

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 14 November 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 Louisa Bright, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

## Disclosure of Interests

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

## WEBCASTING NOTICE

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

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

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

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

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

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

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

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

## **NOTES**

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

Wyre Forest District Council

Planning Committee

Tuesday, 14 November 2023

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any disclosable pecuniary 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.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 19 September 2023.	8
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	14
7.	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

<b>8.</b>	<b>Exclusion of the Press and Public</b>  To consider passing the following resolution:  “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.	
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Part 2

Not open to the Press and Public

<b>9.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,  
KIDDERMINSTER

19TH SEPTEMBER 2023 (6PM)

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**Present:**

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

**Observers:**

Councillor: D Morehead.

**PL.18 Apologies for Absence**

Apologies for absence were received from Councillors: P Harrison and N Martin.

**PL.19 Appointment of Substitutes**

Councillor P Dyke was a substitute for Councillor N Martin.  
Councillor A Sutton was a substitute for Councillor P Harrison.

**PL.20 Declarations of Interests by Members**

Councillor D Ross declared in respect of application 23/0200/FUL that he was predetermined in his view of the application and he would leave the room whilst the application was being determined.

**PL.21 Minutes**

**Decision: The minutes of the meeting held on 18 July 2023 be confirmed as a correct record and signed by the Chairman.**

**PL.22 Applications to be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 612 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 612 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.**

There being no further business, the meeting ended at 6.58pm.



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**19 September 2023 - Schedule 612 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.

Councillor D Ross left the meeting at 6.04pm whilst application 23/0200/FUL was considered.

**Application Reference:** 23/0200/FUL

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

**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
  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

Councillor D Ross returned to the meeting at 6.37pm.

**Application Reference:** 23/0435/FUL

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

The Committee received representation from Roy Harrison (objector) prior to a decision being made.

**APPROVED** subject to:

a) the follow conditions:

1. Temporary 2 year consent
2. Time limit
3. Outside music to be played only on a Saturday and cease at 10pm.

**Application Reference:** 22/0180/HYB

**Site Address:** Minerva Point, Worcester Road, Stourport-on-Severn, Worcestershire DY13 9AS

**Application deferred until a subsequent meeting**

**Application Reference:** 22/0916/FUL & 17/0001/OUTL

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

**22/0916/FUL REFUSED** 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.

**17/0001/OUT REFUSED** 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. 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.

**Application Reference:** 23/0079/PIP

**Site Address:** 44 Worcester Road, Titton, Stourport-on-Severn, Worcestershire DY13 9PD

**APPROVED** 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)
  - 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
  - Tiered investigation (Contaminated Land)

**Application Reference:** 23/0243/FUL

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

**APPROVED** 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.

**EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER**

**Planning Committee**

**Part A Applications**

<b>Ref:</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
22/0899/OUT	Land At Os 385100 280950 Caunsall Road Caunsall Kidderminster Worcestershire	Approval	15

**Part B Applications**

<b>Ref:</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
23/0663/LBC	Former Worcester Cross Factory And Offices, Weaving Sheds And Worcester Cross Worcester Street Kidderminster Worcestershire	Approval	31

**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**14 November 2023**

**PART A**

<b>Application Reference:</b>	<b>22/0899/OUT</b>	<b>Date Received:</b>	<b>14.12.2022</b>
<b>Ord Sheet:</b>	<b>385100 280950</b>	<b>Expiry Date:</b>	<b>08.02.2023</b>
<b>Case Officer</b>	<b>Richard Jennings</b>	<b>Ward:</b>	<b>Wyre Forest Rural</b>

**Proposal:** Outline application for the erection of 4 dwellings and garages and formation of vehicular access and associated operational development, with all matters reserved

**Site Address:** Land At Os 385100 280950, Caunsall Road, Caunsall, Kidderminster, Worcestershire, ,

**Applicant:** Mrs Joe Robson & Mr Nick Wridgway

<b>Summary of Policy</b>	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 and SA.R8 of the Wyre Forest District Local Plan (2016-2036) Design Guidance SPD WCC Streetscape Design Guide WCC Minerals Local Plan National Planning Policy Framework National Planning Practice Guidance National Design Guide Building for a Healthy Life
<b>Recommendation</b>	Approval
<b>Reason for Referral to Committee</b>	Parish Council Objection

**1.0 Planning History**

1.1 19/0636/OUTL – Erection of 5 no. detached dwellings, with associated vehicular access, parking and landscaping: Refused 13.01.2020

22/0899/OUT

## 2.0 Consultee Responses

### 2.1 Cookley Parish Council – Recommend Refusal on the following grounds:

- Concern over additional traffic on this already congested narrow road.
- Adverse impact on local environment - This is one of the last green space in the area and one of the last two strongholds of the skylark a bird on the RSPB red list, would also block view of the surrounding farmland.
- Overdevelopment - The immediate area has seen 3 big barn conversion projects and a new build over the last 10 years.

2.2 Highway Authority (second comment) – Following receipt of revised plans, no objection is raised to the proposal in terms of access subject to conditions. It is noted that the Applicant has submitted a Transport Statement (TS) with details of the visibility at the proposed access and it is confirmed that the 50 metre splays in both directions, meet the requirements of the 85th percentile surveyed speeds and all aspects of these visibility splays must be unobstructed as required by condition. Whilst on-street parking associated with The Anchor Inn is known to take place on Caunsall Road which would impede visibility to the right on exit of the proposed access, the Highway Authority accepts the justification set out in the TS which accords with industry accepted guidance in Manual for Streets (MfS), whereby on-street parking is generally considered to not result in safety issues and there is no personal injury accident record in this location. It is also accepted that the vehicular trips associated with the residential use will be mainly in the traditional peak hours which are unlikely to conflict with the public house parking. Furthermore, the submitted plan in the TS shows a new 2.0m footway fronting the site which is welcomed and whilst there is no adjoining footway to the left on exit, the footway to the right will allow for some connectivity towards the Anchor Inn and works in the highway will be subject to a S278 Agreement with the Highway Authority, as per the note below. Precise details of the site boundary and highway limits in this location will be required. It is also noted the street lighting columns and telegraph pole currently in situ on Caunsall Road may be affected by any such works and the cost of removal and relocation, if necessary, must be borne by the Applicant as part of the S278 works. The access layout is expected to comply with the design criteria for Shared Surface Streets, Courtyards & Mews in the Streetscape Design Guide 2022. However, the site to serve 4 dwellings will not be adopted by the Highway Authority and will therefore remain private. Nonetheless, the car and cycle parking, to be determined at the reserved matters stage, must comply with County standards and a refuse collection strategy should also be provided.

2.3 Worcestershire Regulatory Services (Noise Nuisance) – No objection in terms of road traffic noise.

2.4 Worcestershire Regulatory Services (Potential Contaminated Land) – No objection as the land has minimal potential for contamination, subject to a condition requiring the reporting of any unexpected contamination found during the construction phase.

2.5 WCC Archaeologist – No objection subject to appropriate conditions imposed.



22/0899/OUT

- 2.6 North Worcestershire Water Management Officer – No objection subject to conditions requiring the submission and approval of a full surface water drainage scheme and foul water discharge to be via the Severn Trent main unless otherwise agreed in writing by the Local Planning Authority.
- 2.7 WFDC Arboricultural Officer – No objection subject to conditional approval regarding new hedge planting.
- 2.8 WFDC Conservation Officer – No objection raised as the development poses no potential harmful impact on built heritage.
- 2.9 Severn Trent Water – No objection to the proposal subject to conditional approval to require suitable disposal of surface and foul water drainage They also recommend informatives to be attached to make the developer aware that STW do not permit a surface water discharge into the public foul sewer, and recommend the applicant seeks alternative arrangements.  
Also, that their response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.
- 2.10 WFDC Tree and Biodiversity Officer – No objection from a biodiversity or protected species perspective subject to conditional approval.

**Neighbour/Site Notice Representations**

- 2.11 9 objections received to the application, and the concerns raised can be summarised as follows:
- Any additional growth would ruin the beautiful views of the green land - compliments the natural beauty of the canal and riverside
  - Development of 600 new homes on the Lea Castle site a few minutes away
  - The power supply is already a big issue
  - Flooding in the area during heavy rainfall periods due to the poor drainage
  - We need to protect its history, charm and green spaces
  - Lose more green open space - Hamlets are few and far between, becoming more and more unique - The ability to see the history of local farms, business's and old buildings and their surrounding land is again a very rare commodity these days
  - A development on this site has already been rejected, as the site lies within the West Midlands Green belt
  - Access to a very busy cut through/commuter route main road (Caunsall Road) is also a concern
  - Potential loss of parking along the road - Caunsall invites a lot of tourists (pub, fishing, rivers, dog walks) - Acts as a natural traffic calming measure to slow vehicles down for safety
  - Caunsall Road already suffers from serious congestion with parking for the Anchor Pub - serious safety worry
  - Fails to comply with paragraph 145 (e) of the National Planning Policy Framework
  - This site is close to non-designated Heritage Assets (Caunsall Farm & Former Webbs Farm) - detrimentally impact along with the character and individuality of this hamlet - contrary to Policy SAL.UP6 of the Adopted Wyre Forest Site

22/0899/OUT

Allocations and Policies Local Plan and Government advice in the National Planning Policy Framework

- If this development is granted, it will simply be phase 1, the field is much larger than the block plan shown, the access drive to the remainder of the field provides access for Phase 2
- Reduce the openness of the Green Belt and create an encroachment, causing Material harm and conflicting with Policy SAL UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, and Govt advice in the National Planning Policy Framework
- Unsuitable proposing a second access onto the highway
- Not an infill on a small village - very prominent site with a very wide roadside access - would change the landscape dramatically
- Will pose a danger to people visiting Caunsall & local residents
- Development of this greenfield land should only be considered as a last resort when all brownfield land within the district has been exhausted - The major development at Lea Castle will, for the foreseeable future, cater for the housing needs on the north side of Kidderminster
- Little evidence has been produced to suggest this is a very special circumstance and is therefore contrary to para. (147) of the National Planning Policy Framework
- Caunsall is a hamlet, not a village, therefore the condition of 'limited infilling in villages' cannot apply
- Doesn't appear to be enough detail on drawings
- Consider the existing infrastructure's capacity and limitations
- Highways Authority commented on 9 January 2023 as a consultee against the application:
  - Loss of parking within the hamlet of Caunsall
  - Impact of lack of parking on the Anchor Inn
  - No information about the type of properties
  - Increased road speed across the junction at the foot of New Road
  - Lack of need for housing in the area
- Consider alternative locations or brownfield sites for housing development, which would be more suitable
- There is no detail on the type of dwellings that are being proposed and looks like the plots will be marketed to the "self-build" market - we could end up with a right "hotch potch" of buildings, all different and clashing with the character of the village
- Although some aspects of the current application have changed, the reasons for the rejection of development on this land remain effectively unchanged.
- Inadequate notification of the development
- Insufficient period for comment
- Re-submission of the same application to Parish Council after it had already been rejected. Redaction of the Application form – Pre-application advice

22/0899/OUT

2.12 1 comment received in support of the application, and their comments can be summarised as follows:

- Infill and if designed sensitively would not detract from the overall character of the area Satisfies the needs identified by the Local Development Plan
- Would provide suitable housing for retirement/family homes
- The opportunity to purchase land for self-build is extremely rare in this area
- Agree with the following extract from the Planning Statement - 'The proposed low density site layout and small scale of built development proposed would follow the form and character of adjacent development and would sit comfortably within the settlement context, where there are several examples of 'infill' dev...

### **3.0 Planning Policy**

3.1 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).

3.2 The National Planning Policy Framework (the 'Framework') 2021 sets out the Government's planning policies for England and how these should be applied (para. 1) and is a material consideration in planning decisions (para. 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para. 7). So that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras. 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para. 38). It also states that the planning system should be genuinely plan-led (para. 15). The Framework seeks to significantly boost the supply of housing (para. 60) and also requires the housing needs of different groups in the community including those seeking affordable housing to be addressed and people wishing to commission or build their own homes (para. 62).

3.3 The Framework sets national policies on the following issues which are relevant to this planning application:

- Achieving sustainable development (paras. 7, 8, 10, 11, 12)
- Decision making (paras. 38, 39, 40, 41, 43, 47, 48, 54, 55, 56, 57, 58)
- Delivering a sufficient supply of homes (paras. 60, 65)
- Promoting healthy and safe communities (paras. 92, 93, 95, 96)
- Promoting sustainable transport (paras. 110, 111, 112)
- Achieving appropriate densities (paras. 124, 125)
- Achieving well designed places (paras. 126-132)
- Meeting the challenge of climate change (paras. 152, 154-157)
- Planning and flood risk (paras. 159-169)

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- Conserving and enhancing the natural environment (including landscape character paras.174b, biodiversity paras. 174d and 179-181, ground conditions and noise paras. 183-185)
- Conserving and enhancing the historic environment (paras. 194-208)
- Facilitating the sustainable use of minerals (paras. 209, 213-214)

- 3.4 The Development Plan for Wyre Forest comprises the Wyre Forest District Local Plan (the 'Local Plan'), which was adopted in April 2022 and is supplemented by supplementary planning documents, these include the Planning Obligations SPD, Affordable Housing SPD, Design Guidance SPD and the Health and Wellbeing SPD.
- 3.5 The Wyre Forest District Local Plan sets out the vision and strategic context for managing and accommodating growth within the District up until 2036 and seeks to achieve sustainable development. The objectives of the Local Plan which are relevant to this application, include: addressing housing need to ensure the requirements of existing and future residents are met; maximising the opportunities for the inclusion of green infrastructure; safeguard and enhance biodiversity; conserve the significance of heritage assets; encourage healthier lifestyles; achieve more sustainable travel patterns and reduce the need to use the private car which will contribute to an improvement in air quality; and to protect the District's water supply and quality, and reduce the risk of flooding and climate change.
- 3.6 The site has been allocated for 4 homes under site-specific allocation policy SA.R8 which advises that any development on this site should meet the following criteria:
- i. Low density development of up to 4 dwellings will be permitted along the road frontage in order to respect the wayside character of the settlement.
  - ii. Dwelling design should respect the setting of Caunsall Farm and Caunsall House farm (Non-designated heritage assets).
  - iii. No additional surface water discharge must be allowed to leave the site.

#### **4.0 Site Location and Description**

- 4.1 The application site lies adjacent to existing residential development to the East, West and South with open paddock land to north. The total site area is 0.4 hectares and the site is broadly rectangular in shape, with access off Caunsall Road (C2013) to which the site shares a direct road frontage.
- 4.2 The application is submitted in outline with all matters including house type, siting and size reserved except for the principal of residential development for 4 units and means of access to the development.
- 4.3 An indicative Masterplan has been submitted to show how the site could accommodate 4 dwellings, however the proposal is in outline with only matters relating to access to be considered at this stage. The submitted plans have therefore been treated as being for illustrative purposes only and are now stamped superseded to avoid any confusion.

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4.4 The application has been supported by a Design and Access Statement, Landscape Strategy, Energy Statement, Heritage Assessment, Planning Statement, Environmental Noise Report, Transport Assessment and Flood Risk Assessment.

## 5.0 Officer Comments

5.1 The main considerations for this application are:

- Need for the Development
- Green Belt Policy in terms of impact on openness, the purposes of including land within it and whether there are any very special circumstances to justify development
- Biodiversity
- Trees
- Highway Safety and Access
- Flood Risk and drainage
- Residential Amenity
- Other Matters

### Suitable Location and Need for the Development

5.2 The application site has been allocated for housing under site allocation policy SA.R8 of the Wyre Forest District Local Plan for up to 4 dwellings along the road frontage to meet a local housing need and to contribute towards the minimum housing requirement for the district over the plan period. The principle of development in terms of location and land use has been accepted by the site allocation policy SA.R8.

5.3 Wyre Forest District has a plan-led route to the delivery of housing to meet an identified housing need that was evidenced during the Local Plan examination. As part of the evidence to the Local Plan Review it was identified within the 2018 Housing Need Study that there would be an overall requirement for 276 new dwellings per annum over the new plan period (2016-2036). This totals 5,520 new dwellings over the whole plan period with a minimum growth delivery of 108 net additional dwellings expected in Rural Wyre Forest.

5.4 The 2018 Wolverley and Cookley Housing Needs Survey identified that there was a need for 159 dwellings to be delivered across the rural settlements within the parish. There have been several large scale and major urban extensions since, such as the former Lea Castle Hospital site, the former Sion Hill Middle School site and Stourbridge Road site. However, these developments do not meet the very local need for people wishing to remain within the hamlet of Caunsall or who may want to return to the hamlet or nearby Cookley village, for example due to caring for a relative. Policy SP.1 considers the spatial distribution strategy for residential development across the rural areas of the district excluding Lea Castle Village and the Kidderminster Eastern Extension, and identifies a requirement for 108 net additional dwellings over the plan period to be directed specifically towards the rural villages and hamlets.

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5.5 The supporting justification for Policy SP.6 (paragraph 5.51) also makes a case that sustainable living is as important in rural areas as it is in urban areas and that it is important to help establish lifestyle changes that support the local economy and the sustainability of the rural economy. The reason this site was allocated was that, with the exception of the Rock Tavern Car Park, there are currently no identified suitable development opportunities, which would help to meet the objectively assessed local housing need, within this rural part of the district. No objection has been raised by Planning Policy and your officers consider that the development would meet a local housing need and therefore accord with the site allocation requirement.

Green Belt Policy

- 5.6 The application site lies within the West Midlands Green Belt. It comprises a horse paddock, measuring 0.4 hectares in size, and is bounded by existing residential properties that have a frontage to Caunsall Road. The site also extends north behind residential properties that front New Road. To the south of the site, there are residential barn conversions and a farmhouse (Caunsall Farm). The site forms part of the large hamlet of Caunsall.
- 5.7 The Framework advises that construction of new buildings is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy SP.2 of the Wyre Forest District Local Plan refers to 'Locating New Development' advises that the Green Belt will be maintained. Policy DM.22 of the Wyre Forest District Local Plan advises that development will not be permitted, unless in very special circumstances, or unless one of the listed exceptions apply. The development does not fall within any of these exceptions outlined in the local and national planning policies. The development conflicts with Policy DM.22 and Paragraphs 149 and 150 of the Framework however only limited weight should be given to this in the planning balance, because the site allocation policy SA.R8 weighs significantly in favour of the development.
- 5.8 In terms of the impact on openness of the Green Belt, the Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.
- 5.9 Spatially, the proposed development would result in a significant reduction in existing openness simply by the extent of built development of up to 4 dwellings on this open undeveloped field.
- 5.10 Visually, the effect of the development would be shaped by the matters (layout, landscaping and scale) reserved for later consideration. However, it is acknowledged that the site, in particular along Caunsall Road, is physically enclosed by the adjoining residential development to either side and the site is also visually connected with the residential barn conversions located on the opposite side of the road. In comparison the northern part of the site, has a more open rural character. The indicative Proposed Site Layout Plan shows that the built development of up to 4 dwellings would be sited in the southern part of the site to have a road frontage to Caunsall Road, which would represent an appropriate infill development between existing built development and

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would accord with criteria 1 of the Site Allocation Policy SA.R8 requirement for this site. The indicative plan also shows planting along the northern boundary to limit to some degree exposure of built form from the open countryside to the north and northeast of the site. The extent and quality of the landscaping would be considered at the reserved matters stage, however, it is considered that there are no reasons why the landscaping would not be significant given the relatively large size of the plots which would reduce the impact on the wider landscape. The impact physically and visually would be most evident in the immediate vicinity of the site, at its southern side, but less in more distant views from the north, especially when the planting as part of the development matures over time.

- 5.11 Overall, the visual impact upon openness would vary from moderate adjacent to the existing residential development and when viewed from Caunsall Road, to more significant in its more open character to the north of the site, however, this would reduce significantly to a limited impact as the planting matures over time. Your Officers therefore consider that the impact on openness of the Green Belt would range between limited and moderate harm.
- 5.12 In regard to the five purposes of the Green Belt (paragraph 138 of the Framework), the WFDC Green Belt Review report undertaken in 2016 advised that this part of the Green Belt has limited contribution to: checking the unrestricted sprawl of larger built up areas; preventing neighbouring towns from merging into one another; preserving the setting and special character of historic towns; and assisting in urban regeneration by encouraging the recycling of derelict and other urban land. However, the 2016 report did recognise that this part of the Green Belt contributes to safeguarding the countryside from encroachment and that it is vulnerable to incremental change due to its accessibility to the A449. It is inevitable that the proposed development of the site for up to 4 dwellings would result in encroachment in this part of the countryside, however, given that the site characteristics, in particular the immediate relationship to the existing built cluster and form of Caunsall hamlet and development restricted to along the road frontage only, your Officers consider that the harm would be limited.
- 5.13 To conclude, the development would result in inappropriate development and would lead to limited to moderate harm through loss of openness and encroachment.
- 5.14 Paragraph 148 of the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.15 The site is allocated for housing for up to 4 dwellings, which has been examined and found to be sound by the Secretary of State during the Local Plan Review where the harm to the Green Belt by reason of inappropriateness was outweighed by the requirement to meet the evidential local housing need over the plan period and to ensure sustainable growth across the District including in rural hamlets such as Caunsall. Your Officers consider that there are substantial benefits arising from the proposed development, in particular the public benefit of meeting local housing need and contributing towards the district-wide minimum housing growth and that the benefits clearly outweigh the limited to moderate harm to the Green Belt, which would

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be mitigated via the proposed layout, scale and landscaping which would be secured at the reserved matters stage. These benefits, in combination, with the site allocation SA.R8 would amount to very special circumstances to outweigh the harm to the Green Belt.

Impact on Landscape Character and Heritage

- 5.16 Paragraph 174 of the Framework advises that planning decisions should contribute to and enhance the local environment by amongst other things, recognising the intrinsic character and beauty of the countryside. Policy SP.22 'Landscape Character' of the Wyre Forest District Local Plan states that new development must protect and where possible enhance the unique character of the landscape.
- 5.17 The site comprises one field, which is currently pastureland and is well enclosed by existing vegetation and hedgerows around the perimeter of the site. Extensive new landscaping proposals, including additional boundary hedge planting will be a requirement at the reserved matters stage. However, from the indicative Masterplan it is clearly shown that there would be significant opportunities for new landscaping to soften the visual impact of the development and to strengthen the key characteristics of this landscape character type which contains predominantly hedgerow field boundaries.
- 5.18 The submitted Heritage Statement highlights the wider historic setting to Caunsall Farm and Caunsall House Farm (Non-designated heritage assets) as well as the surrounding open countryside and as such, the application site essentially forms part of the setting to these heritage assets and makes a positive contribution to the significance of these assets. The Council's Conservation Officer has confirmed that subject to the future design of the proposed dwellings under any future reserved matters application, there are no resulting harmful impacts on existing heritage assets from the principle of the proposal and the development is in accordance in accordance with Policies SP.21, DM.23 and SA.R8 of the Local Plan and the Framework.
- 5.19 The site lies along an historic routeway within the nucleated row settlement of Caunsall, a village of medieval origins, and there is good potential for these below ground remains to exist. Consequently, the application site is judged to potentially impact heritage assets of archaeological interest that will be lost or damaged by the development and the County Council Archaeologist has therefore recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission, to ensure that satisfactory investigations and recording is undertaken both pre and post development in accordance with section 16, paragraphs 194 and 205 of the National Planning Policy Framework and reflective Local Plan Policy DM.23.

Biodiversity

- 5.20 Local Planning Authorities have a duty to have regard to conserving biodiversity as part of decision making of planning applications. Policy SP.23 'Protecting and Enhancing Biodiversity' and Paragraphs 174 and 180 of the National Planning Policy Framework all require new developments to deliver measurable net gains in biodiversity through the promotion and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species



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populations and to minimise, avoid or at the last resort compensate for the loss of biodiversity.

- 5.21 In terms of biodiversity net gains, a DEFRA biodiversity metric has been submitted which anticipates that the proposals will achieve measurable Biodiversity Net Gain, this is based on various measures including high density native planting. I concur with the Council's Tree and Biodiversity Officer that the proposed development has submitted sufficient detail to demonstrate that measurable net gains in biodiversity can be achieved as part of the reserved matters application(s) and through planning conditions.
- 5.22 With regards to potential harm to protected species, the application has been accompanied with a satisfactory ecological survey. The Council's Tree and Biodiversity Officer has confirmed that subject to the proposed carefully worded conditions, the development could be undertaken without harm to protected species and mitigation measures implemented to ensure habitat improvements occur as part of the development.
- 5.23 The development therefore is in compliance with Policy SP.23 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

#### Trees

- 5.24 The Tree and Biodiversity Officer raises no objection to the proposals as there are no arboricultural features directly impacted by the proposed development. Proposed landscaping and hedge planting details are conditionally required to ensure the proposal results in maximum biodiversity and amenity gain from the new planting and reduces the visual impact of the development on the wider landscape character. Details for landscaping would be submitted and agreed at the reserved matters stage.

#### Highway Safety

- 5.25 Nearby residents have raised significant concern about the impact of this development on parking congestion. Whilst on-street parking associated with The Anchor Inn is known to take place on Caunsall Road which could impede visibility to the right on exit of the proposed access, the Highway Authority agrees with the justification set out in the Transport Statement, which accords with industry accepted guidance in Manual for Streets, whereby on-street parking is generally considered to result in minimal safety issues. Your Officers also note that there are no personal injury accident records in this location. It is also accepted that the vehicular trips associated with the residential use will be mainly in the peak hours which are unlikely to conflict with the public house parking given that customers to the nearby public house are mainly during the daytime or the weekends. Furthermore, Paragraph 111 of the Framework advises that developments 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, a threshold which is not met in this instance.

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- 5.26 Although the application is in Outline form at this stage with all matters reserved, safe and suitable access must be demonstrated. Further to the initial Highway Authority deferral, the Applicant has submitted revised details. The revised proposal now comprises a single, central access on Caunsall Road to serve the proposed four dwellings which the Highway Authority consider acceptable.
- 5.27 The Applicant has submitted a Transport Statement with details of the visibility at the proposed access and it is confirmed that the 50 metre splays in both directions, meet the requirements of the 85th percentile surveyed speeds and all aspects of these visibility splays. The submitted plan in the Transport Statement shows a new 2.0m footway fronting the site which is welcomed by the Highway Authority, and whilst there is no adjoining footway to the left on exit, the footway to the right will allow for some increased pedestrian connectivity towards the Anchor Inn.
- 5.28 In conclusion, the Highway Authority raise no objection to the proposed means of access and have advised that the development would not result in an unacceptable impact on highway safety subject to conditions. A review of the personal injury collision data was also reviewed, and it was noted that there have been no collisions relating to road safety issues along this section of Caunsall Road. Your Officers therefore consider that the development would not result in an unacceptable impact on highway safety and The Highway Authority are satisfied that a safe, suitable means of access to the development site is proposed. The development accords with Policy SP.27 of the Local Plan and the National Planning Policy Framework.

Flood Risk and Drainage

- 5.29 Following a national modelling exercise part of this site is thought to be at risk of surface water flooding. This is the flooding that occurs after heavy rainfall, when the volume of rainwater falling does not drain away quick enough through the existing drainage systems or soaks into the ground, but instead lies on or flows over the ground. It is possible that the model is not accurate however, as local details might not be represented correctly. As the modelled surface water flooding is restricted to the site itself, the North Worcestershire Water Management Officer has confirmed that the modelling may simply be identifying a low lying area of land within the development site, which is currently lacking any form of positive drainage. As such the identified risk can be satisfactorily mitigated by the development and the modelled risk would not be a reason to withhold approval.
- 5.30 It will be important that the proposed development will not result in any additional discharge leaving the site as this could exacerbate existing flooding issues and this is a requirement of the site specific policy SA.R8. Both the planning statement and water management statement include details regarding the intended surface water drainage system for the development. The water management statement includes that: "Roof water will be collected by two underground storage tanks. This will then be utilized by a proprietary rainwater harvesting system serving all household needs." The planning statement includes: "Surface water will be collected firstly by rainwater butts and then overflow into attenuation tanks finally discharging into a soak away. The development will ensure that any runoff from the site will be at the rate of no more than 20 litres per second per hectare plus an allowance for climate change of 20% and taken to soakaways in the field behind the development." Where ground conditions allow discharge via infiltration this is the preferred method of discharge. To ensure that the

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development will not increase flood risk elsewhere in accordance with the requirements of policy SA.R8, drainage assets need to be designed so they can cope with the 1 in 100 year plus climate change event. If infiltration is not possible once infiltration testing has occurred at the reserved matters stage, then an attenuated discharge can be considered, limiting the discharge rate to Greenfield (pre-development) levels. It should be noted that there is however, no reason to discount infiltration as a means of final discharge at this stage.

- 5.31 In terms of Foul drainage, it is proposed to connect to the Severn Trent main which is nearby. Any other means of Foul drainage will require the submission and agreement of details by condition. Overall, the North Worcestershire Water Management Officer has confirmed that there are no justifiable grounds on which to withhold approval of this outline application on flood risk or water management grounds, as the proposal is considered to have the ability to result in a policy compliant development subject to the imposition of conditions in accordance with the requirements of policies SP.32 and SA.R8 of the Local Plan and Paragraphs 152, 167 and 169 of the National Planning Policy Framework.

Residential Amenity

- 5.32 Given the separation distance between existing dwellings and the proposed development, together with the intervening landscaping, your Officers are satisfied that there would be no detrimental impact on the amenity of existing residents.
- 5.33 In terms of the amenity of future occupiers of the development, the development has been carefully considered by Worcestershire Regulatory Services in terms of potential road traffic noise, who have confirmed that the site is not sensitive to traffic related noise.
- 5.34 Worcestershire Regulatory Services have also assessed the site in terms of contamination risk and have confirmed that due to the sites former agricultural/equestrian uses the likelihood for contamination is minimal. A condition will however be applied, requiring the reporting of any unexpected contamination found during the construction phases. The development therefore represents high quality design and would create an acceptable living environment for future occupiers and would not harm the existing amenity of neighbouring residents. The development therefore accords with Policies SP.20, SP.33 and DM.24 of the Local Plan and the National Planning Policy Framework.

Other Matters

- 5.35 The proposed development would be designed with high levels of energy efficiency incorporating building fabric standards in line with the Approved Document Part L1A 2013 building regulation requirements and that at the final design stage, the applicant is prepared to submit a report to demonstrate compliance with Policy SP.37 to show that renewable or low carbon energy sources are used to provide at least 10% of the predicted energy requirements. New tree planting, and pedestrian routes linking the development would also be proposed. Overall, your Officers consider that the development would be designed to mitigate and adapt to climate change including a reduction in non-renewable energy and carbon emissions, in accordance with Policy SP.37 and Paragraphs 8, 110 and 154 of the National Planning Policy Framework.

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## 6.0 Conclusion and Recommendations

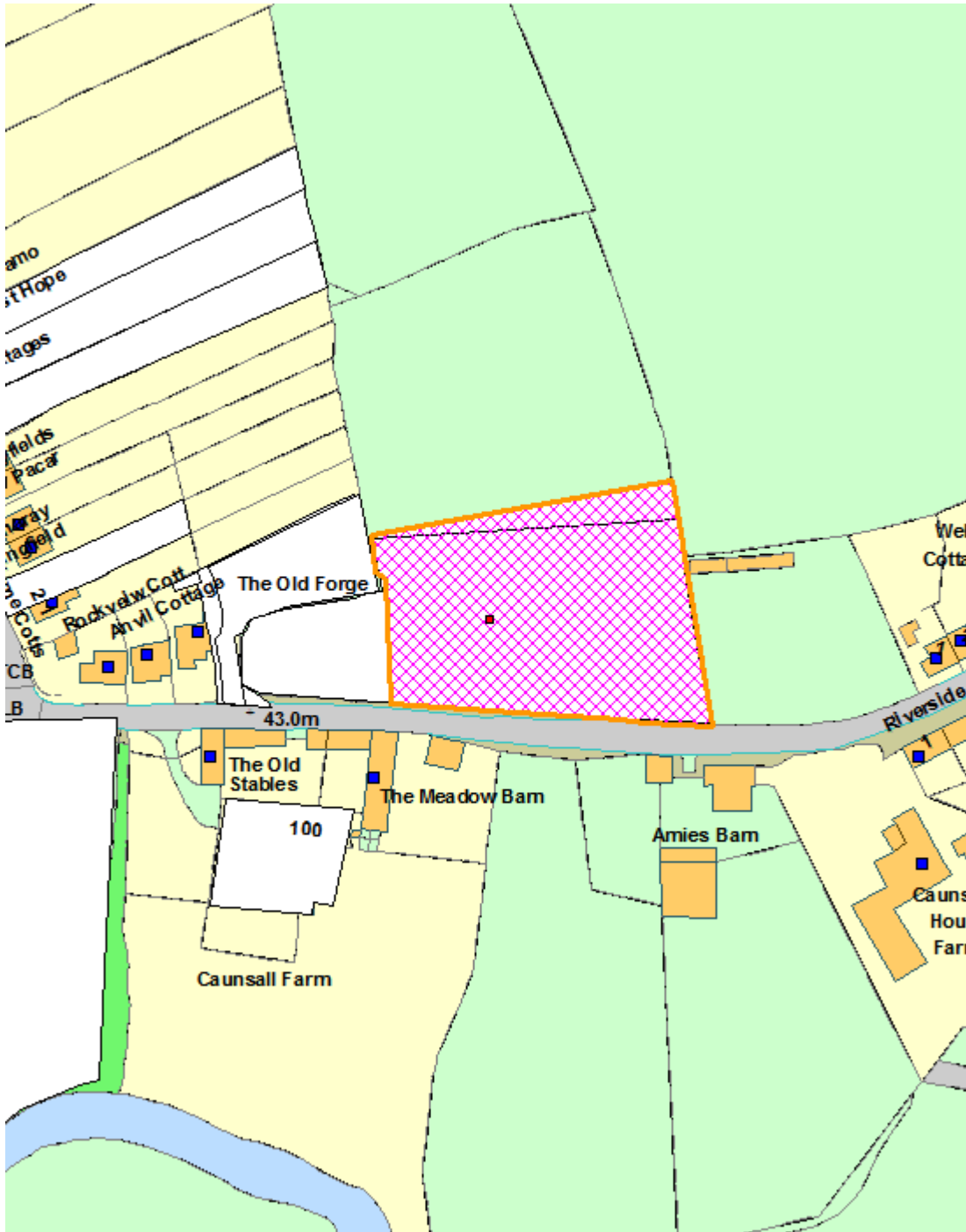
- 6.1 Section 38 of the Planning and compulsory Purchase Act requires that planning applications should be determined in accordance with the Development Plan unless material considerations determine otherwise. This site has received a Development Plan allocation for up to 4 dwellings in the up to date Development Plan following examination and adoption of the plan. The applicant has engaged with the Local Planning Authority for the last 7 years, initially responding to the public call for sites to undertaking extensive pre-application advice. The site layout is merely to demonstrate that the amount of development proposed is achievable on site in terms of relevant policy context and is indicative only and is not necessarily a true representation of the design, scale or layout, all of which will be thoroughly examined at the reserved matters stage. The site has been carefully considered by both the Council and by the Planning Inspectorate on behalf of the Secretary of State who concluded that the site should be included as an allocation for housing within the Local Plan. The application has carefully considered those matters material to this application and no statutory consultee excluding the Parish Council have objected to the principle of development on this site. The application has been accompanied by a comprehensive Transport Assessment, which concludes that safe means of access to and from the site is proposed, a view which is mirrored by the County Council's Highway Authority.
- 6.2 No objection has been raised by consultees in respect of impact on landscape character, trees, biodiversity, flood risk and heritage assets. Worcestershire Regulatory Services are satisfied that an acceptable living environment can be achieved for future occupiers. These recommendations are of course subject to suitable planning conditions and the submission of further details at the reserved matters stage. The concerns expressed by the Parish Council are acknowledged, but Officers are satisfied that such concerns other than the principle of residential development, can, and will, be satisfied through the planning conditions and the subsequent reserved matters. In terms of the principle of development it is clear that there are no justifiable grounds on which to object to the proposal which seeks outline consent for the principle of residential development of up to 4 dwellings on this site with safe means of access achieved. Your Officers therefore consider the proposal to comply with the requirements of the site specific policy SA.R8 and the Wyre Forest District Local Plan as a whole.
- 6.3 Your Officers therefore recommend **APPROVAL** subject to:
- a. the following conditions:
    1. Time Limit for Reserved Matters
    2. Reserved Matters Details (scale, layout, appearance and landscaping)
    3. Require development to be in accordance with the Site Location Plan and Proposed Access to Serve Proposed Residential Development Plan
    4. Require details of materials, boundary treatment to include gaps in fences for hedgehogs, proposed site levels and finished floor levels
    5. Require development to achieve water efficiency standard of 110 litres per person per day

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6. Require Energy Report to demonstrate 10% of predicted energy requirements to be provided through renewable or low carbon sources
7. Secure implementation of Tree Protection Plan
8. Require retention of hedgerows except for hedge to be removed to facilitate access
9. Require remediation scheme and validation report for potential ground contamination
10. Unexpected contamination
11. Require scheme for a surface water drainage strategy to be provided within the red line site boundary of the site
12. Require management plan detailing future maintenance responsibilities for SuDS assets
13. Require construction surface water management plan
14. Require drainage plans for disposal of foul and surface water flows
15. Require Written Scheme of Investigation (WSI) for Archaeology
16. Require Implementation and recording of agreed WSI
17. Construction Environmental Management Plan (Biodiversity)
18. Require visibility splays to be provided and retained
19. Require details of access including pedestrian footway.
20. Electric vehicle charging points
21. Details of on-site parking and turning provision and layout to be submitted and approved
22. Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh
23. Require submission of a Lighting Plan
24. Require installation of bird nesting and bat roosting facilities
25. A Reasonable Avoidance Methodology produced by a qualified Ecologist.
26. No works within the bird nesting season without the assistance of a qualified ecologist.
27. The production of a Landscape Environment Management Plan (LEMP) to include all improvement measures required to deliver appropriate BNG.

#### NOTES

- Reserved Matters relating to scale, layout and landscaping shall ensure a sensitive design approach is undertaken that considers landscape character and views from/to heritage assets and incorporates a robust landscape buffer and buildings
- PV solar panels
- The revised Energy Report pursuant to condition 9 shall consider the inclusion of solar/photovoltaic panels, air source and ground source heat pumps including battery storage for PV panels
- No construction work outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays
- No burning of any material during construction and site preparation works
- Section 278 Agreement
- Construction Environment Management Plan



Strategic Growth

Land At Os 385100 280950Caunsall RoadCaunsallKidderminsterWorcestershire

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**PART B**

<p><b>Application Reference:</b> 23/0663/LBC</p> <p><b>Ord Sheet:</b> 383404 276449</p> <p><b>Case Officer:</b> Kelly Davies</p>	<p><b>Date Received:</b> 08.09.2023</p> <p><b>Expiry Date:</b> 03.11.2023</p> <p><b>Ward:</b> Blakebrook And Habberley South</p>
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**Proposal:** Demolition of later addition/ outbuilding

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

**Applicant:** Mr Clayton Mapongo

<b>Summary of Policy</b>	<b>SP.21, DM.23 of the Adopted Wyre Forest District Local Plan National Planning Policy Framework National Planning Practice Guidance</b>
<b>Recommendation</b>	<b>Approval</b>
<b>Reason for Referral to Committee</b>	<b>Applicant of the Planning Application is Wyre Forest District Council and is made on land owned by Wyre Forest District Council.</b>

**1.0 Planning History**

- 1.1 23/0156/S19 - Minor material amendment to application 21/0784/LBC to make changes to the doors, windows and building fabric of the existing buildings and boundary wall, together with new ramp access to bin store and external covered cycle store and variation to Condition 3: Approved 26.05.2023
- 1.2 23/0144/RG3 - Minor material amendment to application 21/0783/RG3 to make changes to the doors, windows and building fabric of the existing buildings and boundary wall, together with new ramp access to bin store and external covered cycle store and variation to Condition 3 and removal of Condition 16: Approved 26.05.2023
- 1.3 21/0783/RG3 - Redevelopment of site, including restoration of weaving shed (with part demolition of listed element), refurbishment and change of use of existing building to create a three-storey office building and multi-purpose community facilities / creative hub and bar (Use Classes E, F.1, F.2 & Sui Generis), together with landscaping and external works: Approved 8.03.2022
- 1.4 21/0784/LBC - Redevelopment of site, including restoration of weaving shed (with part demolition of listed element), refurbishment and change of use of existing building to create a three-storey office building and multi-purpose community facilities / creative

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hub and bar (Use Classes E, F.1, F.2 & Sui Generis), together with landscaping and external works: Approved 8.03.2022

## **2.0 Consultee Responses**

2.1 Kidderminster Town Council – Support.

2.2 Conservation Officer – No objection. The later outbuilding proposed for demolition does not positively contribute to the sites significance or historic interest. Therefore, I can confirm that the demolition will do no harm, particularly when the benefits of demolition as part of development are considered. Approval is recommended.

2.3 WCC Archaeologist - Whether the demolition of the later addition impacts the Listed Building, or its setting, is a matter for Conservation. Should the proposal be acceptable to the LPA and permission granted then the building should be recorded prior to demolition and a watching brief required on any groundworks needed to facilitate the demolition.

Condition 4 on the grant of consent for 21/0783/RG3 requires a programme of archaeological works (Historic Building Recording and watching brief) to be undertaken prior to and during the demolition/refurbishment. A WSI has been approved under Condition 4 and it already includes recording of this building to Level 3. It also allows for flexibility to alter the scope of the watching brief should the design or demolition plan change. Therefore, the archaeological recording should already be covered under the WSI approved as part of Condition 4 on 21/0783/RG3.

2.4 Tree and Biodiversity Officer - Works must comply with details submitted in the ECOLOGICAL MITIGATION STRATEGY AND ENHANCEMENT PLAN as approved under 22/0516/CR.

## **Neighbour/Site Notice Representations**

2.5 No comments received.

## **3.0 Planning Policy**

3.1 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).

3.2 Wyre Forest District has an up-to-date Local Plan (adopted on 26th April 2022), of that Local Plan, Policies SP.21 and DM.23 are of relevance to this proposal.



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#### 4.0 Site Location and Description

- 4.1 The application site relates to a derelict and vacant two-storey brick building which sits within the grounds of the former Magistrates Court, a grade II listed building, within the ownership of the District Council. The site is currently under renovation for a major development scheme, previously approved under 21/0783/RG3.
- 4.2 The site is located on land within Kidderminster town centre at the south-eastern end of Worcester Street, approximately 570 metres west of Kidderminster Rail Station. Worcester Street is a single carriageway road, operating as a cul-de-sac at its eastern end. Access to Worcester Street is gained via a priority junction with Unicorn Hill to the south. Pedestrian and cycle access is provided at its eastern end through bollards, connecting to a subway running under the A451 Ringway roundabout junction with the A448 and Oxford Street. The site has a number of vacant buildings that comprise the former magistrates' court, former weaving sheds and the offices associated with a former carpet factory.
- 4.3 The application seeks listed building consent for the demolition of the existing two-storey brick building. A Heritage Statement has been submitted in support of the application.

#### 5.0 Officer Comments

- 5.1 The listed building consent application proposes to demolish the later addition outbuilding (annexe) to the rear of the site.
- 5.2 The two storey brick building was a later addition presumed to be added in the 1980s when heavy modernisation of the site was done. The building has been surveyed by a structural engineer for the development and has provided the following comments

*'The annex building is in an extremely poor condition. It was inspected after many requests on Tuesday 28<sup>th</sup> March 2023. The first floor had collapsed and much of the roof. Full size 'tree like' buddleias were growing from within the structure. We consider it to be unsafe to save anything other than the perimeter walls. The latter do not appear to be of historic value and rely on the first floor and roof for stability. If the walls were to remain the vegetation will need extremely careful removal and the walls will need fumigating and extensive repointing due to the damage already inflicted by the vegetation*

- 5.3 Whilst it was hoped to renovate the building in line with the other parts of the site, it is evident that it is beyond repair and poses a significant health and safety risk.
- 5.4 The structure itself whilst listed by way of its connection to the original building, is not included within the statutory listing for the site. Therefore, consideration should be given as to the significance of this structure when assessed in connection to the listed building.

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Heritage Environment

- 5.5 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.
- 5.6 Policy SP.21 states 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).
- 5.7 In addition, where a proposal is deemed to be affecting a heritage asset, Paragraph 194 of the National Planning Policy Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.8 The Former Worcester Cross Factory, offices and weaving sheds are Grade II Listed as identified under list entry 1457827.
- 5.9 The building subject to this application falls outside of the areas listed under List Entry 1457827.
- 5.10 The proposals have also been carefully considered by the Council's Conservation Officer, who has advised '*the later outbuilding proposed for demolition does not positively contribute to the sites significance or historic interest. There, I can confirm that the demolition will do no harm, particularly when the benefits of demolition as part of the development are considered. Approval is recommended.*
- 5.11 The County's Archaeologist has advised that they cannot comment on whether the demolition would impact upon the listed building and setting, however, should permission be granted, then the building should be recorded prior to demolition and a watching brief required for any groundworks. This is covered by way of Condition 4 of 21/0783/RG3. The condition will be reapplied to this permission to ensure that it is carried out prior to any demolition works being carried out.
- 5.12 Your Officers therefore consider that the demolition of this building is justified and agree with the Conservation Officer that building is not of any architectural or conservation merit to warrant its preservation and that its demolition would not harm the appreciation of the Grade II listed building or diminish the setting of this heritage asset. A condition has been recommended to require appropriate building recording of the building and a watching brief for any groundworks. The development therefore accords with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan.

Other matters

- 5.13 Your Officers note the comments made by the Tree and Biodiversity Officer, however, as this is an application seeking listed building consent, matters relating to ecology cannot be considered. Any harm to protected species would be a criminal offence as set out in the Wildlife and Countryside Act 1981.

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**6.0 Conclusions and Recommendations**

- 6.1 Whilst the proposed works will result in some loss of historic value on this historic site, weight should be given to the structure itself not being included within the List Entry and as such, it is considered that there would be no harm to the significance of the heritage asset as a result from the loss of this structure. Careful consideration of the information submitted has been assessed and in line with comments from statutory consultees it is considered that the loss of this later addition to the site is minimal and the risk to health and safety outweighs the need to try and retain the structure.
- 6.2 The annex itself is an unsightly structure which adds no aesthetic benefits to the site. It is therefore considered that in line with Policies SP.21 and DM.23 of the Wyre Forest District Local Plan that the proposed scheme be recommended for approval.
- 6.3 Your Officers therefore recommend **APPROVAL** subject to:
- a. the following conditions:
    - 1. 3-year Time Limit to commence development
    - 2. Programme of Archaeological works (Historic Building Recording and WatchingBrief)
    - 3. In accordance with the approved plans