add to character. Each dwelling will have in plot parking, in a combination of garage with parking spaces to the side of the house or along the frontage. Garden sheds and space to store bins are provided for each dwelling. This would accord with the adopted Streetscape Design Guide.
- 3.9 The main access (serving vehicles and pedestrians) to the site will be from Kidderminster Road. The eastern most tip of the site will be laid out to public open space with housing development contained within 4 areas within the site on either side of the main access road through the site. Generally, houses are arranged to front on to the main road or off secondary roads to form perimeter blocks where dwellings front onto the road or areas of public open space with rear gardens enclosed. The area of public open space within the south-easter corner of the site will contain a children's play area which will be accessible via a path from the spine road. A pathway will also be provided through the public open space to the west of the site through to the public right of way which connects back up to Kidderminster Road.
- 3.10 The development density based upon a developable site area of 3.53 hectares equates to 23 dwellings per hectare.

21/0672/FUL

- 3.11 The application has been accompanied by a Design and Access Statement; Planning Statement; Acoustic Report; Affordable Housing Delivery Statement; Sustainability Statement; LVIA; Archaeology DBA; Arboricultural Assessment with AIA; Transport Assessment; Travel Plan, FRA, Drainage Strategy; Biodiversity Metric 2.0 Calculation Tool and Ecology Assessment.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Principle of development
- Impact on Landscape Character and Heritage Assets
- Density, Design and Proposed Residential Environment
- Biodiversity and Trees
- Highway Safety and Access
- Flood Risk and drainage
- Other Matters
- Planning Balance
- 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)

21/0672/FUL

- 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 Development Plan for Wyre Forest comprises the Wyre Forest District Local Plan (the ‘Local Plan’), which was adopted in April 2022 and is supplemented by supplementary planning documents, these include the Planning Obligations SPD, Affordable Housing SPD and Design Guidance SPD.
- 4.5 The Wyre Forest District Local Plan sets out the vision and strategic context for managing and accommodating growth within the District up until 2036 and seeks to achieve sustainable development. The objectives of the Local Plan which are relevant to this application, include: addressing housing need to ensure the requirements of existing and future residents are met; maximising the opportunities for the inclusion of green infrastructure; safeguard and enhance biodiversity; conserve the significance of heritage assets; encourage healthier lifestyles; achieve more sustainable travel patterns and reduce the need to use the private car which will contribute to an improvement in air quality; and to protect the District’s water supply and quality, and reduce the risk of flooding and climate change.
- 4.6 The application site is situated adjacent to the urban edge of Bewdley. The Wyre Forest District Local Plan, in Table 3.0.1 and Policy SP.5, seeks to retain Bewdley as a thriving market town which meets the needs of the local community whilst preserving the town’s historic character. To preserve the character of the historic townscape and settlement of Bewdley town, the Local Plan resists further windfall developments in Bewdley and only permits new housing growth on three site allocations, with one being the subject of this application. It is therefore anticipated that the housing growth for Bewdley during this plan period would be around 227 additional homes.
- 4.7 The site is allocated for housing under site allocation policy SA.B3 of the Local Plan and therefore the principle of development in terms of land use and location has already been accepted by the Council through the plan-making stage and cannot be questioned in this application.
- 4.8 The site allocation indicated approximately 80 dwellings could be accommodated on this site and advised that the area nearest to the roundabout should be kept free of development to protect the openness of the landscape at this location; any development on this site should meet the following criteria:
- (i) Access will be taken from Kidderminster Road. This access should not obstruct or cause loss of the existing layby as this provides residential parking and a pull-in for bus services. Part of the existing boundary wall should only be removed in order to provide the required visibility splay and access into the site. Any trees that are removed to facilitate site access should be replaced by new tree planting on site.

21/0672/FUL

- (ii) The area nearest the roundabout should be left undeveloped with appropriate green and blue infrastructure to retain an open aspect and help soften the visual impact of the development from wider views within the Green Belt.
- (iii) An appropriate play area should be provided as part of the open space provision.
- (iv) The site boundaries should be buffered and enhanced to benefit Green Infrastructure connectivity. The mature broad-leaved trees along the site boundaries should be retained where possible to help screen the development.
- (v) Building heights should be limited to 2-2.5 storeys to minimise any detrimental impact on the setting of All Saints Wribbenhall and Churchyard (Grade II Listed).
- (vi) A noise survey should be undertaken to establish existing background noise levels across the site and to mitigate noise impact from road traffic. Should the findings of the survey indicate that these may adversely impact upon the amenity of new residents, then measures should be incorporated within the development to mitigate against this.
- (vii) The possibility of providing a footpath/cycle link to rear of Lodge Close through the wet woodland should be explored and facilitated through this development, if feasible. This would connect the new housing with the wider footpath network.

IMPACT ON LANDSCAPE CHARACTER AND HERITAGE ASSETS

- 4.9 Paragraph 172 of the Framework advises that planning decisions should contribute to and enhance the local environment by amongst other things, 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.
- 4.10 The site comprises two fields (only the eastern parcel however, is to be developed for housing), which is currently agricultural land and the is well enclosed by existing vegetation/trees and hedgerows around the perimeter of the site. The site is bounded by the B190 (Kidderminster Road) to the north, the A456 to the south and residential development to the west. As such, there is little appreciation of the surrounding countryside from within the site. The Inspector in her final report on the Local Plan also advised that *"... built development of the eastern parcel will limit openness at this edge of the town, but the surrounding road network, trees and hedgerows strongly bound the site, and will contain urban sprawl or encroachment into the countryside. Sensitive layout and design of the development will mitigate the visual impact."*
- 4.11 The County's Landscape Character Type assessment advises that the application site falls within the 'Sandstone Estatelands' Character Type, which includes the following key characteristics: arable land use; hedgerow boundaries to fields; planned enclosure pattern with straight roads and field boundaries; and rolling topography. The submitted landscape strategy shows that the existing boundary hedgerows would be retained, and your Officers consider that there would be opportunities to include hedgerows within the application site as part of the reserved matters application for landscaping.

21/0672/FUL

- 4.12 The submitted Landscape and Visual Impact Assessment (LVIA) has taken account of Heritage Assets such as Listed Buildings (those within the West Midlands Safari Park and along Kidderminster Road) and the nearby Conservation Areas in that they contribute to the overall present-day landscape character, context and setting of an area.
- 4.13 Having considered the surrounding landscape the layout of the site incorporates a strategy for green infrastructure and open space that responds to the landscape context. The approach provides a robust interface between the settlement edge and the wider countryside to the east which includes the retention of the existing hedgerow and trees along the south-eastern boundary (adjacent to the A456); retention of a set back to the Kidderminster Road, provision of a substantial area of public open space in the northern tip of the site to maintain a sense of openness with the inclusion of additional landscape and an attenuation basin, retaining a stand-off of built from to the route of the public footpath to the west, incorporating open space and landscape proposals in this area to create an interface with this route and providing a connection into the public footpath to the west to create local access and enhance connectivity.
- 4.14 The LVIA concludes that overall, the context provided by the existing settlement edge and the combined screening effects of topography, and existing vegetation and built form means that the effect on landscape character and local visual amenity would be very limited in scale and therefore, the proposed development is acceptable in landscape and visual terms.
- 4.15 The proposed development of 79 dwellings on this existing open field will no doubt result in change in the landscape due to the urbanising effect of the proposed development. The WCC Landscape Advisor raised no objection to the proposals providing the future management of the boundary trees is safeguarded (to reduce any risk that shading caused by the proximity of trees will removal of these trees in the future by new occupants). Discussions took place with the applicant following initial comments from the WFDC Landscape Officer which secured amendments to the proposed species (of hedgerows and trees) proposed on site. No objection was raised subject to a condition requiring a LEMP with accompanying method statement to detail the creation and establishment of semi-natural habitats, public open space, trees, hedgerow and scrub planting.
- 4.16 Your Conservation Officer raised no objection to the proposals, and generally agreed with the conclusions of the LVIA. The development will certainly impinge on views towards Maypole Piece from the east but not to the extent that this causes tangible harm to the Conservation Area. Similarly, whilst it might be possible to glimpse views of All Saints Church Wribbenhall from the same direction in reality there is again no tangible impact. Views from both Maypole Piece and All Saint's Church will inevitably include the proposed new development but it is somewhat distant and due to the topography does not interfere with the wider ranging views to the east towards the Safari Park and the former parkland around Spring Grove.
- 4.17 Your officers concur with the Conservation Officer views and are satisfied that the proposals, together with the imposition of conditions recommended above will ensure limited harm to the landscape character and setting of heritage assets, in accordance with Policies SP.22, DM 23 and SA.B3 of the Local Plan and the Framework.

21/0672/FUL

DENSITY, DESIGN AND PROPOSED RESIDENTIAL AMENITY

- 4.18 The development density based upon a developable site area of 3.53 hectares equates to 23 dwellings per hectare. Policy SP.9 'Housing Density and Mix' anticipates new greenfield developments to have a minimum density of 35 dwellings per hectare and Policy SP.28 requires 40% green infrastructure on greenfield sites over 1 hectare. The number of dwellings proposed on the site has been reduced to take account of the tree belt along the Kidderminster Road, and to provide an open aspect into the entrance into the town along the eastern most edge, close to the roundabout, as required by the allocation policy SA.B3, as well as being able to provide full amount of Green Infrastructure on site. Although the net density falls below the minimum set out in the Policy SP.9, your officers consider the proposals to be acceptable, with a well designed layout specifically taking account of its location at the entrance to the town and in order to respond to local character.
- 4.19 Policy DM.24 of the Local Plan states that all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets, landmarks and their settings. The design objectives of the Local Plan are reflected in the Framework, which also requires high quality, beautiful and sustainable buildings and places and developments that are sympathetic to local character and history (paragraphs 126 and 130).
- 4.20 Discussions have taken place with the applicant since September 2020, prior to the adoption of the Local Plan. A scheme for 88 dwellings was submitted as a pre-application enquiry for 88 dwellings. The applicants have taken on board comments made by officers during this process which has essentially resulted in a softer, more organic layout to better reflect the urban grain of the local area. The proposals have evolved to also take into account the specific requirements of the policy of the since, allocated site.
- 4.21 The design and external appearance of the houses proposed would provide variety, visual interest and well designed houses. The proposed building and hard-surfacing materials, boundary treatment and layout of roads would ensure that the development creates a distinctive place that people can navigate around easily and through the site.
- 4.22 The site layout provides acceptable perimeter development blocks, with all dwellings having a direct road frontage to ensure a high level of natural surveillance of the public realm, including the children's play area and the recreational footpaths and all rear gardens would be fully enclosed and secure. A mix of car parking layouts is proposed to ensure the street scene is not overly dominated by frontage parking. I note that there are several cul-de-sac roads provided and that Building for Healthy Life Design Toolkit (published by Urban Design Group) seeks to move away from developments that have entirely cul-de-sac arrangements. However, it is not considered that this choice of road layout would fail to provide a permeable development given that there are two recreational footpaths running through the site which allow pedestrian movement and which connect the site to the public footpath to the west. It is therefore considered that the proposals would provide a well-designed development, in accordance with Policies SP.13, SP.29, SP.37, DM.24 of the Local Plan and Paragraphs 126 – 132 of the Framework.

21/0672/FUL

- 4.23 Members should be aware that the brick wall along Kidderminster Road is unstable, and the applicant has advised that it has become a health and safety hazard. Whilst parts of the wall will be retained where possible, some parts may have to be removed prior to the determination of the proposals. The applicants will endeavour to save as much of the original wall as possible and will re-use the bricks to reinstate if this is practicable. It is recognised that the Bewdley Civic Society considers that this brick wall has historic value, however, it should be noted that this wall is not locally or statutory listed and could be removed at anytime. Notwithstanding this, the applicant agrees that the brick wall should be preserved and have agreed to a planning condition to require the brick wall to Kidderminster Road boundary to be reinstated in either reclaimed bricks or bricks of a close match in appearance and texture in order to preserve the visual amenity along this part of Kidderminster Road.
- 4.24 The proposed development incorporates a mix of dwelling sizes and affordable housing provision that accords with Policy SP.10 of the Local Plan to ensure a well-balanced and inclusive community is created. It would result in the provision of 22 affordable dwellings (6, shared ownership and 16 social rent), 2 custom build plots and 55 open market homes providing a mixture of 1,2,3 and 4 bedroom homes which will meet the need of the local population. The applicant has advised that 82% of the proposed dwellings would accord with Policy SP.13 of the Local Plan which requires at least 20% of the total housing provision to be designed as accessible and adaptable dwellings (in accordance with Building Regulations Part M, Category 2 M4(2)). The applicant has confirmed that electrical vehicle charging points, rainwater butts and efficient gas condensing boiler with confirmed NOx emissions of 40mg/kWh will be provided for every dwelling within the application site and that all dwellings without a garage would be provided with a garden shed for cycle storage. In addition, the proposed scheme includes the provision of PV panels capable of generating 10% of the predicted energy requirements, in line with Policy SP.37 requirements. Planning conditions are attached to secure this provision as well as conditions to ensure the development is designed to be water efficient in accordance with Policies SP.29 of the Local Plan and that all dwellings are provided with electric vehicle charging points and low emission boilers in accordance with Policy SP.37 of the Local Plan.
- 4.25 Amendments have been made to ensure all residential dwellings would have a minimum garden depth of 10 metres to ensure adequate outdoor garden space is provided for all family size dwellings, and to protect the amenity of occupiers of existing dwellings along Kidderminster Road. I note that the proposed dwelling on plot 32 is positioned immediately adjacent to neighbouring gardens and to protect the privacy of these gardens, a planning condition is attached to prevent side facing windows being installed. Internally, all dwellings would have acceptable room sizes and internal layout and all habitable rooms would have a window for natural daylight. It is considered that the development would provide an acceptable living environment for future occupiers.
- 4.26 A noise assessment was undertaken to support the planning proposals and it predicts that external noise levels in parts of the garden areas of plots 45-50, adjacent to the A456, would be above 55dB during the daytime which is considered to be a significant adverse impact. Further noise modelling was undertaken which has resulted in a redesign of the scheme and an updated noise assessment which now proposes to mitigate the noise levels to these 6 plots by installing a 2.5 metre acoustic barrier on

21/0672/FUL

top of retaining wall to the rear boundaries, which would be set back behind greenery and would be painted green to help minimise its visual impact on the A456.

Worcestershire Regulatory Services raise no objection subject to conditions to secure the recommended mitigation. Your officers consider this mitigation to be acceptable to ensure an acceptable outdoor amenity space can be provided to plots 45-50 and subject to a requirement for the acoustic barrier to be painted green would not harm the wider landscape character. A condition to secure this mitigation measure is attached.

CUSTOM BUILD PLOTS

- 4.27 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities must keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. Local Planning Authorities are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Local Plan Policy SP.12 advises that all major developments of fifty or more units should take into consideration the demand shown in the Self-Build and Custom-Build Register and where possible provide suitable plots. Following discussions with the applicant, they have agreed to provide two custom-build plots within the site and this level of provision has been agreed with the Community Led Housing Co-ordinator and would be secured through the Section 106 Agreement.

BIODIVERSITY

- 4.28 Local Planning Authorities have a duty to have regard to conserving biodiversity as part of decision making of planning applications. Policy SP.23 'Protecting and Enhancing Biodiversity' and Paragraphs 174(d) and 180 of the Framework all require new developments to deliver measurable net gains in biodiversity through the promotion and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations and to minimise, avoid or at the last resort compensate for the loss of biodiversity.
- 4.29 In terms of biodiversity net gains, following concerns raised by both the Wildlife Trust and your Countryside and Technical Services Manager that the original BNG was negligible a revised DEFRA biodiversity metric was submitted which demonstrates that the proposals would achieve Biodiversity Net Gain on the land to the west of the application site which falls within the applicant ownership and is intended to be landscaped with new tree planting. Your officers concur with the Countryside and Technical Services Manager that the proposed development has demonstrated that measurable net gain in biodiversity can be achieved and that agree that a LEMP can be required by condition as the most appropriate mechanism to secure the measures identified are realised on site. The proposals therefore comply with Policy SP.23.
- 4 30 With regards to potential harm to protected species, the application is supported by an Ecological Appraisal which assesses the likely impact of development of the site on Bats, Badger, Dormouse, Water Vole and Otter. Impacts on hedgehog, Wood Mouse and Fox were also considered.

21/0672/FUL

- 4.31 In relation to bats, the assessment confirms that there are two bat roosts on site which will likely be impacted upon by the proposed development. The ecology report advises that a detailed mitigation strategy/method statement will be required prepared as part of the Natural England licence. Your Countryside and Services Technical Manager considers that the loss of these features is unlikely to have a strategic impact on bat populations and that mitigation for the loss of these features should require a bat mitigation strategy to be prepared pre-commencement. The report also identifies that light spill onto retained and newly created habitat will be minimised to reduce potential impacts on light sensitive bats and other nocturnal fauna (such as the badger). A condition is therefore considered appropriate to secure a lighting report to ensure light sensitive wildlife can cross the development.
- 4.32 Due to the fact that Badger are dynamic animals and levels of Badger activity can rapidly change it is recommended that an update survey is carried out prior to commencement of site works. The ecology report revealed no records of Water Vole or Otter within or adjacent to the site and it concludes that these species are likely to be absent from the site.
- 4.33 In relation to Great Crested Newts (GCN), original survey work undertaken in 2020 recorded the presence of GCNs in a single waterbody (P2) located approximately 205m south-east from the site. Further survey work was undertaken in 2021 for ponds P2, P5 and P6 In Summary the survey returned negative result within P2, P5 and P6 but a positive result for GCN from the offsite pond P2. However, as waterbody P2 is approximately 205 metres from the site at its closest point and is separated by substantial tracts of land within the safari park, the main Kidderminster Road is located along the entirety of the site boundary in this direction and likely to act as a significant barrier to newts accessing the site.
- 4.34 Slow Worm, Grass Snake and Common Lizard were also recorded within the wider survey area under the applicant's ownership. As such, the report recommends that mitigation measures will be implemented, to include a translocation of any reptiles utilising the site prior to works commencing. This precautionary mitigation strategy will also be appropriate for GCNs, should any be encountered during site works. The Countryside and Services Technical Manager is satisfied with this approach and conditions and your officers concur with this view.

TREES

- 4.35 The application has been submitted with an Arboricultural Impact Assessment (AIA) which advises that some of the trees on site are protected by an area TPO (TPO17). Sixteen trees, out of the 118 trees on site, will have to be removed to provide a suitable drainage and attenuation pond, appropriate road access into the site from Kidderminster Road and to reconcile the gradient of distribution roads within the proposed development. Other tree removals are necessary due to Ash Dieback (not to benefit the development). T1294 Sycamore was significantly damaged by Storm Arwen in early 2022 necessitating removal of the remnant parts. In recognition of the desire and requirement to retain trees, some works will take place close to or within root protection areas and so tree protection is considered crucial. New planting is proposed to mitigate tree loss and enhance the design in keeping with the existing landscape. Your Arboriculture officer raises no objection to the proposals and is

21/0672/FUL

satisfied with the AIA. Your officers concur with this view and have attached relevant conditions in relation to tree protection measures required.

HIGHWAY SAFETY

- 4.36 Local residents have raised significant concern about the impact of this development on traffic congestion and free flow of traffic along Kidderminster Road and around the traffic island to the east of the site. Residents are concerned that the traffic generated by the proposals, in addition to existing traffic levels and recently approved development with the Triangle, would exacerbate the existing traffic and parking issues in the locality and potentially increase road accidents. Local residents believe the supporting information submitted with the application was undertaken at sub-optimal times of the year – some stating that surveys were conducted during recent Covid-19 lockdowns and so the information on traffic flows is incorrect.
- 4.37 The application is accompanied by a comprehensive Transport Assessment which provides details on accident data and a summary of the detailed junction capacity assessments which have been undertaken to understand the impact of the development proposals on the operation of the local highway network. Surveys of the A456/B4190 Kidderminster Road roundabout and B4190 Kidderminster Road/Habberley Road priority junction were carried out on 31st March 2021 during the network AM peak and PM peak. It is fully recognised that the results may have been affected by Covid-19 restrictions in place at the time of the survey and so it was agreed with the Highways Authority that historical traffic surveys on the approach to each junction in the survey area; growth historical traffic surveys to 2021 could be used to compare with the gathered surveys from 2021. Analysis showed that on some arms there had been a decline in traffic levels in 2021, however, on other arms there had been an increase. Traffic flows from all committed developments in the local area as well as any other allocated sites in the Local Plan were included in the assessment. The TA demonstrates that the proposed development will not have a severe impact on the operation of any of the junctions within the vicinity of the site. No mitigation is deemed necessary to make the development acceptable from a highways' standpoint.
- 4.38 The Highways Authority raise no objection to the proposals. A full review of the TA was undertaken where some concern was raised. This resulted in a Technical Note being provided by the applicant together with an RSA which identified one minor issue involving the uncontrolled pedestrian crossing on Kidderminster Road – this resulted in a recommendation to relocate the crossing closer to the development access. The site access and on-site crossing provision has been amended and visibility in both directions is achievable without obstruction. The Highway Authority is satisfied with the improvements made by the applicant and that all vehicles can navigate safely within the site and that all tracking concerns have been dealt with.
- 4.39 All plots have cycle parking to meet standards set out within the WCC Streetscape Design Guide, in either the form of a garage or shed.

21/0672/FUL

- 4.40 The applicant has confirmed that a safe pedestrian crossing, suitable for disabled access will provide a direct route to bus stops on Kidderminster Road and Habberley Road. The design will be subject to RSA and once undertaken, the results along with the Designer's Response will be submitted to the Highway Authority for review. Your officers concur with the views of the Highways Authority that there would be no cumulative residual severe impact on the impact of the local network.
- 4.41 In terms of accessibility, the Planning Inspector in her final report on the Local Plan stated at paragraph 175 that the site is "*in a sustainable location with reasonable access to services and facilities.*" The Transport Assessment demonstrates that the site is well connected to the existing pedestrian network; well located for travel by bus; that there is a variety of key amenities within preferred maximum walking and cycling distance.
- 4.42 In order to maximise the use of the public bus services the applicant has agreed to the financial contributions to fund an extension of the existing bus service from Kidderminster Bus Station to Bewdley on weekdays; to establish Community Transport service for residents with mobility impairments and towards improvements to bus stops on Habberley Road. In addition to the above, a condition is also recommended requiring a CEMP to be prepared and submitted for approval, setting out the proposed hours of operation, routing, access proposals and site details. The development accords with Paragraphs 110(a) and 112(a) of the Framework which advise that developments should ensure that appropriate opportunities to promote sustainable transport modes are taken up given the type of development and its location and to give priority first to pedestrians and cyclist and to ensure appropriate facilities are provided that encourages public transport use.

FLOOD RISK AND DRAINAGE

- 4.43 Some concern has been raised by local residents in relation to flooding, and that the proposals will exacerbate flood risk around the Riddings Brook and that the additional dwellings proposed will impact upon water drainage and sewage facilities at the pumping station, which is already at capacity since new houses in the Threfall Drive development.
- 4.44 A Flood Risk Assessment, Drainage Strategy and Flood Risk Addendum were submitted with the planning application, the latter to address comments made from North Worcestershire Water Management. This document makes it clear that the Riddings Brook and its floodplain are located within the western parcel, which will remain undeveloped under these proposals. No flooding to new or existing properties within the area will occur as a result of the proposals. It confirms that the infiltration basin and cellular soakaway have been designed to technical standards for SuDS.
- 4.45 The North Worcestershire Water Management Officer raises no objections to the proposals based upon the new information received and there would be no reason to withhold approval of the application on water management or flood risk grounds, subject to the imposition of safeguarding conditions requiring the submission of a surface water drainage strategy, future maintenance plan, construction surface water management plan.

21/0672/FUL

4.46 Severn Trent Water also raise no objection to the proposals but suggest a condition be imposed on any approval requiring the submission and approval of plans for the disposal of foul and surface water. The Environment Agency were consulted and did not wish to make any comment.

4.47 The development would accord with Policy SP.32 of the Local Plan and Paragraphs 152, 167 and 169 of the Framework, which require major developments to incorporate sustainable drainage systems and to ensure that vulnerable development is located in areas of lowest flood risk and that developments do not increase flood risk elsewhere.

OTHER MATTERS

4.48 The applicant has agreed to provide and maintain a defibrillator in perpetuity on site and this would ensure the health of future occupiers and benefit the local community.

PLANNING BALANCE

4.49 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.50 The site is allocated for housing and is situated in a sustainable location with access to a range of facilities by walking, cycling and by regular local buses. The benefits arising from the development would be significant including the provision of housing on an allocated site, together with 20 affordable dwellings and 2 custom build plots. The development would deliver public open space as well as a children's natural play area which would not only benefit future occupiers of the development but also the wider community. The development would also support the local economy during both the construction and operational phase and would deliver measurable gains to biodiversity and include energy saving measures.

4.51 There would be limited net harm to the landscape character in the short-to-medium term however this impact would reduce over time as the planting matures, but some harm would still occur in the long-term arising from the permanent loss of countryside and the visual impact of the two-story buildings located in the site. Given the retained tree belt and proposed public open space along the eastern boundary, closest to the traffic roundabout, it is considered that the overall harm to the landscape character to be limited.

4.52 It is therefore considered that the proposed development would accord with the development plan as a whole.

PLANNING OBLIGATIONS

4.53 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

21/0672/FUL

4.54 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

4.55 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

£60,000 to fund extension of existing bus service from Kidderminster Bus Station to Bewdley on weekdays;

£4,500 to establish Community Transport service for residents with mobility impairments; and

£5,000 to improve bus stops on Habberley Road

The applicant has agreed to use the WCC Personalised Travel Planning Service, at a cost of £220 per dwelling.

WCC Monitoring fees that are applicable at the time of the signing of the S.106 agreement.

This planning obligation accords entirely with Policy SP.27 of the Local Plan.

- Affordable Housing Provision

20 dwellings would be provided as affordable with a tenure split of 14 social rent and 6 shared ownership

This provision accords entirely with Policy SP.10 of the Local Plan.

- Education

£144,496 for early years;

£415,462 for primary;

£72,248 for SEND

WCC Monitoring fees that are applicable at the time of the signing of the S.106 agreement.

This planning obligation accords entirely with Policy DM.6 of the Local Plan.

21/0672/FUL

- Worcestershire Clinical Commissioning Group (CCG)

£30,291 towards additional primary healthcare services

This planning obligation accords entirely with Policy DM.6 of the Local Plan.

- Green Infrastructure and Biodiversity Management

A management company to maintain all landscaping areas outside of private residential plots, including the following:

- a. SuDS subject to SuDS management plan
- b. Defibrillator
- c. LEAP (local equipped area of play) subject to management plan
- d. Non-domestic boundary treatment including brick wall to Kidderminster Road and all other non-domestic boundary treatments and enclosures
- e. All landscaping areas outside of private residential plots including unadopted public footpaths and on-site habitat areas subject to on-site LEMP
- f. Land to be delivered as off-site biodiversity net gain and proposed unadopted public footpath located within the western parcel of land (which falls within the same ownership as the applicant and demarked by a blue line boundary) for the lifetime of the development subject to the off-site LEMP

This provision accords entirely with Policies SP.21, SP.23, SP.27, SP.28, SP.31, SP.32, DM.7 and DM.8 of the Local Plan.

- 2no. Custom-build plots (Plots 43 and 44 of the Proposed Site Plan)

- a. As defined by the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)
- b. Subject to: Marketing Strategy giving priority to those on the Council's register for custom-build plots in the local area; Design Code with plot passports; Fully serviced plots to be provided; and requirement for the purchaser to occupy the plot for at least 3 years

This provision accords entirely with Policy SP.12 of the Local Plan.

- Off-site Public Open Space

- a. £33,500 contribution towards improvements, enhancements and provision at Riverside Meadows (relating to the following three council owned areas: Hacketts Meadow and Gasworks Meadow on the town side of the river and Maggs Meadow), Bewdley

This provision accords entirely with Policies DM.7 and DM.8 of the Local Plan.

21/0672/FUL

- Monitoring Fees

WFDC monitoring fees in accordance with the s.106 Monitoring Fees Schedule (adopted October 2022) that are applicable at the time of the signing of the S.106 agreement.

5.0 Conclusion and Recommendations

- 5.1 The site is allocated for housing and the proposed layout has been informed by local character and context. It will provide a varied mix of open market, affordable and custom build homes to meet the housing needs of this and the future generation.
- 5.2 The Highway Authority have undertaken a robust assessment of the application and have raised no objection in terms of highway safety and do not consider that the residual cumulative impact on the road network would be severe. The internal road layout complies fully conform with the WCC Streetscape Design Guide and will be adopted by the County. It would provide a safe environment for all road users and the vehicular access is off Kidderminster Road in accordance with the site allocation
- 5.3 requirement (Policy SA.B3). The new public open space including a new children’s play area would not only benefit future occupiers but also the wider community. The development would connect into the adjoining public right of way and promote active lifestyles and sustainable modes of travel.
- 5.4 The overwhelming public benefits of the development would outweigh the minor impact on landscape character. The loss of the open agricultural fields to housing development would result in minimal harm to landscape character, however, the degree of harm would be reduced in the long term when the new tree planting matures. It has also been accepted by consultees that suitable mitigation can be provided to ensure residential amenity to future occupiers can be safeguarded by the provision of an acoustic fence, and that measurable biodiversity net gains can be achieved. The planning system should be genuinely plan-led and as the application relates to a site allocation for housing and would not result in any identified harm, it is considered that the proposals would represent sustainable development and would accord with the Wyre Forest District Local Plan as a whole.
- 5.5 It is therefore recommended delegated **APPROVAL** subject to;
- a) The signing of a S.106 agreement as set out at paragraph 4.55; and
 - b) The following conditions;
 1. 3-year Time Limit
 2. Require external materials and hardsurfacing details
 3. Require boundary treatment details including acoustic fence for the plots closest to the A456 in accordance with the recommendations set out in the submitted Noise Assessment and replacement brick boundary wall to Kidderminster Road
 4. Require site and finished floor levels, including details of any retaining walls

21/0672/FUL

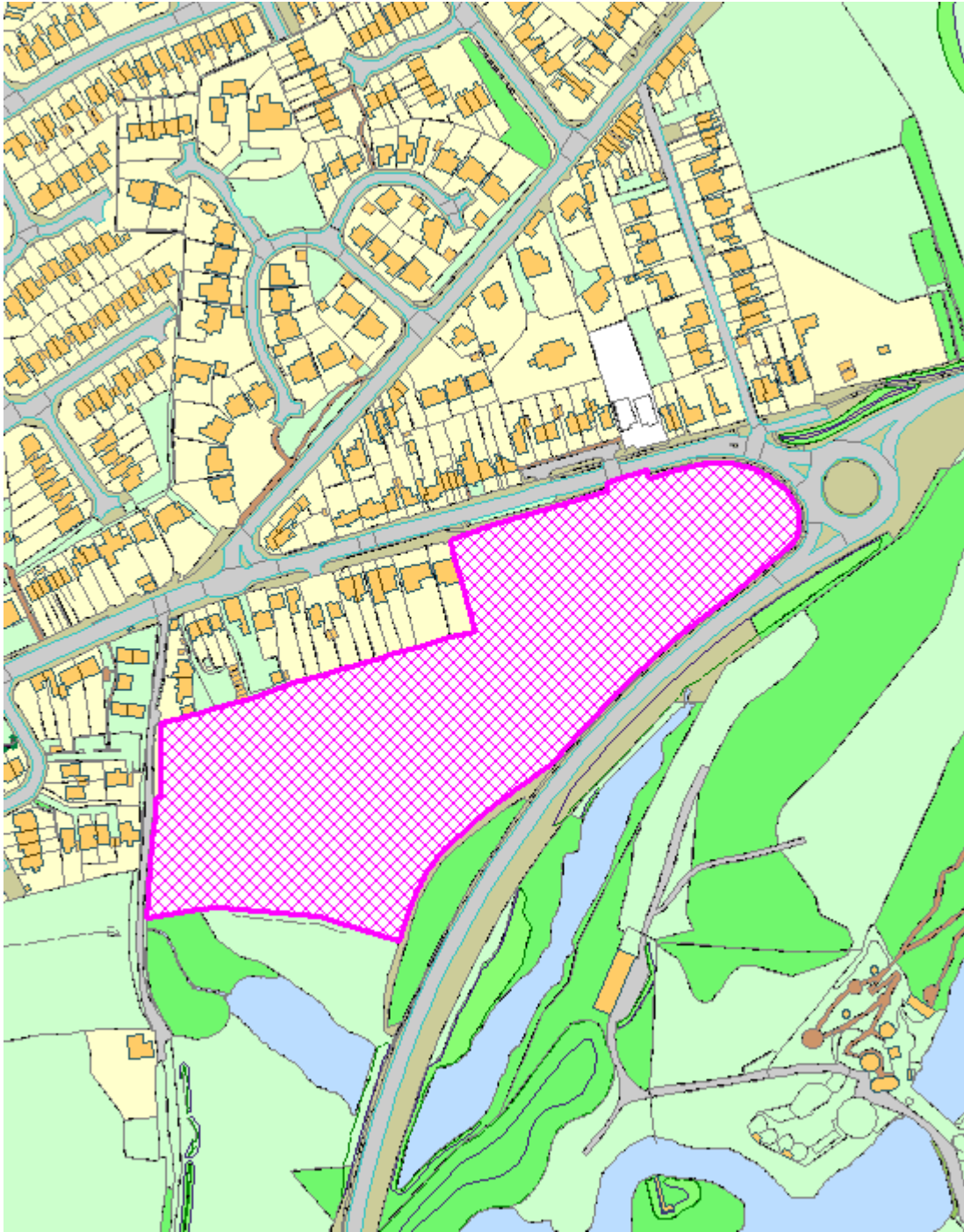
5. Implementation of Landscaping Scheme
6. Play Provision (LEAP)(minimum costs £40,000) Implementation and Management/Maintenance Plan
7. Require details of Defibrillator
8. Retention of all identified retained trees and hedgerows
9. Construction Environmental Management Plan (Noise)
10. Electric Vehicle Charging Provision
11. Secure Cycle Storage
12. Low Emission Boilers
13. Rainwater butts
14. Details of provision of PV Panels that accords with the recommendations set out in the submitted Sustainability Statement
15. Require water efficient measures
16. Provision of M4(2) dwellings
17. 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
 - d. Mitigation measures to avoid harm to nearby SSSI
18. A walkover badger survey and scheme of mitigation if required
19. Scheme of ecological mitigation and enhancement measures (Bat, Otters, Reptiles, Great Crested Newts) including a revised BNG calculation and landscaping plan for land to west of application site
20. To require external lighting scheme
21. Landscape Environmental Management Plan (LEMP) including management/maintenance/monitoring of soft landscaping and on-site habitats and enhancement measures and biodiversity monitoring strategy for dormouse
22. Off-site Landscape Environmental Management Plan (LEMP) to cover land to the west of the application site, demarked by a blue boundary, and to include extent of land required to offset the biodiversity net gain from the development parcel and monitoring/management for a minimum period of 30 years and provision of a footpath through the site, connecting Wheatcroft Avenue to the existing PRoW.
23. Scheme for Surface Water Drainage Strategy
24. SuDS Management Plan
25. Construction Surface Water Management Plan
26. Details of disposal of foul and surface water
27. Written Scheme of Investigation for Archaeology implementation
28. To require highway lighting details
29. Construction Environmental Management Plan (Highways)
30. Access and Parking arrangements
31. Visibility Splays
32. Removal of Permitted Development Rights for future boundary treatment forward of the principle elevation of any dwellinghouse

21/0672/FUL

33. To require details of screening for any substation or pumping station to be installed
34. A revised noise assessment / technical note to demonstrate that the glazing/ventilation products will meet the recommended sound insulation specifications of the originally submitted noise assessment for approval.
35. List of approved plans

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
- 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



Economic Prosperity and Place Directorate

Land On The South Side Of Kidderminster Road Bewdley Worcestershire

Crown Copyright 100018317



PART A

Application Reference:	22/0153/FUL	Date Received:	02.03.2022
Ord Sheet:	374440 272698	Expiry Date:	27.04.2022
Case Officer	Richard Jennings	Ward:	Bewdley And Rock

Proposal: Erection of 1.no 4 bedroom house and 1no. 3 bedroom bungalow with improved access, following demolition of agricultural building

Site Address: Old Bliss Farm Barns, Old Bliss Farm, Gorst Hill, Rock, Kidderminster, Worcestershire, DY14 9YG,

Applicant: Mr R Shimwell

Summary of Policy	DM.24, SP.27, SP.20, SP.22 and SP.32 of the Wyre Forest District Local Plan (Adopted April 2022) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	Parish Council Objection

UPDATE

This planning application, for Erection of 1.no 4 bedroom house and 1no. 3 bedroom bungalow with improved access, following demolition of agricultural building, was considered by members of the planning committee in February 2023. The application was deferred by members for the following reason:

DEFERRED for a full meeting cycle to allow background information on the application to be presented to the Committee

A late neighbour representation raised two issues with the application. These were:

The validity of the Prior Approval application being utilised as the fallback position and whether the prior approval represented a lawful fallback position.

The validity of the prior approval decision 23/0018/PNR

To overcome any ambiguity in the decision making of 23/0018/PNR the applicant has submitted a new prior approval application, reference 23/0120/PNR, for an identical development which has now been granted.

The level of weight which should be apportioned to this realistic fall-back position in terms of the planning balance.

22/0153/FUL

The prior approval application 23/0120/PNR for the conversion of the existing barn into two dwellings provides a realistic and lawful fallback position and is a material consideration in the decision making of this application.

It has been concluded by an Inspector at a recent appeal of a similar case, that, and I quote *“The principle of converting the existing agricultural barn into a dwelling was established under prior approval consent reference 20/02498/GPDQ and remains extant. This has created a fallback position that is a material consideration to this appeal. As such, the principal of residential use on site has already been established. However, this proposal seeks permission for the demolition of the agricultural barn and replacement with a new dwelling in the countryside.”*

In terms of the application before Members, your Officers consider that there is a lawful application for residential conversion at this site and that this must be considered a realistic fall-back position in terms of alternative, new build residential development. The final consideration is one of whether this replacement residential volume is comparable or lesser in terms of scale, massing and impact on the landscape and neighbouring residents.

Firstly, Members should be aware that in terms of the initial neighbour objection to the proposal, the applicant has given these concerns careful consideration. In an attempt to lessen the impact of the development on the neighbouring property, a reorientation of the development has taken place and it should be noted that the neighbour objection has now been withdrawn on that basis, so long as there are no further material revisions to the proposal between now and the Planning Committee meeting. As one of the main requirements of this type of proposal, as highlighted by the Inspector, is that the resulting development results in an improvement above and beyond the fall-back position. Officers consider that the withdrawal of the neighbouring objection to the proposal is a clear and evident confirmation that the neighbouring resident considered that the current, revised proposal results in a betterment over the fall-back position of a conversion, to which the applicant could revert.

Addenda and Corrections

In line with the previous addenda and corrections for February 2023 Committee, paragraph 3.1 of the original report is amended to read ‘The site consists of a range of disused steel framed barns of varying ages and designs, located within the rural area of the district, in Gorst Hill, Rock’.

Conclusion.

Your Officers consider that the application site benefits from a lawful, realistic fall-back position in the form of a consent to convert the existing steel framed buildings into two residential dwelling houses. In other words, if this application was to be refused there is a realistic prospect that the applicant would implement the prior approval scheme and the site would contain two permanent dwelling houses. Due to this realistic fall-back position, there is no requirement for the applicant to consider the policies outlined by the Parish Council in terms of local housing need as the fundamental principle of residential development on the site has already been established.

22/0153/FUL

It therefore falls to the sole consideration as to whether the proposed development results in a lesser impact than that which has already been approved. The basis of all fall-back position assessments. Officers consider that in this instance the proposed development results in a superior finished residential development which has a lesser impact on the landscape and the amenity of occupiers and overall would offer a betterment in comparison to the extant prior approval consent.

ORIGINAL REPORT - PLANNING COMMITTEE AGENDA 13 DECEMBER 2022

1.0 Planning History

- 1.1 21/1090/PNR – Conversion of Barn to Dwelling House - Prior Approval Granted 14.01.2022
- 1.2 23/0018/PNR - Change of Use of Agricultural Buildings to Dwelling Houses (Use Class C3) - Prior Approval Granted 3.02.2023
- 1.3 23/0120/PNR - Change of Use of Agricultural Buildings to 2 Dwellinghouses (Use Class C3) – Prior Approval Granted 30.03.2023

2.0 Consultation and Representations

- 2.1 Rock Parish Council – The council re-considered this previously submitted application in light of recent decisions by inspectors where Class Q approval should have been given considerably more weight when determining applications. Following a detailed 22/0153/FUL

debate Council resolved to recommend refusal again to this application because this site is outside the settlement boundary which was, recently approved by the Planning Inspector, for construction of new dwellings, it is on agricultural land and over development of the site. The housing needs for Rock Parish, established by WFDC's Housing Needs survey, have been more than satisfied, 14 local residents have opposed this application along with Worcestershire County Highways objects to this development" It was further resolved Councillor Sally Watkins would represent the Parish Council should this matter be referred to the Planning Development Control Committee.

- 2.2 North Worcestershire Water Management – No objection subject to the following condition being attached:

“No works in relation to site drainage shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method for the disposal of surface water and treated effluent should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal water

22/0153/FUL

drainage assets. The foul and surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.”

- 2.3 Countryside and Technical Services Manager – No objection subject to conditions. The application site has negligible biodiversity value. The following mitigation measures will need to be conditioned to assure no Biodiversity harm and the deliverance of Net Gain. Conditions recommended are as follows:
- Site clearance works will be undertaken outside of bird nesting (Feb to Aug) season or the services of an ecologist employed to prevent harm to nesting birds.
 - A landscaping plan be produced to include native planting prior to being implemented.
 - 2 x Bird box provision to be delivered following the recommendations of Nov 2021 PEA.
 - A CEMP is produced and implemented taking on the recommendations of the PEA to include excavations are covered and a means of escape provided. The CEMP should also flag actions in the unlikely event Great Crested Newts are found.
 - No new lighting will be provided without prior agreement by the LPA that has potential to impact on adjacent trees or hedge lines.
- 2.4 Highway Authority – No objection subject to conditions. The latest plan showing the amended visibility splays with an offset of 1000mm to the left on exit and this drawing as accepted. Nonetheless, as before, the Highways recommendation of refusal due to the lack of locational sustainability and lack of a genuine choice of transport modes still stands (Paragraph 110 and 112 NPPF). The shared driveway is to be tarmac surfaced however due to the level differences, further drainage details are required. It is also noted that there is a telegraph pole in this location which will be directly adjacent to the proposed access and must not be impacted by these works. The proposed access is to be laid out as a verge crossing and the verge is to be reinstated as part of the existing access closure and all access works in the highway must be carried out by WCC contractors Ringway as per the note below.
- 2.5 Worcestershire County Council's Archaeologist – No objection. The development affects an undesignated heritage asset recorded on the Historic Environment Record 'WSM61445 Old Bliss Farm, Rock', which is an early 19th century farmstead typical of the local area. The proposed development does not directly impact the recorded historic buildings on the site (WSM53795 Farmhouse, Old Bliss Farm and WSM32174 Threshing Barn, Old Bliss Farm) and there is no suggestion that the farm lies on the site of earlier settlement. Although there will be some impact to the setting of the heritage assets, it is considered that this will be a minor adverse impact to heritage assets of local significance. No objection.
- 2.6 Neighbour/Site Notice Representations – 12 letters of neighbour objection received in relation to the proposal, the main points raised are summarized below.
- The Parish Housing Needs Plan (2019). Housing numbers are now exhausted
 - The development of larger gardens will result in a greater level of domestication including garden buildings etc.
 - Highway implications

22/0153/FUL

- Impact on Biodiversity
- Visual dominance
- Lack of adequate public transport
- Lack of justification for 2 dwellings as opposed to one.
- The proposal will 'open the floodgates' to anyone wishing to construct a new dwelling in the Parish
- Lack of compliance with the development plan policies
- Impact on existing levels of services, electric supply etc
- Several large dwellings have already been constructed in the vicinity over recent years.
- Lack of pavements for pedestrians
- The proposal is outside the settlement boundary
- Poor design
- The development should be for agricultural purposes
- The current barn which has consent, could be retained making the possibility of 3 new dwellings on site

3.0 Site Location and Description

- 3.1 The site consists of a range of disused steel framed barns of varying ages and designs, located within the rural area of the district, in Gorst Hill, Rock.
- 3.2 Prior approval was granted for the conversion of the existing barn to a single dwelling house under application 20/0649/PNR in October 2020 and a subsequent Prior approval this year (23/0018/PNR) has lawfully established the use of the building as two residential dwellings.

4.0 Officer Comments

POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN

- 4.1 The proposal is for the construction of 2 new build dwellings in lieu of a current live consent for the conversion of a barn currently on site into 2 dwellings. The application proposes demolition of the barn and utilisation of the barns volume into 2 new build energy efficient homes. The resulting volume of the new build dwellings will be lower than the existing barn as will the height and massing of the proposed development. The applicant therefore proposes that the resulting built form will be of a lesser visual impact.
- 4.2 Several letters of objection have been received regarding the proposal, however in the main they fail to fully take into account the current extant consent and realistic fall-back position which exists. Members should be aware that this fall-back position of a class Q fall-back position has been tested repeatedly on appeal and as part of a recent appeal case at a neighbouring Worcestershire authority it was once again concluded by the Inspector that *"the Class Q approval has created a fallback position that is a material consideration to this appeal. As such, the principle of residential use on site has already been established"*.

22/0153/FUL

- 4.3 Having confirmed therefore that we are dealing with lawful residential volume, the proposal must be treated as a replacement dwelling(s) and therefore we must solely consider the requirements of Policy SP.11 section 3 (Replacement Dwellings) and its clear requirements, and not as is the case in many of the objections raised, including that of the Parish Council, Section 1 (Rural exception Sites) and its associated Parish needs and settlement boundary requirements which are not relevant in this case where lawful residential principle already exists.

DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.4 The proposed dwellings will result in the creation of 2 smaller units in lieu of the previously approved very large conversion, however cumulatively, they result in a reduction in volume, massing, size and footprint. The original approved residential conversion scheme has a volume of 1855 cub/m, with the proposed scheme having a total volume of 1580 cub/m, which represents a substantial reduction in mass. The height of the original building is 7.4m and the 2-storey replacement maintains this height. The remainder of the replacement volume in the form of a bungalow results in a significant reduction in ridge height of 5.3m. Therefore, ensuring that the overall massing of the cumulative, proposed development will be significantly lower, in accordance with Policy DM.29 of the Wyre Forest District Local Plan.
- 4.5 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 places little reliance on design and often only serve to produce functional, utilitarian dwellings merely by amending existing, very large, unsympathetic steel frame buildings of little architectural merit, as is the case in this instance. The resulting replacement new build dwellings are of good design and proportion, giving the opportunity to incorporate many of the local rural architectural characteristics to ensure the resulting buildings sit harmoniously within their setting and do not appear as an incongruous feature in the landscape as would be the fall-back position.
- 4.6 The new build, replacement dwellings are of modern design whilst still reflecting the surrounding agricultural heritage of the area, adopting a material pallet gaining inspiration from surrounding buildings. All materials including cedar timber cladding and facing brickwork would be the subject of a condition requiring their agreement with the Local Planning Authority. The replacement of the former agricultural building brings the opportunity to construct code 6 compliant sustainable homes far superior to the conversion which they seek to supersede. The dwellings would benefit from 4kw solar panels, a ground source heat pump in order to give maximum thermal efficiency, rainwater harvesting, and biodiversity gains in the form of roosting/nesting opportunities. The layout itself overlays the existing building which relates well to the adjacent buildings and the character of the area, and therefore removes any concerns raised as part of the neighbour representations that the barn may also be retained as to construct the new dwellings the barn has to be demolished. Overall, the design and layout is acceptable and provides high quality design in accordance with the development plan.
- 4.7 The property provides adequate amenity area and will not impact on surrounding properties. The resulting residential amenity of the new build replacement dwellings will be far superior to that of the approved conversions for which they seek to replace. The resulting impact on neighbouring amenity between the extant consent and the

22/0153/FUL

proposed replacement is considered negligible. The proposed development therefore would accord with Policies SP.20 and DM.24 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

BIODIVERSITY

- 4.8 The Countryside and Technical Services Manager has commented that the site is of little biodiversity interest due to their construction method. Carefully worded conditions will ensure that nesting birds are not negatively impacted by the proposed works, no new lighting is erected on site without prior approval by the LPA to ensure protected nocturnal species are unaffected by the development, a CEMP is produced to ensure the development process has no other impact on important species in terms of the physical works taking place and that a landscaping plan is produced to ensure the final development results in an overall betterment of the site in terms of biodiversity potential. The proposed development would therefore accord with Policy SP.23 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

HIGHWAYS AND ACCESS

- 4.9 Following the submission of additional information by the applicant, the Highway Authority have submitted revised comments confirming that a conditional approval is satisfactory should the final details not be received prior to approval.
- 4.10 The proposal is therefore in accordance with Policy SP.27 of the Wyre Forest District Local Plan and the National Planning Policy Framework, subject to the imposition of the Highways Authority suggested conditions and results in a proposal which has no negative impact on either Highway safety or the local network.

5.0 Conclusion and Recommendations

- 5.1 The proposal relies on a realistic fall-back position in the form of an extant Class Q consent to convert the existing farm buildings into residential use. The applicants advance the positive benefits of the proposal both in terms of sustainability credentials and design. Members are advised that the formation of two smaller dwellings from the existing, lawful, residential volume from which the site already benefits, should not be considered under the criteria for Rural Exception Sites and its heavy reliance on addressing local housing need, but should be considered as a replacement dwelling, which is addressed separately under the same policy. The subdivision of this lawful residential volume into two smaller units also carries no Parish need requirement or settlement boundary locality, as would be the case in any other subdivision or replacement of an existing lawful dwelling. When the proposal is correctly considered against the replacement dwelling criteria, it is clear that it represents a fully policy compliant development Principle.
- 5.2 With the principle of development established, this merely leaves two overriding issues for consideration. Thus being whether the proposal is not materially larger than that which it replaces and secondly that Highway safety and neighbouring residential amenity are not unduly impacted above and beyond that of the existing lawful fall-back position. Firstly, it is clear that the resulting dwellings are volumetrically smaller than the approved conversion which constitutes the Fall-back position. In terms of Highway safety, the Highway Authority are satisfied with a conditional approval,

22/0153/FUL

therefore, any refusal on Highways grounds would be practically impossible to defend on appeal. With regards to neighbouring residential amenity, separation distances would be far greater than required in new build situations and result in a far greater separation distance than that which exists under the current conversion consent.

When considering all of the benefits on balance, including the reduction in massing of the resulting buildings, the improved sustainability credentials of new build and the clear design improvements over and above the conversion of the modern farm building, along with the social, economic and environmental benefits, I consider that the overall impact of the new build dwellings is far lower than the lawful fall-back position, and I consider the proposal to be fully policy compliant on all counts.

5.3 It is therefore recommended for **APPROVAL** subject to the following conditions:

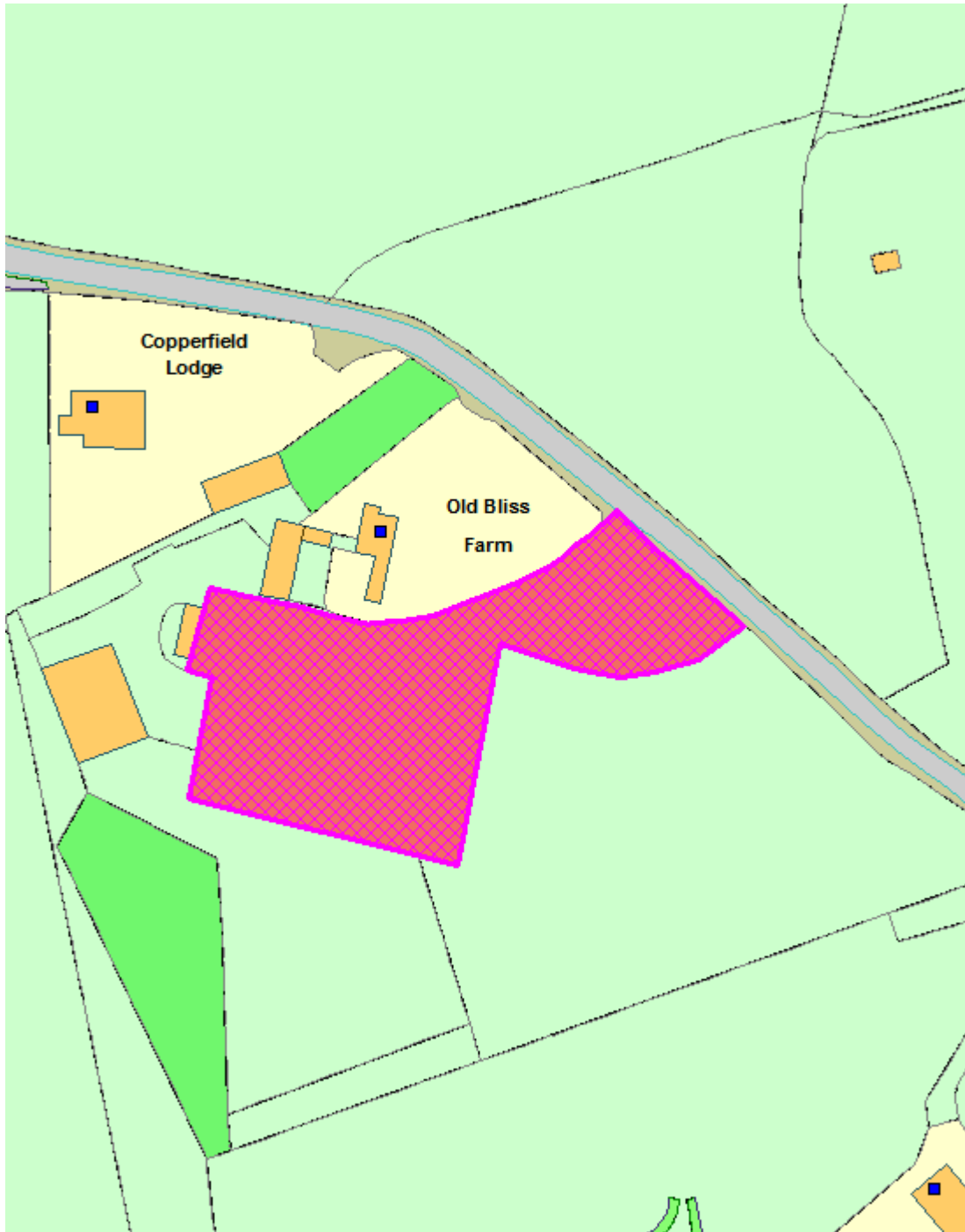
- 1) 3 year time limit to commence development
- 2) List of approved Plans
- 3) Require material details
- 4) Site clearance works will be undertaken outside of bird nesting (Feb to Aug) season or the services of an ecologist employed to prevent harm to nesting birds
- 5) Require Landscaping Scheme
- 6) Require Implementation of Landscaping Scheme
- 7) 2 x Bird box provision to be delivered following the recommendations of Nov 2021 PEA
- 8) Construction Environmental Management Plan (Biodiversity)
- 9) Prevent new external lighting being installed
- 10) Require visibility splays
- 11) Require access, turning areas and parking facilities for both dwellings
- 12) Require details of highway drainage
- 13) Require existing vehicular access to be closed
- 14) Require cycle storage
- 15) Require electric vehicle charging points
- 16) Scheme for foul and surface water drainage
- 17) Removal of permitted development rights Class A and E (extensions and outbuildings)

NOTES

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

Mud on the highway

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site during the construction phase of the development.



Economic Prosperity and Place Directorate

Old Bliss Farm Barns Old Bliss Farm Gorst Hill Rock Kidderminster Worcestershire DY14 9YG



Crown Copyright 100018317

PART B

Application Reference:	22/0635/FUL	Date Received:	02.08.2022
Ord Sheet:	383511 274457	Expiry Date:	01.11.2022
Case Officer	Richard Jennings	Ward:	Foley Park And Hoobrook

Proposal: New warehouse building with associated parking

Site Address: Aventine House And Innovation House , Edwin Avenue, Hoo Farm Industrial Estate, Kidderminster, Worcestershire, DY11 7RA

Applicant: Mr John Sansom

Summary of Policy	DM.24, SP.27, SP.19, SP.23 and SA.K24 of the Wyre Forest District Local Plan (Adopted April 2022) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	'Major' Planning Application

1.0 Planning History

- 1.1 WF/0880/97 - Erection of Warehouse Extension - Approved
- 1.2 WF/0605/04 - Erection of a new unit and associated works (B8) - Approved
- 1.3 WF/0913/05 - Erection of an extension to Briten Ltd. - Approved
05/1253/FULL - Warehouse and Office extension with mezzanine area in existing building – Approved
- 1.4 06/0372/FULL - Amendments to planning permission 05/1253/FULL: Omission of roller shutter door to front elevation; moving side fire escape door to rear; alteration of rear car parking; new road crossover. - Approved
- 1.5 17/0318/FULL - A new industrial unit/warehouse with offices and parking. - Approved

2.0 Consultation and Representations

- 2.1 Kidderminster Town Council – Support application

22/0635/FUL

2.2 North Worcestershire Water Management Officer – No objection subject to conditions. The principle of an attenuated discharge of 2.5l/s to a nearby sewer system is acceptable. The revised Sustainable Drainage Assessment and Operation & Maintenance Plan contains some further information to demonstrate the technical deliverability of the proposed attenuation basin on the steep hillside. Appendix 4.2 (ground conditions) has been expanded, a paragraph has been added regarding the slope stability (par 5.2) and cross sections of the basin have been added to the drawings included in appendix C. The cross sections in particular illustrate the extensive earth works that will be required for the construction of this basin.

I included in my original comments that the Preliminary Earthwork Assessment that was submitted (JNP, Drawing M43925-JNP-90-XX-DR-Z-2002 Rev P01) did not include the basin area. Also, I had included confirmation regarding the impact that the drainage works would have upon the badger activity identified in the ecological survey. These two points have not been addressed yet.

I believe that the submission of details of the proposed surface water drainage strategy can be conditioned, and I would suggest the following wording:
No works in relation to site drainage shall take place until detailed design details have been submitted to, and approved in writing by the Local Planning Authority. The detailed design details shall conform with the indicative drainage strategy submitted with the application (Sustainable Drainage Assessment and Operation & Maintenance Plan, Shaw and Savage, V2, 16 Nov 2022). Calculations shall be included to demonstrate that the surface water drainage scheme has been designed to attenuate flows to 2.5 l/s for all storm events up to and including the 1 in 100-year plus 40% climate change event. The attenuation basin shall be designed to half empty within 24 hours. The approved detailed surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

2.3 Countryside and Technical Services Manager – No objection subject to the following conditions:

- Ensure no protected species will be impacted on. (badger, bats, hedgehog, polecat, invertebrates, reptile, birds etc)
- Calculate the extent of loss of habitat to both build and operate the development.
- Calculate the required level of BNG needed to offset the impact of habitat loss.
- Provide detail of species mitigation.
- Produce a LEMP, Biodiversity net gain plan and a woodland management plan
- Produce a ecologically driven lighting plan that is reviewed by and ecologist to ensure no light sensitive species are impact upon and wildlife commuting routes are preserved
- To guide the production of a CEMP to guard both habitat and species.
- A review of invasive species (if present) and if needed a mitigation strategy.
- Measures to prevent the nearby SSSI, from being impacted by diffuse pollution.

2.4 Highway Authority – No objection subject to conditions. The applicant has submitted additional information in support of their application to include evidence of visibility improvements at the site access and additional parking as requested. Visibility at the access must be maximised by cutting back and maintaining the existing foliage

22/0635/FUL

at all times. The parking requirement for the proposed B8 use is 13 spaces based on increased GFA of 3129 sqm and the submitted plan Drawing No. FCL0137-04 shows a revised parking layout with additional parking up to approximately 50 spaces to meet needs of site. Vehicle tracking for a 16.5m articulated lorry plus parking for a 10m rigid lorry and four 7.5t LGVs have been shown and it is stated that smaller vans will park within standard parking spaces and most of the commercial vehicles will not be parked on site during the day or overnight.

In line with standards 3 x accessible spaces should be marked out and electric vehicle charging facilities are expected. Motorcycle parking can be on an informal basis, as required.

The applicant has also submitted a travel plan which aims to reduce vehicle movements and promote sustainable travel options and they are required to register online and upload their plan at www.modeshiftstars.org The applicant will then need to complete green level targets before first occupation and implement bronze level targets within 12 months of occupation. The target requirements are set out in a checklist, which is provided separately and further support with this process is available via the Highway Authority.

Finally, it is noted that preliminary earthworks will be undertaken prior to the construction of the building and details of the associated HGV movements and routes to and from the site will be required. A Construction Environment Management Plan to cover all phases of the proposed works is required by condition.

- 2.5 Worcestershire Regulatory Services (Potential Contaminated Land Team) – No objection subject to condition. The site is an existing industrial estate. We recommend a Tiered Investigation condition. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

3.0 Site Location and Description

- 3.1 The application site is a sloping area of land to the rear of Aventine House enclosed by existing buildings to the south and established woodland belt to north, which in the main serve to screen the site from outside of the development site. The site is located within the Hoo Farm Industrial Estate and falls within the South Kidderminster Enterprise Park (SKEP), which is subject to Policy SA.K24 of the Local Plan, where proposed developments that positively contribute to the economic well-being of the District are supported. The nearest residential properties are located approximately 43 metres from the application site in Kenilworth Drive. The site lies within the urban area of Kidderminster over half a Kilometre from the nearest West Midlands green Belt boundary.
- 3.2 The current planning application is for the erection of a new B8 storage building facility (measuring 3,129sqm) to aid in the expansion of this highly successful, expanding business, which will result in both commercial expansion and potential job creation. The proposed development would increase the number of full-time jobs from 135 to 189 and on-site car parking provision from 28 to 38 spaces.

22/0635/FUL

4.0 Officer Comments

- 4.1 The main considerations for this application are whether the principle of development is acceptable and whether there would be any detrimental impact on the local character of the area and upon highway safety, biodiversity, trees and drainage.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT.

- 4.2 Policy SP.17 of the Wyre Forest District Local Plan states that 'Proposals for expansion, updating and intensification of employment uses on existing sites will be supported where they do not compromise the activities of the employment area of conflict with other policy objectives. In addition, the proposed development would create 54 new full time job opportunities and would fully support the local economy and commercial expansion in Kidderminster, in accordance with Policies SP.1 and SP.3 of the Wyre Forest District Local Plan.
- 4.3 Policy SA.K24 refers to the South Kidderminster Enterprise Park and sets out that the application site is allocated for employment development (light Industrial, B2 and B8), and requires that all new developments meet the following criteria:
- i. Positively contribute to the economic well-being of the District
 - ii. Ensure that they are compatible with neighbouring areas and should not prejudice the operation and amenity of existing employment in the area
 - iii. Enhance the relationship between sites and the Staffordshire and Worcestershire Canal and the River Stour corridor where appropriate
 - iv. Positively enhance the Wilden Marsh and Meadows SSSI where appropriate
 - v. Ensure they incorporate appropriate remediation, building and drainage design in order to deal with any land contamination
 - vi. Strengthen the visual harmony of the Stourport Road with its strong tradition of tree-lining and service roads and prominent set-back of the building line
 - vii. Safeguard and promote the development of new enterprise units for start-up businesses
 - viii. Take account of any flood risk
- 4.4 The expansion of this existing business with a new B8 warehouse is therefore considered to be acceptable in principle, subject to the following considerations.

IMPACT ON LOCAL CHARACTER

- 4.5 The proposed warehouse building has been designed in order to minimise its impact and ensure that the adjacent development, including residential properties are complimented and respected. It is a functional profile clad building but its presence on the site would not create an unacceptable visual impact upon the visual amenity of the adjacent Green Belt land. A large area of existing woodland exists which screens the majority of the site. The development of this particular area of site provides the opportunity for the expansion of the existing company and the potential for new employment on the site and ensures that the company is accommodated and its growing needs are met within the Wyre Forest District.

22/0635/FUL

- 4.6 The proposed palette of materials would be taken from the existing buildings on site and ensure that the overall development is visually cohesive with both the company building grouping and the wider industrial estate as a whole. The development therefore accords with Policies SP.20 and DM.24 of the Wyre Forest District Local Plan.

HIGHWAYS AND ACCESS

- 4.7 The application site has been the subject of ongoing discussion between the applicant and the Highway Authority in order to resolve the access, parking and turning arrangements. Following the submission of additional information regarding visibility and parking capacity/configuration, the Highway Authority have recommended approval subject to conditional approval. Your Officers therefore consider that the proposed development would accord with Policy SP.27 of the Wyre Forest District Local Plan and Paragraph 111 of the National Planning Policy Framework and would not result in a detrimental impact on highway safety.

4.8 BIODIVERSITY AND TREES

The proposed site was cleared many years ago and used as an external storage area until today. In terms of the drainage scheme and attenuation, this will fall in an area which is still undeveloped hence careful consideration has been given to the ecological implications of this element of the proposal. Carefully worded conditions are attached to ensure that the drainage scheme can be implemented in a highly sensitive manner to any protected species that may be present on site. It is considered that these conditions ensure that the development proposal can be implemented with minimal harm to the ecology of the site. Mitigation measures are also conditioned and biodiversity gain will be achieved through careful management of this area and bird/bat roosting/nesting boxes installed.

4.9 DRAINAGE

The Councils Watercourse Officer has requested a conditional approval requiring the submission of detailed design details have been submitted to and approved in writing by the LPA. The Watercourse Officer has raised concerns over the potential presence of Badger in the vicinity of the proposed attenuation basin area, however Officers consider that the combination of drainage and ecological conditions will collectively ensure that a sustainable drainage solution is achieved with minimal impact on biodiversity and protected species that may or may not be present.

5.0 Conclusion and Recommendations

- 5.1 The size, design, location and materials of the proposed storage building are sympathetic to the local setting, which includes other employment users, residential properties and adjacent open Green Belt land. The proposed development would deliver wider benefits to the district in terms of job creation and to the local economy. The development would strengthen the employment area and would accord entirely with the Wyre Forest District Local Plan.

22/0635/FUL

5.2 The application is therefore recommended for APPROVAL subject to the following conditions:

1. 3- year Time Limit
2. Materials
3. Bird/bat box provision
4. Precautionary approach to works to ensure protected species are safeguarded.
5. No external lighting without prior written approval from the LPA.
6. CEMP (Biodiversity)
7. Walkover Badger Survey
8. LEMP
9. Drainage
10. Access, Parking and turning details
11. Accessible parking and Electric Vehicle Charging Points
12. Cycle parking
13. Employment Travel Plan
14. CEMP (Highways)
15. Potential Contamination Study

PART B

Application Reference:	23/0144/RG3 & 23/0156/S19	Date Received:	28.02.2023
Ord Sheet:	383404 276426	Expiry Date:	30.05.2023
Case Officer:	Helen Hawkes	Ward:	Blakebrook And Habberley South

Proposal: Minor material amendment to application 21/0783/RG3 and 21/0784/LBC to make changes to the doors, windows and building fabric of the existing buildings and boundary wall, together with new ramp access to bin store and external covered cycle store and variation to Condition 3 and removal of Condition 16

Site Address: Former Worcester Cross Factory And Offices, Weaving Sheds & Worcester Cross, Worcester Street, Kidderminster, Worcestershire

Applicant: Wyre Forest District Council

Summary of Policy	SP.1, SP.2, SP.6, SP.20, SP.21, SP.23, SP.27, DM.23, DM.24, DM.25 of the Wyre Forest District Local Plan (Adopted April 2022) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	‘Major’ Planning Application The Applicant is Wyre Forest District Council

1.0 Planning History

- 1.1 21/0783/RG3 - Redevelopment of site, including restoration of weaving shed (with part demolition of listed element), refurbishment and change of use of existing building to create a three-storey office building and multi-purpose community facilities / creative hub and bar (Use Classes E, F.1, F.2 & Sui Generis), together with landscaping and external works: Approved 8.03.2022
- 1.2 21/0784/LBC - Redevelopment of site, including restoration of weaving shed (with part demolition of listed element), refurbishment and change of use of existing building to create a three-storey office building and multi-purpose community facilities / creative hub and bar (Use Classes E, F.1, F.2 & Sui Generis), together with landscaping and external works: Approved 8.03.2022

2.0 Consultation and Representations

- 2.1 Kidderminster Town Council – Support application.

23/0144/RG3 & 23/0156/S19

2.2 Conservation Officer – No objection to the revised scheme and to the schedule of sample panels for the proposed brick and stonework.

2.3 Neighbour/Site Notice/Press Notice Representations - No responses received.

3.0 Site Location and Description

3.1 The Former Magistrates Court is a Grade II listed building within the ownership of the District Council. The site is located on land within Kidderminster town centre at the south-eastern end of Worcester Street, approximately 570 metres west of Kidderminster Rail Station. Worcester Street is a single carriageway road, operating as a cul-de-sac at its eastern end. Access to Worcester Street is gained via a priority junction with Prospect Hill to the south. Pedestrian and cycle access is provided at its eastern end through bollards, connecting to a subway running under the A451 Ringway roundabout junction with the A448 and Oxford Street.

3.2 The application site has a number of vacant buildings that comprise the former magistrates' court, former weaving sheds and the offices associated with a former carpet factory. An area of hardstanding is located at the south-eastern end of the site which incorporates space for approximately nine cars to park off-street. This parking area is accessed off Worcester Street. The site also includes an area of public realm on the opposite side of the road, known as Coronation Gardens, which includes areas of hard and soft landscaping, drinking fountains, water troughs and a Grade II listed clock tower.

3.3 The immediate surroundings of the site include a sub-station to the south-east, the Boars Head public house to the north-west and the Lion Fields area located to the north-east.

3.4 The site falls within the eastern boundary of Kidderminster town centre, with the north-western part of Worcester Street, Coventry Street and Vicar Street forming the main high street roads. The range of standard town centre amenities are available in Kidderminster, with a post office, a range of high street banks, fast food and dining establishments and retail stores.

3.5 The previous approved applications 21/0783/RG3 & 21/0784/LBC were considered by the Planning Committee in January 2022 and determined on 8th March 2022. The approved schemes sought to create a cultural and creative hub for Kidderminster town centre, incorporating recording studios, production, performance and events spaces and extended office floor space. The proposal includes for approximately 1,220m² GIA office space (Class E), 1,175m² GIA community space (Class F2) and some combined 500m² GIA for a bar, café, theatre/lecture venue and music rehearsal/recording facilities. Secure bicycle storage was to be provided in the eastern corner of the site and overflow within the weaving shed. Appropriate waste and refuse storage was to be provided within a grass roof single storey building located adjacent to the substation building with access to refuse vehicles at the end of Worcester Street. The approved development also included improvements to the external space surrounding the building and upgrade of Coronation Gardens.

23/0144/RG3 & 23/0156/S19

3.6 This application is seeking a minor material amendment to applications 21/0783/RG3 and 21/0784/LBC. The amendments consist of the following:

Front elevation

- a) Omit 1x. proposed rooflight and repair roof
- b) Enlarge main entrance door to make opening wider and amend door to ensure it swings both ways in order to comply with the fire escape strategy for the building
- c) Add guard rails to external automatic main door
- d) Repair existing fanlight
- e) Add guard rails to external automatic main door

Side elevation

- a) External metal door to have glazed infill above
- b) Amendments to the windows on the side elevation to be openable windows to allow for ventilation and to include additional mullions
- c) Amendments to the steps into the rear of the building

Rear elevation, including former Weaving shed

- a) New brickwork to infill existing opening
- b) New louvres added
- c) Render is proposed to the new wall in Weaving Sheds and to ground floor external wall
- d) New window in gable end is proposed to provide ventilation
- e) Weaving Shed roof coverings to be stripped off, minimal works to be undertaken in the Weaving Sheds compared to previously proposed

External and other amendments

- a) Ramp to bin store added
- b) New covered bike shelter to be provided in front of existing sub-station
- c) Omission of the new office block and PV panels

3.7 In addition, it is also proposed to make a variation to Planning Condition 3 attached to Planning Approval 21/0783/RG3 and Planning Condition 3 attached to the Listed Building consent 21/0784/LBC to only require a specified list of sample panels for all new brick or stonework, as agreed with the Conservation Officer. The wording of the condition would be changed as follows:

Condition 3 originally reads as:

Any brick or stone samples required by the above condition shall be provided by the erection on site of a 1 metre square sample panel of brickwork, including proposed mortar mix and joint detail, for the written approval of the Local Planning Authority.

Reason: To ensure that the external appearance of the development in the context of the Listed Building can be properly considered and that it accords with Policies SAL.UP6 and SAL.UP7 of the Site Allocations and Policies Local Plan.

Condition 3 to read as:

The 1 metre square sample panel of brickwork or stone, including proposed mortar mix and joint detail, as set out in the submitted KCH-BFF-ZZ-ZZ-SC-A-5040 Sample

23/0144/RG3 & 23/0156/S19

Schedule, shall be erected on site and approved in writing by the Local Planning Authority, prior to any repair work or new brickwork being carried out as part of the development hereby approved.

Reason: To ensure that the external appearance of the development in the context of the Listed Building can be properly considered and that it accords with Policies SP.20 and DM.23 of the Wyre Forest District Local Plan.

- 3.8 Furthermore, it is proposed to remove Planning Condition 16 attached to Planning Approval 21/0783/RG3 which sought to secure photovoltaic panels on the roof of the new office building as the new office building is no longer being implemented.

4.0 Officer Comments

- 4.1 Planning permission was granted under application 21/0783/RG3 to redevelop the former Worcester Cross Factory and Offices building including restoration of the Weavers Shed (with part demolition of listed element), refurbishment and change of use of existing building to create a three-storey office building and multi-purpose community facilities / creative hub and bar (Use Classes E, F.1, F.2 & Sui Generis), together with landscaping and external works. The approved development also included improvements to the external space surrounding the building and upgrade of Coronation Gardens.
- 4.2 The approved applications 21/0783/RG3 and 21/0784/LBC sought to bring back into use the vacant Grade II former Magistrates Court and Carpet Factory and provide a new Kidderminster Creative Hub comprising office space, community facilities and bar. The approved proposals would secure a long-term viable use for this heritage asset and help catalyst regeneration in this part of Kidderminster Town.
- 4.3 Since applications 21/0783/RG3 and 21/0784/LBC were granted in March 2022, cost of materials, labour and inflation have increased significantly, and the project has been scaled back to ensure it is viable. The amendments to the approved scheme would also ensure that the development accords with the requirements of building regulations in terms of fire escape and ventilation and would provide a suitable cycle store for users of the building. Your Officers consider that the proposed amendments represent a minor material change to the original approved scheme of which can be considered under a Section 73 and Section 19 application.
- 4.4 The current amended application would make minor changes to the roof, windows and doors to the Grade II listed building to ensure the proposed office space is compliant with Building Regulations in respect of a suitable access that meets both fire and disabled access requirements and to improve ventilation. The proposed replacement roof and flooring to the Weavers Shed has been omitted in this amended application but this space could still be used for outdoor markets/creative hub venue. Additional cycle store facilities would be proposed adjacent to the substation instead of within the Weavers Shed.

23/0144/RG3 & 23/0156/S19

- 4.5 Paragraph 135 of the National Planning Policy Framework advises that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Your Officers note that the design team for this project have worked closely with the Council's Conservation Officer and that the amendments would not diminish the overall quality of the previously approved scheme. In addition, the amendments would not prevent the original proposal being implemented in the future under a separate application, for example, converting the Weavers Shed into an indoor venue.
- 4.6 The variation to the wording of planning condition 3 has been agreed by the Conservation Officer and your Officers are satisfied that the varied condition would ensure that the necessary external materials are reviewed and agreed prior to being used in any repair and other works to the building in order to preserve the integrity and appearance of the listed building.
- 4.7 With regards to condition 16, the previously proposed PV panels were to be installed on the roof of the new build office block, which is no longer proposed in this minor amendment application. The applicant has confirmed that there is no location for PV panels on the existing listed building due to the heritage impact (the south facing side would be the front street façade). The Council's Conservation Officer has also agreed that it would not be feasible to have PV panels on the south facing roof slope due to the harm that this intervention would have on the significance of the heritage asset. Members should also note that a planning condition (14) is attached to ensure the heating provision of the development comprises Air Source Heat Pumps with boiler back up, which will ensure the energy requirements of the building is sourced by renewable and low emission energy sources, in accordance with Policy SP.37 of the Wyre Forest District Local Plan and Paragraphs 154 and 157 of the National Planning Policy Framework which seek to ensure developments draw energy supply from renewable or low carbon energy supply systems in order to help reduce climate change.
- 4.8 Your Officers are not aware of any significant changes to the site circumstances or to national planning policy since the previous applications were determined in March 2022. Whilst the Development Plan for Wyre Forest has changed, your Officers are of the view that the amended development would accord with the newly adopted Local Plan 2022 and would not materially diminish the previous approved consents.
- 4.9 Furthermore, your Officers note that the details reserved by Planning Conditions 4 (Archaeology), 13 (Construction Environment Management Plan) and 14 (Ecological Mitigation Strategy and Enhancement Plan) attached to 21/0783/RG3 have been formally agreed by the Local Planning Authority under separate discharge of condition applications and therefore it is not necessary to require these details again. All other conditions would be attached, except for Conditions 1 (Time Limit) as the development has already commenced and 16 (Photovoltaic Panels) and Condition 3 (Brick/Stone Sample Panel) would be reworded as proposed in this application. In respect of the listed building consent 21/0784/LBC, all conditions would be re-attached as none have been discharged and Condition 3 (Brick/Stone Sample Panel) would be reworded as proposed in this application.

23/0144/RG3 & 23/0156/S19

5.0 Conclusion and Recommendations

5.1 The proposed amendments would not materially diminish the quality of the approved development and would secure the long-term viable reuse of this important Grade II listed building despite the rising cost of materials, labour and inflation. There have been no significant changes in the site circumstances or to national planning policy since the previous applications were granted planning and listed building consent in 2022. No objection was raised by the Conservation Officer. The minor material amendments are considered acceptable and in accordance with the Wyre Forest District Local Plan and the National Planning Policy Framework.

5.2 I therefore recommend **APPROVAL** to **23/0144/RG3** subject to the following conditions;

1. Details of Materials
2. Brick or Stone Sample Panels as proposed
3. Implementation of Programme of Archaeology Work (as approved under 22/0643/CR)
5. Landscaping Scheme including Tree Pit Design
6. Implementation of Landscaping Scheme
7. Details of pedestrian access points
8. Highways – Cycle Parking
9. Highways – Travel Plan
10. Delivery and Servicing Plan
11. Highway Work Details
12. Adhere to the Construction Environmental Management Plan (as approved under 23/0168/CR)
13. Adhere to the Ecological Mitigation and Enhancement Measures (as approved under 22/0516/CR)
14. Heating provision to be Air Source Heat Pumps with boiler back up
15. Defibrillator
16. Lighting scheme for Coronation Gardens

Informative

- A. S.278 Works
- B. Provision of SuDS if possible
- C. Archaeology

5.3 I also recommend **APPROVAL** to **23/0156/S19** subject to the following conditions;

1. 3-Year Time Limit
2. Details of Materials
3. Brick or Stone Sample Panels as proposed
4. Archaeology
5. Detailed Heritage Matters