

Open

Planning Committee

Agenda

6pm
Tuesday, 19 September 2023
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor R Drew
Vice-Chairman: Councillor D Little

Councillor J Aston

Councillor L Carroll

Councillor P Harrison

Councillor N Martin

Councillor C Rogers

Councillor B Brookes

Councillor H E Dyke

Councillor M J Hart

Councillor F M Oborski MBE

Councillor D Ross

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 Ellie Griffiths, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732726 or email committee.section@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 or other legal 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 an advance 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 officer and determined whether it is appropriate to declare the NRI and leave.

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

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

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

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

*Unless there are no reports in the open session.

NOTES

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

Wyre Forest District Council

Planning Committee

Tuesday, 19 September 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 18 July 2023.	8
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	13
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

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

Not open to the Press and Public

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

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

18 JULY 2023 (6.00 PM)

Present:

Councillors: R Drew (Chairman), D Little (Vice-Chairman), J Aston, B Brookes, L Carroll, P Dyke, P Harrison, M J Hart, F M Oborski MBE, M Rayner, C Rogers and D Ross.

Observers:

Councillor: S Miah.

PL.12 Apologies for Absence

Apologies for absence were received from Councillors: H E Dyke and N Martin.

PL.13 Appointment of Substitutes

Councillor P Dyke was a substitute for Councillor H E Dyke.
Councillor M Rayner was a substitute for Councillor N Martin.

PL.14 Declarations of Interests by Members

No declarations of Interest were made.

PL.15 Minutes

Decision: The minutes of the meeting held on 20th June 2023 be confirmed as a correct record and signed by the Chairman.

PL.16 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 611 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 611 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.

PL.17 Planning Appeal decisions since 26 November 2022

The Committee received a schedule showing planning appeal decisions since 26 November 2022.

Decision: The details be noted.

The meeting ended at 18:53 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18 July 2023 - Schedule 611 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: 22/1035/FUL
Site Address: Comberton Lodge Nursery, Comberton Road, Kidderminster, Worcestershire, DY10 4AA
The committee received representation from Councillor S Miah (ward councillor) prior to a decision being made.
REFUSED on the following grounds: <ol style="list-style-type: none"> 1. The proposed development would constitute inappropriate development in the Green Belt, resulting in harm to openness through encroachment into the countryside and failure to assist in urban regeneration by encouraging development on derelict and other urban land first before greenfield sites Whilst there are other material considerations that would provide social, economic and environmental benefits, it is considered that these benefits would not outweigh the substantial harm to the Green Belt and do not amount to very special circumstances. The proposed development is therefore contrary to Policy DM.22 of the Wyre Forest District Local Plan and Paragraphs 137, 138, 141, and 149 of the National Planning Policy Framework, which seek to protect the openness and characteristics of the Green Belt from substantial harm as a result of Inappropriate development. 2. Insufficient information has been submitted to ascertain whether the development would provide safe and suitable access for all users and therefore the application fails to comply with Policy SP.27 of the Wyre Forest District Local Plan and the National Planning Policy Framework. 3. The setting of the undesignated heritage assets will be compromised unacceptably by the form and massing of the proposed development, reducing their significance, in particular the mill which will lose its local landmark status by its proximity to a much larger modern building and as such the development does not meet the requirements of Policies SP.20, SP21, DM 23, DM.24 or SP.KEE2 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

Councillor S Miah left the meeting at 6.22pm whilst application 23/0107/FUL was considered. He returned to the meeting at 6:23pm.

Application Reference: 23/0107/FUL
Site Address: Land At Callimore Farm, Droitwich Road, Rushock, Droitwich Spa, Worcestershire
DELEGATED APPROVAL subject to:

- a. The signing of the UU; and
- b. The following conditions:
 1. Development in accordance with approved Plans
 2. Standard Time Limit (3 years)
 3. Maximum storage height of machinery and vehicles restricted to single vehicle height only.
 4. Landscaping scheme
 5. Landscape Scheme Implementation
 6. Landscape Environmental Management Plan including Biodiversity Net Gain
 7. Outdoor lighting scheme to be submitted and approved in writing
 8. Visibility splays implemented in accordance with submitted details.
 9. Access, layout and turning implemented in accordance with details.
 10. Existing vehicular access on the A442 to be permanently closed.
 11. Implementation of passing bays.
 12. Submission of travel plan.
 13. Electric Vehicle Charging Points
 14. Reporting of unexpected contamination.
 15. The site shall be open for working and deliveries Monday to Friday 8AM - 6PM and Saturday 8AM- 12PM. No working Sundays or Bank Holidays. These hours shall apply during the demolition of the existing structures and site works.
 16. To burning of wastes or materials at any time.
 17. All external storage shall be strictly limited to the storage of plant and machinery for the purposes of agriculture as defined by s336(1) of the Town & Country Planning Act 1990, and the site shall at no time be used for the external storage of any non-agricultural items including all vans, lorries, caravans and cars.
 18. Prior to the first use of the site, a 1-metre-high post and rail fence shall be erected, and native hedgerow shall be planted alongside the fencing to clear define the approved storage area.
 19. Scheme to deliver 10% on-site Biodiversity Net Gain
 20. The existing double gateway on the north-eastern boundary of the site, shall at no time be used for access purposes in conjunction with the use hereby approved.
 21. There shall be no access formed, both vehicular or pedestrian, between the site hereby approved and adjoining Rushock Trading Estate (Well Lane, Droitwich, WR9 0NR)
 22. Requirement for the submission of a demolition management plan detailing methodology and requirements as to removal of materials.

Application Reference: 23/0281/HOU

Site Address: 83 Burlish Close, Stourport On Severn, Worcestershire, DY13 8YE

APPROVED subject to:

- a. the following conditions:
 1. Finishing materials to match
 2. Development to be carried out in accordance with approved plans

Application Reference: 23/0350/RG3

Site Address: 11B Raven Street, Stourport On Severn, Worcestershire, DY13 8UU

APPROVED subject to:

- a. The following Conditions:
 1. 3 year time limit to commence development
 2. Require details of external materials
 3. Require details of cycle storage
 4. Require details of security measures including windows, doors, side/entry gate, external lighting and CCTV provision
 5. Secure Management Agreement Plan
 6. Require details of Bird Boxes
 7. List of Approved Plans

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
23/0200/FUL	Land At Os 381000 277300 Habberley Lane Low Habberley Kidderminster Worcestershire	Delegated Approval	14
23/0435/FUL	The Old Beams Harold Davies Drive Stourport On Severn Worcestershire DY13 0AA	Approval	57

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
22/0180/HYB	Minerva Point Worcester Road Stourport On Severn Worcestershire DY13 9AS	Delegated Approval	63
22/0916/FUL & 17/0001/OUTL	Land At Os 375330 274100 Long Bank Bewdley Worcestershire	Refusal	93
23/0079/PIP	44 Worcester Road Titton Stourport On Severn Worcestershire DY13 9PD	Approval	102
23/0243/FUL	Alton Nurseries Long Bank Bewdley Worcestershire DY12 2UL	Approval	109

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19 September 2023

PART A

Application Reference:	23/0200/FUL	Date Received:	27.03.2023
Ord Sheet:	381000 277300	Expiry Date:	27.10.2023
Case Officer:	Helen Hawkes	Ward:	Wribbenhall And Arley

Proposal: Residential Development of 120 Dwellings, Access from Habberley Road, Public Open Space and Landscaping, Surface Water Attenuation and Associated Infrastructure

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

Applicant: Mr Daniel Wright

Summary of Policy	<p>SP.1, SP.2, SP.6, SP.9, SP.10, SP.12, SP.16, SP.20, SP.21, SP.23, SP.27, SP.28, SP.29, SP.31, SP.32, SP.33, SP.34, SP.36, SP.37, DM.6, DM.7, DM.8, DM.23, DM.24, DM.26, DM.32 and SA.K16 of the Wyre Forest District Local Plan (Adopted April 2022)</p> <p>WFDC Design Guidance SPD WFDC Planning Obligations SPD WFDC Affordable Housing SPD WFDC Health and Wellbeing SPD WCC Landscape Character Assessment WCC Streetscape Design Guide Worcestershire Minerals Local Plan 2018- 2036 (July 2022) National Planning Policy Framework</p>
Recommendation	DELEGATED APPROVAL SUBJECT TO S106 AGREEMENT
Reason for Referral to Committee	'Major' Planning Application

23/0200/FUL

1.0 Planning History

- 1.1 21/0421/OUT - Outline planning application (with all matters reserved except for means of access) for erection of up to 124 dwellinghouses, including public open space and landscaping, surface water attenuation and associated infrastructure: Refused on 27 July 2022.

Subsequent appeal allowed and application for costs awarded on 17 August 2023.

2.0 Consultee Responses

- 2.1 Kidderminster Foreign Parish Council – Objects to the application for the following reasons:

1) Inappropriate Green Belt Development - Para.136 of NPPF states that Green Belt Boundaries should only be altered where “exceptional circumstances are fully evidenced and justified”. We would contend that there have been no exceptional circumstances to justify the removal of this site from the greenbelt. Indeed, we feel the reverse applies to this site, since the site serves as an open countryside buffer between the boundaries of the urban sprawl of Kidderminster and the village of Low Habberley, and this would significantly reduce the gap between the two.

2) Inappropriate Green Belt Development - Para.137 of NPPF states that all brownfield sites should be fully assessed before changes are made to Green Belt Boundaries. We do not believe that this has been investigated sufficiently thoroughly, and therefore object strongly to this site being used for development. We feel that there are a considerable number of brownfield sites or sites of lesser landscape value that could be used before such an important buffer site as this should be used.

Indeed, this site has been found to provide a significant positive contribution to the Green Belt. The Amec Foster Wheeler – ‘Green Belt Review Strategic Analysis (September 2016)’ confirmed the following in their ‘Site Analysis Appendix C: Site by site analysis May 2018’ in terms of the site’s contribution to the Green Belt:

“To check the unrestricted sprawl of large built-up areas – SIGNIFICANT CONTRIBUTION: The site forms part of the northern edge of the built extent of Kidderminster. As such it contains the spread of the town into open countryside to the north of Habberley Road which in this location contains the contiguous built development to the south. The site, in combination with the wider Green Belt in this location, helps to form part of the context for, and separate identity of, the hamlet of Low Habberley. Development of the site would not constitute ‘rounding off’, despite the presence of development at Coningsby Drive to the northeast which creates an unbounded extension into open countryside north of Habberley Lane.

To assist in safeguarding the countryside from encroachment – SIGNIFICANT CONTRIBUTION: The site acts as part of the wider Green Belt to the north of Kidderminster, containing the contiguous built area of the town and preventing encroachment into open countryside. Although contained on three sides by substantial boundaries, the northern boundary comprises an insubstantial hedge.

Overall Assessment of Contribution to Green Belt Purposes – SIGNIFICANT CONTRIBUTION: The site forms part of the arc of Green Belt which contains the northerly extent of Kidderminster, limiting extension of the contiguous built-up area of the town into open countryside. As such, and in combination with the wider Green Belt in this locality, the site makes a significant contribution to Green Belt purposes of

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containing sprawl and preventing encroachment.”

This assessment does not support the release of the site from the Green Belt.

- Document ED20 Green Belt Topic Paper - Summary of Site Assessments (October 2020) of the local plan examination hearings also confirms the contribution of the site to the Green Belt as: “Significant Contribution – The site forms part of the arc of Green Belt which contains the northerly extent of Kidderminster, limiting extension of the contiguous built-up area of the town into open countryside. As such, and in combination with the wider Green Belt in this locality, the site makes a significant contribution to Green Belt purposes of containing sprawl and preventing encroachment”.

This assessment does not support the release of the site from the Green Belt.

Furthermore, in the recent Inspectorate Examination of the Wyre Forest Local Plan 2016-36, in document ED6, the Inspector makes the following point:

“I have not found a comprehensive, integrated and consistent level of explanation of the local-level, site-specific exceptional circumstances that, in the Council’s view, justify the release of each individual site. This explanation should summarise the purposes that each individual site serves in the Green Belt, the effect of its release on these purposes and the overall integrity of the Green Belt, and the other relevant factors in each case that, cumulatively, may amount to exceptional circumstances justifying its release.”

In light of this comment by the Inspector, we feel that this “individual site” has intrinsic value in preventing urban sprawl. The current Habberley Road is a far more effective barrier to such sprawl into Green Belt land than ever any hedgerow will be, irrespective of any improvements being made to the hedge. There has been no exception circumstance to justify its release, and so we would object to this in the strongest possible way we can.

3) Environmental Impact - The development will offer no additional or compensatory improvements to the environmental quality and accessibility of the remaining/adjoining Green Belt land, as outlined in Para.138 of NPPF. Indeed, we feel that the local environmental quality of the area will be particularly damaged by this development in that it will destroy undeveloped wildlife corridors leading to the bordering Natural Reserve of Habberley Valley. We believe that the development of this site is particularly harmful to wildlife in this respect. Habberley Valley Nature Reserve has direct connectivity to this open field site and provides suitable and endangered habitat for a range of protected species, including badgers, bats, birds, invertebrates, amphibians and reptiles. Habberley Valley Nature Reserve is already under considerable pressure from human disturbance, and this development, directly on its border, and with planned new public access routes from this development directly into the reserve, will only exacerbate the problem, and accelerate the decline of these species, seriously disrupting the wildlife corridors used by such species to access the reserve.

We are also of the opinion that dispersal of surface water has not been adequately addressed. This field, historically, even as agricultural bare earth, has caused surface run-off flooding, and we do not believe that the small pond shown would take the extra run-off from roofs, driveways and hard surfaced roads and pavements. We would like to see porous surfaces incorporated as mandatory into any plans, along with soakaways, and environmentally friendly ways of dealing with such water.

Also, in respect of any drainage plans, we are aware of adjoining sewerage systems, but we have no knowledge of any assessment having been made of these, and whether they can take the additional load that these houses would put through that

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system. It will not have an infinite capacity, and little regard has been given to this aspect in respect of sewage disposal and possible capacity problems.

4) Highway Matters

Of particular importance, and high on the list of objections from residents from the whole of Kidderminster Foreign parish, is the unprecedented amount of extra traffic this will cause to an already stretched highway. Anyone who lives in this area or commutes through it will bear testament to this. The submitted Transport Assessment has already shown Habberley Road to be a dangerous local highway, and therefore this development conflicts with Para.109 of NPPF.

The developer has stated that it has undertaken traffic assessments and counts, but this was some years ago, before the new Habberley Trail was opened. The Trail had not really opened, and then the Covid lockdown happened, and the traffic count would have been much lower than we are expecting in coming times. This Trail, on the site of the former Low Habberley Golf Club, is now expected to generate considerably more traffic in coming months, traffic which will be wishing to turn into Habberley Lane from the roundabout at the junction with Habberley Road. We therefore contend that any reports submitted into the weight and type of traffic using this roundabout junction are now out of date, and inaccurate.

Wherever highway access to this proposed development site may be designed (at the moment from the plans it is at two points on the Habberley Road) it will cause terrific problems for the inadequate roundabout between Habberley Road and Habberley Lane.

Currently, the preponderance of traffic at this point is along the Habberley Road, from Bewdley – Franche, and vice versa. This is particularly noticeable at rush hours, when tailbacks occur on the Habberley Lane junctions – i.e., from Low Habberley across towards the Blakebrook area, where road users struggle to get access onto the roundabout. However, we now also have the addition of traffic wishing to go to the Habberley Trail, which has opened since traffic assessments were done by the developer.

We would also point out that the weight of traffic using the B4190 Habberley Road is likely to become far heavier. The Local Plan has identified development (Policy SA.B4) to take place on Land South of Habberley Road (adjacent to the current Mercure Hotel) on the outskirts of Bewdley. This is a development of a further 41 dwellings, and site access will be onto the B4190. This will add considerably to the traffic using the B4190 to access Kidderminster, and also further afield to the West Midlands conurbation.

A further development on this side of Bewdley (Policy SA.B3 – a further 81 houses) very close to (SA.B4) may also add to traffic after accessing the B4190 from the Catchems End junction.

Looking at tailbacks at rush hours on Habberley Lane (from Low Habberley), due to the heavier flow of traffic – Bewdley-Kidderminster-Bewdley – making it difficult to actually pull out onto the roundabout, it is already causing some road users to take “cut throughs”. This is particularly noticeable via the roads on the Ferndale estate, which will be made worse, and this will endanger the inhabitants and their families, destroying the residential quality of this estate.

Although the developer has suggested some minor improvements at the roundabout, these will not solve this problem. Dropped pavements, and pedestrian slopes to the highway will not help or address any of the problems highlighted here. We would also comment that the access points for the site do not show any appropriate visibility splays.

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We would therefore object to this housing development taking place, as it would cause major highway problems, which are currently not addressed in any proposals we have seen, and we would ask that the County Highways Engineers dealing with this application are made aware of these comments. Indeed, the roundabout already causes problems, and this development, added to the proposed housing at SA.B4, and SA.B3, and the Habberley Trail will just exacerbate these.

5) Other Matters

Loss of Agricultural Land – This development will take productive agricultural land from our countryside, which is becoming less and less in the UK, and this will be irreversible.

The Parish Council ask, via this comment, for Wyre Forest District Council demonstrate that every brownfield site proposed in the District has been fully utilised BEFORE building on this valuable agricultural land.

The mix of housing has also not been addressed, and we note there is no commitment to the requirements of Para.61 of the NPPF – i.e. we would like to see provision of more smaller starter homes, bungalows, and self-build plots, and reduced larger family homes, to cater for different groups in the community.

Archaeological Assessment – we do not believe that a thorough archaeological study of the site has taken place. We would like to see LIDAR reports of the proposed site as well as test digs – based on any information found from Lidar reports - to ensure that no important remains are being destroyed forever. The lack of such assessment is contrary to Para.189 of the NPPF.

6) In summary, the Parish Council wish to confirm their unanimous opposition to this development for all the valid reasons given above. We feel that the development addresses very few needs of the people of the district, and almost none for the people who live local to this site. For identified District housing needs, and to meet government requirements, we feel there are far more appropriate sites which should be used to address these. We would also ask that the Parish Council comments in opposition to this development submitted 17th December 2018 and linked here - form part of this council's opposition to this planning application.

[Officer comment – In response to the above comments, the following is advised:

- *The site is not located within the Green Belt and therefore points 1 and 2 raised by the Parish Council are irrelevant and it would be unreasonable of the Planning Committee to refuse the application on harm to the Green Belt.*
- *The application has been accompanied by a comprehensive ecological impact assessment which does not identify any adverse impacts on ecology and no objection has been raised by the Countryside and Technical Services Manager and Natural England.*
- *A robust transport assessment has been submitted with the application which concludes that the development would not result in an unacceptable impact upon highway safety. The proposed means of access for this current scheme are identical to that proposed in the refused application 21/0421/OUT, which has subsequently been allowed on appeal where the Planning Inspectorate concluded that the development would not result in an unacceptable impact on highway safety. The Highway Authority have carefully considered the proposed development and raise no objection.*
- *The housing mix includes bungalows and custom build plots, and the Council's Housing Enabling Officer raises no objection to the proposed housing type, mix and tenure.*

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- *The loss of agricultural land is not a material consideration for sites that have been allocated for housing in the adopted Wyre Forest District Local Plan as confirmed in Policy DM.32.*
- *In terms of archaeology, the County Archaeologist raises no objection to the application.*
- *The site has been allocated for housing with an indicative capacity of 124 dwellings and would form a logical urban extension to Kidderminster which is the most suitable settlement for growth in the district (Policies SP.1, SP.2 and SP.3 of the Local Plan). The proposed housing development is necessary to meet the expected minimum growth of 1,231 net additional dwellings for Kidderminster over the period of Local Plan (2016-2036)' – see Table 5.0.2 of the Local Plan]*

2.2 Kidderminster Town Council – Following your request for comment from Kidderminster Town in relation to Planning Application 21/0421/OUT please be advised that the matter was discussed at a meeting of the Kidderminster Town Council (KTC) Planning Committee on Wednesday 23rd August 2023.

Members of the committee noted that KTC had not offered comment or been invited to comment on the original application; presumably, as we were and are not a statutory consultee as the area of land lies outside of the parish of Kidderminster. The area of land does however abut Kidderminster parish, is a significant development, will have impact on residents of Kidderminster and is therefore of interest to us.

In considering the planning application members noted the significant number of comments on the planning portal, largely from residents being opposed to the development, to which the KTC Planning Committee were extremely sympathetic. In addition, members noted the LPA's report to its own Planning Committee and in turn the appeal decision notice issued by the planning inspector on 17th August 2023.

With particular regard to the decision notice, members noted that despite the significant number of comments objecting to the development that none of them (as evidenced in the decision notice) appeared to provide any material grounds on which to reasonably object to the application.

The KTC Planning Committee agreed that they could, at this time, not provide any material planning considerations on which (had they been consulted previously) to object to the planning application.

2.3 North Worcestershire Water Management Officer – No objection subject to conditions to secure the agreed surface water drainage measures and to require a management plan for SuDs assets and a construction surface water management plan to be submitted and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed plans. It is advised that the submitted documents have shown that a SuDs system is being proposed that will utilise 2 infiltration basins to mimic the greenfield runoff situation up to the 1 in 100 years plus 40% climate change allowance + 10% urban creep allowance and provisions have been made to deal with exceedance events. I therefore conclude that the proposed strategy complies with the Council's Policy SP.32 on Sustainable Drainage Systems (SuDs). The North Worcestershire Water Management Officer believes that there would be no reason to withhold approval of this application on water management grounds, providing that a number of surface water drainage conditions get attached.

2.4 WCC Sustainability Team – No comments received.

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- 2.5 WCC Landscape Advisor – No objection to the revised proposals subject to a condition to require a Landscape Environmental Management Plan. The Landscape Advisor notes that drawing 02-005 has been amended with the two single storey, and two single storeys plus dormer units now rearranged to manage the transition from single to two storey properties at the southern end of the site more effectively. I consider this to be a fair compromise that will at least open up the viewshed across the southern part of the scheme into open countryside more effectively than with the previous iteration (April 2023).
- 2.6 WFDC Countryside and Technical Services Manager – No objection following submission of the full Biodiversity Net Gain calculation subject to conditions to require a Landscape Environmental Management Plan, Biodiversity Net Gain Plan, Ecological Enhancement Measures to be implemented, external lighting details and to prevent any site clearance works during bird nesting season without ecological advice and itinerant animals being trapped in excavations or during the construction phase.
- 2.7 WFDC Housing Enabling Officer – No objection to the amended provision of affordable housing which now reflects my initial suggestion of 20 social properties, 66% and 10 shared ownerships, 33%. The location of the affordable housing is acceptable.
- 2.8 NHS Herefordshire and Worcestershire (Primary Care) – No objection to the application subject to a financial contribution of £76,800 to mitigate the impacts of this proposal, which will be used for the direct infrastructure costs of conversion of space within Wyre Forest GP practice premises for the delivery of medical services which would have a direct benefit for residents in the Kidderminster area.
- 2.9 Worcestershire Regulatory Services (Noise Nuisance Team) – No objection subject to conditions. The Noise report dated 19th January 2023 identifies through modelling that façade levels on the worst affected properties will be up to 65.5dBLAeq 16hr day and recommends glazing specified at 31dB Rw Ctr with passive ventilators rated at 36dB Dne, w + Ctr. This is right on the boundary of acceptable internal levels and no indication of modelling accuracy is given. It is therefore recommended that the developer installs windows of at least 32dB Rw CTr and ventilators 38 Dne,w + Ctr for lounges/dining/kitchens and as detailed in the report for Bedrooms. During the course of the application, a revised noise modelling report was requested by WRS, which confirmed that the provision of 2m high acoustic fencing to properties where the garden is fronting the main road would achieve noise levels of 59dBLAeq16hr in these gardens. WRS have advised that this noise level is significantly over the desirable Guideline of 50 dBLAeq16hr and also the upper guideline of 55 dBLAeq16hr. The applicant's consultants have noted that Guideline BS8233:2014 does consider higher levels may be acceptable where development is required adjacent to "strategic transport network" and the best practicable attenuation through design and mitigation has been provided. Refusal is unlikely to be supported on appeal. WRS have therefore accepted that those particular gardens would have higher exposure than desirable but that a refusal of the application on these grounds could not be defended at appeal.

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2.10 WCC Highway Authority – No objection subject to conditions and planning obligations. The Highway Authority have undertaken a robust assessment of the planning application. Based on the analysis of the information submitted, the Highway Authority concludes that there would not be a severe impact.

The following comments have been made:

- Access - The development proposes to be served by two site access priority junctions with Habberley Road. Each access would have a 5.5m carriageway, 2.0m footways on both sides and 10m radius kerbs and these layouts comply with the WCC Streetscape Design Guide (SDG). The proposed site accesses are acceptable to the Highway Authority. Visibility splays are provided for the two junctions that are based on 85th percentile speeds, obtained from a speed survey. For the south access, the proposed visibility splays are 2.4m by 113m to the south and 2.4m by 98m to the north. For the north access, the proposed visibility splays are 2.4m by 135m to the south and 2.4m by 103m to the north. The different Y dimensions are due to the change in gradient of Habberley Road at the two site access locations. These visibility splays are acceptable to the Highway Authority. The proposal also includes an additional emergency access, which would be sited to the south of the south site access. The emergency access is intended to only be used in the event that potential maintenance of a gas pipeline, which runs through the site, might restrict access to 22 units at the south end of the site. The proposed arrangement has been agreed between the Applicant and the Highway Authority, on the understanding the emergency access link will not be adopted but remain private in perpetuity.
- Speed Limit Reduction – Habberley Road - The Applicant had previously suggested a section of existing 40mph speed limit could be reduced to 30mph on Habberley Road. Having considered that proposal in relation to terms of highway design standards and guidance, the Highway Authority is satisfied the current speed limits are suitable for the highway conditions that will apply if the development goes ahead.
- Pedestrian and Cycle Infrastructure - It has been agreed the Applicant will widen the existing footway on Habberley Road along the site frontage by removing the existing grass verge. It is also intended to provide a new section of footway on the east side of Habberley Road, running north from its junction with Canterbury Road and install an associated uncontrolled pedestrian crossing, with dropped kerbs and tactile paving. The Applicant also proposes improvements to pedestrian and cycle infrastructure into the site and around the Habberley Road/Low Habberley roundabout, including a 3.0m wide pedestrian/cycle link. The proposals are deemed appropriate and acceptable to the Highway Authority. The above improvements will involve works on the public highway. The Applicant has submitted a Stage 1 Road Safety Audit (RSA) report, together with a copy of the Designer's Response. The RSA picked up just one problem, suggesting the crossing point on Low Habberley should be moved to the east of Coningsby Drive but the Highway Authority the current position is the most logical. In addition, the suggested deletion of an informal crossing point on Coningsby Drive to access the bus stop is not supported by the Highway Authority. Drg. No. 02-002/A 'Planning Layout' has been submitted, as part of the application, and shows the proposed layout of the development. This shows the intention to provide footpaths internally around the site and also a 3.0m shared footpath/cycle way to the front of the

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housing, within the public open space areas. This will allow both pedestrians and cyclists to travel without the need to go onto Habberley Road. The Highway Authority welcomes this network of active travel routes. However, the Applicant is advised the Highway Authority does not tend to adopt such facilities within public open space areas. There is a desire to improve pedestrian links from the local area with the town centre and the proposed development will generate pedestrian flows that can travel to and from the site to the town centre. WCC has installed an uncontrolled pedestrian crossing facility on Habberley Road (East) between its junctions with Timperley Drive and Manor Avenue, respectively. Consideration is now being given to potentially upgrading the crossing to a signal-controlled facility. To this end, the Highway Authority is of the opinion it is reasonable to request a £20,000 financial contribution to the upgrade. This would be covered by a suitable legal agreement if planning consent were subsequently granted.

- S278 Agreement - As the proposals involve alterations to the existing public highway, there will be a requirement for the Applicant to enter a S278 Agreement with WCC. The Agreement will require a detailed design of the proposed improvements to be submitted to and approved by the Highway Authority with all associated checking costs paid by the Applicant. The alterations relate to the provision of a widened north footway and section of new south footway on Habberley Road; pedestrian crossing facilities, in the form of dropped kerbs and tactile paving; and alterations to the Habberley Road/Low Habberley/Habberley Lane roundabout. The Applicant is advised that Stages 2 and 3 Road Safety Audits must be submitted and approved as part of the S278 Agreement.
- Bus Provision & Infrastructure - The Highway Authority is content the proposed development benefits from a reasonable provision of bus services within proximity to the site. All provide access to the centre of Kidderminster, from which connections to a significant number of additional services are available. There is no requirement, therefore, to seek any financial contribution towards bus service enhancement. However, whilst the site lies adjacent to northwest area of Kidderminster, in terms of School Transport, the site is located in the Primary School catchment for Upper Arley CofE VC Primary, which is 5.3 miles away. This is well above the maximum walking distance allowed and, therefore, new students would be entitled to school travel provision. Hence, contributions would be required for Primary School transport and have been calculated to be £225,491, which would be covered by a suitable legal agreement if planning consent were granted. The site is also located in the Secondary School catchment for The Bewdley School, 2.8 miles away. While this is close to the maximum walking distance allowed, the route is considered to be relatively safe and, therefore, no contributions would be required for Secondary transport. The Council has specific duties under the Transport Act 1985 to take account of the transport needs of elderly and disabled residents. It is foreseeable that the majority of residents within these categories will form part of the demographic of the proposed development, therefore this matter has increased importance. If residents are unable to access the bus stops safely then, in effect, they will be denied access to public transport. Hence, there is a case for Community Transport to provide services for Disabled and Elderly residents who are unable to access bus services in order to discharge the Council's obligations under the 1985 Transport Act and 2010 Equalities Act. The Highway Authority is of the

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opinion the development would warrant a contribution of £2,041 to provide such a service. This would be covered by a suitable legal agreement if planning consent were granted. The Highway Authority also considers there is a case for bus infrastructure improvement through the installation of new poles and flags in Coningsby Drive, as prospective residents from the development would be likely to use the bus stops. The estimated cost of £2,000 would be covered by a suitable legal agreement if planning consent were granted.

- Highway Safety - Personal Injury Accident (PIA) data for the five-year period of 01/10/2017 to 30/09/2022 in the vicinity of the site has been assessed. Overall, the analysis shows no particular patterns or causation factors in the search area that relate to the existing road or junction layout. The Highway Authority agrees with the conclusion the latest accident data suggests there are currently no highway design and safety issues within the vicinity of the site, which might be exacerbated by the development.
- Lighting Strategy & Infrastructure - As mentioned within the pre-application scoping response to the original application and which is still valid for this current application, new street lighting will be required on Habberley Road and Lower Habberley but can be covered by a suitable planning condition. To this end, the Applicant will need to engage a competent lighting engineer and produce an assessment in line with the latest WCC Street Lighting Design Guide (SLDG). The assessment should not only cover the lighting requirements of the proposed development but also those of Habberley Road. This is required due to the introduction of two new proposed junctions and pedestrian/cyclist facilities, including the new crossing point. The lighting assessment needs to include the Habberley Road roundabout, given the proposed improvement works for both pedestrians and cyclists at this location. The site is located on the urban / rural boundary and in close proximity to Habberley Valley Local Nature Reserve so additional engagement must be undertaken by the Applicant with an ecologist. This is especially important given that the area is known for its bat foraging routes and this could affect any lighting design.
- Layout The Applicant has submitted Drg. No. 02-002/A, which shows a revised proposed site layout for the development. Whilst it is similar to the outline masterplan submitted for the previous application, there are differences. The revised layout addresses the majority of concerns raised previously by The Highway Authority. The following observations are noted:-
 1. The internal road layout horizontal geometry will comply with a 20mph Design Speed.
 2. Street lighting is to be provided for the site.
 3. Dropped kerbs and tactile paving are not shown at appropriate crossing points within the site but this can be addressed as part of S38 Agreement.
 4. The pedestrian access from the site into Low Habberley is to be surfaced, which can be addressed by the S38 Agreement; and
 5. The attenuation ponds should be fenced off to prevent access by young children, in the interest of safety.
- S38 Agreement - It is assumed that some or all, of the internal roads may be put forward for adoption. For this, the layout will need to conform to SDG standards and the Applicant will be required to enter a S38 Agreement with the Highway Authority. Appropriate drawings and details will need to be submitted and a suitable layout agreed.

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- Parking - From the proposed site layout and the supporting information, car parking is adequate. Cycle parking will be provided within garages or garden sheds, and this is acceptable. The Applicant has advised external cycle stores are to be provided for the proposed apartments. Details can be agreed through a suitable planning condition. Ultra-Low Emission Vehicle (ULEV) charging points are to be provided, to encourage the use of electric vehicles, for each dwelling. Details can be agreed through a suitable planning agreement.
- Traffic Impact - The Highway Authority is content development traffic can be accommodated on the local highway network and will not have any noticeable significant detrimental impact on any surrounding junctions or links. The Highway Authority is of the opinion, therefore, there is no justification for recommending refusal of this application on the grounds of impact of development traffic.
- Travel Plan - The Applicant has confirmed the intention to take up the offer to use the WCC Travel Plan service. This is currently charged at £350/unit and the full fee of £42,000 can be covered by a suitable legal agreement.
- Construction Management Plan - A Construction Environmental Management Plan (CEMP) will be a recommended condition if planning consent is subsequently granted. As a minimum, the CEMP is to set out the proposed hours of operation, routing, access proposals and site details.

2.11 WCC Archaeologist – No objection subject to conditions to require a Written Scheme of Investigation for Archaeology and its publication. It is advised that the site lies at the junction of two roads that are likely Medieval or earlier in date. Habberley Road is the main link between Franche and Wribbenhall: both documented medieval settlements. The relatively straight alignment of the road suggests it originated at a time when the landscape setting was dominated by unenclosed heathland. Habberley Lane links Low Habberley and Kidderminster, also both documented medieval settlements. The development site lies at the crossroads of these two routeways on the crest of the hill (more of a north-south ridge). The land drops off steeply to the west into Habberley Valley. It would be good ground for prehistoric activity overlooking the valley, although I accept that the record for the Neolithic long barrows just to the south is poorly evidenced. Roadside settlement also could be expected, particularly in the north-eastern corner at the crossroads of the two routeways. There is, therefore, potential for the site to contain archaeological remains, which if present, could be well-preserved. Consequently, the application site is judged to have the potential to impact below-ground heritage assets that would be significantly altered or lost through the development. On this basis, should you be minded granting planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of suitably worded conditions attached to any grant of planning permission. This would consist of a geophysical survey and evaluation by trial trenching in the first instance, potentially followed by further mitigation should the results of the evaluation under cover significant archaeology. The application includes a Written Scheme of Investigation for the geophysical survey and evaluation by trial trench, which I have previously agreed. I continue to recommend the standard condition wording, rather than a condition that references this specific WSI, as this WSI does not make provision for further work should the evaluation uncover significant archaeological remains. A new WSI will need to be written now that the works are to take place post-consent including provision for further archaeological works.

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2.12 Public Rights of Way Team – No objection subject to an informative.

It is advised that the Kidderminster Foreign parish bridleway KF-573 is directly adjacent to the development. As the route is outside the red line boundary of the site this should remain unaffected. It should also be noted that a Definitive Map Modification Order claim is currently registered to claim routes across the development area. It appears that the new footpaths/cycleways being provided would be located so as to align with these routes and will not create a conflict with this claim. We would have no objection to the proposals provided that the applicant notes the above points and adheres to the following obligations:

- No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
- No diminution in the width of the right of way available for use by the public. • Building's materials must not be stored on the right of way.
- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- The safety of the public using the right of way is to be ensured at all times. The Definitive Map is a minimum record of public rights of way and does not preclude the possibility that unrecorded public rights may exist, nor that higher rights may exist than those shown.

2.13 WCC Minerals Team – No objection subject to a condition to require an incidental recovery plan in accordance with the adopted Minerals Local Plan 2022.

2.14 WCC Children First – No objection subject to an indicative financial contribution of £370,782 towards Early Years (indicative £198,682) and Send Provision (indicative £72,248 for SEND Primary year group and indicative £99,852 for SEND Secondary year group). This figure may be subject to change to reflect the up-to-date cost at the point the Section 106 is entered into by the applicant and will be based on WCC Children First standard calculation. Also, Indexation may be charged as at the date of this assessment.

It is advised that the site is located in the district of Wyre Forest where a two-tier system of education is in operation. The proposed site is within the Wribbenhall and Arley Ward where there are a number of nurseries and early years providers set out across the area. The schools considered to be directly related to the proposed development are the catchment area schools of Upper Arley CE Primary School and The Bewdley School (secondary school phase). The next nearest primary school serving the education planning area, is Bewdley Primary School which is approximately 2 miles away. Bewdley St Anne's CE Primary School also service the EPA but is more than 2 miles walking distance. The planning Statement (April 2021) prepared by Turley, references schools to the East, these schools are in the Kidderminster EPA however, it is acknowledged that they are within the statutory walking distance of 2 miles. The area is also served by Wyre Forest School, a broad-spectrum special needs school for children aged 3 to 19.

The current assessment showed an insufficiency of early years' places in the Wribbenhall and Arley Ward throughout the academic year. A development of 112 dwellings is estimated to yield 13 pupils (full-time equivalent places) on average across the early years' phases of education. The proposed development will put

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additional pressure on early years provision in the area. In terms of Primary year group, this development is set to yield 6 pupils on average per year group. The extant planning application 21/0097/OUT for 100 is set to yield 4 pupils on average per year group. Forecast pupil numbers indicate a sufficiency of places in the longer term. In terms of Secondary phase, this development is set to yield 4-5 pupils on average per year group together with the recently submitted planning application 21/0097/OUT for 100 set to yield 3 pupils on average per year group, indicates that The Bewdley School and Sixth Form has sufficient capacity to accommodate in area pupils. With regards to Special Education Needs and Disabilities (SEND) provision, the proposed development is likely to yield 1 SEND primary school place and 1 SEND Secondary place. Analysis of pupil numbers indicates that there is insufficient capacity in the area to admit the number of pupils that are likely to be generated from the proposed development who require a place at a SEND school. The information set out above demonstrates that Wyre Forest School has insufficient capacity to absorb the additional children likely to be generated and that the development cannot be considered acceptable unless appropriate mitigation is put in place. To conclude, a contribution will be sought to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure to support Early Years Provision within the Bewdley area and to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure at Wyre Forest School or any other school in the area providing an SEND resourced base.

- 2.15 Severn Trent Water – No objection subject to an informative. It is advised that they are happy for a drainage related condition not to be applied at this time, subject to the proposals not changing; if they changed, we would request we are reconsulted. To confirm: The submitted 'Drainage Strategy' (drawing ref: DR-400 revision: B) shows all foul sewage is proposed to discharge to the public foul sewer, and all surface water is proposed to discharge to onsite detention basins. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600). Please note that final approval of surface water drainage proposals sits with the relevant Lead Local Flood Authority and our having no objection to the drainage condition being discharged does not override their requirements or recommendations regarding acceptable disposal methods or flow rates.
- 2.16 WFDC Arboricultural Officer – No objection to the proposed development as no arboricultural features are directly impacted, however, I do have a minor concern about the construction of the footpath within the Root Protection Areas (RPA) of three protected oaks trees near the corner of Habberley Road and Low Habberley road. I would therefore like a condition that requests the footpath is constructed using a no-dig method where it is within the RPA of the oaks in question. By its nature no-dig construction is higher than traditional footpath construction, so there will need to be a design that lifts the paths height gradually and then gradually returns to the previous levels. This should be highlighted within the condition.

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In terms of landscaping, this is largely acceptable apart from the following items of concern:

1. *Tilia cordata* 'Green Spire' is proposed within a 1m of the dwellings at plots 49,58,59,84 & 85. There is not sufficient soil volume for these trees, and they will have a poor relationship with the houses as they grow. It would be better to not have trees in this location.
2. An extra heavy standard replacement for the protected oak along Low Habberley road has not been included in the plans.
3. I feel the palette of plant species is too narrow and should include a more diverse selection. With increases in diseases and changes in climate a more biodiverse selection of plants will be more robust.

[Officer comment – The revised Landscaping Plan has addressed the above concerns and is now acceptable from a landscape perspective]

- 2.17 Natural England – No comments to make on the application.
- 2.18 Worcestershire Regulatory Services (Air Quality Team) – No objection subject to conditions to require cycle storage, electric vehicle charging points and low emission boilers to be installed for each dwellinghouse. Worcestershire Regulatory Services (WRS) have reviewed the proposal in relation to local air quality. This has included a review of the submitted air quality report entitled “Air Quality Assessment, Habberley Road, Kidderminster - For Vistry Homes Mercia Region”, produced by RPS, dated December 2022, reference JAR03331. The report has generally been carried out in line with current guidance and best practice and assesses the operational impacts the development will have on the local area and conditions of the site itself. ADMS Roads modelling software has been used to predict the impacts of Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}) at relevant receptors for scenarios ‘without development’ and ‘with development’ based on the opening year of 2026. The report assessed those impacts to relevant receptors will be negligible. Conditions at the development site are considered to be well below current objective levels. Whilst WRS are in agreement with the findings of the submitted air quality assessment the proposal is of the size when standard air quality mitigation measures would be recommended to help alleviate pollution creep in the area and to encourage the uptake of low emission modes of transport. WRS therefore recommend that the following conditions are attached to any planning permission granted.
- 2.19 Worcestershire Regulatory Services (Potential Contaminated Land Team) – No objection subject to conditions to require site investigation scheme, remediation and verification for any potential contaminated land and a condition for any unexpected contamination if found to be present on site during the construction phase. The first condition would provide clarification as to the treatment of any soils that have been potentially contaminated from the oil pipelines located in the central portion of the site.
- 2.20 Active Travel England (ATE) - No comment to make on this consultation as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority (LPA) on or after 1st June 2023.

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- 2.21 WFDC Planning Policy – No objections to revised application which accords with the criteria set out in the site policy in the Adopted Local Plan SA.K16 – Land at Low Habberley.

Neighbour/Site Notice Representations

- 2.22 First publication of the application received 356 objections from nearby residents and 3 neutral comments. A summary of the comments received are as follows:

- The major and minor roads cannot accommodate the number of additional vehicular movements - There will be an increase in traffic on the local highway network - 120 cars to 240 cars and an approximate 15% to 30% increase in traffic flow
- The area does not have the transport infrastructure
- Cars block the road daily for school drop off and pick up and for the football matches
- Cars double park and break the law parking wholly on the pavement, causing pedestrians to have to walk on the road and blocking access for pushchairs and wheelchair users
- Really dangerous road to cross as this is 40 mph limit - cars do NOT stick to the speed limit now
- The roundabout junction is already operating at or close to capacity
- Adding the extra junction is contributing nothing to increased road safety
- Lanes are not wide enough for larger vehicles to pass safely
- In hot weather the road that travels to Habberley Valley local nature reserve melts
- Traffic gets considerably worse in the warmer months when West Midlands Safari Park is open, and traffic goes through Wolverley and Habberley
- It's a major road used by locals & non-locals to go in, through and out of Bewdley
- Will create tailbacks, extensive queuing and gridlock at the roundabout
- Conflicts with various aspects of Policy SP.27
- Conflicts with paragraph 109 of the NPPF
- Visibility for drivers is restricted from all directions
- Any traffic studies carried out in 2020 should be ignored for obvious reasons
- Traffic - around the schools in the area of Franche and the commuter roads like Franche Road. The main route to Bridgnorth. Traffic island at the junction of Habberley Lane and Habberley Road. Island at The Three Crowns and Sugar Loaf. Coningsby Drive being used as a rat run.
- The facility to walk and cycle safely is inadequate - footpaths on the B4190 are extremely narrow in places
- Walking will not be a realistic possibility from this site leaving only the option of cycling - The local road system has a history of accidents involving cyclists
- Unsustainable location. The 17 amenities in proximity of the site but only one is under 800m (Walking Distance) and the rest become a demand for travel
- Quite a distance from the main town centre and supermarkets. The nearest school is over a 1km away - 60 trips in the AM and 120 trips in PM returning from work
- Whilst some journeys could be made by bus this does Not represent a convenient alternative
- Limited public transport, chemists, schools, day care providers, local government services, police/fire service, dentists, hospitals & GPs – already overcrowded
- The train station is on the opposite side of town

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- Green Belt location, and the development would contravene all of the 5 purposes of Green Belt as set out by the NPPF - Paragraph 134
- Paragraph 136 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified
- Key areas are the five purposes that Green Belt serves as detailed in NPPF:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development would contravene all of the above

- Conflict with local plan
- Impact ecology and the fields need to be preserved for wildlife which are full of nightingales, bats, buzzards, owls, skylarks, badgers, foxes, hedgehogs, and various insects such as bees - issues with the local wildlife. This is the first small step in a path that would lead to the destruction of the habitat
- Saving farming land, fauna and flora - Crops have been planted and grown
- Terrible impact on our local countryside and the future of our children
- Biodiversity because of sensitive neighbouring sites with particular concerns being the impact upon views towards Wassell Wood and the Habberley Valley Nature Reserve
- Spoil our green belt buffer
- Loss of Grade 1 Agricultural land and Green Belt - prime agricultural land
- WFDC found the field to be making a significant contribution to green belt
- Becoming part of the urban sprawl
- Destroying the valuable countryside - Lovers of the countryside and walkers are well catered for - No local parks or play areas for children
- The field is perfect for the horse riders, dog walkers, runners, cyclists, families
- Disruption in surrounding areas due to laying/ connection pipes, cables etc.
- Putting more strain on aquifers
- Flooding on the roads - the area is prone to floods without the extra building/concreting over land
- Ground is soddened and has water problems, there will no doubt be a risk of subsidence
- The natural rainwater will not be able to soak into the ground which will cause flooding to house on Ferndale Estate
- The land has sloping aspect to the east, during rainy periods the bottom of the field floods despite the land absorbing water as it run down, development will only exacerbate this
- There are no cycle lanes for cyclists
- Already struggling with congestion, traffic noise, traffic pollution, volume of traffic, light pollution from vehicles and noise pollution from inside vehicles as well as engine noise
- The sewage system in the area is not able to cope with current volumes
- There is an oil pipeline that runs across that field
- Healthier eating and a desire to reduce the carbon footprint and food-miles, any land that is used for food should not be allowed to be built on until all brownfield sites have been used

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- A further blot on the landscape
- Drain on local authority resources
- Air pollution will be made worse
- Will increase global warming - carbon footprint
- Close to an SSSI
- Already highly built-up area
- Only 25% will be so-called affordable homes
- Consider the route Ambulances have to take from this side of Kidderminster
- Much needed open space for mental health
- Lack of privacy
- Severn Trent Water discharge pollution into the River Severn already
- Detrimental effect on our ecology and climate
- Other developments nearby should also be taken into consideration
- Already another estate that has been built on green land by Hurcott - a whole new estate at the top of Broad Street in the Horse Fair – The Lea Castle site
- Inadequate Archaeological assessment - The fields are part of a Battlefield - many antiquities to be found in the field, should be recognised for its historical value
- The sustainability report scored the area as negative for each of the following reasons - local facilities, sustainable travel, soil and land, waste resources and landscape and town
- This site would create demand for commuters from elsewhere bringing no benefit to the area
- Adverse change to the character & appearance of the area
- Future housing need - large dwellings for up to 5 and 6 people are simply not needed
- The Hedges should be maintained by the landowner
- The Severn has been identified as the most polluted river in England
- Site assessments – site is making a SIGNIFICANT contribution to Green Belt purposes
- Our town/parish is too small to accommodate these homes
- Goes against the government targets of carbon net zero and their target of 50% of journeys being walked or cycled
- Harm visual amenity
- Loss of trees - The four oak trees in the field have a protection/preservation order on them – will damage the roots
- Impact on Habberley Valley
- Air quality
- Noise
- Close to adjoining properties
- Development too high
- Out of keeping with character of area
- In the Low Impact Ecological Impact report, the section on Compensation and Enhancement is of interest - The report only recommends bird nest boxes, but external boxes may be removed and (depending on the material used) typically have a relatively short lifetime and require ongoing maintenance
- A sustainability report commissioned by the Council itself scored negative impacts on local facilities, sustainable travel, soil and land, water resource and landscape and double negative effects on biodiversity because of the protected and sensitive neighbouring sites

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- We request that swift bricks are specified as a universal nest brick for small bird species including sparrows, with location and numbers in accordance with best-practice guidance
- Plenty of brownfield sites & empty buildings that could be used - a town FULL of derelict buildings
- Utilise what you have and remodel existing buildings - We have the Glades site. Woolworths and virtually the whole of Worcester Street. Crown House. Park Lane - the town centre, the old timber yards, the space behind Iceland that desperately needs development
- Far better I feel for developers and council to use their skills and resources to develop the many derelict and empty properties within the Kidderminster town area
- Concentrate on converting old office & factories into apartments
- These brownfield developments would be an advantage to area, and not be detrimental to the area and local Community
- Wyre Forest have met their 5-year housing need with all the other new developments in the area - We have too many housing estates being built
- National Planning Policy statement states "When considered necessary to release green belt land for development, plans should be considered that have previously been built on - brown sites"
- The site at Lea Castle is not yet fully occupied
- Would need a proposal for increase amenities and funding for local services
- It seems that money must be the sole focus
- Very little controls noted for the management and control of dust, mud, airborne contamination, for these works - The CEMP needs to clearly detail the controls, so that the procedures can be monitored for compliance
- No Construction Traffic Management Plan to show how the works traffic will be managed – should be available as a pre-commencement condition
- Outraged by the change of land from greenbelt to brown belt without being informed
- Have Severn Trent been asked to run the surface water and foul sewerage hydraulic InfoWorks models to see the effects on sewer capacity and run-off under the 1 in 100-year storm event? - I suspect this will identify capacity issues and flooding
- Have Severn Trent been asked to run the potable water hydraulic SynerGi models under a drought supply and demand scenario - I suspect this will identify infrastructure shortcomings already?
- The local NHS have already stated that the increase in population will cause extreme disruption
- Local services lack funding to maintain good services because of increased house building
- There is a covenant on the land.

[Officer comment – A covenant on land is not a planning material consideration]

2.29 Re-consultation on the application was carried out in June 2023 following submission of revised plans/documents where 80 objections were received from nearby residents and 1 neutral comment was received. The following new comments were received:

- This field has NO basics. Water, Electricity, Sewerage, Gas, and most importantly no safe access/egress to the road can be created for vehicles
- Retain the spiritual and physical benefits we gain from walking this area

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- Congestion – road leads out too many tourists' sights
 - The planning committee's recent decision to approve the application to develop the land at Habberley road, Wribbenhall, literally a stone's throw from this proposed development
 - Reduced air quality
 - Nothing else has changed to these plans, apart from the traffic along Habberley road past the police station, Blakebrook, and Mason Road to get onto the Ring Road having increased in the meantime
 - There is no LEAP play park for the children and furthermore all the equipment at the play park needs to be fully inclusive to cater for disabled children and their disabled parents / guardians or carer's to meet the Equality Act 2010 and The Disability Discrimination Act 1998 - I expect new plans to be drawn up and submitted to include a fully inclusive LEAP play park and the adjustment of the site layout; there should be another consultation period for the new plans for residents to put forward any objects on the new plans
 - All planning application of over 50 houses should have a LEAP play area
 - Nearest park is white wickets park, which is 1Km away and outside the 850m walking distance
 - This farmland backs on to a nature reserve
 - I had been unaware that Phase 2 is to build onto the next field and then across and fill the field behind Coningsby Drive and beyond - Where is this additional capacity to come from
 - There is waste land in and around Kidderminster that could be used
 - Why is this application being allowed when the Secretary of State is still to report on the previous application?
 - How can the development be constructed over a pipeline?
 - Can you imagine how congested and overstretched the local roads, parking, hospitals, schools, doctors, dentists will become when the second and third phases are approved adjacent and opposite to this proposed site
 - What provision will be put in place for public transport to support this development
 - What additional provisions will be put in place for those needing school places
 - With the strain on local GP/Hospitals what additional support will they be given
 - Are these homes for the next generation of Wyre Forest residents or are we building homes as an overspill for other areas
 - Wyre Forest has a decreasing population - why do we need to build more homes
 - Please be reminded that the sun rises in the east and sets in the west - extreme difficulty in obtaining a clear view when driving
 - The submission includes a thoughtful study of the ecological impact of the development
- 2.30 A Report from Transport Highways and Traffic (THaT) Consultancy on behalf of a local resident objecting to the application has been submitted which concludes that the applicant's assessment of the traffic impact of the development is flawed and significantly underestimates the effect the development generated traffic will have on the local highway network and that this is primarily due to the applicant's traffic modelling exercise being based on traffic surveys undertaken in September 2022 where traffic flows were below pre-Covid levels which is not the case now. The report also highlights that highways safety is a major concern of local residents who had observed 2 accidents on Habberley Road in July 2023 and it is concluded in the report

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that the creation of 2 new simple priority junction, without right turn lanes, along the site frontage to Habberley Road will create new hazards and inevitably will have a detrimental impact on highway safety. It is further contested that the site is located in an unsustainable location with a lack of facilities within 800 metres of the site and that the proposed development would create a car based dormitory community.

[Officer comment – In the recent appeal decision for an almost identical development on this site, the Inspectorate advised that the Transport Assessment which included traffic surveys undertaken in September 2022 was based on a sound methodology and robust data. The Inspectorate agreed with the Appellant that local highway network can accommodate the traffic generated from the proposed development and that the proposal would offer a number of opportunities to utilise travel options other than the private vehicle. It was concluded by the Inspectorate that the proposal would not harm highway safety and would comply with Local Plan Policy SP.27.

In addition, the WCC Highway Authority have offered the following comments in response to the report submitted by THaT Consultancy:

1. *Traffic flows – WCC Highways was concerned about low traffic flows, as a result of the impact of Covid and, for quite some time, was not accepting traffic surveys undertaken after March 2020. However, by September 2022, surveys were being accepted as flows had grown. For many highways, especially principal and strategic routes, levels were back at pre-Covid values or higher. But for some highways, it is the case that flows have not fully returned to pre-Covid levels or are showing significant daily fluctuations. It is clear that home working has become more popular, with many workers no longer undertaking a 5-day commute. It is not clear if THaT consultants have undertaken their own traffic survey to establish current flows on Habberley Road.*
2. *September 2022 flows were provided and formed a ‘snap shot’ of traffic conditions at that time and were generally acceptable to help inform the situation. If baseline conditions on the local highway network have subsequently increased (although no direct evidence has been provided to show this is the case), this would mean the impact of the development would have a lower percentage increase. At this time, the Highway Authority is still of the opinion the local highway network can adequately accommodate the vehicular impact of the development and that there are no sufficient grounds to recommend refusal on highway capacity issues.*
3. *Highway safety – it is the case the Applicant did propose reducing the 40mph speed limit on Habberley Road to 30mph for the original application. This was considered by the Highway Authority in relation to terms of highway design standards and guidance and the Highway Authority was satisfied the current speed limits were suitable for the highway conditions that would apply if the development went ahead. This position has not changed for the current application.*
4. *A reduction in speed limit from 40mph to 30mph does not automatically result in a significant reduction in traffic speeds. It is often the case some form of physical measures are required to help enforce the reduced speed, as the Police rarely have the resources to enforce the new speed limit.*
5. *Whilst it is noted two vehicle accidents have occurred during July 2023, the Applicant’s consultant and the Highway Authority considered the Personal Injury Collision (PIC) data available at the time of lodging the application. Whilst the PIC data shows some historical PICs have occurred in the general vicinity, the levels do not suggest any particular design issue.*

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6. *Whilst the introduction of a new junction with statistically increase the risk of an accident occurring, the key issue the Highway Authority has to consider is if a suitable and acceptable design can be provided that meets current standards. It is also up to all road users to use due care and attention when travelling along a public highway. For the current application, the two junctions meet design guidance and have appropriate visibility splays and there is no reason, therefore, to recommend a refusal on highway safety grounds.*
7. *Accessibility – whilst there may be limited services and amenities within 800m of the site, the provision of a convenience store is an important one. There are other services and amenities within a 2km walking distance, which is an accepted maximum for many pedestrians. Whilst the site might be considered the most appropriate, in terms of accessibility and sustainability, there are walking, cycling and bus options available for prospective residents to use, if they so choose to do so. Given the scheme of development, the Applicant is required to implement travel planning measures to help encourage more sustainable travel. For experience and based on professional judgement, the Highway Authority is of the opinion there are insufficient grounds to recommend refusal, based on sustainability grounds only, which could be difficult to justify at any potential appeal.*
8. *In conclusion, whilst the Highway Authority acknowledges the proposal is subject to a number of objections, it is considered the development would not have a significant detrimental impact on highway capacity or safety to justify a recommendation of refusal at this time]*

3.0 Site Location and Description

- 3.1 The application site comprises a single arable field with boundary hedgerows, scattered scrub, and trees around the perimeter of the site. The total site area measures 5.6 hectares and the site has a high point in the southwest corner (measuring 85.1mAOD) and generally slopes down to the northeast corner adjacent to the roundabout junction (to 60.4mAOD). The site is located at the north-western extent of Kidderminster and is bounded to the east by the B4190 Habberley Road, the Habberley Road/Low Habberley/Habberley Lane roundabout junction to the northeast and Low Habberley lane to the north. Existing agricultural fields are to the west and to the south is an area of woodland, a Bridleway and Hollyfields Care Home (High Habberley House). A residential suburb known as Habberley lies to the east and north of the site, on the opposite side of the adjoining roads and a small hamlet known as Low Habberley is situated approximately 330 metres to the northwest of the site, across intervening agricultural fields.
- 3.2 Within the application site there is an active underground oil pipeline and an abandoned oil pipeline that crosses through the centre of the site in a north to south direction. The active pipeline needs to remain, and the abandoned pipeline can be removed. A high voltage 11kV overhead cable also crosses the centre of the site in an east to west direction, which would be grounded prior to the first occupation of the development. The site falls within the Minerals Resource Safeguarding Area.
- 3.3 The nearest statutorily designated ecological site is Blakemarsh Local Nature Reserve (225 metres northeast of the site), with the second closest being Habberley Valley Local Nature Reserve (LNR) (265 metres northwest). The application site has a direct

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link to Habberley Valley LNR via a bridleway that runs along the southern boundary of the site. Habberley Valley LNR is also designated as a Local Wildlife Site, which comprises a deciduous woodland (UK Biodiversity Action Plan (BAP) for Priority Species and Habitats and Natural Environment Research Council (NERC) habitat of principal importance). Beyond Habberley Valley, approximately 900 metres northwest of the site, is Eastham's Coppice which lies within the Honey Brook Valley near to Trimpley. Immediately to the south of the site, is a group of trees that are protected by a Tree Preservation Order (0299). The site falls within Flood Zone 1 (low risk to flooding). The nearest heritage asset is the Grade II Listed Low Habberley Farmhouse, which is located approximately 800 metres to the northwest of the site. High Habberley House, which lies approximately 60 metres to the south of the site is recorded on Worcestershire County's Historic Environment Record for its historic importance. The site falls within Grade 3 (Good to Moderate) Agricultural Land Classification.

- 3.4 The site is no longer located within the Green Belt having been removed as part of the Local Plan adoption and is allocated specifically for residential development under Site Allocation Policy SA.K16, with an indicative capacity of 124 dwellings and access to be taken from Habberley Road.
- 3.5 The site allocation, Policy SA.K16 sets out the following criteria for new developments:
- i. The access should be taken from Habberley Road.
 - ii. The existing hedgerows and trees should be retained and supplemented to soften the impact of development and provide biodiversity net gain.
 - iii. The development should be set back from the bridleway to protect the setting of High Habberley House.
 - iv. The rear hedge line should be strengthened to provide a new defensible boundary to the Green Belt.
 - v. The scale and design of the development should be sympathetic to the character and setting of Low Habberley.
 - vi. The impact of any development on the nearby Habberley Valley Nature Reserve and Local Wildlife Site should be balanced out through biodiversity net gain
 - vii. Proposals should specify how existing and surrounding habitats including Habberley Valley and Eastham's Coppice will be taken into consideration. Measures to protect and mitigate for bats and brown hare should also be considered.
- 3.6 Full Planning Permission is sought for 120 dwellinghouses, including 4 bungalows, with 25% to be affordable and 2 custom built plots, together with public open space, landscaping, surface water attenuation and associated infrastructure. Two vehicular access points would be taken from Habberley Road. The development would consist of bungalows, 2 and 2.5 storey dwellings and a three-storey apartment block and the architectural style of the houses (comprising splayed brick window heads, arched door detail, brick facades) would ensure the development reinforces local character but also creates a well-designed development with visual interest and character. 40% green infrastructure in accordance with the Local Plan policies is proposed, which would incorporate a wide landscape buffer in the southern part of the site (at the highest point) and other areas of open space around the periphery of the site. A circular walking route with seating and bins which follows the existing unauthorised route that

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is currently used by pedestrians and dog-walkers. The development would also provide a 3-metre bicycle route adjacent to Habberley Road to provide a safer cycle route. Net gains in biodiversity would also be secured on site. The development would also comprise an avenue of trees along Habberley Road and trees in landmark locations within the site. The proposed arrangement of plots would ensure active road frontages and private rear gardens and corner buildings have been given a dual aspect to improve the corner and streetscape. During the consideration of the application the ridge height of the apartment block has been reduced and the bungalows have been repositioned to the southern part of the site. The SUDs Pond would be located in the northeast corner of the site, at the lowest part of the site. The dwellinghouses would be installed with PV panels and electric vehicle charging points.

- 3.7 The development would provide a range of house types including 7% 1 beds, 15% 2 beds, 55% 3 beds and 23% 4 beds. The development would deliver 25% affordable dwellings to meet local needs and the scheme has been designed to ensure that private and affordable housing blend together to ensure a tenure blind development.
- 3.8 The proposed highway improvement works include the following:
- Two vehicular access points to the site are proposed directly off Habberley Road (B4190) including pedestrian crossing points.
 - The existing footway on the western side of Habberley Road (B4190), along the frontage of the site, will be widened to 2.0m.
 - A pedestrian/cycle access will also be provided from Habberley Road (B4190) in the northeast corner of the site and will link to a pedestrian/cycle route within the site.
 - An additional pedestrian access will be provided from Low Habberley, along the northern frontage of the site to provide a connection to Coningsby Drive.
 - An improvement scheme at the Low Habberley Roundabout has been proposed which improves pedestrian and cycle facilities on all arms of the junction as well as providing a connection to the existing advisory on-road cycle lanes on Habberley Lane.
 - A new uncontrolled crossing will be provided across Habberley Road (B4190) to the south of the southernmost site access junction.
 - An uncontrolled pedestrian crossing will be provided across Low Habberley, to the west of Coningsby Drive. This will connect into the proposed footway network within the proposed development; and
 - A number of other pedestrian improvements in the vicinity of the site are also proposed.
- 3.9 The application has been submitted with the following supporting documents: Planning Statement; Design and Access Statement; Low Ecological Impact Assessment; Biodiversity Impact Assessment; Flood Risk Assessment; Landscape and Visual Impact Assessment; Air Quality Statement; Written Scheme for Investigation of Archaeology; Health Impact Assessment; Statement of Community Involvement; Geo-Environmental Assessment; Defibrillator Specification; Biodiversity Impact Assessment (Enhancement Plan); Biodiversity Impact Assessment (Retention Visualisation); Transport Assessment; Noise Assessment; Tree Survey; Construction Environmental Management Plan; Energy Statement; and Sustainability Statement.

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4.0 Officer Comments

4.1 The main considerations for this application are:

- Background Information
- Principle of Development
- Landscape and Visual Impact
- Layout, Scale and Design
- Residential Amenity
- Highway Safety
- Biodiversity and Trees
- Flood Risk and Drainage
- Climate Change
- Planning Obligations
- Planning Balance

BACKGROUND INFORMATION

4.2 The application site was subject to a previous Outline planning application for up to 124 dwellings with only access to be determined. On a motion by Councillor Ross and seconded by Councillor Oborski, Members resolved to refuse the Outline planning application contrary to Officer's recommendation at the Planning Committee held on 19th July 2022. The application was subsequently refused on 27th July 2022 for the following sole reason:

- 1) *The number of additional vehicular movements generated by the proposed development cannot be accommodated on the main and minor roads that surround the site due to their character and capacity, contrary to policy SP.27 of the Wyre Forest District Local Plan.*

4.3 Following the refusal, an appeal was lodged and was allowed on 17th August 2022. The Inspectorate's decision can be seen in full at this link Reference: APP/R1845/W/22/3309021 (planninginspectorate.gov.uk) and can be summarised as follows:

- *Highway Safety – The proposal would not harm highway safety and would comply with Local Plan Policy SP.27. Whilst the proposed development would increase traffic numbers, it would not over capacitate junctions at peak times to the extent that there would be a significant level of queuing or delays. As such, the local highway network can accommodate the traffic generated from the proposed development.*
- *Land Use – The site was removed from the West Midlands Green Belt and is now allocated for residential development (para.24).*
- *Amount of Development - The LP states that for the development plan period 5,520 dwellings are required across the area with 1,321 of those required in Kidderminster. As such, there is a clear need for additional dwellings in Kidderminster and the appeal site forms part of the proposals to meet these housing demands (para. 24).*
- *Sustainable Location – There are a number of services and facilities within walking distance, including bus stops and the proposed development would construct a 3-metre-wide pedestrian and cycle link. Conditions and planning obligations would*

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secure these along with contributions towards community transport, bus stop flag and pole, travel plans and highway monitoring. The proposal would therefore offer a number of opportunities to utilise travel options other than the private vehicle (para.17).

- *Pedestrian Safety* – Low Habberley and Habberley Road have good visibility which would allow any pedestrians crossing the roads to have good visibility of any oncoming vehicles. As such, I do not consider that the proposed development would harm pedestrian safety (para.18).
- *Landscape Character* – Due to its location, bound on two sides by roads and a further by a care home, with residential development on opposite sides of Habberley Road and Low Habberley, the site would ultimately be viewed as part of a wider residential development. Whilst there would be a loss of agricultural land, the site would be spatially and visually linked to the wider residential development of Kidderminster rather than the open land to the north and north-west (para.21).
- *Biodiversity* – The habitat at the appeal site is confirmed by these surveys and consultees as being poor and that impacts on biodiversity and trees can be adequately mitigated and enhanced (para. 22).
- *Flood Risk* – The submission is accompanied by a Flood Risk Assessment (FRA) which concludes that the proposed development is not at risk of flooding and mitigation measures would ensure that there would not be a risk elsewhere (para. 23).
- *Heritage* – No designated heritage assets within the vicinity of the appeal site and non-designated heritage assets would not be harmed (para. 22).
- *Public Right of Way* – I note that the appeal site has been utilised by nearby residents for recreational purposes, such as dog walking. The proposal would retain these informal routes around the edge of the site and a condition would secure their provision (Para. 25).
- *Local Infrastructure* – In order to mitigate the proposed development a number of financial contributions form part of the planning obligation. This includes contributions to education and health to be spent on improvements, such as additional or extended classrooms and health premises or improved digital or telehealth infrastructure. From reviewing the submission and consultee responses I am satisfied that these contributions would mitigate the impact of the proposed development (para. 26); and
- *Living conditions of nearby and future occupiers* - In light of the submitted evidence, and in the absence of anything sufficiently compelling to the contrary, the proposal would not have a harmful effect on the living conditions of future occupiers (para. 27).

4.4 Also, the appellant applied to have their costs incurred in making the appeal paid by the Council on grounds that the Council did not have evidence to support the refusal reason. The Inspectorate agreed and awarded the costs application. No details of costs incurred have yet been submitted by the appellants to the Council.

4.5 This appeal decision is a material and, in the view of officers, overriding consideration in the planning judgement of this application. In particular, the extant permission for the site can be implemented. It provides for more dwellings (124 vs 120) than this application. It will be apparent that there is no logical or reasonable basis on which the Committee can refuse this application on highways grounds, not least because the

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Planning Inspectorate has already overturned the Committee's previous refusal related to highways considerations and because this application involves fewer dwellings, with a concomitant reduction in the number of traffic movements that would be generated. Other than the lower number of dwellings, this application raises no new or different issues for consideration compared to 21/0421/OUT. It is therefore apparent that the Committee cannot reasonably identify reasons to refuse this application that it did not identify in respect of the earlier application.

POLICY CONTEXT / PRINCIPLE OF DEVELOPMENT

- 4.6 The planning system should be genuinely plan-led (paragraph 15 of the National Planning Policy Framework) which means that all planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 4.7 Wyre Forest District has an up-to-date Local Plan (adopted on 26th April 2022) and can demonstrate a five-year housing land supply and therefore planning applications should be approved without delay if considered to be in accordance with the development plan (paragraph 11 of the National Planning Policy Framework).
- 4.8 The application site was released from the West Midlands Green Belt as part of the adoption of the Local Plan. The removal of the site from the Green Belt was through an extensive Green Belt boundary review process and alongside the Sustainability Appraisal process, in which residents of the district were consulted on alongside the Wyre Forest District Pre-Submission Publication Draft Local Plan. All of the consultation responses were considered as part of the plan making process and the emerging Local Plan was examined by an Independent Examiner (on behalf of the Secretary of State) in Public. As part of this process, exceptional circumstances were established and agreed by the Independent Examiner to release land, including this application site, from the Green Belt in order to meet an identified housing need (as described in Policy SP.1 of the Local Plan) up until year 2036. Your Officers note the number of objections who have requested that this land is returned to Green Belt, however, a decision to designate land as Green Belt cannot be made without a Local Plan review where exceptional circumstances would have to be shown, which would be difficult at this current time due to the Government's current objective for all local planning authorities to maintain a rolling five-year housing land supply and to significantly boost the supply of homes with a national target of 300,000 new homes per year. It was also established during the plan-making process that the district does not have sufficient brownfield land to support its housing demand. To confirm, the site is not located within the Green Belt, and it is very unlikely that it would be returned to Green Belt if housing development did not come forward on this site.
- 4.9 In terms of location, the site lies on the periphery of Kidderminster which is identified as a "Main Town" in the settlement hierarchy (Table 5.0.4) where it sits at the top of the hierarchy table for the delivery of housing in the district. Policy SP.3 goes on to advise that Kidderminster as the strategic centre for the district has a role of providing a focus for new housing. To highlight this point, the adopted Local Plan allocates the greatest housing growth in Kidderminster (1,231 net additional dwellings in Kidderminster over the period of the Plan).

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- 4.10 In addition, the site is allocated for housing development under Policy SA.K16 where the location for housing has been considered and found to be acceptable during the plan-making process. Policy SP.2 states that the site allocations contained in the Local Plan are based on seven principles. These include the need to *‘Provide for and facilitate the delivery of sufficient housing to meet objectively assessed needs to 2036’* and to *‘Focus most development in and adjacent to the urban areas, where both housing needs and accessibility to more effect public service provision are greatest’*.
- 4.11 Overall, the proposed housing development, on this site which is allocated for housing and located on the edge of the ‘Main Town’ of the district, would facilitate the delivery of sufficient housing to meet the identified housing demand and would accord with the spatial development strategy of the Local Plan.

LANDSCAPE AND VISUAL IMPACT

- 4.12 The site lies within the Sandstone Estatelands landscape character type, as identified within the Worcestershire Landscape Character Assessment (2011). This landscape character type is described as having *‘... an open, rolling landscape characterised by an ordered pattern of large, arable fields, straight roads and estate plantations. It is generally characterised with arable fields in large-scale landscape with wide views over open farmland and dispersed pattern of isolated farmsteads, scattered wayside dwellings and discrete settlement clusters which are often in the form of small estate villages.’*
- 4.13 The key characteristics of this landscape character type in the location of the application site are diminished somewhat by the existing housing in Coningsby Drive, Carlton Close, Beechcroft Road, Corbett Road, Ferndale Crescent and Harvington Close which together have a strong influence on the landscape and can be visually seen from the application site.
- 4.14 This was highlighted in the recent appeal decision, in which the Planning Inspectorate stated that the *‘...site would ultimately be viewed as part of a wider residential development’*. The Inspectorate also made the comment that the *‘...site would be spatially and visually linked to the wider residential development of Kidderminster rather than the open land to the north and north-west’*.
- 4.15 The submitted Landscape and Visual Impact Assessment states that *‘The design of the scheme and the proposals include measures that are effective in helping to assimilate the development into its surroundings, having regard to the layout, scale and height of the properties and the retention and enhancement of existing hedgerows and mature trees that bound the edges of the Site. The proposals provide improved recreational benefits with new footpaths and additional publicly accessible green spaces with new tree and hedgerow planting and SuDS attenuation’*. It concludes that the proposed development has been found to give rise to only limited and localised impacts, where local residents will experience a change in view and amenity within close proximity although will not introduce incongruous features.
- 4.16 The County’s Landscape Advisor and your Officers agree with the conclusions of the submitted Landscape and visual Impact Assessment and consider that the proposed mitigation in terms of the sensitive layout, scale and design of the scheme together with the new hedgerow and tree planting would ensure no adverse impact on the

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landscape in the medium to long term. Your Officers also note that at the plan-making stage, it was accepted by the Planning Inspectorate when considering this site allocation that a development of this scale (124 dwellings) and type would be appropriate for this site without diminishing the landscape character.

- 4.17 It is acknowledged that the proposed development would result in a change to the outlook of existing residential properties, especially those in Hillside Drive, however, this is inevitable when accommodating development growth and urban extensions on greenfield sites. Impact on views and property values of nearby properties cannot be taken into account in the determination of this application as these are not material planning considerations.
- 4.18 The proposed housing development would be seen within the context of existing housing already situated on the urban edge of Kidderminster and any adverse effects on the character and appearance of the site and surrounding landscaping would be limited and significantly reduced, as the boundary planting and planting within the site matures over time. The development would be set back from Habberley Road behind a wide landscape buffer and footpath and would not appear any different to those houses situated to the north of the Habberley Road/Low Habberley roundabout. The proposed development would also be a logical spatial extension to the urban area of Kidderminster which would reflect the existing housing to the north of the site. New trees and planting within the site and the strengthening of the hedgerow boundaries would help to integrate the development into the landscape. Overall, the development would not diminish the character and tranquillity of the wider landscape and would accord with Policy SP.22 'Landscape Character' of the Wyre Forest District Local Plan which states that new development must protect and where possible enhance the unique character of the landscape.

LAYOUT, SCALE AND DESIGN

- 4.19 The layout of the proposed development has been shaped by the topography of the site where the highest part of the site falls within the southern part of the site and by the pattern of development in the adjoining housing estates within Kidderminster and the settlement pattern of Low Habberley, which is a rural hamlet, in terms of the road structure, density of development, building heights, design and materials.
- 4.20 To reflect the changes in site levels, the proposed development has been split into two-character areas, with higher density of the development provided within the northern (lower) part of the site adjacent to Low Habberley and existing housing opposite in Coningsby Drive. A lower density of development has then been provided in the southern (highest) part of the site which is separated by a linear open space area that follows the line of the 11kV overhead cable and oil pipeline.
- 4.21 All residential units would be sited on strong well defined building lines and would have a direct road frontage onto public or private roads and secure and private rear gardens. Corner buildings would have dual frontage to provide active street frontages. Brick boundary walls are proposed to gardens that lie adjacent to the road and public realm areas and close boarded fencing is proposed elsewhere.

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- 4.22 The internal roads have been designed to meander through the site with short cul-de-sac roads to reflect the arrangement of roads in the locality and to create a more rural feel for the proposed development. The proposed development has been set back from the bridleway, that runs along the southern boundary of the site, to protect the setting of the adjoining High Habberley House (known as Barchester – Hollyfields Care Home which is a Grade II listed building) and no objections were raised by the now retired Conservation Officer.
- 4.23 In addition, the development envelope has been set back from the site boundaries and behind a new public open space that would include a circular recreation route that aligns with the existing unmade track that is regularly used by dog-walkers, walkers and runners who live close to the site. Also, a new link would be provided in the southwest corner of the site to join the circular route with the bridleway that leads into Habberley Local Nature Reserve. The new circular route and link to connect the site with the bridleway would be secured and agreed by condition.
- 4.24 In terms of scale, the proposed dwellings would reflect the building heights of nearby dwellings in the area, including those within Low Habberley hamlet, and the proposed three-storey apartment block has been centrally positioned within the northern (lowest) part of the site and the overall ridge height of the apartment block has been reduced to be only 1 metre higher than the dwellings to ensure it does not over dominant the development but instead provides a change in roof heights across the site to give visual interest to the development. Your Officers are therefore of the view that the overall size and massing of each proposed building is acceptable, and that the development would relate well with the surrounding built development. The proposed layout achieves an average density across the whole site of 35.8 dwellings per hectare, with density of 38 dwellings per hectare achieved on the northern parcel, and 29 dwellings per hectare on the southern parcel, to the south of the pipeline. The development therefore accords with Policy SP.9 which seeks 35 dwellings per hectare to ensure efficient use of land, in line with Paragraph 124 of the National Planning Policy Framework.
- 4.25 The proposed dwellings and apartment block would have high quality design and would reflect the design of the more modern housing developments in The Knoll, Briars Garden and Eagles Place, which fall within the vicinity of this application site. Building materials have been carefully chosen to ensure the development integrates well into its surroundings. In addition, chimney breast has been added to further give visual interest and enhance the roofscape of the development. The proposed development would fit harmoniously with the surrounding built development in the local area and would accord with the requirements set out in the Site Allocation Policy (SK.16), Policies SP.20, DM.24 and DM.26 of the Wyre Forest District Local Plan which all seek high quality design and landscaping. The development would also accord with the Government's objective of delivering high quality beautiful homes and healthy and safe communities, as outlined in Sections 8 and 12 of the National Planning Policy Framework.

RESIDENTIAL ACCOMMODATION

- 4.26 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 30

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affordable dwellings and 90 open market homes including 2 custom-build plots, providing a mixture of 1,2-,3- and 4-bedroom homes which will meet the need of the local population. The proposed scheme would provide good size rooms and internal layout and all rear gardens would be private and of an adequate size. The development would include 2 apartments (1%) that would meet Category M4(3) requirement, and 79 dwellings (66%) would meet Category M4(2) requirement, to accord with Policy SP.13 of the Wyre Forest District Local Plan. Planning conditions are attached to secure this provision and to ensure that all dwellings are provided with electric vehicle charging points, cycle storage and low emission boilers in accordance with Policies SP.27 and SP.37 of the Local Plan.

- 4.27 A comprehensive Energy Statement has been submitted which has considered a range of potentially appropriate low carbon and renewable energy technologies for feasibility in delivering a reduction in CO2 emissions and it has been concluded that the use of Gas and solar Photovoltaic (PV) panels to all residential properties would be provided as part of this development. The calculations provided within the Energy Statement also show that based on predicted energy use of 637,266 kWh/year, the PV panels would deliver 15.67% of the energy demand which far exceeds the requirement of 10% as set out in Policy SP.37 of the Wyre Forest District Local Plan. The applicant has also advised that PV offers one of the cheapest options for the homeowners when compared to electric technologies such as Air Source Heat Pumps (ASHP). The applicant have also noted that the use of PV provides an opportunity for surplus energy to be rerouted back to the grid and used elsewhere, which is beneficial to both the grid as surplus energy will not be wasted and the homeowner can be paid for the surplus energy through feed in tariffs.
- 4.28 It is noted that five dwellinghouses are sited perpendicular to Habberley Road and as a result their rear gardens will be exposed to higher noise levels (59dBLAeq16hr) due to the vehicular traffic on Habberley Road. The British Standard BS8233:2014 for sites which exceed the 55dB guideline value provides some clarification and states that *'it is recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met... development should be designed to achieve lowest practicable levels in these external amenity spaces but should not be prohibited.'*
- 4.29 Paragraph 174(e) of the National Planning Policy Framework advises that new developments should not be adversely affected by unacceptable levels of noise pollution and that new developments should seek to mitigate or reduce to a minimum the potential adverse impacts resulting from noise to ensure no adverse impacts on health and quality of life. The applicant has noted that distance between the road and proposed dwellings have been increased as far as feasible within the site, with the closest plots 18 and 67, c.19m from the road, whilst plots 4 and 95 are c.21m from the road.
- 4.30 Your Officers note that there is a balance that needs to be struck which seeks to provide a good amenity for future occupiers whilst ensuring a high-quality street scene and the need to boost the housing land supply. The initial mitigation measure

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comprising 2.8-metre-high acoustic screen walls to the rear gardens along Habberley Road frontage was considered to be unacceptable from a planning perspective as the height of the walls would have had an adverse impact on the street scene and visual amenity of the area and therefore a revised boundary treatment scheme was submitted and your Officers consider that the now proposed 2.0 metre high screen walls would help to alleviate the noise impact whilst maintaining a high quality development.

- 4.31 It should also be noted that there are other existing dwellings along Habberley Road that have a similar relationship to the road and do not appear to have any problems in respect of noise nuisance including dwellings that lie perpendicular to Habberley Road. It is therefore considered that a 2.0-metre-high wall is appropriate around the rear gardens of these properties to provide some mitigation and reduce the noise levels to 59dB which is only 4dB over the upper limit. Furthermore, a reason for refusal on the basis of significant detriment to the amenity of future occupiers could not be justified given that no objection has been raised by Worcestershire Regulatory Services. The development therefore accords with Policy SP.33 of the Wyre Forest District Local Plan and the National Planning Policy Framework. The agreed mitigation measures to secure appropriate boundary treatment, acoustic glazing of the windows and ventilation of the properties can be secured by condition. Overall, it is considered that the proposed development would provide an acceptable living environment for future occupiers of the development.

HIGHWAY SAFETY

- 4.32 Paragraph 111 of the Framework advises that applications 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.
- 4.33 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:
- a. the location and layout of development will minimise the demand for travel.
 - b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
 - c. they address road safety issues.
 - d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.
- 4.34 Representations have been made that the site is not a sustainable location for housing due to the distance from nearby shops and facilities. Paragraph 4.4.1 of Manual for Streets advises that *‘Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2km’*. The submitted Transport Assessment in Figures 4.1 ‘Facilities Plan’ and 4.2 ‘Walking Distances’ shows that the site is within walking distances (2km) of Primary Schools, Secondary Schools, Day Nurseries, Kidderminster Hospital, Public Houses, White Wickets Park, Churches, Hair and Beauty Salons, Foodstores and Hot Food Takeaways. Also, Kidderminster Town

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Centre is 2.4km from the site and is therefore accessible by bicycle and there are 7 bus stops within 800m of the site. Your Officers consider the site location to be acceptable and that measures would be secured, such as a residential travel plan and improved bus and pedestrian/cycling provision in the locality, to minimise the demand for travel by private car. The Inspectorate of the recent appeal decision also advised that there would be a number of opportunities to utilise travel options other than the private vehicle for residents living in this development.

- 4.35 Also, local residents have raised concern regarding the ability of the local road network to cope with additional traffic generated by the development and safety of pedestrians and vehicles.
- 4.36 The application has been accompanied by a robust and comprehensive Transport Assessment which has been reviewed by the Highway Authority and they have raised no objection to its validity and accuracy.
- 4.37 In terms of traffic generation, the proposed development is predicted to generate 65 and 64 two-way trips in the AM and PM peak periods, respectively. This equates to just over one additional vehicle on the network every minute. At the Low Habberley Roundabout the largest impact will occur on the Habberley Road (B4190) arm of the junction during the AM peak period when it is predicted 45 vehicles will be added to this arm. This equates to less than one additional vehicle per minute. Approximately 12% of development traffic is predicted to impact on the Habberley Lane/A442/Wolverley Road junction. The largest impact on any one arm is predicted to occur on Habberley Lane during the AM peak where an additional six vehicles will be added. This equates to one additional vehicle every 10-minutes.
- 4.38 Your Officers therefore consider, as evidenced by the submitted Transport Assessment, that the expected increase in peak hour flows is not predicted to make any significant difference to traffic flows on the local network to warrant a refusal of the application.
- 4.39 The development would have two vehicular access points to the site directly off Habberley Road in accordance with the site allocation requirement. The proposed site access junctions will take the form of priority T-junction and are in keeping with other access junctions on Habberley Road (i.e. Canterbury Road/Habberley Road junction). The visibility splays are considered to be appropriate for the proposed junctions when taking into account the Stopping Sight Distances (SSDs), the proximity to other nearby junctions and traffic speed on Habberley Road. The internal road layout has been designed to accord with the guidelines set out in Manual for Streets and WCC Streetscape Design Guide. The proposed development would also include a new circular walkway within the site and new pedestrian/cycle links to Habberley Road, Low Habberley Road and to the existing bridleway which runs along the southern boundary of the site to improve pedestrian/cycle movement and access to nearby bus stops. An improvement scheme at the Low Habberley Roundabout is proposed which will improve pedestrian and cycle facilities on all arms of the junction as well as providing connection to the existing cycle lanes on Habberley Road.

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- 4.40 The Highway Authority have offered a no objection to the application and do not consider that there would be a severe impact on the local network, subject to financial contributions to highway improvements, enhanced connectivity by foot, cycle, improvements to local bus stops, community transport and the provision of free school transport for a specified period of time and residential travel packs. The Highway Authority also consider that the proposed access arrangements and internal roads would meet current safety standards and that the spinal road would be up to adoptable standards.
- 4.41 The appeal decision reinforced the views of the Highway Authority that, provided improvements were implemented at the nearest roundabout junction and dedicated pedestrian crossing points provided, that the effects of the development on the surrounding highway network would be minimal. The robustness of the traffic analysis was also confirmed to be acceptable by the Inspectorate of the recent appeal.
- 4.42 The applicant has submitted evidence relating to the safety record of the local highway network and it has been agreed by the Highway Authority and noted by the Inspectorate of the recent appeal that there are no existing road safety issues on Habberley Road near the proposed access points to the site. Your Officers note the recent report done by the Independent Highway Consultant (THaT) on behalf of a local resident identified two road accidents in July 2023. However, the evidence produced by the applicant does not show any significant trends of road accidents or collisions to suggest that there are highway design issues and not just driver error contributing to these collisions. This has also been confirmed by the Highway Authority.
- 4.43 To conclude, your Officers consider that the development would not cause an unacceptable impact on highway safety nor cause significant residual impacts on the operation of the surrounding road network. There is no evidence to suggest that there are existing highway design issues or that the character and nature of the roads cannot accommodate the additional traffic that is predicted to be generated by this development, which is relatively low. The proposal would therefore not result in a severe impact on highway safety and would comply with Policy SP.27 of the Wyre Forest District Local Plan and Paragraph 111 of the National Planning Policy Framework.

FLOOD RISK AND DRAINAGE

- 4.44 The site falls in Flood Zone 1 and the submitted Flood Risk Assessment concludes that the site has a Very Low Probability of fluvial or tidal flooding.
- 4.45 The application has been accompanied by a preliminary drainage strategy which shows that the proposed development would be constructed with two infiltration basins, including one at the lowest point of the site in the north-eastern corner adjacent to the roundabout junction. The submitted Flood Risk Assessment also concludes that the increase in impermeable areas as a result of the development would be mitigated by the proposed sustainable urban drainage systems.
- 4.46 The North Worcestershire Water Management Officer has carefully considered the submitted documents and the proposed development and has raised no objection and agrees with the applicant's drainage consultant that the proposed development would provide a betterment to drainage compared to the existing situation. No objections

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have been raised by Severn Trent Water to the application. The Planning Inspectorate of the allowed appeal decision also found no flooding issues with the development of this greenfield site.

- 4.47 As such, the proposed development is capable of providing adequate means of foul and surface water drainage and all surface water runoff created by the development would be capable of being managed on site to ensure no off-site flooding. All of these matters would be satisfactorily addressed by condition which is the standard approach to dealing with foul and surface water drainage as accepted by Planning Inspectorates. The development would therefore accord with Policy SP.31 and SP.32 of the Wyre Forest District Local Plan and Paragraph 1df2d2 of the National Planning Policy Framework.

BIODIVERSITY AND TREES

- 4.48 Policy SP.23 of the Wyre Forest District Local Plan advises that developments should support the conservation, enhancement and restoration of biodiversity. The site-specific allocation policy SA.K16 also requires any development of this site to achieve biodiversity net gain and to take into consideration the impact on existing and surrounding habitats including Habberley Valley and Eastham's Coppice, as well as ensuring measures are taken into account to protect and mitigate for bats and brown hares.
- 4.49 The National Planning Policy Framework in paragraph 174(d) requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. It is also required by Paragraph 180(a) that when determining planning applications, that the local planning authority should apply the following principle (amongst others): if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Local Planning Authorities have a duty to have regard to conserving biodiversity as part of decision making of planning applications.
- 4.50 The site is not subject to any environmental designation such as Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) or RAMSAR site. The nearest non-statutorily designated site is Habberley Valley Local Nature Reserve and Local Wildlife Site, which lies 200m west of the application site and is designated for its open acid grassland, remnant lowland heath, and woodlands. The application site also lies within 5km of Devil's Spittleful, Puxton Marshes, Stourvale Marsh, Eymore Railway Cutting, Wyre Forest, Hurcott and Podmore Pools, River Stour Flood Plain, Hurcott Pasture, Brown's Close Meadow, Wilden Marsh and Meadows SSSIs.
- 4.51 It is acknowledged that existing residents value the application site for its open space, recreation use and wildlife and have raised objection to the loss of the habitat and impact on the nearby Habberley Valley habitat. However, the site relates to a private agricultural field which has been intensively farmed in the recent years and previously covered with plastic sheeting to encourage the growth of crops. There is also no formal public footpath within the site.

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- 4.52 The supporting Ecological Assessments demonstrate that the site has low ecological value because it comprises mainly an arable field that had been frequently ploughed and used for growing crops. The assessment also notes that to minimise harm to both the flora and fauna on site, that the hedgerows to the site boundary should be retained, where possible, and enhanced.
- 4.53 The Biodiversity Net Gain assessment and Biodiversity Enhancement Plan shows that the development would deliver 13.44% net gain in habitat units through new planting and the installation of bat and bird boxes. and 160.30% net gain in hedgerow units. The development therefore accords with Policy SP.23 of the Wyre Forest District Local Plan which seeks to ensure all developments achieve a 1% measurable net gain in biodiversity. To ensure the proposed development delivers the proposed net gains in biodiversity suitable conditions have been attached.
- 4.54 To alleviate recreational pressures on Habberley Valley Local Nature Reserve (LNR) a circular walking route is proposed within the site and the development would comprise 40% green open space to accord with Policy 28 of the Wyre Forest District Local Plan. In addition, the Section 106 Agreement would include a suitable financial contribution towards improvements to the surfacing of footpaths and signage within Habberley Valley, and will facilitate a children's interactive virtual trail which has been agreed with the Council's Countryside and Technical Services Manager.
- 4.55 The Countryside and Technical Services Manager has reviewed the application and considers that the proposals would result in a negligible impact on protected species locally given the low ecological value of the site and because of suitable habitats on the periphery of the site and in the wider landscape which would ensure the conservation status of brown hares, badgers and other ground mammals are not harmed. Apart from two small sections of hedgerow that would be removed to facilitate the new access points, the existing hedgerows would be retained and strengthened to ensure there would be a negligible impact on protected bats, hedgehogs and birds. A condition is attached to ensure no clearance works during bird nesting season and to require construction to be in accordance with an agreed Construction Environmental Management Plan. No objection has been raised by Natural England.
- 4.56 Your Officers are of the view that a comprehensive approach has been undertaken to carefully ensure that the impacts on biodiversity can be avoided and mitigated and extensive enhancement measures are proposed including new tree and hedgerow planting which would benefit the environment and ensure the conservation status of protected species is not harmed. The proposed development would therefore accord with Policy SP.23 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
- 4.57 In terms of trees, it is noted that one Veteran Oak tree that was situated along Low Habberley was storm damaged and had to be removed during the previous Outline planning application and to mitigate for the loss of this tree, the proposed development shows that two Oak trees would be provided adjacent to the attenuation basin in the northeast corner of the site, close to Low Habberley lane. The Council's Arboricultural Officer raises no objection to the application subject to conditions to secure the proposed landscaping scheme and replacement Oak tree planting. The proposed

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open space along the southern boundary of the site would ensure no harm to the existing TPO trees to the south of the site.

HERITAGE ASSETS

- 4.58 There is a statutory requirement on decision makers to have special regard to the desirability of preserving Heritage Assets or their setting or any features of special architectural or historic interest which they possess, as set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The nearest designated heritage asset to the application site is the 18th century Grade II Listed Low Habberley Farmhouse, which is situated approximately 800 metres to the northwest of the site. The submitted Historic Environment (desk-based) Assessment advises that due to the separation distance and lack of key views to or from the farmhouse, the site makes no appreciable contribution to the significance of the farmhouse through forming part of its setting. The recently retired Conservation Officer agreed with the assessment and do not consider that the proposed development would result in harm to the significance of this heritage asset.
- 4.59 The Historic Environment (desk-based) Assessment also considers the impact on High Habberley House, which although not included on the WFDC Local Heritage List it is recorded on the Worcestershire County Historic Environment Record as being a building of historic interest. The assessment advises that there is no intervisibility between High Habberley House and the site due to the strong tree planting and high hedgerow along the southern boundary of the site. In addition, it states that there are several modern care home buildings within the grounds of High Habberley House which effectively sever its connection with the wider landscape and that the setting of High Habberley House is almost completely in isolation due to the tree planting around the building. The assessment goes onto conclude that the site is, therefore, not considered to make any contribution to the significance of High Habberley House through forming a part of its setting.
- 4.60 In addition, the site allocation policy (SA.K16) (criteria iii) requires that any development on this site should be set back from the bridleway to protect the setting of High Habberley House. I am satisfied that the submitted Masterplan demonstrates that the development would be set back from the southern boundary behind a large area of open space in accordance with the site allocation policy and that with the retention of the boundary vegetation and an appropriate site layout, there would be no material harm to the setting of High Habberley House. The recently retired Conservation Officer raised no objection to the impact of the development on the setting of High Habberley House, as a non-designated heritage asset.
- 4.61 Nearby residents have raised an objection about the submitted Historic Environment desk-based assessment being insufficient as it fails to mention that the site was part of an English Civil War skirmish and some writers objecting to this application have stated that items of interest have been found covering hundreds of years of our history. The County's Archaeologist have reviewed the submitted assessment and agrees with the applicant that there is nothing that indicates high archaeological potential within the site despite what has been contended by public representatives. However, the County's Archaeologist has expressed that the site does have moderate archaeological potential because it is located at the junction of two roads that are likely Medieval or earlier in date and whilst they have no objection to the development, they

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have advised that it would be necessary for the developer to carry out a programme of site investigations for potential archaeology prior to the commencement of development and to ensure appropriate recording of any archaeology that is found and to make this publicly accessible.

- 4.62 Subject to conditions being attached to require appropriate historic recording of the site, the development would accord with Policy DM.23 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

PUBLIC RIGHTS OF WAY

- 4.63 There are no public right of ways running through the site, although it is noted that many residents who live in the vicinity of the site use this private field for dog-walking/walking and running and that a Definitive Map Modification Order claim has been submitted by local residents and is currently being considered to determine whether it should come into effect. The applicant was aware of this claim prior to submitting this application and the proposed development has been carefully designed to formalise this existing route that residents currently use daily, and the route would be resurfaced and maintained by the developer's management company as an unadopted public footpath. This footpath would be incorporated within areas of open space and would be widened to 3m adjacent to Habberley Road and regraded to allow bicycle access and a safer route for cyclist.
- 4.64 No objection has been raised by County's Public Rights of Way Team and they also note that the bridleway that lies directly adjacent to the southern boundary of the site would be unaffected by the development. The proposed development would therefore accord with Paragraph 100 of the National Planning Policy Framework which requires existing public rights of ways to be protected and enhanced as part of new developments.

LOSS OF AGRICULTURAL LAND

- 4.65 Concern has been raised by local residents and the Parish Council about the loss of land for agricultural production, especially at a time when food costs is increasing and the impact of the Russia/Ukrainian war on food supply. Policy DM.32 of the Wyre Forest District Local Plan makes it clear that agricultural land, including best and most versatile agricultural land, will not be protected where the site has been allocated for development. As such, this would not be a reason to justify a refusal of the application.

MINERALS

- 4.66 The site falls within the Minerals Safeguarding Area. Paragraphs 210 and 213 of the National Planning Policy Framework and Policy MLP 41 of the Minerals Local Plan, the use of recovered minerals will make best use of finite resources, will reduce the need to transport minerals to the site and will reduce the volume of excavation waste requiring removal from the site. Providing records will enable the Mineral Planning Authority to monitor the contribution made to overall mineral supply. Policy SP.34 of the Wyre Forest District Local Plan states that 'Planning Permission will not be granted for non-mineral development that would lead to the unnecessary sterilisation of mineral resources or unacceptable impacts on the operation of permitted mineral sites or supporting infrastructure within a Minerals Safeguarding Area where sterilisation of a locally or nationally important mineral resource could occur, opportunities for extraction of the resource will be optimised prior to any non-minerals development

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commencing. The County's Mineral Team raise no objection subject to the application, subject to a condition to ensure any minerals extracted from the site during the construction phase are safeguarded and either reused on site or used in construction elsewhere. The development therefore would accord with national and local planning policy.

OTHER MATTERS

- 4.67 Your Officers acknowledge the concerns raised by existing residents about the oil pipelines and overhead cables that cross the site, however, the applicant is fully aware of the regulations for building near to this apparatus and has discussed the proposals with the pipeline operator. The development would provide the necessary 6 metre offset from the active pipeline and the vehicular/pedestrian crossings have been discussed with the operator. The applicant has also pointed out that to the south of the site, the pipeline passes through existing residential development. An emergency access is required for the proposed development as the site is bisected by an existing oil pipeline. In the event of an emergency, or maintenance works to the pipeline or proposed road that will cross it, it will be necessary to have an alternative access into the southern parcel of the development from Habberley Road. Normally, this route will be restricted to pedestrian and cycle access using bollards to prevent unauthorised vehicular access, however the access will be designed to accommodate vehicles including emergency services should access across the pipeline be restricted. Your Officers are of the view that the development has been designed to take into account the requirements of the pipeline and overhead cables and that there would be no risk to future occupiers of the development.
- 4.68 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. A condition is attached to secure the retention and maintenance of the defibrillator.

PLANNING OBLIGATIONS

- 4.69 The legal tests for when a s106 obligation can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended and Paragraph 57 of the Framework. The tests are that an obligation must be:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- 4.67 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

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4.68 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:

- Highway Infrastructure – Total contribution £291,532
- Pedestrian Crossing Improvement – Total contribution – £20,000
- School Transport – Total contribution - £225,491
- Community Transport – Total contribution - £2,041
- Bus Stop Infrastructure - Total contribution - £2,000
- Person Travel Planning – Total contribution - £42,000
- Highway Monitoring Fee - To be confirmed once entered into Section 106 Agreement
- Education – Indicative Total Contribution = £370,782 - In response to the planning application it is calculated that an education contribution towards Early Years and SEND infrastructure would be sought. The assessment has taken into account the level of surplus places and operational surplus and the final contribution would be calculated by WCC Children First calculation and agreed at the time the Section 106 is entered into.
- Education Monitoring Fee - To be confirmed once entered into Section 106 Agreement
- Affordable Housing - To secure 25% provision of on-site affordable dwelling units (30 units based on 120 dwellings being built) as shown on the submitted plans and to be subject to WFDC Local Letting Policy
- On-Site Green Infrastructure management - 2.25ha/22,510m² hectares of green open space to be maintained and maintained by a management company in perpetuity
- Mitigate for off-site recreational impacts – Total contribution £167,598.24 towards Habberley Valley Local Nature Reserve
- Self-Build Plots - The provision of 2 plots for self/custom build plots
- Local healthcare provision – Total contribution - £76,800 towards direct infrastructure costs of conversion of space within Wyre Forest GP practice premises for the delivery of medical services which would have a direct benefit for residents in the Kidderminster area
- WFDC Planning Obligation Monitoring Fee - £2,500

PLANNING BALANCE

4.70 Kidderminster is to be a principal focus for additional growth across the plan period, through the spatial strategy of Policies SP.1 and SP.2. The site is also allocated for housing, which confirms that this is a suitable and sustainable location for housing. Therefore, as part of the adoption of the Local Plan, full weight is given to housing on this site, with access to be taken from Habberley Road, in principle.

4.71 The proposed development would secure a range of significant benefits, these include:

- 120 dwellings to meet an identified need in a sustainable location
- 25% (30) affordable housing on-site to address an identified affordable housing need
- 2 self and/or custom build plots to meet the demand on the SCB register

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- New areas of open space and green infrastructure, equating to 40% of the total site area which will be publicly accessible
- New circular public recreation footpath
- 13.44% net gain in biodiversity compliant with Policies SA.K16 and SP.23
- Retention of existing trees and hedgerows, including a net gain in hedgerow units on site of 160.30%
- New landscaping and tree planting, including 2 replacement Oak trees to mitigate the loss of 1 Veteran tree
- Improvements to the existing pedestrian crossings in the area
- Improvements to Community Transport Services
- Improvements to the Bus Stop Provision
- Improvements to residents within Wyre Forest GP Practice premises in the Kidderminster area
- Improvements to the Habberley Valley Local Nature Reserve
- Construction expenditure and jobs
- Household expenditure
- New residents will increase demand for, and use of local services and businesses and increased spending will help to protect, maintain and enhance the services available and accessible within the town and surrounding area
- Defibrillator for the benefit of the future occupiers of the development and wider community

4.72 The limited harm to landscape character and visual amenity would be localised and would be no more than reasonably anticipated when changing a green field to one of built form. The additional traffic generated would not have an unacceptable impact on highway safety and the cumulative residual impact would not be severe on the local road network. There would be some noise nuisance due to the proximity of the new houses to Habberley Road however this is not a justifiable reason to refuse the application. There is unlikely to be any disruption to the living conditions of neighbouring residents during construction and measures would be put into place to control operational hours and delivery routes through the Construction Environment Management Plan which would be conditioned. Therefore, there are no material adverse impacts from the proposed development that would justify a refusal of the application.

5.0 Conclusions and Recommendations

- 5.1 All public comments received have been carefully considered and taken into account in the assessment of the application and with the exception of Kidderminster Foreign Parish Council, no other statutory consultee has raised an objection to the application subject to conditions and planning obligations.
- 5.2 The application site is wholly located outside of the Green Belt and is allocated for residential development under Site Allocation Policy SA.K16 of the adopted Wyre Forest District Local Plan. The proposal is of an appropriate scale given its location on the edge of the 'Main Town' of the district where housing growth is expected. The proposal would therefore help provide for and facilitate the delivery of housing to meet objectively assessed needs to 2036.

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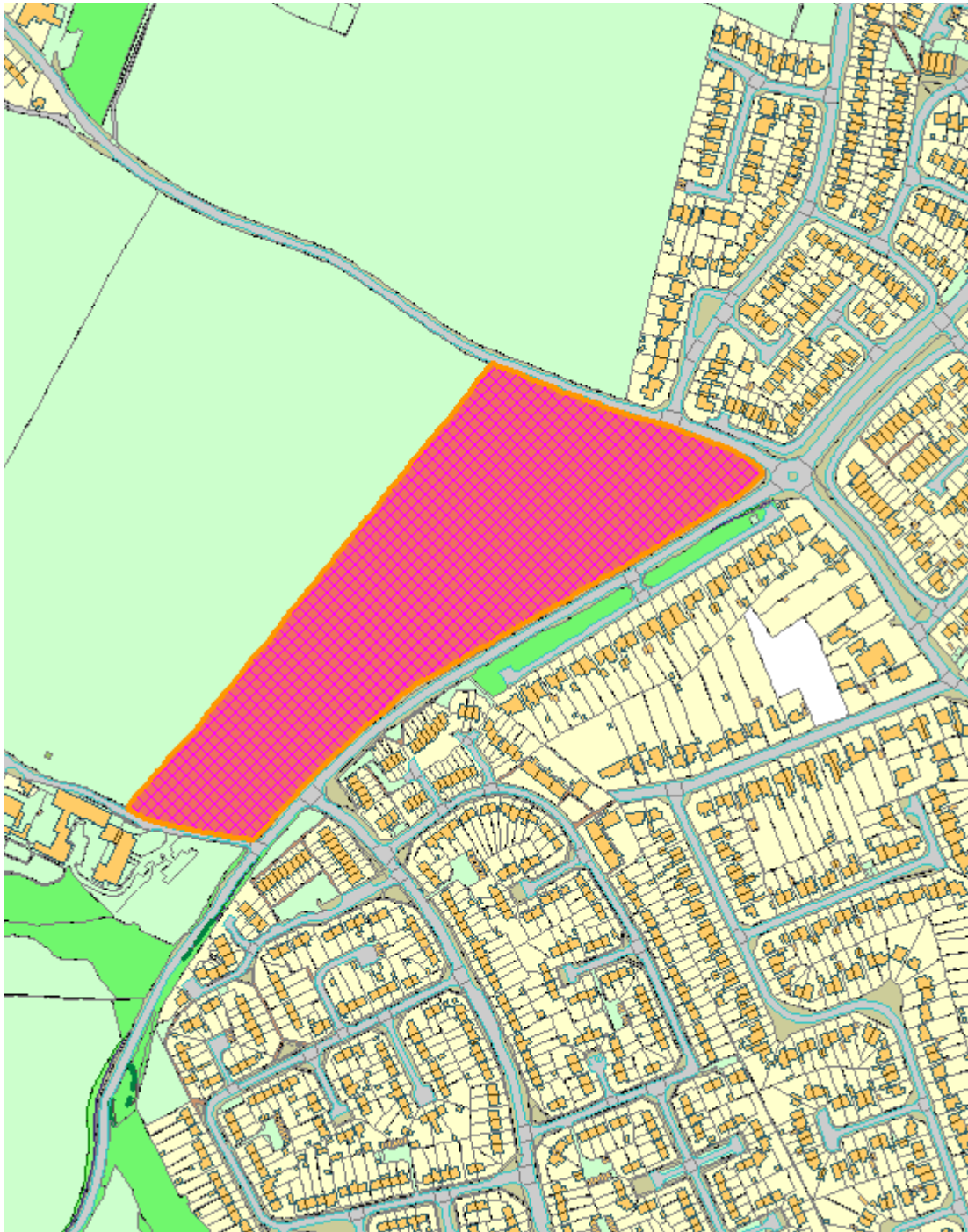
- 5.3 The proposals would deliver an acceptable residential development that would be seen in the context of adjacent housing and the wider urban edge of Kidderminster. In landscape impact terms, the proposal would give rise to a limited, not significant, adverse effect, however, the impact would be minimised, over time, through additional planting and the sympathetic layout of the site. The proposal would accord with the provisions of Policy SP.23 in respect of biodiversity and would achieve measurable net gain in biodiversity. The development would not result in any harm to nearby heritage assets, archaeology, residential amenity and would not increase the risk of flooding elsewhere. The site is in a sustainable location in terms of accessibility and would not result in an unacceptable impact upon highway safety, as recognised by the Inspectorate in the previous appeal decision. The applicant has agreed to enter into a S106 Agreement to secure the necessary contributions and infrastructure in order to make the development acceptable in planning terms, complying with the Local Plan and Paragraph 57 of the National Planning Policy Framework.
- 5.4 The planning system should be genuinely plan-led and given that this application relates to an allocated site for housing as set out in the Local Plan it is firmly accepted that this is a suitable location for the quantum of development proposed. As a result of the Planning Inspectorate's decision, the site already benefits from Outline permission to build an even greater number of dwellings: that is a material and, in officers' view, overriding consideration as explained earlier in the report. There are no outstanding technical issues that cannot be addressed by condition or planning obligation and no conflict with any Local Plan policies. The proposed development accords with the development plan and should be approved without delay.
- 5.4 I therefore recommend **DELEGATED APPROVAL** subject to:
- a) The signing of a S.106 agreement for the matters set out in paragraph 4.67; and
 - b) The following conditions.
 1. 3-year Time Limit to commence development
 2. Secure Finished Floor and Site Levels, require details of any platform and/or ramps to front entrance doors
 3. To secure 2 Custom-build plots
 4. Development shall be in accordance with agreed boundary treatment for all residential plots including 2.0m high screen walls to those properties (Nos. 4, 18, 5, 113) impacted by traffic noise on Habberley Road
 5. Details of acoustic glazing of the windows and ventilation
 6. Development shall be in accordance with the measures recommended in the submitted energy statement to show water use of no more than 110 litres per person per day for each dwellinghouse, in accordance with Policy SP.29 and PV panels to every dwellinghouse to accord with Policy SP.37.
 7. Details of recreational footpaths (circular footpath and link to boundary sites/bridleway) including timescales, surfacing, public seating and dog waste bins
 8. Require implementation of tree protection fencing
 9. Require protection of hedgerow during construction phase
 10. Require retention of all hedgerows (except those required to facilitate access points)
 11. Measures to be agreed for the retention and improvement of the western boundary hedgerow

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12. Site Investigation, Remediation and Verification of potential contaminated land
13. Unexpected contamination condition
14. Details of any imported soil material
15. Details of NOx Emission boilers
16. Require secure surface water drainage measures
17. Require Management and Maintenance details for SuDs assets
18. Require Construction surface water management plan
19. Written scheme for archaeology site investigations and recording
20. Implementation of Written Scheme for Archaeology
21. Require implementation of Landscape Plan including 2 Oak trees
22. Require Landscape Environmental Management Plan
23. Require submission Method statement for the establishment of semi-natural habitats
24. Implementation of Ecological Mitigation and Enhancement Measures
25. Require Construction Environmental Management Plan for Biodiversity
26. Details of external lighting
27. Details of cycle and refuse storage facilities
28. Details of electric vehicle charging points
29. Require Construction Environmental Management Plan (Highways)
30. Require an Incidental Recovery Plan for Minerals
31. Defibrillator to be provided and maintained
32. Removal of Permitted Development Rights for any enlargement to the dwellinghouse on plots where rear gardens are less than 10 metres in length
33. Removal of Permitted Development Rights for any new boundary treatment to the front of dwellinghouses on all plots.
34. Conformity with Submitted Access Layout Plans, unless agreed in writing by the LPA
35. Highway Improvement Works identified for Habberley Road to be implemented
36. Road Safety Audit – Stage 2
37. Road Safety Audit - Stage 3
38. Street Lighting Assessment
39. List of Approved Plans

NOTES

- Section 106 Agreement
- WRS Best Practice Guidance for Construction
- Waste and Recycling Collection for Wyre Forest residents
- Alteration of Highway
- Section 278 Agreement details
- Section 38 Agreement details
- Drainage details for Section 38
- Protection of Visibility Splays
- Works adjoining highway
- Temporary direction signs to housing developments
- Construction Environmental Management Plan (CEMP)
- Removal of trees and hedgerows to be undertaken outside of bird nesting season
- Public Rights of Way obligations



Economic Prosperity and Place Directorate

Land At Os 381000 277300 Habberley Lane Low Habberley Kidderminster Worcestershire

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PART A

Application Reference:	23/0435/FUL	Date Received	14.07.2023
Ord Sheet:	380757 270849	Expiry Date:	08.09.2023
Case Officer	Julia Mckenzie-Watts	Ward:	Areley Kings And Riverside

Proposal: Retention of multi functional covered outside area

Site Address: The Old Beams, Harold Davies Drive, Stourport On Severn, Worcestershire, DY13 0AA

Applicant: Mr Andre Fortune

Summary of Policy	SP.20, SP.21, SP.30, SP.31, SP.32, SP.33, DM.23, DM.24 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Objector wishes to speak

1.0 Planning History

1.1 There is no related planning history for this application.

2.0 Consultations and Representations

2.1 Stourport Town Council – No objection and recommend approval, subject to condition to restrict hours and days of use.

2.2 Conservation Officer – No objection. Whilst the proposal is not full in-keeping with the character of the listed building and the heritage statement is vague in its justification, it is noted that the structure is temporary in nature. Furthermore there is some screening provided to mitigate the impact of the structure, however it is still concluded that the proposal does cause less than substantial harm to the setting of the listed building. However, I am minded to recommend approval, due to the temporary nature of the proposal and the overarching benefit of diversifying the services of the pub, thereby affording some added protection to it’s long-term conservation following Covid. Therefore, I recommend a temporary approval, which will be reviewed in 2 years time, at which a more detailed heritage statement will need to be drafted.

2.3 WCC Archaeology Officer – No objection. The shelter has no foundations and sits on slabs and therefore there is no archaeological concern.

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- 2.4 Worcester Regulatory Services (Noise) – No objection. To minimise the potential impact from live outdoor performances this activity is restricted to once or twice per week and should not continue after 22:00hrs.
- 2.5 North Worcestershire Water Management Officer – No objection. The location of the shelter is within flood zone 2 but the nature of the structure is such that any flood damage would be limited. Its openness ensures that there will not be a loss of flood plain storage. It is my understanding that roof water is being disposed of on site and will therefore not (cumulatively) increase the risk of flooding for others. I therefore conclude that there would in my opinion be no reason to withhold approval of these applications on flood risk grounds.
- 2.6 Neighbour/Site Notice Representations - 2 neighbour objections received and there concerns have been summarised as follows:
- This 'building' is totally out of character within the curtilage of a listed building
 - The actual building is meant to be a smokers hut, but it is in fact used as a stage for outdoor live entertainers
 - Noise
 - The Heritage Statement refers to the shelter being at the rear of the property; in fact it is at the front, and clearly visible from Dunley Road by motorists and pedestrians
 - The shelter does not meet the legal requirements for a smoking shelter
 - Poor Heritage Statement
 - Details of the design and materials are inadequate. The design and materials are not in keeping with the setting within the curtilage of a listed building. For example, the zinc roofing is in no way able to blend with the tiles on the roof of the main building

3.0 Site Location and Description

- 3.1 The Old Beams is a Grade II listed early 16th century timber-framed public house (recorded in the County Historic Environment Record under WSM12803). The public house is the last surviving element of a former medieval and post-medieval settlement in this area.
- 3.2 The public house is set back from the junction of Dunley Road and Harold Davies Drive behind gardens, a car park is provided to the rear of the pub and is accessed from Harold Davies Drive.
- 3.3 The application seeks for the retention of a multi functional covered wooden structure located to the front of the public house.

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4.0 Officer Comments

4.1 The main considerations in the assessment of this application are:

- The impact of the proposals on the character and appearance of the property and the historic environment
- The impact on residential amenity

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 Policy SP.21 of the Wyre Forest District Local Plan sets out that development proposals should protect, conserve and enhance all heritage assets and their settings, including assets of potential archaeological interest, subject to the provisions of Policy DM.23 (Safeguarding the Historic Environment). Their contribution to the character of the landscape or townscape should be safeguarded and protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of Wyre Forest District.
- 4.3 Policy DM.23 goes on to state that any development proposal causing harm or loss of significance to a heritage asset will be resisted unless clear and convincing justification is provided, to permit assessment against the National Planning Policy Framework criteria, relevant legislation and published local and national guidance. Development proposals should avoid harm to or loss of heritage assets wherever possible.
- 4.4 Paragraph 202 of the National Planning Policy Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.5 The application was initially submitted for the retention of a smoking shelter which is also used as an outdoor stage; however, the structure would not qualify as a smoking shelter as it is substantially enclosed. The Smoke-free (Premises and Enforcement) Regulations 2006, relating to smoking shelters, states that there should be at least 50% open area around the sides but the structure in question only has about 25% open area around the sides.
- 4.6 The application description was therefore revised to 'retention of a multi functional covered outside area'. The structure is located to the front of the Old Beams Public House which is itself a Grade II listed building. The retrospective development consists of a modern construction utilising timber decking, posts and panels with a zinc roof cladding. It measures 4.1m in height with a pitched roof, 3.9m in depth and 3.1m wide. It is open fronted with a 3.9m deep, 4.8m wide stage area to the front in order that it can be used for dining and outside events.
- 4.7 The Council's Conservation Officer advises that whilst the proposal is not in full keeping with the character of the Listed Building and the heritage statement is vague in its justification, it is noted that the structure is temporary in nature and furthermore there is some screening to mitigate the impact of the structure. The Conservation Officer has concluded that the structure does cause some less than substantial harm

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to the setting of the listed building however due to the temporary nature of the proposal and the overarching benefit of diversifying the services of the pub therefore affording some added protection to its long term conservation following covid this could be used to mitigate the harm such that it would then be acceptable under Paragraph 202 of the National Planning Policy Framework. However, a temporary approval is recommended to be reviewed in 2 years time, at which a more detailed heritage statement will need to be drafted to justify the structures retention.

- 4.8 Your Officers concur with this view in that the degree of harm caused to the Listed Building (The Old Beams) resulting from the proposal would be minimal. Any potential harm is mitigated by its temporary nature to a large extent and also the fact that its use of the structure has the potential to offer public benefits by way of the provision of outdoor music events which would also help to maintain the vitality and viability of the public house. The proposal therefore complies with Policies SP.21, DM.23 and the National Planning Policy Framework.

RESIDENTIAL AMENITY

- 4.9 Paragraph 185 of the National Planning Policy Framework states that Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.10 The Old Beams public house is located off the Dunley Road. Within the immediate vicinity of the site are the former Stourport Sports Centre and car park which are located to the east of the site with Stourport Swifts and Stourport Cricket and rugby club located beyond the centre also to the east. The Walshes Farm Caravan Park is located to the south of the site with the Stourport Farm Shop and kitchen, the newly constructed Stourport medical centre is also located to the west adjacent to the main road. Danters fairground is located approximately 230m to the east of the site on the other side of the river and operates throughout the summer months from 10am until late and in during the winter months between 11am and 6/7 pm.
- 4.11 The nearest residential properties to the pub are located in Cedar Close to the north west of the site. The bungalows are set back from the Dunley Road with a small hedge and a few trees separating them from the main road. The closest distance from the nearest bungalow to the smoking shelter itself is approximately 80 metres.
- 4.12 In terms of the location of the two objectors, one is located to the north west of the site to the rear of Cedar close approximately 188m from the pub site and the second objector is to the west of the site on Rectory Lane located approximately 509 metres away.
- 4.13 Your Officers acknowledge that the structure is near to residential properties and therefore the use of this structure, particularly for music events, will increase the noise levels. Worcestershire Regulatory Services noise team have been consulted and have stated that it will be the responsibility of the public house management to ensure that

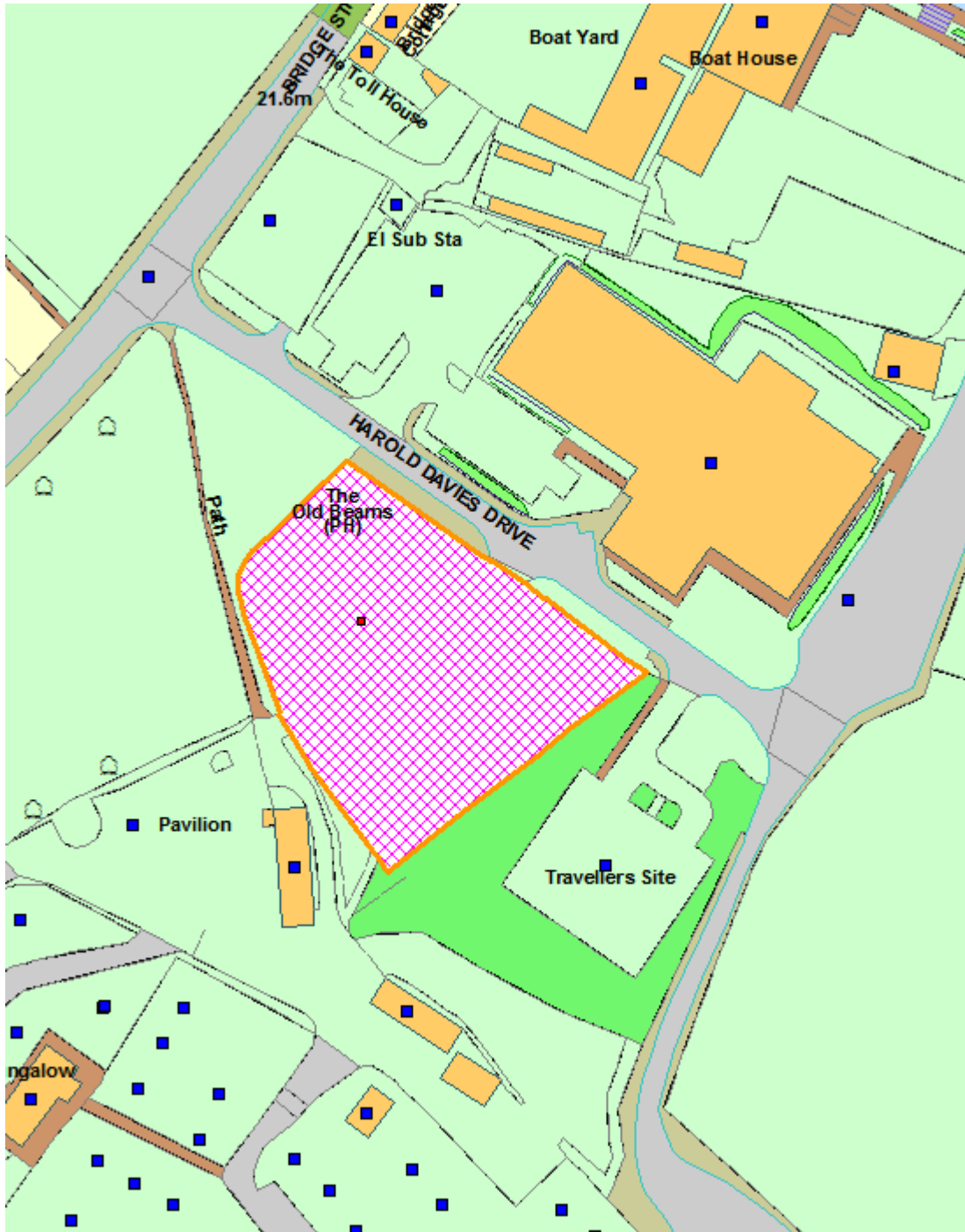
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activities in this area do not cause nuisance to any nearby residential receptor. The agent has therefore agreed that live music will only be played once a week on a Saturday and that this must cease by 10pm in order to keep the disturbance in the area to a minimum.

- 4.14 A temporary two year consent will also be recommended in order to allow ongoing assessment of any noise impact and therefore with conditions attached to any approval to limit its use in terms of days and times the use will not impact upon the amenity enjoyed by the neighbouring properties and is therefore considered to be in accordance with the National Planning Policy Framework.

5.0 Conclusion and Recommendations

- 5.1 Whilst there is less than substantial harm caused to the Grade II listed Old Beams public house resulting from the proposal this is considered to be a very low level of harm. The harm is mitigated by the design and location of the structure to a large extent which is well screened by trees and the less than substantial harm is outweighed by the planning benefits of securing a wider customer offer which in turn would help to ensure the long-term use and viability of the public house.
- 5.2 It is acknowledged that there will be noise created as a result of the continued use of the structure for outdoor music events, however the noise nuisance would be limited to Saturday nights only when the ambient noise levels are generally high in the town centre and a two-year temporary consent is recommended to enable the Local Planning Authority the ability to review the noise nuisance associated with the proposal on nearby residential properties.
- 5.3 Officers therefore recommend delegated **APPROVAL** subject to:
- a) the following conditions:
1. Temporary 2 year consent
 2. Time limit
 3. Outside music to be played only on a Saturday and cease at 10pm.



Economic Prosperity and Place Directorate

The Old Beams Harold Davies Drive Stourport On Severn Worcestershire DY13 0AA

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PART B

Application Reference:	22/0180/HYB	Date Received:	05.05.2022
Ord Sheet:	381736 271187	Expiry Date:	04.08.2022
Case Officer:	Helen Hawkes	Ward:	Mitton

Proposal: Hybrid planning application for the demolition of existing B2/B8 building and erection of a new Food Retail Store (Use Class E (a)) with associated access alterations, car parking, servicing and landscaping (full planning permission) and the erection of start-up employment units (totalling 928 sqm (GIA) for Class B2/B8/E (g) use (outline planning permission with all matters except access reserved)

Site Address: Minerva Point, Worcester Road, Stourport On Severn, Worcestershire, DY13 9AS,
Applicant: ALDI Stores Limited

Summary of Policy	SP.1, SP.2, SP.5, SP.16, SP.17, SP.18, SP.20, SP.23, SP.24, SP.26, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.33, SP.35, SP.37, DM.1, DM.9, DM.13, DM.14, DM.24, DM.26 of the Wyre Forest Local Plan (adopted April 2022) WFDC Planning Obligations SPD WFDC Design Guidance SPD National Planning Policy Framework (NPPF) Planning Practice Guidance (NPPG) National Design Guide
Recommendation	DELEGATED APPROVAL, SUBJECT TO S106 AGREEMENT
Reason for Referral to Committee	“Major” Planning Application

1.0 Planning History

1.1 WF.1073/04 - Change of use of the premises to Business Continuity Offices and Computer Facility”. – Approved, but with Condition 5 attached to that planning permission stating that: *“The land and buildings shall be used as a Business Continuity Centre and for no other purpose, including any other purpose in Class B of the schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification”*. A note attached to the reason for that condition also clarifies that *“... the building cannot lawfully be used as a B1 office use or any other use without the benefit of planning consent”*.

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- 1.2 In terms of other related planning applications, Members may recall that planning permission has previously been granted in respect of the land immediately to the north (the former Parsons Chain site) summarised below:

21/1064/HYB - Hybrid planning application consisting of full planning application for demolition and the development of 94 dwellings (Use Class C3) and outline planning application for the development of a care home (Use Class C2) with associated access, or up to 16 dwellings (Use Class C3) – Approved.

2.0 Consultations and Representations

- 2.1 Stourport Town Council – No objection. Recommend approval.

- 2.2 Principal Planning Policy Officer – No objection.

The site is allocated on the Policies Map for employment under Policy SP.17 – A Diverse Local Economy. It is understood that Minerva Point has been empty since December 2019 having most recently had a limited number of employees whilst operating as a business continuity call centre. The planning application form states that the proposal has the potential to create the equivalent of 40 full time jobs.

Under Policy SP.17 criteria 5 states that *'land and premises within the district's existing employment areas will be reserved for B2 and B8 use classes as well as employment generating uses including Class E offices (other than professional and financial services offices), research and development and light industrial uses and, where appropriate, sui generis uses.'* Besides the retail store proposal, there is also an outline element to application for 4 small industrial units.

Policy DM.9 – Economic Development criteria 2 relates to planning permission for the change of use to alternative uses of land which have been allocated for employment use as shown on the Policies Map. This lists 3 separate criteria which need to be met before alternative uses such as a supermarket can be considered. a) if a financial appraisal demonstrates that redevelopment for employment generating uses is unviable and likely to be so for 5 years; b) details are provided of active marketing of the premises for at least 12 months and c) proposed use would be compatible with adjacent land uses and not prejudice any businesses in the future.

In terms of a), the redevelopment is for employment generating uses albeit the majority being in retail, however there are industrial units proposed. Viability appraisals have shown that redevelopment for purely employment purposes would not be viable; with regard b), the site was marketed in July 2020 up until December 2021. In respect of c) the site immediately to the north is being redeveloped for housing. The proposal will be more compatible with the adjoining development as the existing building is extremely bulky and overshadows the housing currently under construction. The proposed retail store is less than 8m in height and has a much-reduced footprint (when compared with the existing development). Potential noise disturbance from deliveries is minimised by the access being proposed at the far side of the building furthest away from the housing.

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2.3 Highway Authority – No objections, subject to planning conditions and S106 Obligations.

It is the case that the Highway Authority previously advised deferral in earlier responses due to insufficient information having been provided. However, having received further information from the applicant, the Highway Authority now confirms that all previous matters have been positively resolved. It is confirmed that the submitted Transport Assessment (TA) has assessed an appropriate level of development, including the proposed retail floor area.

Access Proposals - A Road Safety Audit (RSA) has been undertaken by the applicant, as requested by the Highway Authority, and following review no highway safety issues were identified. However, it is requested that an Operational Management Strategy, which ensures HGV servicing and delivery movements do not occur during network peak periods, is secured by an appropriately worded planning condition. Whilst the Highway Authority has some concerns with the HGV swept path analysis provided and the proposed site access junction geometry, it is recognised that in light of the findings of the RSA no objection could be sustained on such grounds.

Street Lighting - The Developer shall engage with a competent lighting engineer to provide a lighting assessment report to consider the interface with the existing highway (A4025 Worcester Road). The lighting assessment and any subsequent design shall be in accordance with the latest version of WCC's Street Lighting Design Guide (SLDG). With regard to the interface with the existing public highway, it is noted that the existing lighting is not to the current WCC specification, and therefore not maintainable. The Developer should expect to provide replacement lighting at the junction, extending to illuminate the whole of the junction's 'conflict area' and beyond to meet the minimum of the '5 second rule' providing a good tie-in with the existing lighting. It is for the lighting designer to define the conflict area and put forward their proposals.

Highway Impact and Capacity - The Highway Authority accepts that the Applicant has used a hybrid approach of 'donor sites' and TRICS-based assessment to derive forecast vehicle trip generation for the proposed food store and that this is an appropriate methodology. In addition, the Applicant has provided sensitivity assessments for both the site access junction and the A4025/B4193 Roundabout, assuming 100% of trips will be 'new' to the store. As requested by the Highway Authority, the Applicant has provided 2022 PICADY and ARCADY base models for the proposed site access junction, the A4025/ Discovery Road junction and the A4025/ B4193 Roundabout and notes that that A4025/B4193 junction model has been adjusted to ensure that modelled vehicle queues replicate observed vehicle queues. The Highway Authority is satisfied with the model build, calibration and validation for all of the junction models provided.

In the '2027 with development scenario' (including nearby committed residential developments and assuming 100% of vehicle trips to the site are 'new') the site access junction is forecast to operate with significant spare capacity at all time periods. During the AM peak period, the ratio of flow to capacity (RFC) is not forecast to exceed 0.13 on any approach with a maximum vehicle queue of 1 vehicle. During the PM peak period, the maximum RFC is 0.64 with a vehicle queue of 2 vehicles. On Saturdays, the site access junction is forecast to operate with a maximum RFC of 0.56 and a maximum vehicle queue of 2 vehicles.

It is recognised that the A4025/ B4193 Roundabout currently operates under some constraint during network peak periods with the '2027 without development' (but with

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relevant committed development)' modelling scenario showing an RFC on the A4025 Worcester Road West arm of 0.97 (maximum queue of 17 vehicles) and 0.73 (maximum queue of 3 vehicles) during the AM and PM peak respectively. In the '2027 with development scenario' (including committed development), the AM peak RFC increases to 0.99 (maximum queue of 21 vehicles) and the PM peak RFC increases to 0.82 (maximum queue of 5 vehicles). The capacity of a roundabout or junction is considered to be reached when an RFC exceeds 1.

The Highway Authority is satisfied that the impact of the proposed development is unlikely to be considered severe on the basis that there is a minimal increase in RFC in the '2027 with development scenario', and that forecast vehicle queues are predicted to increase by a maximum of 4 vehicles.

Walking and Cycling - The Applicant should be advised that the Highway Authority would seek contributions towards Hartlebury Road crossing improvements to ensure safe, sustainable and active travel links connect to the development site.

Parking Provision – Retail - WCC Highways accepts the proposed level of car parking provision for the food store, and that typically car parking spaces will be available for motorcycle parking also. The Highway Authority accepts the proposed provision of 16 cycle parking spaces to serve the food store and notes the demand of the cycle parking will be monitored and additional spaces can be provided if required. The Highway Authority requests that an appropriately worded planning condition is applied to any consent to secure a parking monitoring and management plan, which includes but is not limited to, monitoring demand for EV and cycle parking spaces.

Parking Provision – Employment - WCC Highways is satisfied that adequate provision can be made within the employment site for parking and the safe turning manoeuvres of associated vehicles, including HGVs and deliveries.

Travel Plan - The Applicant has confirmed that the site will be registered to the Modeshift STARS Business scheme as part of the Travel Plan process. Suitably worded planning conditions to secure the necessary travel plans are suggested.

Construction Environment Management Plan - A Framework Construction Traffic Management Plan has been provided in support of the application, which indicates that construction traffic will access and egress the site during network peak periods. A bespoke Construction Traffic Management Plan, setting out the proposed hours of operation, routing, access proposals and site details is to be conditioned.

2.4 Head of Economic Development & Regeneration (North Worcestershire) – Awaiting comments.

2.5 Arboricultural Officer – No objections, subject to conditions.

No Arboricultural features with a high public amenity are directly impacted. The supplied Arboricultural Assessment is of a high standard and its finding and recommendations are accepted and agreed. Therefore, a condition ensuring the report is adhered to, especially the location of the tree protective fencing as detailed on plan RSE_5002_TPP (V1), is suggested.

The number and location of new trees proposed for this site is satisfactory, however further clarification as to proposed tree species is required along with the details of ground preparation and establishment of the soft landscaping, which can be subject to a suitable planning condition.

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2.6 WCC Landscape Advisor – No objections, subject to conditions to include a combined Landscape and Ecological Management Plan (LEMP).

2.7 Countryside and Technical Services Manager – No objections, subject to conditions. The site is mostly hard standing and warehouse and has relatively little biodiversity value. The small amounts of landscaping being offered will result in a biodiversity gain.

A Construction Environmental Management Plan (CEMP) condition should be imposed. Buffer landscaping for the adjacent woodland would be necessary as well as evidence of how the site can be lit without casting light across the woodland. An additional badger survey to be undertaken and to prevent any site clearance works within the bird nesting season.

2.8 Worcestershire Regulatory Services (Contaminated Land) – No objections, subject to conditions.

It is confirmed that Worcestershire Regulatory Services (WRS) has reviewed available documents and records in respect of potential contaminated land (PCL) issues at the above application site and WRS have reviewed the application's site investigation are in agreement with the methodology and findings.

Further investigation is to be undertaken during and after demolition which will require an update of the remedial strategy. WRS recommend a suitable planning condition wording be imposed to ensure any unexpected contamination are appropriately addressed and to agree any imported soil to be used on the site as part of the development.

2.9 Worcestershire Regulatory Services (Nuisance Assessment Team - Noise) – No objections, subject to conditions.

A planning condition requiring full details of the extent, height, construction and surface density of the recommended 2.8m high close-boarded timber fence, to be provided on the north and east sides of the plant area is recommended.

2.10 Worcestershire Regulatory Services (Air Quality) – No objections subject to conditions. The submitted Air Quality Assessment (AQA) is considered appropriate and WRS agree with the methodology and conclusions. The following air quality mitigation measures are recommended to any planning permission given:

Secure Cycle Parking - It is recommended that secure cycle storage is provided.

Electric Vehicle (EV) Charging – EV Charging points to be provided at a minimum of 10% of allocated parking spaces.

Dust mitigation measures to be implemented as set out in the Air Quality Assessment

2.11 Western Power Distribution – No objection.

It is highlighted that there is an existing high voltage underground cable that crosses the proposed site entrance which may require lowering should the ground levels be altered.

Officer Comment: This is not in itself a planning issue, rather it is something the developer should discuss and resolve with Western Power Distribution directly.

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- 2.12 Crime Risk Manager (West Mercia Police) – No objections. Recommends the installation of CCTV cameras on car park.
- 2.13 Severn Trent Water – No objection subject to conditions to ensure the satisfactory disposal of surface and foul water.
- 2.14 Archive and Archaeology Services (WCC) – No objection, subject to conditions. The site lies in an area of archaeological potential, but the previous use of the site may have removed any chance of survival (of archaeological deposits). The site immediately to the north (Parsons Chain) has just been evaluated and it was shown that the previous site use had completely removed all traces of any earlier land use. However, on the opposite side of the river the former Carpets of Worth site has also just been evaluated, and on that site good levels of survival were found.

If the applicant is unable to demonstrate that there is unlikely to be survival of any deposits, then it is recommended that the site is subject to archaeological evaluation as a condition of consent, followed by further mitigation should archaeological deposits survive.

- 2.15 North Worcestershire Water Management Officer – No objection, subject to conditions. This site is not at risk of flooding. It is a brownfield site which is currently already largely impermeable. It is currently served by a conventional piped drainage system. A surface water drainage strategy has been submitted which proposes to drain the redeveloped site via infiltration. This is the preferred drainage method where ground conditions allow. Preliminary testing has confirmed that the permeability of the site is sufficient for infiltration drainage. Information submitted indicates that some contamination is present on the site, but it is concluded that the site is suitable for infiltration drainage and that there is only a low risk to controlled waters. There would be no reason to withhold approval of this application on water management grounds, providing that a detailed drainage strategy condition is imposed.
- 2.16 Environment Agency – Confirmed that they have no comments to make.
- 2.17 Cadent Gas Limited – No comments received.
- 2.18 County Strategic Planning – Minerals (WCC) – No objection.
- 2.19 Natural England – No comment to make on the application.
- 2.20 Stourport Civic Society – No comments received.
- 2.21 Central Networks – No comments received.

Neighbour/Site and Press Notice Representations

- 2.22 A total of 103 representations have been received, with 16 objections (including objections from Tesco and Lidl) and 87 representations in support.

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Supporters have referred to the following matters in support of the application:

- Regeneration of vacant brownfield site.
- More accessible store for local people.
- Job creation on site, and through construction phase, and in the supply chain.
- Offers more choice for shoppers.
- New store built to better environmental standards will reduce Aldi's carbon footprint.
- Multi-million-pound investment in Stourport.

The reasons for the objections made by third parties are summarised as follows, with many highways safety/traffic congestion related concerns:

- Increased volume of traffic on already congested Worcester Road.
- Adverse impact upon the wider highway network in and around Stourport.
- Increased risk to highway safety, especially at Santa Maria Way and Discovery Road junctions.
- Adverse impact upon emergency services vehicles due to queuing traffic.
- Inadequate access/egress to serve the development.
- Need for traffic management measures in the vicinity of the site.
- Pedestrian unfriendly site layout.
- Increased pollution, noise and emissions from increased traffic.
- Heavy reliance upon car use to visit the store.
- Lack of need for another out-of-town supermarket.
- Detrimental impact upon Stourport town centre.
- Increased litter and discarded shopping trolleys.
(Officer comment: This would be an operational matter for Aldi).
- Potential anti-social behaviour on car park outside store opening hours.
(Officer comment: This would be an operational matter for the Aldi).
- Adverse impact upon health and amenities of local residents.
- Adverse impact upon future residents of the Parsons Chain site residential redevelopment.
- Adverse impact upon protected wildlife species.

In addition to third party objections, as indicated above, separate letters of objection have been submitted on behalf of Tesco Stores Ltd and Lidl Great Britain Ltd who, as Members will be aware, both have existing stores in "edge of centre" locations in Stourport-on-Severn. Their respective objections are summarised as follows:

Lidl Great Britain Ltd (hereafter referred to as Lidl GBL) objects on the following grounds:

- The application site is located within an employment allocation as defined in the adopted Wyre Forest District Local Plan (April 2022) and the application does not meet the tests for loss of employment land set out in Policy DM.9 (Economic Development).
- The proposed development would have an adverse impact on the delivery of the adjacent housing and care home allocation (i.e., the Parsons Chain site).

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- There is insufficient evidence to demonstrate that the development accords with Policy SP.27 'Transport and Accessibility' (of the Local Plan) in terms of road safety issues.

It is also suggested that should the Council be minded approving the current application, then the proposed employment development (which is currently submitted in outline only) should be developed prior to the occupation of the Aldi food store.

Tesco Stores Ltd (hereafter referred to as Tesco SL) objects on the following grounds:

- Inadequate Sequential Assessment and failure to assess other specific sites in Stourport as well as provide sufficient information with regard the town centre Co-Op store.
- Harmful impact upon the vitality and viability of Stourport Town Centre.
- Loss of employment land contrary to Policy DM.9 (Economic Development) of the Local Plan, and lack of evidence to demonstrate that the site is unviable for employment uses.

In addition, further representations have been sent on behalf of Tesco SL with particular regard to town centre viability and the sequential test.

3.0 Site Location and Description

- 3.1 The application site is located on the east side of the A4025 Worcester Road, Stourport-on-Severn, approximately 200m to the south of junction with the A4025/B4193 (Hartlebury Road) and the associated 3-arm roundabout.
- 3.2 With an approximate area of 1.4 hectares, the application site consists of a vacant warehouse/industrial premises, known as Minerva Point, with associated offices, car parking, and dedicated site access. The most recent use of the premises was as a business continuity centre with a limited number of employees on site. As indicated above (at Paragraph 1.1 of this report) limitations as to the use of the premises were imposed (by previous planning condition) and appear to remove any ability to convert the premises to any alternative employment use without first securing planning permission.
- 3.3 The site is bounded to the north by the former Parsons Chain site, which has an extant planning permission for residential redevelopment as summarised above (ref: 21/1064/HYB); to the east lies rising ground featuring woodland and vegetation which was a former railway embankment which now acts as an effective, and locally valued, wildlife corridor; immediately to the south is a large operational electricity sub-station; and, to the west, the A4025 Worcester Road which passes to the front of the site, north-to-south.
- 3.4 Members are advised that the application site forms part of a wider existing employment area and is thereby subject to Policy SP.17 'A Diverse Economy', as indicated on the Policies Map within the adopted Wyre Forest Local Plan (April 2022). The employment area includes the adjacent electricity sub-station to the south, which remains operational.

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- 3.5 In terms of access to public transport, the nearest bus stop lies immediately to the north of the site providing access to services to Stourport-on-Severn. Further bus stops on nearby Hartlebury Road provide access to services to Kidderminster.
- 3.6 The application site lies outside of the defined Stourport-on-Severn Town Centre. The site is not located within a Conservation Area. There are no listed buildings on site, nor within the vicinity of the site that might be impacted upon.
- 3.7 The site is within Flood Zone 1, as confirmed by the Environment Agency Flood Risk Map, and is not at risk from fluvial or pluvial flooding.
- 3.8 The application to be considered has been submitted as a hybrid planning application, with the component parts briefly consisting of:
- Full planning permission for the erection of retail food store (Aldi) and associated access, servicing, parking and landscaping.
 - Outline planning permission for start-up employment units. Whilst a site layout for the proposed units accompanies the planning application, that is provided purely for illustrative purposes with permission for access only being applied for under the current application, with all other considerations being the reserved matters.
- 3.9 The detailed (Full) element of the application seeks consent for a 1,786sq.m GIA (Gross Internal Area) food store, with a retail area of 1,315sq.m, and the remaining floor space providing “back of house” facilities (i.e., staff welfare; warehouse space; and plant).
- 3.10 The store will be of single storey contemporary design, with a maximum build height of 7.86m, incorporating a glazed shopfront and canopy. The west elevation includes a glazed shopfront presenting an active frontage towards Worcester Road, albeit viewed over the associated customer car park.
- 3.11 The existing site access from Worcester Road is to be widened, with a new internal roadway created to provide access to the car park and delivery yard. The access to, and associated manoeuvring space for, the delivery/service yard is separated from the customer car park, thereby avoiding any conflicts with customers when delivery vehicles arrive at/depart from the proposed store. The access road continues to the east to the proposed outline employment units.
- 3.12 The outline element of the application proposes start-up employment units, located within the easterly part of the site. As indicated above, permission is sought for access only in respect of the employment units (with appearance, landscaping, layout and scale the reserved matters), albeit that the submitted Design and Access Statement suggests a likely build height of 7.1m for these units.
- 3.13 The illustrative plan which accompanies the submission suggests a total of 928sq.m of employment space, split over 4no. units, with units A and B both of 313sq.m and units C and D both of 151sq.m GIA floor area. However, the details of design, size, appearance and actual number of the proposed units are to be confirmed at the subsequent reserved matters stage.

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3.14 In addition to the submitted, and amended, plans the hybrid application has been accompanied by a suite of supporting statements and assessments, plus additional assessments and amendments in response to consultee responses, as summarised below:

- Planning and Retail Statement.
- Design & Access Statement.
- Transport Assessment.
- Geo-Environmental Appraisal.
- Land Contamination Phase 1 Environmental Site Assessment.
- Sustainability Statement.
- Flood Risk Assessment
- Drainage Strategy.
- Arboricultural Assessment.
- Soft Landscaping Assessment.
- Noise Impact Assessment.
- Lighting Strategy.
- Health Impact Assessment.
- Landscape Proposals.
- Air Quality Assessment.
- External Lighting Details.
- Financial Viability Statement.
- Construction Method Statement.
- Preliminary Ecological Assessment and Protected Species Surveys.
- Statement of Community Involvement.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Planning Policy Context
- Principle of Development
- The Sequential Test and Retail Impact
- Design and Layout
- Access and Highway Safety
- Drainage and Flood Risk
- Impact on Neighbours
- Landscaping and Biodiversity
- Climate Change and Sustainability
- Other Matters
- Planning Balance
- Planning Obligations

POLICY CONTEXT

4.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.

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- 4.3 The Development Plan for Wyre Forest comprises the Wyre Forest District Local Plan (adopted 2022) and is supplemented by further supplementary planning documents (SPDs), which include the Planning Obligations SPD and Design Guidance SPD.
- 4.4 The National Planning Policy Framework (NPPF) represents the most up-to-date Government planning policy and is a material consideration, taken as a whole, that must be taken into account where it is relevant to a planning application. The NPPF contains a presumption in favour of sustainable development and for decision making this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c). Paragraph 12 confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but also advises that local planning authorities may take decisions that depart from the development plan where material considerations indicate that the plan should not be followed. Paragraph 47 reiterates this advice.
- 4.5 Paragraph 81 of the NPPF indicates that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. With Paragraph 82 advising that planning policies should, inter alia, be flexible enough to accommodate needs not anticipated in the plan and enable a rapid response to changes in economic circumstances.
- 4.6 Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 4.7 When considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. (Paragraph 88).
- 4.8 Further, Paragraph 90 indicates that when assessing applications for retail development outside town centres local authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold or 2,500sq.m gross floorspace if no local threshold exists. In this particular regard, Members are reminded that the Council's Local Plan Policy DM.14 sets such a local threshold of retail development in excess of 500sq.m gross floorspace. Such an assessment should assess, inter alia, the impact of the proposed development on town centre vitality and viability including local consumer choice and trade in the town centre and the wider retail catchment.
- 4.9 Paragraph 91 (NPPF) very clear states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact upon one or more of the considerations in Paragraph 90, it should be refused.

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- 4.10 Paragraph 110 of the NPPF requires new developments to be in locations that can take up appropriate opportunities to promote sustainable transport modes and to ensure that safe and suitable access to the site can be achieved for all uses. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe (Paragraph 111).
- 4.11 Paragraph 126 (NPPF) emphasises that good design is a key aspect of sustainable development and makes development acceptable in communities, whilst Paragraph 131 recognises the importance of trees in contributing to the character and quality of urban environments, and that opportunities should be taken to incorporate trees in new developments.
- 4.12 In terms of the Development Plan, the adopted Wyre Forest Local Plan, Policies SP.1 and SP.2 of the Local Plan sets out the spatial strategy for the district in directing how and where new development should be distributed. Read together, the policies provide a strategy for the distribution of development and require the scale and location of new development to take account of local circumstances and infrastructure capacity; actively managing patterns of growth so that significant development is focused upon locations which are or can be made sustainable. Policy SP.2, inter alia, encourages the effective use and re-use of accessible, available and environmentally acceptable brownfield land (principle 1c); seeks to focus most development in and adjacent to the urban areas (principle 1f); and, makes provision for windfall development proposals, which specifically includes *'convenience retail (to meet the needs of Stourport-on-Severn)'*.
- 4.13 Policy SP.5 'Role of Stourport-on-Severn and Bewdley as Market Towns' indicates that, inter alia, the following development proposals will be sought:
- *'Employment, start-up business units and commerce, to provide local employment opportunities and enhance economic viability.'*
 - *'New retail development proposals should be appropriate to the town's position in the district's settlement hierarchy.'*
- 4.14 Whilst the application site has not be formally identified or listed as an employment site allocation under Part C of the adopted Local Plan, as identified earlier in this report, the application site is located within a wider existing employment area as is identified on the adopted Local Plan Policies Map, and as such Policy SP.17 'A Diverse Local Economy' is of direct relevance to the current proposals. Paragraph 5 of Policy SP.17 indicates that: *'Land and premises within the district's existing employment areas will be reserved for B2 and B8 use classes as well as employment generating uses including Class E offices (other than professional and financial services offices), research and development and light industrial uses and, where appropriate, sui generis uses.'* Paragraph 4 (of Policy SP.17) provides support for small-scale businesses and starter units, subject to size and location considerations.
- 4.15 Policy DM.9 'Economic Development' goes hand-in-hand with the previously outlined Policy SP.17, and re-emphasises that employment sites shown on the Local Plan

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Policies Map are safeguarded for employment use (under Policy SP.17), but goes on to advise (at Paragraph 2 of Policy DM.3) that:

‘Planning permission for the change of use to alternative uses of land or buildings which are allocated for employment use (as shown on the Policies Map), or were last used for employment purposes within use class B2, B8, Class E (g) offices (other than professional and financial services offices), research and development and light industrial use will only be granted where:

- a. *A financial appraisal demonstrates that redevelopment for any employment generating use is unviable and is unlikely to achieve viability within 5 years; and*
- b. *Details are provided of active marketing of the premises / land for at least 12 months and appropriate to the prevailing market conditions; and/or*
- c. *The proposed use would be compatible with adjacent land uses and not prejudice the amenity, lawful operation, viability or future development of other businesses.’*

(Author’s emphasis)

4.16 Paragraph 3 (Policy DM.9) goes on to state that: *‘Where the above criteria (i.e. Paragraph 2a, b, c of the Policy) are met and there is no reasonable prospect of a site being used for employment use, applications for alternative uses of land or buildings will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. They must also be in accordance with other policies within this Plan.’*

4.17 Policy SP.18 ‘Town Centre Development’ adopts a similar form of words to that of the NPPF with regard the location of retail development with Paragraph 2 (Policy SP.18) stating: *‘Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.’*

4.18 Policy DM.14 ‘Edge of Centre and Out of Town Development’ is closely aligned to Paragraphs 87-91 of the NPPF with regard the Sequential Test and retail impact, and advises that:

‘1. ... Proposals for new ... edge or out-of-centre retail development in excess of 500sq.m gross floorspace will be required to submit a sequential test and an impact assessment demonstrating that there would be no adverse impact on the vitality and viability of a town centre as a whole. The Council will refuse planning permission where there is evidence that proposals are likely to have significant adverse impacts on the vitality and viability of a town centre as a whole.

2. Before out of centre sites are considered the sequential approach must demonstrate why there are no suitable or available sites within the Primary Shopping Area in the first instance and then edge of centre sites. When edge of centre and out of centre locations are considered, sites which are accessible and well connected to the town centre will be preferable.’

4.19 Policy DM.24 ‘Quality Design and Local Distinctiveness’ seeks for all development to be of a high design quality and indicates, inter alia, that: *‘(development) will need to*

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integrate effectively with its surroundings, in terms of form and function More detailed design guidance is also set out within the Council's adopted Design Guidance SPD, which is also a material consideration.

PRINCIPLE OF DEVELOPMENT

- 4.20 The application site lies within an area identified as being for employment purposes (i.e Class B2, B8 and relevant Class E uses), which does not include traditional retail uses such as that proposed within the current planning application. Policy SP.17 of the adopted Local Plan therefore applies and taken in isolation there would be a clear in principle policy objection to the current proposal for a retail store on the application site, even allowing for the consideration of the proposed employment start-up units to the rear of the site, which would see a loss in identified employment land.
- 4.21 It is important to recognise that notwithstanding this employment designation, which suggests that redevelopment of the site for traditional (B2, B8 and qualifying Class E) employment purposes would be acceptable and supported, it is the case that the current authorised use of the site is rather restricted as previously identified (at Paragraph 1.1 of this report), and is fettered by a restrictive planning condition, such that there appears to be no great flexibility or genuine scope for conversion or redevelopment for other employment purposes in the same way as the current Local Plan employment designation might suggest at first glance.
- 4.22 Notwithstanding, as has previously been highlighted, Policy SP.17 should be considered alongside Policy DM.9 of the adopted Local Plan which provides some greater flexibility for other forms of development, albeit subject to qualifying criteria. Policy DM.9 does make provision for alternative uses of land and associated non-traditional employment development subject to adherence with previously stated requirements, which warrant repeating, verbatim, at this point for the avoidance of any doubt, these being:
- a. A financial appraisal that demonstrates that redevelopment for any employment generating use is unviable and is unlikely to achieve viability within 5 years; and
 - b. Details are provided of active marketing of the premises / land for at least 12 months and appropriate to the prevailing market conditions; and/or
 - c. The proposed use would be compatible with adjacent land uses and not prejudice the amenity, lawful operation, viability or future development of other businesses. (author's emphasis)
- 4.23 It is the case that the original application submission failed to provide any financial viability appraisal details, as required under criterion a. (above), a fact highlighted by both Lidl GBL and Tesco SL, in their respective objection letters, and acknowledged by the applicant. However, subsequent to the original submission and following Officer feedback, the applicants have submitted a Financial Viability Statement (FVS), as prepared by CBRE and dated March 2023, in order to address criterion a. of Policy DM.9. The submitted FVS, inter alia, observes that there has been no meaningful interest shown in the current permitted use of the premises and considers various traditional employment reuse and redevelopment options for the site including Class B8 (Storage and Distribution) conversion; Office conversion; New Build Warehouse and Trade Counter development; and new build Office development. The FVS concludes that the costs incurred in the development of the tested employment uses

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are either in excess of the value that would be generated by the potential development upon completion, and generate negative residual land values, or where marginally positive are significantly below the expected industrial EUV (Existing Use Value) and BLV (benchmark Land Value) thresholds adopted in the Council's own most recent Local Plan Viability Assessments.

- 4.24 Furthermore, the FVS concludes that it is not expected that an industrial redevelopment of the site is likely to become viable for the foreseeable future and therefore the site has no economically viable current or future as a location for purely traditional industrial or office employment uses.
- 4.25 Your Officers have considered the evidence submitted within the FVS and have been unable to identify shortcomings in the submission nor any contradictory evidence, and as such accept the conclusions of the FVS as presented, that the site is unviable for employment development, unless underpinned by a mixed-use scheme, as is proposed. Officers therefore are of the opinion that the requirements of Policy DM.9 criterion a. are satisfied.
- 4.26 Criterion b. of Policy DM.9 requires active marketing of the site, for a minimum of 12 months. Again, both Lidl GBL and Tesco SL raise questions as to the level and extent of marketing undertaken. The Principal Planning Policy Officer indicates that active site marketing took place between July 2020 and December 2021 (a period of 17 months), which was in advance of the current planning application submission. This appears to contradict the comments of the applicants own Planning Agent in the submitted Planning and Retail Statement which suggested a lesser period of 9 months (between December 2020 and September 2021).
- 4.27 Regardless of the above comments regarding the time period for active marketing of the site, it is important to note that criteria b. and c. of Policy DM.9 are set out as "and/or" such that the Policy allows for either or both criteria to be acceptable. As such, even if the marketing of the site was for a period of 9 months rather than the 12-month period required by criterion b. (which appears unclear), compliance with criterion c. (along with the above-mentioned criterion a.) would still be sufficient to satisfy the Policy DM.9 requirements.
- 4.28 Criterion c. requires development to be compatible with adjacent land uses and not prejudicial to amenity, lawful operation, viability or future development of other businesses. In this regard, your Officers are satisfied that the proposed development would not prejudice or otherwise be of detriment to adjoining or nearby commercial sites. Further specific commentary with regard any impact upon the amenity of existing, and in particular future residents of the approved former Parsons Chain residential site are set out elsewhere in this report, and your Officers are of the view that the development would not result in harm to the amenity or viability of adjacent land uses and therefore meets criteria c.
- 4.29 In light of this, and notwithstanding the identified Local Plan employment designation of the site and the relevance of Policy SP.17, it is Officers' opinion that the application as submitted, and the accompanying evidence, satisfies the requirements of Policy DM.9, with particular reference to criteria a. to c.

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- 4.30 The proposed development would also retain part of the site for start-up employment units (totalling 928 sqm (GIA) for Class B2/B8/E (g) use and the proposed food store would serve a residential catchment within Stourport which is expanding following the approval of the adjoining former Parsons Chain Factory site for residential, thereby, encouraging shorter car journeys to access daily/weekly food shops. The proposed food store would also generate 40 equivalent full time job opportunities as well as new job opportunities that would be created as part of the proposed start up employment units.
- 4.31 As such the principle of the development on this site is accepted, albeit that as per Paragraph 3 of Policy DM.3, the development must also be found to accord with other policies of the Local Plan, not least of which being Policies SP.18 and DM.14 with regard Stourport Town Centre vitality and viability, and the sequential test, and the corresponding paragraphs of the NPPF (Paragraphs 87-91). Such matters are considered in detail as follows below.

THE SEQUENTIAL TEST AND RETAIL IMPACT

- 4.32 In terms of the sequential test, the NPPG provides a useful and clear summary as to what constitutes the “Sequential Test”, which reads as follows:

‘The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan making and decision-taking.’

- 4.33 The NPPG goes on to confirm that: *“It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission)....The application of the test will need to be proportionate and appropriate for the given proposal.”*
- 4.34 The NPPG also includes a checklist of considerations that should be taken into account in determining whether a proposal satisfies the sequential test, which reads as follows (verbatim):
- *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.*
 - *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
 - *if there are no suitable sequentially preferable locations, the sequential test is passed.*

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- 4.35 The NPPG further advises that: *“In line with paragraph 86 of the (NPPF), only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.”*
- 4.36 The applicants have undertaken a Sequential Test as contained within the originally submitted Planning and Retail Statement, and supplemented by additional commentary in direct response to Officer requests for clarification as well as the objections raised by Lidl GBL and Tesco SL. In applying the “Sequential Test”, the applicants have stressed the nature of the proposed development – namely a retail development for a discount A1 food-store. In considering potential sequentially preferable sites, the format and scale of development has been considered, as too has any scope for disaggregation of the scheme. Furthermore, a flexible and proportionate approach to the amount of floorspace and associated space (for servicing, car parking, etc) has been adopted.
- 4.37 Furthermore, in considering sites the applicants have applied the “Dundee” principle. The “Dundee” principle emanates from a Supreme Court judgement in March 2012 which related to an appeal by Tesco Stores Limited in Scotland, against a planning permission granted to Asda and MacDonald estates on a site in Dundee. The case considered the application of the “Sequential Test” and the meaning of “suitable” in relation to need and alternative sites, and in the Judgement, it was held that “suitable” means *“suitable for the development proposed by the applicant”*, subject to flexibility and realism being shown by the developer.
- 4.38 The “Dundee” principle has been referenced in subsequent appeal cases, with the Secretary of State’s appeal decision in June 2014 (LXB RP Rushden Limited) clarifying further when he states that he *“expressly rejected the notion that “suitable” means that one should alter or reduce the proposal so as to fit onto an alternative site”*. This decision also confirms that: *“if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach”* and that, *“the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site”*.
- 4.39 The applicants maintain that the application of the sequential test must have regard to the occupier’s business characteristics. In this case, it is indicated that for a discount food store such as Aldi potential alternative sites would require the following minimum requirements:
- A minimum site size of 0.6 hectares (subject to configuration), but wherever possible Aldi would seek to construct stores of approximately 1,850sq.m GIA and served by at least 100 car parking spaces, which would normally require a site of at least 0.8 hectares in size.

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- A site with level/flat topography, or the ability to be developed as such, to deliver a single storey unrestricted sales floor.
- Direct and/or easy vehicular access onto the main road network.
- The store needs to be visible from the main road network.

4.40 In considering alternative sites, the applicants have assessed them against the following parameters: Availability; Suitability; and Viability. The alternative sites originally considered, and the applicant's summarised comments, are:

1. Tan Lane – *At just 0.27 hectares, the site is too small to accommodate Aldi's internal floorspace requirements as well as associated parking. The site is not currently being marketed. The conclusion is that the site is unavailable, unsuitable and unviable.*
2. Swan Hotel and Working Men's Club – *At 1.52 hectares is larger than required. The site features multiple occupants, including the working men's club and bowling club, with Local Plan policies seeking to retain such social and leisure clubs, which in turn would leave the remaining available site area too small to accommodate an Aldi food store. The conclusion is that the site is unavailable, unsuitable and unviable.*
3. Vale Road – *The site is that of the former caravan sales site, virtually opposite the Lidl store. At 0.26 hectares, the site is too small. Aldi claim to have looked into acquiring an adjoining property to increase the size of the site, but this was found not to be available. The conclusion is that the site is unavailable, unsuitable and unviable.*

(Officer comment – Members will be aware that the Vale Road site has since been developed for new housing).

4. County Buildings – *The site has not been marketed and is considered too small (at 0.55 hectares) to accommodate an Aldi food store, with the site also irregularly shaped and on a partial slope. The site is allocated in the Local Plan for residential and community purposes and as such retail development is not considered appropriate. The conclusion is that the site is unavailable, unsuitable and unviable*

(Officer comment – Fisher German confirmed by email on 6.09.2023 that the sale of the County Buildings site has been agreed but not completed, as it is all subject to planning. For this reason, the site is not available and would not be suitable for a food store given that it is allocated for residential development within the Local Plan)

5. Co-Op Store, Lombard Street – *The site measures around 0.86 hectares and irregularly shaped. Lombard Street is one way, with access to the store is awkward for car borne shoppers, via Vernon Road and Tan Lane. There is no main road presence, as is required. At some 2,660sq.m gross floor area, the existing store is larger than is required. A redevelopment rather than refurbishment of the Co-Op site would be most likely, if the site were available. Whilst the Co-op store continues to trade, the store is expected to close at the end of 2023. The site is in the process of being acquired by a developer who intends to repurpose the existing*

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store to accommodate a mix of tenants (through subdivision of the unit). Whilst not yet completed, the sale of the site is at an advanced stage. There is an in-store pharmacy which has a safeguarding clause in its lease to the effect that it requires 12 months' notice to exit post closure of the Co-op. Vacant possession of the site is therefore unlikely to be achieved until January 2025 at the earliest (assuming closure of the store at the end of 2023). On the basis of the above, in the unlikely event that ALDI could secure a contractual position on the site, it would not be available to occupy until January 2025 at the earliest. As the current Co-op site configuration does not suit ALDI's operational requirements, planning permission would be required, with construction works taking further months to complete post vacant possession. It is therefore unlikely that a new ALDI store on this site would be open for trade before mid-2026 at the earliest. This timescale would fall considerably behind the expected opening of an ALDI at the application site, which is currently vacant and ready for development (post demolition) to accommodate a store opening in Q4 2024. In summary, the Co-op site cannot be regarded as being available within a 'reasonable period' (the policy test) when compared with the delivery of an ALDI store on the application site.

6. Wilden – *Highly unsustainable location and some distance from Stourport town centre. The conclusion is that the site is unsuitable and unviable.*
7. Areley Common – *The conclusion is that the site is unsuitable.*
8. Queens Road, Areley Kings – *This is a small parade of retail shops, with flats above, in a residential area. The site is unsustainable and too small to accommodate a new Aldi food store and some distance from Stourport town centre. The conclusion is that the site is unsuitable and unviable.*

4.41 Subsequently, and in response to both Officer comments as well as objections submitted by both Lidl GBL and Tesco SL, further submissions were received by the applicants with particular regard the Co-Op Store site and 2 additional alternative sites, namely those at Worcester Road Motors and Cheapside/Discovery Road. Taking these additional sites in turn the applicant's comment:

9. Worcester Road Motors – *The site is in part allocated for residential development with the residual land not large enough to accommodate an Aldi food store and associated car parking. The conclusion is that the site is unsuitable and unviable.*
10. Cheapside/Discovery Road – *The site is allocated for mixed residential and/or business and commercial development. Redevelopment of the site requires the retention of designated Heritage Assets and the provision of new green infrastructure. The preferred uses and constraints are such that the site cannot accommodate a food store as proposed. The conclusion is that the site is unavailable, unsuitable and unviable.*

(Officer comment – The site is allocated for mixed use residential/business and commercial purposes under Policy SA.S1 of the adopted Local Plan and is not considered suitable for the proposed predominantly retail based development).

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- 4.42 To assist with the consideration of Sequential Test, as well as Retail Impact, the Council has sought advice from an independent retail planning consultancy, CPW Planning (hereafter referred to as CPW) who provided a substantive response in August 2022.
- 4.43 At that time, in considering the above listed 10 alternative sites, CPW confirmed that they largely agree with of the applicant's comments made regarding the alternative sites in terms of availability, suitability and viability. Officers are in agreement with these conclusions.
- 4.44 Tesco SL's 2nd letter, dated 8 March 2023, raises further comments regarding the adequacy of the Sequential Test, and focuses primarily on matters of "flexibility" and the requirements of Paragraph 88 of the NPPF to ensure that "... opportunities to utilise suitable town centre or edge of centre sites are fully explored" (Tesco SL's emphasis), and in doing so reference sites applications by Aldi on sites in the London Borough of Bromley and Elmbridge Borough Council with regard the flexibility shown in those cases with regard parking provision and store layout/format.
- 4.45 Whilst Officers should not reasonably be expected to be familiar with these cases, they have looked into those two examples cited by Tesco SL and found that in terms of the site in Bromley, the application referred to was actually refused on, inter alia, design issues. On the matter of the Elmbridge site, the application reference quoted by Tesco SL appears incorrect. Nevertheless, via other sources, Officers have established that the proposed two storey store referred to was refused, and recently dismissed on appeal.
- 4.46 Regardless of Tesco SL's assertions with regard flexibility in relation to the County Buildings site, as previously indicated, given the residential allocation within the adopted Local Plan and Officers' desire to secure such a form of development, the comments submitted regarding the County Buildings site and the potential for a flexible form of Aldi store whilst noted do not sway Officers consideration, and dismissal of this site as a suitable or favoured site for retail development.
- 4.47 Your Officers have also considered the Bridge Street Basin site, firstly the extent of the site as referred to in the Bridge Street Basins Link Development Brief which shows the site to be 0.44ha in size, however, this includes five commercial units and four first floor flats between Nos. 4 and 8 Bridge Street which would need to be demolished to facilitate the proposed food store. In respect of the Bridge Street car park site (approximately 0.2ha) this would be insufficient in size to accommodate a Aldi food store that requires a site area of at least 0.6ha.
- 4.48 Overall, there is no evidence to suggest that there are sequentially preferable sites within, or on the edge of Stourport Town Centre that are available, suitable or viable for a food store development. Your Officers also consider that the application site is suitable in terms of location to serve a walk-in catchment area.
- 4.49 Moving next to consideration on the retail impact of Stourport-on-Severn. Your Officers are not aware of any planned town centre investment. It is thus necessary to consider whether the identified level of impact is likely to be significant and adverse in terms of the town centre's vitality and viability. The NPPG advises that this needs to be

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examined within the context of the existing conditions and health of the centre in question. This is not necessarily just whether shops would permanently close but also whether the choice and variety of offer would be maintained and whether the town centre would continue to function as an attractive shopping destination.

- 4.50 Within the 'Retail and Commercial Leisure Needs Study' (dated May 2016) which was commissioned by the Council as part of the evidence base for the Local Plan it was concluded that Stourport-on-Severn is a vital and viable town centre which serves and supports its local population's shopping and service needs satisfactorily.
- 4.51 Your Officers consider that it is an attractive market town which is designated as a conservation area and contains a number of listed buildings. However, it is noted that the proportion of vacant units is quite high however, this is not uncommon and is evident in a number of high streets across the country due to an increase in online shopping and following the Covid-19 pandemic. The town centre is popular with visitors and there are a number of tourist attraction shops and venues in the town centre, as well as other independent shops. The Co-op food store at Lombard Street is not within the Primary Shopping Frontage (PSF) as defined on the LP Proposals Map and so technically "edge of centre". The existing Tesco and Lidl stores are also "edge of centre". As such, it is considered that people who visit the town centre are doing so for many reasons other than main food shopping.
- 4.52 The impact on Stourport Town Centre has been examined exhaustively by the applicant's retail consultant and by the Council's consultant (CPW) in its Independent Review. CPW concluded that Aldi's forecast trading impact on the town centre in 2025 (estimated at 6.7%) is unlikely to have a significant adverse impact on its vitality and viability.
- 4.53 In the event that the Co-op store closes (for reasons unrelated to the Aldi proposal), whilst the trading impact is likely to increase in the town centre (estimated at 9.2% in 2025 by CPW), the town centre will continue to be a vital and viable town centre.
- 4.54 In terms of issue of linked trips (i.e., where following a visit to the proposed food store, customers would also visit the Town Centre to access other shops and/or services, for other shopping), Officers are mindful that this was a particular issue of concern at the time of the condition of the existing Tesco Store development in 2007/08. In this regard, the applicant's agent has submitted data which it claims would actually result in a small net increase in linked trips to the town centre. The data is based upon GPS mobile location data, which provides information on linked trips made by customers to the existing edge-of-centre Tesco and Lidl stores to the Town Centre within a two-hour period.
- 4.55 The applicant's data indicates that:
- 34% of Tesco customers link trips with stores / services in the Primary Shopping Area (PSA), either on foot or by car, within 2 hours of visiting the Tesco store.
 - 40% of Lidl customers link trips with stores / services in the PSA, either on foot or by car, within 2 hours of visiting the Lidl store.
 - A benchmark assessment of linked trips from 413 Aldi stores across the UK to the nearest respective retail centre reveals that the proposed Aldi location at

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Minerva Point (c. 550 metres from the PSA) would be expected to generate 27% linked trips with the town centre (either by foot or by car) when compared with Aldi stores at a similar distance from a town centre across the country.

- 4.56 On this basis, the applicants claim that whilst the proposed Aldi store may result in a loss of some linked trips from the edge-of-centre Tesco and Lidl stores to the town centre, the location of the new Aldi store at Minerva Point is expected to generate 27% linked trips with the town centre, which when factoring in the forecast impact levels on the Tesco and Lidl stores would result in 3% net increase in linked trips to the town centre as a result of the application proposal.
- 4.57 Although the Aldi store would provide shoppers with more choice and reasons to undertake food shopping outside of the town centre, it will draw proportionally more trade from the edge-of-centre Tesco and Lidl stores. Whilst analysis submitted by the applicant has demonstrated that this is unlikely to result in a reduction in linked trips to the town centre, it is apparent from the Independent Review that the Council's retail consultant does not have concerns about the loss of linked trips arising from the Aldi proposal. CPW concludes there is no evidence to suggest that the Aldi proposal would have a significant adverse impact on the vitality and viability of Stourport-on-Severn town centre.
- 4.58 Your Officers are content that the requirements of Policy DM.14 are satisfied, which makes provision for out-of-centre retail development of the scale proposed where, as in this case, it is demonstrated that the vitality and viability of the town centre would not be adversely impacted. There is also no evidence to suggest that people would not continue to visit the town centre even though this may be by car or a separate trip. Overall, your Officers do not consider that there would be a significant adverse impact on the health, vitality or retail function of Stourport-on-Severn town centre.

DESIGN AND LAYOUT

- 4.59 Policy DM.24 of the adopted Local Plan, read alongside the Design Guidance SPD, stresses the need for design quality, not only in terms of the physical appearance of the development but also in terms of maximising opportunities for landscaping and biodiversity gain, as well as delivering well designed car parking solutions. Policy DM.24 sets out a series of factors which are to be considered when assessing the acceptability of a development, not all of which are of relevance to this particular proposal. The Policy also references the Council's Design Quality SPD which has 3 overarching objectives, namely:
- Securing High Quality Design
 - Creating and Reinforcing Local Distinctiveness
 - Protecting and Establishing Landscape Character.
- 4.60 Paragraphs 3.41 and 3.42 of the Design Guidance SPD set out specific "Design Principles for Commercial Development" (which specifically includes retail development) whilst first acknowledging that: "... *there are a number of design challenges that can drive this development type; these include the need for large floor areas, provision of substantial car parking, a cost effective build and the free standing nature of such buildings.*"

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- 4.61 The proposed Aldi store is to be sited roughly midway along the northern boundary of the application site, with the store frontage along the western elevation, facing out towards Worcester Road, over the majority of the customer car park. A smaller section of customer parking is positioned alongside the southern elevation of the store. All customer parking is separated from the servicing and delivery yard, which has its own access point beyond the customer car park entrance.
- 4.62 The retail store is single storey, with a sloping roof (falling from south to north), with a maximum height of 7.86m to the south, and minimum height of 4.98m to the north. The proposed facing materials are taken from the Aldi corporate palette of materials and consist of red brick and silver/grey cladding, with matching doors and window frames. The store frontage is along the western elevation and features a predominance of clear glazing, which also wraps around the corner to the southern elevation which helps clearly define the store entrance. Thereafter, high level glazing continues along the southern elevation coinciding with the retail/customer area, with red brick below and the grey cladding above. The silver/grey cladding extends onto the roof also. This is a simple; familiar; functional; but at the same time quality store design, which allows high levels of natural light penetration into the store.
- 4.63 The 'back of house' facilities, including welfare and warehouse, are positioned along the northern side of the store. With the exception of necessary emergency exit doorways, there are no openings proposed along the northern elevation, which faces towards the Parsons Chain residential site, separated only by a gated pedestrian walkway serving the aforementioned emergency exits. Towards the north-west corner of the store, the walkway is proposed to link to a pedestrian route from the Parsons Chain site, to serve future occupiers of that residential development.
- 4.64 The service yard and delivery bay are accessed at the southeast end of the Aldi site, and includes a staff parking area as well as sufficient manoeuvring space for HGVs to ensure that they can exit in a forward gear. Whilst the store warehouse is located along the rear (north) elevation of the building, the loading bay faces inwards and away from the boundary and the dwellings that have previously been approved on the former Parsons Chain site. The building itself will act as an effective visual and acoustic screen.
- 4.65 The customer car park consists of a total of 122 parking bays which includes 4no. Electric Vehicle (EV) charging bays, and also allocates a further 18no, parking bays for potential future EV bays, subject to future demands; 7no. disability parking bays; 6no. parent/child spaces. Customer cycle stands are to be provided also. No separate motorcycle bays are proposed, rather motorcyclists will be free to use car parking spaces.
- 4.66 The northern boundary of the customer car park would be positioned along the boundary with the outline element of the previously approved Parson Chain development, which could be either a residential care home or accommodate a further 16no dwellings. No detailed development layout is available to consider in terms of detailed potential impacts, but it is considered that the siting of the customer car park in this proximity is the only logical and sensible option, which would not prejudice the

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development of the land adjacent to the north, for either of the previously approved options.

- 4.67 The car park will be landscaped primarily along the north, west and south edges. Further landscaping is proposed along the eastern edge of the Aldi store site, beyond which would lie the proposed employment. A landscaped area is also proposed along the southern side of the access road.
- 4.68 Whilst an illustrative masterplan layout has been submitted, which suggests how the proposed employment units would be laid out, Members are reminded that in terms of the employment development only outline consent is sought under this application, with only the means of access to be considered, which is via the single access road which will run straight into the proposed employment site area. That being the case, there is little to be said at this stage with regard the design and layout of the employment units, other than to comment that based upon the masterplan layout, the rear of the proposed units would back onto the rear of residential dwellings, as well as the side elevation on the end dwelling.
- 4.69 Officers are satisfied that the development as proposed is acceptable in design terms, bearing in mind the design challenges of a freestanding retail/employment development site such as this. The siting of the store is appropriately positioned, and the car parking and servicing arrangements that flow from the store siting are acceptable. The palette of facing materials is appropriate, the simple yet effective design of the Aldi store is supported. Officers therefore consider that the application accords with Policies SP.20 and DM.24 of the adopted Local Plan and the design aspirations and expectations of Section 12 of the NPPF.

ACCESS AND HIGHWAY SAFETY

- 4.70 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.
- 4.71 The access to the development site is proposed via the existing, albeit enhanced, vehicular access which serves the existing Minerva Point site, which will serve both the retail development and the employment units beyond. Pedestrian refuges and tactile paving are proposed on Worcester Road, with right turn filter lanes to serve both the application site and Santa Maria Way, which are to be welcomed in terms of both pedestrian safety and also ensuring that the flow of traffic is unhindered. The level of customer car parking has been summarised previously, with a total of 122 spaces, accessed from the shared access road, and separated from the service yard and the employment parking to serve the proposed units at the rear (east) end of the site. The level of parking and the overall layout is found to be acceptable.
- 4.72 Matters of access, highway safety and the impact upon the traffic flow along Worcester Road have been subject to significant levels of scrutiny by the Highway Authority throughout the determination of the application, who have made requests for additional and supplemental information to the originally submitted Transport Assessment.

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- 4.73 Members are advised that whilst the Highway Authority had previously advised deferral in earlier responses due to insufficient information having previously been provided, they have now confirmed that all previous matters have been positively resolved and that all matters have now been satisfactorily addressed and that there are no objections.
- 4.74 Officers are satisfied that the information and evidence submitted in support of the application, together with the conclusions made by the Highway Authority, that the application would not be detrimental to highway safety or capacity. The development is found to be acceptable, and in accordance with Policy SP.27 of the Local Plan and Paragraphs 110 and 111 of the NPPF. That being the case, there are no grounds to resist the development on highway safety or capacity grounds.

DRAINAGE AND FLOOD RISK

- 4.75 The entirety of the application site falls within Flood Zone 1. The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy. Whilst the site is currently served by a conventional piped drainage system, the submitted Surface Water Drainage Strategy proposes to drain the redeveloped site via infiltration. This is the preferred drainage method where ground conditions allow and preliminary testing has confirmed that the permeability of the site is sufficient for infiltration drainage, which is the preferred method in the SuDS hierarchy scheme and thereby to be welcomed.
- 4.76 The North Worcestershire Water Management (NWWM) Officer raises no objection to the development subject to conditions to secure the submitted drainage strategy and its construction. Officers concur with this view and suggest suitable conditions to this effect. In this regard, the proposed development accords with Policies SP.31 and SP.32 of the Local Plan and Paragraphs 167 and 169 of the NPPF.

IMPACT ON NEIGHBOURS

- 4.77 With the exception of a small number of residential dwellings on the opposite side of Worcester Road, the application site does not currently lie adjacent to any residential dwellings. That said, as previously identified, planning permission has been granted for a residential redevelopment of the former Parsons Chain site, which lies directly to the north of the site. The permission granted on the former Parsons Chain site (under app: 21/1064/HYB) included 15no. two storey dwellings with a north/south orientation, with their 10m deep rear gardens backing onto the current application site and facing directly out onto the rear elevation of the proposed Aldi store, with the rear boundary of these properties separated from the Aldi building only by the width of the rear walkway which forms part of the emergency escape route from the “back of house” area of the Aldi store.
- 4.78 The relationship of these proposed, but not yet built, new homes with the Minerva Point site (i.e. the current application site) was recognised at the time of the consideration of the planning application for the Parson Chain site redevelopment, with the Officer at that time commenting: *“I note that a row of properties would be situated adjacent to the tall Minerva Point building, which extends nearly the full length of the southern boundary of the site I do not consider that the harm to amenity for the prospective occupiers of these dwellings is significant to warrant a refusal of the application Any future redevelopment of Minerva Point would need to be*

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considerate of the dwellinghouses within this development, which could result in a betterment." (Paras 4.20 and 4.21 of Planning Committee report for app: 21/1064/HYB).

- 4.79 Focusing on the final comment regarding potential betterment, it is the case that the existing Minerva point building, which abuts the northern boundary of the site, occupies a significantly larger footprint than that of the proposed Aldi store and, of particular note, is a significant tall building. The current Aldi store application proposes a building height of 7.86m high to the southern elevation falling to a height of 4.98m along the rear boundary. That is to say, the building height along the boundary with the aforementioned dwellings and their associated rear gardens would be lower compared to the current situation, thereby having less of a visual presence and impact and also increasing the levels of natural sunlight into the rear gardens, particularly during the winter months when compared to the current situation. This is a clear improvement in terms of outlook for the future occupiers of these dwellings and results in a level of betterment envisaged within the previous Parsons Chain site Planning Committee report.
- 4.80 As previously identified, the Parsons Chain development included an element of "unknown" development, which was approved in outline form only and made provision for either a Residential Care Home or further C3 residential dwellings, subject to submission and approval of the reserved matters. This element of the development would be positioned adjacent the contiguous boundary with the proposed Aldi customer car park, albeit separated by new shrub and tree planting.
- 4.81 Your Officers are satisfied that the proposed development would not prejudice the future development of the outline section of the Parsons Chain site, regardless of which form of development were to come forward in due course.
- 4.82 In terms of noise impacts, the location of the service yard and delivery bay is positioned such that the Aldi building itself will screen any visual and noise impacts that might have otherwise occurred, and the future management of the store provide other controls. In this regard, as indicated earlier in this report, there are no objections from WRS in terms of noise impacts.

LANDSCAPING AND BIODIVERSITY

- 4.83 The current Minerva Point site consists mostly of hardstanding and the physical buildings thereon, and the site offers little, if anything, in the way of landscaping and/or biodiversity. The current paucity of landscape and biodiversity value the application site offers in its current form is recognised by the Council's Arboricultural Officer and Countryside and Parks Manager who both welcome the benefits of the proposed, albeit admittedly small amounts, of landscaping the development proposes, which for the most part would be located around the periphery of the customer car park serving the proposed Aldi store. Here there is an opportunity for some new tree planting, which is to be welcomed. Further landscaping is proposed along the eastern boundary of the store site adjacent the proposed employment units. Further, generally low-level landscape planting is proposed along the southern side of the access road. Suitably planning condition are suggested in order to secure the desired species mixture of trees and shrubs and the future management and maintenance of these landscape areas.

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4.84 The Countryside and Technical Services Manager has indicated that an area of buffer landscaping to the existing woodland to the east of the overall site would be necessary. That area of the site corresponds with the outline element of this hybrid application, and as such at this stage no such details have been provided, nor are necessary, with the matter of “landscape” being one of the reserved matters, and such those details will be forthcoming at a later date and can be conditioned also. The Countryside and Technical Services Manager has also requested details of lighting and how that might cast light across the woodland area, to the potential detriment of wildlife. Again, this critical area of the development site falls within the outline area of the application site, nevertheless a suitable lighting details planning can be imposed at this stage. No objection has been raised by Natural England to the application. The proposed development would therefore accord with Policies SP.23 and DM.26 of the Wyre Forest District Local Plan.

CLIMATE CHANGE AND SUSTAINABILITY

- 4.85 The submitted Planning and Retail: Design and Access: and Sustainability Statements, combine to set out Aldi’s commitments to matters of sustainability, which include at the wider level regional distribution centres to reduce road travel and the associated carbon footprint.
- 4.86 In terms of the proposed new store it is stressed that sustainability lies at the centre of the design process of the scheme, including, inter alia, minimising energy use through:
- building fabric performance.
 - air permeability and heat retention, with seals on all openings including the service bay.
 - No in-store air conditioning.
 - Reduction in energy demand through natural ventilation where possible.
 - Use of natural lighting within retail areas through use of large windows.
 - Use of low energy and efficient LED lighting.
 - Lighting maintained at one third light levels during stocking of the store outside of opening hours.
 - All internal and external lighting turned off when staff leave the store, with a power saving back-up circuit.
 - Energy recovery from waste heat generated from refrigeration system to heat the building via a low temperature hot water underfloor heating circuit.
- 4.87 Whilst no such details are provided, nor would be expected, with regard the outline elements of the application (i.e., with regard the start-up employment units) there remains scope for such detailed considerations at the reserved matters stage. The proposed food store development also includes such elements as cycle storage; new tree planting and biodiversity enhancements; EV charging facilities; and a SuDS drainage solution. Subject to conditions to secure climate change measures, the proposed development would therefore accord with Policy SP.37 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

OTHER MATTERS

- 4.88 In terms of the proposed employment start-up units within the eastern part of the overall development site, it is considered that this land use is acceptable in principle subject to a condition to restrict the uses to Use Class B2, B8 and E(g). A planning

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condition has also been attached to secure a marketing plan to be submitted and agreed with the Council and the marketing of the industrial land to have commenced prior to the first occupation of the Aldi store to ensure the delivery of the remaining part of the site for employment uses comes forward. As this part of the application is in Outline, details relating to layout, scale, appearance and landscaping would be considered as part of the subsequent reserved matters application.

PLANNING OBLIGATIONS

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

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

4.90 Through negotiation, the applicants have agreed to enter into a Section 106 Agreement to secure the following planning obligations to make the development acceptable in planning terms which meet the tests as set out in Paragraph of the NPPF and regulation 122(2) of the CIL Regulations, which are summarised as:

Highways Infrastructure

Financial contribution of **£10,000** to provide pedestrian crossing improvements on Hartlebury Road, prior to the food retail store (Aldi) being first brought into use.

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

5.0 Conclusion and Recommendations

5.1 The application site would be of a suitable location for a retail foodstore to serve a residential walk-in catchment area which is expanding following the approval of the former Parsons Chain Factory site with housing however, it is noted that the site is in an out-of-centre location. Following a comprehensive survey, which has been reviewed by an independent consultant, your Officers are of the view that there are no suitable sites for such a food store of this size either in the town centre or on its edge. There is also no evidence to suggest that the proposed food store is likely to lead to significant adverse impacts on the vitality and viability of the town centre. The remaining part of the site would be developed for start-up employment units which would retain employment uses within Use Classes B2, B8 and E(g) and accord entirely with the site allocation policy. The layout, design and scale of the food store development is considered to be acceptable and would not prejudice existing commercial uses or harm the amenity of the approved housing development and potential care home development on the adjacent site. A developer contribution has been agreed to fund highway improvement works at the nearby roundabout junction and the development is not considered to result in any severe impact on highway safety and the surrounding highway network.

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- 5.2 The proposed development has other benefits. It would provide more jobs than the previous use of the site and would regenerate a previously developed site that has remained vacant for some time. It would also offer a betterment to the adjoining housing development in terms of a lower and smaller built form than the existing Minerva Point building. The development would be a sustainable form of development and on balance would accord with the Wyre Forest District Local Plan.
- 5.3 The application is therefore recommended for **DELEGATED APPROVAL** subject to:
- a. the signing of the S.106 Agreement
 - b. the following planning conditions
 1. 3-year time limit for the food store development to commence
 2. 3-year time limit for commencement of the outline development or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later
 3. Details of Reserved Matters to be submitted
 4. Marketing Plan to be submitted for the start-up employment units prior to the commencement of the food store development
 5. Details of external materials, including hard surfacing, for the food store
 6. Details of unadopted footpath links to the former Parsons Chain Factory site
 7. Details of soft landscaping for the food store
 8. Implementation of the landscaping scheme
 9. Details and implementation of the Biodiversity Net Gain measures for each phase of development
 10. Cycle storage details for the start-up employment units
 11. Refuse storage details for the food store
 12. No outdoor storage of any materials or goods or machinery
 13. Details of boundary treatment for each phase of development
 14. No roof plant shall be installed without written approval of the local planning authority
 15. Details of a defibrillator
 16. Details of any height barrier to be installed to the internal access road
 17. Details of external lighting strategy for each phase of development
 18. Details of non-renewable and or low carbon energy sources for the food store
 19. Hours of use of the start-up units shall be between 0800 and 1800 Monday to Saturday and no operation on Sundays including Bank Holidays
 20. Programme of archaeological work for the entire site or for each phase of development
 21. Implementation of agreed programme of archaeological work
 22. A landscaping buffer shall be provided to the adjacent woodland which lies northeast of the site as part of the reserved matters application for the start-up units
 23. Construction Environment Management Plan (Biodiversity) for each phase of development
 24. All vegetation clearance to be undertaken outside of bird nesting season
 25. A walkover badger survey to be undertaken for the site or for each phase of development
 26. Landscape and Ecological Management Plan (LEMP)

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27. Details of finished site and floor levels for each phase of development
28. Details of the extent, height, construction and surface density of the recommended 2.8m high close-boarded timber fence, to be provided on the north and east sides of the plant area of the food store
29. Drainage plans for the disposal of foul and surface water flows for each phase of development
30. Details of CCTV provision for the food store car park
31. Development to accord with the Arboricultural Assessment, especially the location of the tree protective fencing as detailed on plan RSE_5002_TPP (V1)
32. Development to accord with the BWB; Aldi Stores Limited, Aldi Minerva Point, Worcester Road, Stourport-on-Severn. Air Quality Assessment; Report ref: AMP-BWB-ZZ-ZZ-RP-LA-0001_AQA; Dated: 25/04/2022, especially the implementation of the dust mitigation measures to be installed, in accordance with IAQM guidance.
33. Detail of any import of soil and soil forming materials
34. Reporting of Unexpected Contamination
35. A detailed scheme for the site access works at the A4025 Worcester Road
36. A surface water management strategy for each phase of development
37. The food retail store hereby permitted shall not be brought into use until 125no. car parking spaces have been provided within the associated car park comprising 122no. customer car parking spaces (7no. of which are to be designated accessibility/blue badge holder spaces) and 3no. staff car parking spaces
38. The food retail store hereby permitted shall not be brought into use until 16no. sheltered and secure cycle parking spaces
39. The food retail store hereby permitted shall not be brought into use until 4no active and 18no passive electric vehicle charging spaces have been provided within the associated car park
40. Parking Monitoring and Management Plan for the foodstore
41. Operational Management Strategy for Service and Delivery Heavy Goods Vehicles
42. Construction Traffic Management Plan (Highways) for each phase of development
43. Travel Plan for each phase of development
44. Street Lighting

Notes

- a. S106 Agreement
- b. Alteration of highway to provide new or amended vehicle crossover
- c. Section 278 Agreement
- d. Section 38 Agreement Details
- e. Drainage Details for Section 38
- f. No Drainage to Discharge to Highway
- g. Protection of Visibility Splays
- h. Extraordinary Maintenance
- i. Works adjoining highway
- j. Construction Environmental Management Plan (CEMP)

PART B

Application Reference:	22/0916/FUL & 17/0001/OUTL	Date Received	12.12.2022
Ord Sheet:	375330 274100	Expiry Date:	13.03.2023
Case Officer	Sally Horne	Ward:	Bewdley And Rock

Proposal: Partial Demolition of Light Industrial Units and Construction of 21 Dwellings

Site Address: Land At Os 375330 274100, Long Bank, Bewdley, Worcestershire, ,

Applicant: L Frost

Summary of Policy	SP.1, SP.2, SP.6, SP.11, SP.17, SP.27, SP.30, SP.31, SP.32, SP.33, DM.9, DM.10, DM.22, DM.24 of the Wyre Forest District Local Plan National Planning Policy Framework National Planning Practice Guidance
Recommendation	REFUSAL
Reason for Referral to Committee	‘Major’ Application

1.0 Planning History

1.1 17/0001/OUTL – Residential development for up to 21 dwellings. Planning Committee resolved to approve the application subject to the completion of the Section 106 Agreement and conditions on 15 November 2017: Awaiting the completion of the Section 106 Agreement.

[Officer comment - The Section 106 has not been completed and due to the adoption of the 2016-2036 Local Plan, the planning obligations previously agreed no longer accord with the up-to-date Local Plan. Therefore, alongside the current application 22/0916/FUL, the Planning Committee are being asked to also refuse 17/0001/OUTL, due to non-completion of the s106]

2.0 Consultee Comments

2.1 Rock Parish Council - Recommend approval subject to the previously agreed considerations as follows;

- Access to the site off Long Bank between the Business Park and Lye Head Road is a major concern. Long Bank has a speed limit of 60mph until shortly before the Duke William Public House. There have been a number of rear shunts resulting from vehicles entering the Wyre Forest Visitors Centre just along the road to the

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- west side of the site. A filter lane travelling west along the A456 should be considered into the Forestry Centre if the current access to the site is to be used
- A Speed Limit Reduction should be considered from the Boundary of Bewdley towards the Callow Hill parish sign
- Sustainability needs to be considered
- Consideration should be given to WFDC's Parish Council Housing Needs Survey
- A detailed Environmental Survey regarding the site species and trees needs considering
- An agreed section 106 agreement towards the Parish Council's Play Facilities around the Parish be included
- The developer should provide a Bus Shelter to the size and specifications used for the shelters at The Royal Forrester and Bliss Gate

2.2 North Worcestershire Water Management Officer - Since my initial deferral, further information has been submitted, however, it is not clear to me whether a discharge is proposed to a watercourse (as ticked on the application form) or to a sewer (as noted on drawing 22-255-01). As an attenuated discharge can only be considered once infiltration has been ruled out first, it is disappointing to read in the ground investigation report that permeability testing has actually not yet been undertaken. I would prefer if ground investigation could be undertaken now. If that is not possible, a drainage strategy detailing two options (preferred option: infiltration; fall-back option an attenuated discharge...) can be agreed, with the submission of the permeability test results and detailed design conditioned.

Calculations have been submitted to demonstrate that 180 m³ of storage will be required to limit discharge from the site to 5l/s for events up to 1 in 100 year + 40% climate change allowance. As there are products on the market that can safely limit discharge rates further, we do not automatically accept a minimum discharge of 5l/s. In line with national and council policy (including the non statutory technical standards for SuDS, Defra) we would want to see discharge rates reduced to greenfield runoff levels as close as reasonably possible. In line with council policy an urban creep factor will also need to be included.

In line with council policy the use of green, aboveground SuDS is preferred rather than the currently proposed engineered, underground attenuation tank. Details of future maintenance responsibilities could be conditioned providing the asset is under communal areas (rather than private gardens etc).

We will also need to gain a better understanding of the proposed discharge route and whether third party agreement will be required for the proposed discharge. If third part agreement is required then we ask for in principle approval to be included, so we can feel certain that the proposed drainage scheme can be installed.

Finally, the information currently submitted does not touch upon the water quality treatment provided prior to discharge. An assessment will need to be undertaken, for which the simple index approach included in Ciria's SuDS manual can be used. This is to ensure that the discharge from the site will not negatively impact upon the receiving water environment.

Given that this is a major application, this application should be accompanied by a comprehensive drainage strategy, and it is my view that the drawings and calculations currently submitted are insufficient as not all topics are covered and the rationale / justification the proposed surface water drainage scheme is missing. Based upon the current submission I cannot assess whether the proposed method of surface water

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drainage is in line with the non-statutory technical standards for SuDS, the NPPF and the Council's own water and flood risk related policies. I therefore believe that determination of this application should be deferred.

2.3 Highways Authority – Defer comment and request further information to be submitted.

The proposed development of 21 dwellings is located on Long Bank (A456) which is heavily trafficked, primary route and part of the Major Road Network (MRN) and full compliance with highway standards is required. However, the applicant has failed to provide sufficient transport related information to enable the Highway Authority to make a formal assessment and the following details are therefore required in the form of a comprehensive Transport Statement with detailed revised plans, for the Highway Authority to consider.

Firstly, visibility splays at the proposed access must be shown in full, to the kerb line in both directions and must be commensurate with 85th percentile speeds which are likely to be high given the straightness of the road and the national speed limit of 60 mph in this location. A speed survey will be necessary, and all data collected should be shared with the Highway Authority.

Personal injury accident data will also be required and because a new access represents the introduction of an additional point of potential conflict, a change to the speed limit with associated signage and / or the introduction of a traffic regulation order (TRO) may also be necessary. Accordingly, a Road Safety Audit (RSA Stage 1 and 2) should be undertaken to inform the extent of highway measures required.

Works in the highway to facilitate access must be carried out via a Section 278 Agreement with the Highway Authority and precise details of the highway limits in this location must be demonstrated, no additional land will be included. It is noted that a separate pedestrian footpath is proposed at the access nonetheless, pedestrian facilities are required to link into the existing footway network to ensure meaningful connectivity to include tactile paving and it is further noted that the proposed pedestrian footpath is in the opposite direction from the bus stop.

Furthermore, a comprehensive swept path analysis to include junction tracking, needs to be undertaken to ensure that 2 large vehicles can pass simultaneously, and the junction radii will need to be amended. Within the site, it must be demonstrated that the turning manoeuvres are achievable for the largest vehicle accessing the site.

However, the position of the gates as shown, would result in large delivery vehicles and refuge vehicles overhanging the public highway which represents a safety issue and the provision of the entrance gates within the scheme will preclude the adoption of the internal layout. It is recommended that the gates are removed.

The internal layout of the site is also required to comply with standards in the Streetscape Design Guide (2022) whether or not the development will be put forwards for adoption by the Highway Authority and the Local Residential Streets design criteria are applicable. The layout should achieve a design speed of 15 mph with no vertical alignment speed measures and details of any lighting scheme must also be included. A revised site plan should be fully dimensioned.

Residential parking per dwelling must confirm to the Parking Standards within the Design Guide and it must be noted that garages do not count as vehicle parking. Accordingly, a 4no. bedroom dwelling requires 3 external parking spaces and whilst cycle parking is indicated per dwelling, there is no off-road connection from the site to existing cycling routes.

Importantly, there are wider concerns relating to the sustainability of the location for residential use. Therefore, a detailed Sustainability Report should be submitted in

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addition to the Transport Statement, to show access to the site on a mode-by-mode basis to include distances to key destinations such as schools, health care, retail facilities etc. and should the proposed development ultimately be recommended for approval, it is likely that contributions for both Community and School Transport will be sought.

2.4 Countryside and Technical Services Manager – Defer comment and request further information to be submitted. The site has 3 ecological constraints that the application will need to consider. The site is relatively poor in features that would be attractive to protected species. However, prior to approval and as part of the consideration of this application we would need the following information to be submitted:

1. Consideration of how additional visits to Wyre Forest would be mitigated, with particular reference to the prevention of additional access points to the forest or increasing anthropological pressure to areas less frequented by people;
2. Design considerations to demonstrate how the development would minimise its impact visually from within the Wyre Forest;
3. How the development would achieve measurable Biodiversity Net Gain.

Neighbour/Site Notice Representations

2.5 1 letter of support and 1 neutral comment have been received to this application from nearby occupiers. Both comments however raise the issue of access onto the A456 and the need to reduce the speed limit if the development is permitted.

3.0 Site Location and Description

3.1 The application site amounts to an area of approximately 0.73ha\1.79 acres of light industrial land, located to the west of Bewdley.

3.2 The site currently has a number of light industrial units to the eastern side, with significant areas of hard standing, scrub land and small-scale buildings from former uses to the remainder of the site. Access to the site is afforded directly from Long Bank Road (A456) via an existing cross over, with levels falling from the highway (southern boundary), by circa 3 m to the rear of site (northern boundary) Bewdley is located circa 1.2 kilometres to the west, with the small hamlet of Callow Hill a 746 metres to the east.

3.3 The proposed development seeks planning permission for the erection of 21 dwellings following partial demolition of the existing buildings.

4.0 Officer Comments

4.1 The main considerations are as follows:

- Policy Context and Principle of Development
- Flooding and Water Management

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- Design and Layout
- Highway and Access
- Biodiversity

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The application is for the development of 15, 3 and 4 bed homes for the open market and 6, 2 bed homes for discounted open market sale on previously developed land on the A456 Long Bank Road. Due to the sites location outside of the settlements of Bewdley and Callow Hill, the relevant policies to be considered in terms of the principle of development are SP.1 Spatial Development and SP.2 Locating New Development. The site is also currently allocated for employment land and therefore also subject to Policy SP.17 in the adopted local plan.
- 4.3 Policy SP.1 states that the majority of development will be delivered on sites through the 3 main settlements of Kidderminster, Stourport on Severn and Bewdley, in addition to the strategic allocation at Lea Castle. The proposed site is not within a settlement boundary.
- 4.4 Although the site has been on the Brownfield register since 2020, Policy SP.2 Locating New Development, states that: "Development of land beyond settlement boundaries will be strictly controlled and will be limited to dwellings for rural workers, replacement dwellings and rural exception sites (Policy SP.11); employment development in rural areas and buildings for agriculture and forestry (Policy DM.10) and renewable energy projects (Policy SP.37) and development specifically permitted by other Wyre Forest Local Plan policies".
- 4.5 The site is not allocated for residential uses in the Adopted Local Plan. It is allocated for employment under SP.17. The site was assessed in the Employment Land Review undertaken as part of the evidence base for the Local Plan Review. This assessment covered the entire Bewdley Business Park site. It was given an overall assessment of good.
- 4.6 Furthermore, under Policy SP.2 development beyond settlement boundaries is strictly controlled. The only residential use on this site which would be policy compliant is as a rural exception site. As a starting point all affordable dwellings should be based on the WFDC preferred tenure split of 65 rent:35 shared ownership and any enabling development would need to be justified on viability grounds. The number of enabling market dwellings should not exceed the number of affordable dwellings. The Rock Parish Housing Needs Survey 2019 showed a need for 6 affordable/social rented dwellings (1x 1bd, 3x 2 bed and 1x 4 bed). There have been no affordable dwellings approved in the parish in recent years. The applicant has failed to justify the mix they are proposing on the site or why they have departed from the Local Plan, Policies SP.2 or SP.11 Addressing Rural Housing Needs Policies.
- 4.7 The application also departs from Policy SP.17 A Diverse Local Economy, which states that Rural Employment Sites will be safeguarded for employment purposes where appropriate. Policy DM.10, Rural Employment Sites, also states:

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“To help promote rural regeneration existing employment sites in rural areas that are currently or were last used for B2, B8, Class E (g) offices (other than professional and financial services offices), research and development, light industrial uses, tourism, leisure and/or recreation related purposes will be safeguarded for the existing use during the plan period, unless it has been demonstrated that the site has been actively marketed for a period of at least 12 months and that it is no longer viable in its existing use.”

- 4.8 The applicant has not submitted evidence to show why they are seeking to change the use from employment to residential land, nor provided details of 12 months of marketing. Therefore, the application is not compliant with Policy SP.17 or DM.10 of the Local Plan.

FLOODING AND WATER MANAGEMENT

- 4.9 The North Worcestershire Water Management Officer has reviewed the application and commented:

Given that this is a major application, this application should be accompanied by a comprehensive drainage strategy, and it is my view that the drawings and calculations currently submitted are insufficient as not all topics are covered and the rationale / justification the proposed surface water drainage scheme is missing. Based upon the current submission I cannot assess whether the proposed method of surface water drainage is in line with the non-statutory technical standards for SuDS, the NPPF and the Council's own water and flood risk related policies.

- 4.10 Therefore, as the application stands, it is not compliant with Policies SP.31 Flood Risk Management and SP.32 Sustainable Urban Drainage Systems of the Wyre Forest District Local Plan.

DESIGN AND LAYOUT

- 4.11 Your Officers note that the proposed residential frontages are dominated by car parking with limited opportunities for soft landscaping and no street trees to plot frontages are proposed, with the exception of a small area of open space to the front of the site adjacent to the main road. Your Officers therefore consider that the layout of the site would create a poor quality public realm and an unacceptable residential environment that does not reflect the rural setting of the site.

- 4.12 The development would also not integrate well with the adjoining forest setting in terms of its urban layout and lack of separation between the buildings to allow views through to the forest from the access road. The Countryside and Technical Services Manager also expressed concern about the visual impact of the development when viewed from within the Wyre Forest. The development is therefore contrary to Policies SP.20, DM.24 and DM.26 of the Wyre Forest District Local Plan.

HIGHWAYS AND ACCESS

- 4.13 The Highway Authority have commented that insufficient information has been supplied as part of the application, particularly with regards to the compliance of the application with the Local Residential Streets design criteria, residential parking and sustainability. This has not been provided and therefore your Officers have not been able to ascertain whether the development would provide an acceptable layout in

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terms of highway safety and ensure no harm to the operation of the surrounding highway network. The development is therefore contrary to Policy SP.27 Transport and Accessibility in Wyre Forest.

BIODIVERSITY

- 4.14 The application site is situated immediately adjacent to Wyre Forest, which is a SSSI and NNR. It is recognised as one of the largest and most important ancient woodlands in England. The Countryside and Technical Services Manager has raised concern that the development being for residential use could introduce a risk to the biodiversity within the forest due to the presence of domestic cats, lighting and increased recreational pressure. In accordance with local and national planning policy, new developments are required to show that any impacts to biodiversity would be satisfactorily mitigated, and that the development would achieve measurable net gains in biodiversity of the site. Without this information, the development is contrary to Policy SP.23 Protecting and Enhancing Biodiversity.

OTHER MATTER

- 4.15 Application 17/0001/OUTL for up to 21 dwellinghouses was resolved at the November 2017 Planning Committee to approve subject to the completion of the Section 106 Agreement. The Section 106 Agreement was to secure the following planning obligations:
- Public Open Space of £23,242. This is proposed to be used at Riverside North in Bewdley although details of the specific project are yet to be confirmed.
 - Education Contributions of £48,282. This will be used to fund a scheme at Far Forest Lea Memorial CE Primary School. It may be that the Section 106 Agreement will include a formulae based criteria for contributions rather than the amounts shown above; this will be a matter for further discussion.
 - Six affordable units to include 2 no. 3 bed semi detached properties and 4 no. 2 bed terrace properties.
- 4.16 The applicants who applied for outline consent under the 2017 application, no longer have an interest in the land, and declined to enter into the s106 agreement. As a result the application could not be approved. Whilst the application was not withdrawn at the time, the circumstances relevant to consideration of it have changed significantly since it was originally considered by Planning Committee and the policies that are now relevant are the ones under the current local plan, not the ones that applied at the time the application was submitted. On that basis, even if the new owners wished to enter into the previously drafted s106 agreement, the application could not be approved as the development is considered to be located in an unsuitable location for housing due to the site being allocated for employment use and outside of any defined settlement boundary. The application also did not demonstrate measurable net gains in biodiversity. The development is therefore considered to be contrary to the Wyre Forest District Local Plan 2022 and the National Planning Policy Framework 2021.

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5.0 Conclusion and Recommendations

- 5.1 The current application as it stands, is not compliant with the Wyre Forest District Local Plan given that the principle of open-market residential development is unacceptable on this site which is allocated for employment land and lies outside of any settlement boundary within the open countryside. The layout of the site would also result in a poor design and have a detrimental visual impact on the adjacent forest. Insufficient information has been submitted to ascertain the impacts on flooding, highway safety and biodiversity and ensure the development would have suitable drainage and achieve measurable net gains in biodiversity.
- 5.2 The application, reference **22/0916/FUL**, is therefore recommended for **REFUSAL** for the following reasons:
1. The application site is allocated for employment land and the redevelopment of the site for residential would result in loss of employment land, which has not been justified through active marketing of the site for a period of at least 12 months or demonstrated that it is no longer viable as an employment site. The development is therefore contrary to Policy DM.10 and SP.17 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
 2. The application site lies outside of any defined settlement boundary and within the open countryside where residential development is limited and the development would not fall within any of the exceptions permitted for new rural housing as set out in the Local Plan. The development is therefore contrary to Policy SP.2 and SP.11 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
 3. The layout of the site would result in a tight urban grain with limited gaps between the buildings and plots and together with the frontages of the plots being dominated with car parking with limited opportunities for soft landscaping and street trees, would result in a poor design and residential environment for future occupiers. The development therefore fails to respond well and reinforce the rural forest setting of the site and would result in an unacceptable design, contrary to Policies SP.20, DM.24 and DM.26 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
 4. Insufficient information has been submitted to ascertain the risk of flooding and ensure the development would achieve appropriate long-term sustainable management of surface water drainage. The development is therefore contrary to Policies SP.30, SP.31 and SP.32 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
 5. Insufficient information has been submitted to ascertain the impact on highway safety and the operation of the surrounding highway network, contrary to Policy SP.27 of the Wyre Forest District Local Plan, the adopted Streetscape Design Guide and the National Planning Policy Framework.
 6. Insufficient information has been submitted to demonstrate that the development could satisfactorily mitigate the impacts on biodiversity within Wyre Forest SSSI and NNR and achieve measurable net gains in biodiversity. The development is therefore contrary to Policy SP.23 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

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5.3 The application, reference **17/0001/OUTL**, is recommended for **REFUSAL** for the following reason:

1. The application site is allocated for employment land and the redevelopment of the site for residential would result in loss of employment land, which has not been justified through active marketing of the site for a period of at least 12 months or demonstrated that it is no longer viable as an employment site. The development is therefore contrary to Policy DM.10 and SP.17 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
2. The application site lies outside of any defined settlement boundary and within the open countryside where residential development is limited and the development would not fall within any of the exceptions permitted for new rural housing as set out in the Local Plan. The development is therefore contrary to Policy SP.2 and SP.11 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the development could satisfactorily mitigate the impacts on biodiversity within Wyre Forest SSSI and NNR and achieve measurable net gains in biodiversity. The development is therefore contrary to Policy SP.23 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

PART B

Application Reference:	23/0079/PIP	Date Received:	06.02.2023
Ord Sheet:	382328 270072	Expiry Date:	13.03.2023
Case Officer:	Sally Horne	Ward:	Mitton

Proposal: Proposed Residential Development of Private Garden Land.

Site Address: 44 Worcester Road, Titton, Stourport On Severn, Worcestershire, DY13 9PD,

Applicant: Mrs Freda Duggan

Summary of Policy	SP.1, SP.2, SP.6, SP.11, SP.27, SP.31, SP.33, SP.37, DM.2, DM.24 and DM.26 of the Wyre Forest District Local Plan (2022) National Planning Policy Framework National Planning Practice Guidance WCC Streetscape Design Guide
Recommendation	APPROVAL
Reason for Referral to Committee	Statutory Consultee Objection to the Application

1.0 Planning History

1.1 No planning history for the site.

2.0 Consultation Responses

2.1 Stourport Town Council – Recommends refusal due to unsuitable and unsafe access onto the Worcester Road (in line with the Highway Authority comments).

2.2 Arboricultural Officer – No objection to the development of the garden of the application site, however the proposal to construct 3 dwellings would have a detrimental impact on 2 mature oak trees on neighbouring land. The arboricultural features within the garden are good trees, but have limited wider amenity value, so I do not feel they should be an impediment to some development within the garden. If full planning permission is applied for an Arboricultural Impact Assessment should be submitted to ensure whatever design layout is decided on does not impact on the oak trees on the adjacent land.

2.3 Worcestershire Regulatory Services (Potential Contaminated Land team) – No objection subject to a condition. The site has an agricultural past use with a sewage work located in the immediate area. It would be prudent to undertake a desk study in the first instance, as such the following condition is recommended:

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Condition - Tiered Investigation

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:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance.
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance.
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 2.4 Countryside and Technical Service Manager - Awaiting comment.
- 2.5 North Worcestershire Water Management - No objection. The site is not at risk of any type of flooding. The application does not detail how surface water will be disposed of. I would ask that in a future Technical Details Consent application the proposed method for managing surface water is detailed, including the proposed design criteria. As a minimum we ask that the development will not increase the amount of runoff leaving the site up to the 1 in 100 year event + climate change allowance. It is the council's policy that all sites need to fully explore the use of SuDS. The council has a SuDS guidance document which provides examples of SuDS that might be suitable for this site, including green roofs, rain gardens, permeable pavements etc... The guidance document can be found here: <https://www.wyreforestdc.gov.uk/media/suzknvr4/wyre-forest-suds-design-evaluation.pdf>. We ask that where possible dwellings are served by individual surface water drainage assets. Any communal assets would need to be positioned in communal areas and not in private back gardens for instance. I do not know whether No44 is currently connected to this, but understand that a foul sewer is present in the vicinity. I would therefore expect that the development will connect to this system. This will require the prior approval of Severn Trent Water. If the applicant is proposing a non mains drainage solution instead then this would need to be detailed in the application, including the justification for this. I conclude that there are in my opinion no flood risk reasons why the proposed residential should not be permitted in principle. I would ask that in a future Technical Details Consent application the proposed method for managing surface water is detailed, including the proposed design criteria as well as the method for disposal of foul water.
- 2.6 Highways Authority – Objects to the application. It is noted that the application for 3 dwellings has been made in accordance with the Town and Country Planning (Permission in Principle) Order 2017 and accordingly, at the 'in principle' stage, consideration can only be given as to the site location, land use and the amount of development and all other matters to include access and layout are to be determined at the technical details stage if approval is granted. However, the Highway Authority hereby recommends that the application is refused due to the lack of locational sustainability appropriate to residential use.

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The site is located to the rear of 44 Worcester Road on an unclassified highway adjacent to the junction with the B4025 and it is noted that there is a bus stop with a school service approximately 1000 metres away however this exceeds the recommended distance to encourage the uptake of public transport. Services and amenities and onward public transport links in Stourport Town Centre are over 2000 metres away which exceeds the acceptable walking distance, moreover the environment on the heavily trafficked, Worcester Road is not conducive to pedestrian and cyclist movements. Whilst there is a local convenience store less than 200 metres from the site, there is no streetlighting on the main road and no footway on the unclassified road.

Whilst the site is not remote from other dwellings, it is considered that on balance, the proposed location is not accessible by sustainable modes and the lack of a genuine choice of transport modes will inevitably result in future occupiers relying on private car use.

The lack of safe and suitable access for all users and the failure to give priority to sustainable modes of travel is contrary to Paragraphs 110 and 112 NPPF and the Highways Authority recommends that the application is refused.

2.7 Health and Safety Executive: Awaiting comment.

Neighbour/Site Notice Representations

2.8 No comments received from public participation.

3.0 Site Location and Description

3.1 The application site is located on garden land to the rear of 44 Worcester Road, Titton, south of Stourport-on-Severn.

3.2 The site is located to the rear of 44 Worcester Road on an unclassified highway adjacent to the junction with the B4025, 1.4 miles from Stourport-on-Severn Town Centre.

4.0 Officer Comments

4.1 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.

4.2 The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

4.3 Local planning authorities can grant permission in principle to a site upon receipt of a valid application or by entering a site in Part 2 of its brownfield land register which will trigger a grant of permission in principle for that land providing the statutory requirements set out in Town and Country Planning (Permission in Principle) Order

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2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017 are met.

- 4.4 In determining applications for permission in principle, consideration is limited to land use, location and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. Planning obligations cannot be secured at the permission in principle stage.
- 4.5 The consideration of this application will therefore be considered based on the 'principle' of the development.

LAND USE AND LOCATION OF DEVELOPMENT

- 4.6 The site lies outside of the nearest settlement, Stourport-on-Severn, and relates to garden land, in a rural setting, surrounded by a small number of properties and a farm.
- 4.7 Policies SP.1 and SP.2 of the Wyre Forest District Local Plan sets out the spatial strategy for the district in directing how and where new development should be distributed. They do not prohibit new housing development in the countryside where it would meet a local need and support the vitality of rural communities. Read together, the policies provide a strategy for the distribution of development and require the scale and location of new development to take account of local circumstances and infrastructure capacity; actively managing patterns of growth so that significant development is focused upon locations which are or can be made sustainable.
- 4.8 Policy SP.11 of the Wyre Forest District Local Plan states that dwellings are permitted in the rural area if they are meet a local housing need, rural workers dwellings or a replacement dwelling. As this is a Planning in Principle (PIP) application, this is not detailed at this stage, but local housing need should be considered at technical details consent stage. Within Policy SP.11 it states that for Rural Exception Sites that there will be an expectation to provide 100% affordable housing of a size, type and tenure to meet local housing needs. As such, a planning condition has been attached to request an Affordable Housing Statement to be submitted at the technical details consent stage to demonstrate that the development would accord with Policy SP.11. Any enabling market housing required to make the development of affordable dwelling on the site viable would need to be accompanied by a robust viability assessment as set out in Policy SP.11.
- 4.9 The Highway Authority have objected to the application, stating that it is an unsustainable location for development. This is due to the site being accessed from an unclassified road, the distance from public transport and local services. In addition, the location of the site is not conducive to pedestrian access or cyclists due to lack of pavement and suitable lighting along the route to the nearest services in Stourport-on-Severn, which the Highway Authority ultimately feel will result in a dependence upon personal car use.
- 4.10 It is factual the unclassified road has no footway for its length to the A4025. However, the site is 64 metres from the A4025 Worcester Road, which have footways along its length in the direction of Stourport on Severn. The applicant has also provided an access and amenities report, which states that the application is well served by local

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amenities and facilities, including a convenience store which is 150m from the site, a bus stop 1.2km away and is 200m from sixty other residential properties.

- 4.11 Your Officers understand the position of the Highway Authority, however on this occasion your Officers are not persuaded that site is situated in an unsustainable location or that its location would result in the reliance of the car for journeys to key services.
- 4.12 Paragraph 108 of the National Planning Policy Framework requires appropriate opportunities to be provided given the sites location, this has been demonstrated on this occasion. To require enhanced facilities would be over and above the requirements of the Framework.
- 4.13 In addition, your Officers do not consider that 64 metres of no footway provision on an unclassified road, would on balance discourage walking or cycling to the wider network from the Worcester Road, which is served by footpath into the centre of Stourport. As such, it is considered that the location of the site is suitable for residential development in principle.

AMOUNT OF DEVELOPMENT

- 4.14 As this is a PIP application, there are no detailed designs submitted. However, the application states that the site of 0.14ha could accommodate up to 3 bungalows and your Officers are satisfied that this amount of development is suitable for the site.

5.0 Conclusion and Recommendations

- 5.1 The proposal for a maximum of three residential units on the site has been fully considered in respect of the adopted Local Plan, proposed land use and quantum of development and found to be acceptable in each of these aspects. Notwithstanding the objection from the Highway Authority, the location of the development has been fully considered in light of the National Planning Policy Framework and the Development Plan and found to be a sustainable location given the type of development and its location. Having taken the planning balance, it has been concluded that the development is acceptable in principle.

- 5.2 The application is therefore recommended for **APPROVAL** subject to:

a. The following conditions:

1. The permission given has duration of 3 years from the date of this notice.
2. An application for Technical Details Consent is required to be submitted and development commenced within this time frame.
3. Any Technical Details Consent application shall include the following items;
 - Location Plan (1:1250)
 - Block Plan include access arrangements and visibility splays at access point (1:500)
 - Proposed Floor Plans (1:100)

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- Proposed Elevations (1:100)
- Streetscene (1:200)
- Affordable Housing Statement to demonstrate that the development would meet a local housing need in accordance with Policy SP.11
- Ecological Assessment including Biodiversity Net Gain Plan
- Method for managing surface and foul water drainage

PART B

Application Reference:	23/0243/FUL	Date Received:	04.04.2023
Ord Sheet:	375494 274165	Expiry Date:	04.07.2023
Case Officer:	Richard Jennings	Ward:	Bewdley And Rock

Proposal: Demolition of existing glasshouses and buildings and erection of 3,863 square metres (41,580 square foot) of light industrial floor space (Use Class E(g)(iii)), car parking and associated works.

Site Address: Alton Nurseries, Long Bank, Bewdley, Worcestershire, DY12 2UL

Applicant: Mr M Price

Summary of Policy	SP.1, SP.2 SP.6, DM.9, DM.10, SP.37, SP.29, SP.32, SP.27, CP10, SP.20, SP.22, SP.23, SP.2 SP.17, SP.31, SP.24, DM.26 and SA.R2 of the Wyre Forest District Local Plan 2022 Design Guidance SPD WCC Landscape Character Assessment National Planning Policy Framework National Planning Practice Guidance
Recommendation	Approval
Reason for Referral to Committee	'Major' Planning Application.

1.0 Planning History

1.1 No planning history.

2.0 Consultations and Representations

2.1 Rock Parish Council – No objection and supports this application.

2.2 Highway Authority – No Objection subject to conditional approval requiring electric vehicle charging point details, implementation of visibility splays and submission of a CEMP.

2.3 Ecology – No objection on ecology grounds subject to conditional approval.

2.4 Arboricultural Officer – No Objection subject to conditional approval requiring protective fencing during the construction phases.

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- 2.5 Worcestershire Regulatory Services (Contaminated Land Team) – No Objection Subject to the imposition of a preliminary risk assessment to be conducted.
- 2.6 North Worcestershire Water Management Officer – No Objection subject to conditional approval requiring implementation of approved drainage details.
- 2.7 Worcestershire Regulatory Services (Nuisance Assessment Team) - No Objection subject to conditions relating to HGV delivery times, restriction on noise levels of 43dB during daytime and 19dB during night time, implementation of proposed acoustic fencing, submission of a Construction Environment Management Plan, and external lighting details to be submitted.

Neighbour/Site Notice

- 2.8 As part of the formal consultation process, two neighbour responses were received objecting to the proposal, both of which raised objections to the principle of development on this site on the grounds of increased traffic generation and Highway safety.

3.0 Site Location and Description

- 3.1 The application site forms part of the former, redundant Alton plant nursery. The wider site benefits from an allocation within the adopted plan for a mix of residential to the front and commercial to the rear. This application relates to the commercial element to the rear of the site, with the front of the site, fronting directly onto the A456, having already been granted consent for residential use which is now completed.
- 3.2 The application follows extensive pre application discussions between the applicant and officers of the Council and is accompanied by reports and planning statements to cover the Principle of Development/Need, Design and Layout, Energy and Sustainability, Traffic and Transportation, Tree Impact, Biodiversity, Land Contamination, Drainage and Noise.

4.0 Officer Comments

POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 The National Planning Policy Framework (the 'Framework') is a material consideration in the decision making of this application and was revised in July 2021. It sets out the Government's planning policies for England and how these should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development, which means that the planning system has three overarching objectives (economic, environmental and social) which are interdependent and need to be pursued in mutually supportive ways. The Framework emphasises that decisions should play an active role in guiding development towards sustainable

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solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 4.3 The Framework seeks to support the Government's objective in promoting sustainable patterns of development across the country and this includes: the need to significantly boost the supply of homes; providing sufficient social and recreational facilities to meet community needs; protecting and minimising the impacts on the natural environment; and seeking to mitigate the impacts of climate change.
- 4.4 Policy SA.R2 of the Wyre Forest District Local Plan is a site-specific Policy for the former Alton Nurseries Site, for the overall re development of the site. This should include up to 4 dwellings to the front of the site (now completed), and the development of employment uses to the rear of the site to compliment the existing Bewdley Business Park. This site specific policy is the overriding policy consideration for this proposal in terms of land use allocation and safeguarding the site for its development allocation. This site-specific Policy carries several considerations both related to the residential development and the commercial site. The majority of the requirements in terms of the commercial allocation are aimed at protecting the amenity of the occupiers of the allocated residential development and ensuring that the two uses operate in harmony. This protection centres around the boundary between the two uses and ensuring that it is satisfactory to avoid future issues of noise, light nuisance and disturbance.

RESIDENTIAL AMENITY

- 4.5 When considering paragraph 185 of the National Planning Policy Framework, along with the Noise Policy Statement for England and the submitted noise assessment, it is concluded that the development will not result in any adverse impacts to existing or future residents. I am satisfied that there will be no adverse impact on the amenity currently enjoyed by neighbouring residents to a degree which would warrant refusal of the proposal. Construction noise and disturbance is only temporary and will be dealt with through a suitably worded condition. Separation distances between the proposed development and the nearest existing residential properties are extensive coupled with the proposed restrictive conditions. The site is not considered to represent an unreasonable impact on neighbouring residential amenity. The intensive former use of the nursery must also be given considerable weight, with the proposal resulting in a comparable intensity to the sites historical use.
- 4.6 In terms of vehicle disturbance, Worcestershire regulatory services have requested the imposition of a conditional restriction on the operating times of HGV's to and from the site, and conditions requiring implementation of acoustic fencing between the two land uses as per the findings of the commissioned noise report prior to commencement of the development.

DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.7 The proposed units have been designed in order to minimise their 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 farmland.

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- 4.8 The proposed palette of materials are drawn from the existing industrial buildings on the adjoining site, and ensure that the overall development is visually cohesive with 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.
- 4.9 The majority of the buildings are of typical industrial, functional design; however, officers consider that they are still architecturally pleasing, providing a good compromise of functionality and aesthetics.
- 4.10 There are many practical and safety issues which clearly impact on the design of such buildings and these are unavoidable, however, it is considered that from a design perspective the threshold for 'good design' has been fully met and the proposal complies in full with the requirements of the design policies.

HIGHWAYS AND ACCESS

- 4.11 The application site has been the subject of ongoing discussions 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.
- 4.12 Two letters of objection to development of this site have been received and focus on Highway safety in terms of access and increased traffic generation. Your Officers have carefully considered these comments, however, the Highway Authority are very clear that they consider the proposed development would not cause an undue decrease in safety nor an unacceptable increase in traffic generation and it is therefore considered that the proposal accords with the requirements of 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. The proposals are wholly acceptable and would not lead to any adverse impact, and certainly would not reach the bar of 'severe' as required by the Framework. The Highway Authority therefore raise no objection to the proposal subject to appropriate conditions.

ECOLOGY

- 4.13 The site is of little wildlife value as it consists of partially demolished glass house buildings and hardstanding. The Councils ecologist has highlighted that the only potential interference from the development would be to that of reptilian species. It is therefore proposed to apply a condition requiring a walkover survey, prior to commencement by a suitably qualified ecologist, the findings of which shall be reported to the LPA, and any resulting recommendations implemented. A secondary condition is also applied to ensure that all construction works are carried out in a sensitive manner to ensure no injury or damage to protected species occurs. To ensure the development provides ecological enhancements, a condition requiring the submission of a scheme of new bird and bat roosting/nesting boxes shall be submitted prior to commencement and the boxes implemented prior to first use of the buildings.

TREES

- 4.14 The site plays host to many mature trees to the boundaries of the site, however the proposed development follows a similar footprint to the previous glass house development and therefore trees and hedgerows on site are not directly affected by

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the development. The arboricultural officer therefore raises no objection to the proposal subject to the protection of all boundary trees and hedgerows during the construction phase. A condition is therefore applied to ensure that details of protective tree fencing are submitted to and approved in writing by the LPA prior to commencement of the development and retained throughout the construction phase.

DRAINAGE

4.15 The initially submitted drainage strategy was found to be insufficient on two counts upon initial consultation with the Councils Watercourse Officer and the application was initially deferred to enable the applicant to provide:

- third party in principle approval for utilising the existing surface water drainage outfall following re-development
- a water quality assessment for all hardstanding areas

4.16 Additional drainage information has been submitted, and the aforementioned outstanding matters resolved to the satisfaction of the Councils Watercourse Officer, who is now satisfied that the proposed development is policy compliant subject to a conditional approval. The proposed condition will require implementation of approved drainage details prior to the first use of the development.

NOISE AND CONTAMINATION

4.17 In terms of noise, the application is accompanied by a report Delta-Simons Project Number 22-1645.01 dated September 2022. The report identifies that the potential for disturbance from HGV movements during nighttime does exist, and suggests a time curfew along with the construction of suitable acoustic fencing as mitigation to daytime noise. In light of the findings of the report WRS therefore recommend that the site is prohibited for HGV deliveries between Mon – Fri 19.00-07.00, Sat 13.00-07.00 Monday and no Bank Holidays, and a condition is recommended to this effect. In terms of on site plant and equipment, a further condition is recommended to restrict levels Noise to 43dB LAr,1hr in the daytime and 19dB LAr,15min during the night-time at the boundary with all residential dwellings. In terms of neighbouring amenity, the acoustic report also recommends fencing which should be installed to the boundaries of adjoining residential dwellings and this will form the basis of a condition requiring submission of details and implementation of the agreed scheme.

4.18 In terms of the construction phase itself, a Construction and Environment Management Plan detailing steps to be taken to control noise and dust, including hours of site working, is also a proposed condition with details to be submitted prior to commencement. No details of a lighting scheme have been provided, however WRS consider that subject to low intensity and careful shielding of fittings this should not significantly affect the residential property, and a condition is recommended requiring the submission of lighting details.

4.19 From a contaminated land perspective, initial studies conclude that the site is unlikely to represent any major risk in terms of contamination as the only known uses of the land were that of the previous horticultural use. However, Worcestershire Regulatory Services have requested a condition be imposed to ensure that any unexpected contamination found during the construction phase is reported to the LPA immediately.

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5.0 Conclusion and Recommendations

- 5.1 The size, design, location and materials of the proposed commercial development are sympathetic to the local setting, which includes other employment users, residential properties and the adjacent Wyre Forest and surrounding rural landscape. The site is allocated for the proposed use within the development plan, and it is your Officers opinion that all of the policy requirements have been carefully considered by the applicant within the current proposal. The proposed development would deliver wider benefits to the district in terms of job creation and to the local economy, and the development would strengthen the employment area in accordance with the Wyre Forest District Local Plan.
- 5.2 The scheme has been fully considered and is found to be sustainable, of attractive modern design which integrates perfectly within the landscape character of the area, and has minimal implications in terms of impact on local residents, the Highway network, ecology and trees, all of which have formed the subject of detailed assessments and robust scrutiny. The proposal has met the requirements of the site specific policy and will result in a sympathetic solution to a much needed re-development opportunity, in line with the wider national agenda in terms of employment creation.
- 5.3 The application is therefore recommended for **APPROVAL** subject to the following conditions;
1. 3 year time limit
 2. Details of materials to be submitted prior to commencement
 3. Implementation of visibility splays prior to commencement
 4. Contaminated Land tiered investigation.
 5. No HGV deliveries between Mon - Fri 19.00-07.00, Sat 13.00-07.00 and no Sundays or Bank Holidays.
 6. Restriction on noise levels of 43dB during daytime and 19dB during night time,
 7. Implementation of proposed acoustic fencing prior to commencement.
 8. Submission of a Construction Environment Management Plan prior to commencement.
 9. Submission of external lighting details prior to commencement.
 10. Submission of details regarding proposed cycle parking and electric vehicle charging points
 11. CEMP to be submitted prior to commencement detailing demolition method and removal of materials from site
 12. Tree protection details to be submitted prior to commencement.
 13. Details of bird and Bat boxes to be submitted and approved.
 14. Works to be undertaken in a precautionary manner to avoid any harm or injury to protected species that may be present.
 15. Drainage details implemented prior to first use of the site.
 16. Walkover reptile survey to be undertaken by a suitably qualified ecologist, the findings of which to be reported to the LPA prior to commencement, and any recommendations implemented during the construction phases.