

# DESIGN, ACCESS AND PLANNING STATEMENT

Land at Jays Meadow  
Callow Hill  
Rock, Nr Kidderminster  
DY14 6XW

Erection of two bungalows  
(OUTLINE: ALL MATTERS RESERVED EXCEPT FOR  
ACCESS)

PP-10158237

Document ref: DY146XW/ER/CB – D&A August 2021

## ***Introduction and basis for application***

The application site relates to an area of grass (a paddock) currently utilised for grazing as part of the property known as Jays Meadow, Callow Hill, Rock, DY14 9XW and is situated behind a row of existing residential development and the A456. The ground level is flat and the site is bound by mature hedgerows to the East and West. To the North of the site is existing residential development and to the South a large, detached, bungalow – Jays Meadow.

The surrounding area comprises rural dwellings, agricultural fields and the Wyre Forest. The site is around 2.75 miles from Bewdley and 5.5 miles from Kidderminster, two of the main settlements for the Wyre Forest District.

The application is submitted as outline with all matters reserved except for access. It therefore only falls to consider whether the proposal is acceptable in principle and access. All other matters including design, layout and landscaping fall to be considered in a reserved matters application following grant of outline consent.

The submitted layout within the plans is specifically submitted as, and labelled as, being indicative/illustrative. Submission of this plan is to demonstrate (subject to reserved matters) that the application site is capable of accommodating the proposed level of development taking into account matters such as parking, turning and relationship to other dwellings (for example in terms of separation distances etc.).

The proposal is for two bungalows which would, due to the application site, be situated in modest but appropriately sized plots taking into account the location. The main considerations for the application are whether the proposal would be acceptable in principle and whether it would result in a detrimental impact upon highway safety, landscape character, the amenities of existing residential and ecology.

## ***Planning Policy***

The Council are understood to have carried out a comprehensive assessment of housing need for its Local Plan Review which has taken in account the Government's Standardised Methodology and includes additional growth. Furthermore, the Council is believed to be able to demonstrate in excess of a five year housing land supply against its identified housing needs target. Therefore, when taken as a whole it is considered that the Council's Development Plan is not out-of-date and the 'tilted balance' is not engaged.

The starting point for determination of the application is, therefore, the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. The relevant Local Plan documents are therefore:

- Adopted Core Strategy (2010) (CS) and;
- Site Allocations and Policies Local Plan (2013) (LP).

The National Planning Policy Framework 2021 (the Framework) is a material consideration.

## ***Principle***

The application is for the erection of two bungalows on a site which is a paddock which, as outlined above, has been utilised for grazing as part of the occupation of Jays Meadow. The site lies immediately to the South of, and adjoins, the settlement boundary to Callow Hill but is acknowledged in planning terms to fall within the open countryside.

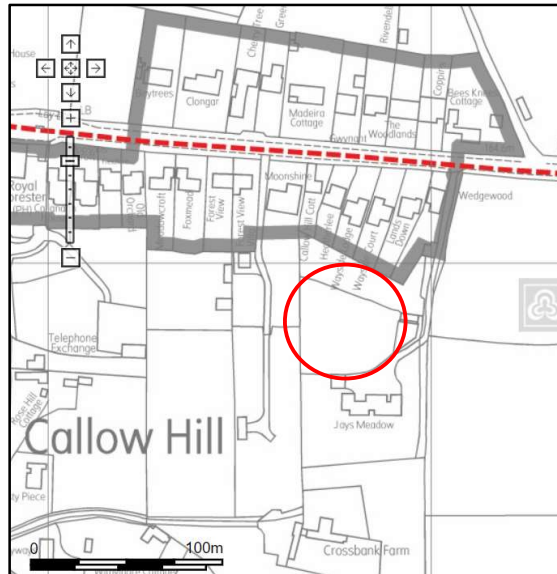


Figure 1: Location of application site in comparison to Settlement Boundary of Callow Hill

LP Policy SAL.DPL2 seeks to limit new housing within the rural areas in order to safeguard the district’s landscape character and to promote regeneration of the district’s urban areas. It is a restrictive policy that only permits residential development in exceptional circumstances.

It states that planning permission will only be granted in defined circumstances – one of which is an exception site where is when the site is identified by the relevant town/parish Council as an exceptions site to meet an identified local housing need.

Policy SAL.DPL2 further requires that the number, size, type, mix and tenure of dwellings must not exceed the extent of local need. The site is well related to the existing built up area of the settlement in which it is located; of a scale that is appropriate to the size and character of the settlement and would not damage the character of the settlement or the landscape; and is accessible to local services and facilities by sustainable modes of transport.

The Rock Parish Housing Survey (2019) advises that ‘The highest need regarding types of properties is bungalows with 60%, closely followed by houses with 29%. The higher demand for bungalows reflects the population living in the parish at present with being a higher percentage of over 65’s in comparison to the district, region and nation’. The proposal, for two bungalows, is appropriate for this area and would make a positive contribution to the identified local housing need. As established within general work of this nature, and engagement with officers on other sites, to establish the current housing need in Rock, it is necessary to consider other sites that have planning permission and have been constructed. The Parish Council comments relate solely to relying upon sites which have been granted consent only not any that have been constructed to meet the stated need.

As of the end of February 2021 I am aware of only eight consents having been constructed (3 x 3-bedroom owner-occupied dwellings (19/0203/FUL) and 1 x 2-bedroom, 2 x 3 bedroom and 2 x 4 bedroom(19/0080/FUL). There is no evidence available, or provided by the Parish Council, as to construction of the dwellings which would reduce the required need as established by the housing needs survey.

The site immediately adjoins the settlement boundary to Callow Hill and is therefore well related to this settlement and is also of a scale that would not damage the character of the

settlement being in between existing built development which naturally limits and controls countryside encroachment. There is a pavement immediately over the road from the site access providing pedestrian access to Callow Hill.

In terms of the accessibility of the site to local services and facilities, the site is considered to be in a sustainable location and it should be noted, as one of the district's rural areas, that the Framework specifically acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural sites and this should be taken into account in both plan-making and decision-making.

The site is also within a reasonable travel distance to the town of Bewdley where there is a range of local services and facilities on offer. Future occupiers would have suitable access to everyday services and facilities other than by travelling via private car. The proposed development is considered to be in a sustainable location within the rural area of the district and would help to enhance and maintain the vitality of nearby rural communities within Callow Hill.

On the subject of whether or not the site is classed previously developed land or not – it is considered that the proposal is acceptable as outlined in this statement. Notwithstanding this the site is outside of the defined development boundary and thus is, in planning terms, considered to be open countryside. Residential gardens of properties in the countryside can constitute previously developed land because the definition in the Framework only excludes land “in built up areas” as held within *Dartford BC v SSCLG (2017) EWCA Civ 141*.

It is noted that objectors, to the original scheme, are citing back land development. Despite this, as noted on the aerial photograph below, whilst each case is to be considered on its own merits the principle of development of this nature was specifically allowed to the rear of the Royal Forest under 19/0798/FULL. This was determined against the same Local Plan and was specifically acknowledged by officers to be non-previously developed land, in the open countryside and adjacent to the settlement boundary.

Overall, the site is considered to be in a suitable location for additional rural housing and would help to support the vitality of the rural community which is consistent with Policy SAL.DPL2.

### ***Highway Safety***

The final layout falls to be considered within the reserved matters application, however, has outlined above an indicative/illustrative layout has been submitted to demonstrate that there is sufficient space within the site to provide parking provision for the proposed dwellings as well as allowing them to enter, turn around and exit the site in a forward gear. Given the access track from the A456 a passing place can be provided in order to ensure vehicles utilising the access (four in total) can do safely. The access arrangements are acceptable and adequate parking can be provided for each bungalow.

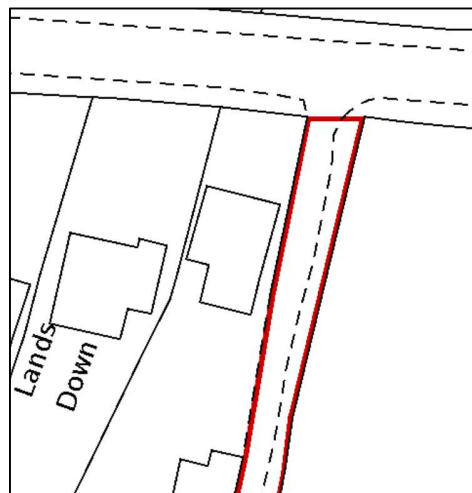
A pre-application advice request was undertaken with County Highways in May 2021 and the applicant has followed the advice set out in that including having undertaken a speed data survey (undertaken by Worcestershire County Council's service). The data returned the following results:

407603			
A456 Callow Hill			
From 11-06-2021 to	Daily Vol.	Mean Ave.*	85th %ile*
Eastbound	5,929	40.20	44.90
Westbound	5,967	39.40	44.50
Combined	11,896		
*Figures shown in miles per hour			

This was subsequently confirmed, by highways, to require visibility splays as below (0.6m and 2.4m back):

407603					
A456 Callow Hill					
From 11-06-2021 to	Daily Vol.	Mean Ave.*	VIS of Mean Ave.	85th %ile*	VIS of 85th %ile
Eastbound	5,929	40.20	82.2m	44.90	97.3m
Westbound	5,967	39.40	79.8m	44.50	96.0m
Combined	11,896				
*Figures shown in miles per hour					

In addition, it is noted that the shared surface, serving more than two properties, can be of varying width, but that the surface should be a minimum of 4.1 metres for the first 15 metres behind the back of the carriageway. Officers will note, when visiting site, that the current access track presents as narrower than the actual land ownership due to the overgrown hedge along the boundary. The applicant has checked landownership and confirms that the access is held within the title of Jay's Meadow (WR127216). A copy of this plan is submitted with the application but is replicated below for ease of reference. The dotted line demonstrates the current track width, however, it can be seen that the land ownership is wider than this and that appropriate access can be provided within the scope of the red line.



This has been checked on Promap and it is confirmed that the land ownership allows for the required 4.1m width for the first 15 metres. The ownership width, for reference is 6m at the start of the track and has a width of 5.5m at a distance of 15m back. There is also, therefore, sufficient space to accommodate refuse spaces, at reserved matters stage, within 25m of the highway where the track/owned land is still 5m in width at this point.

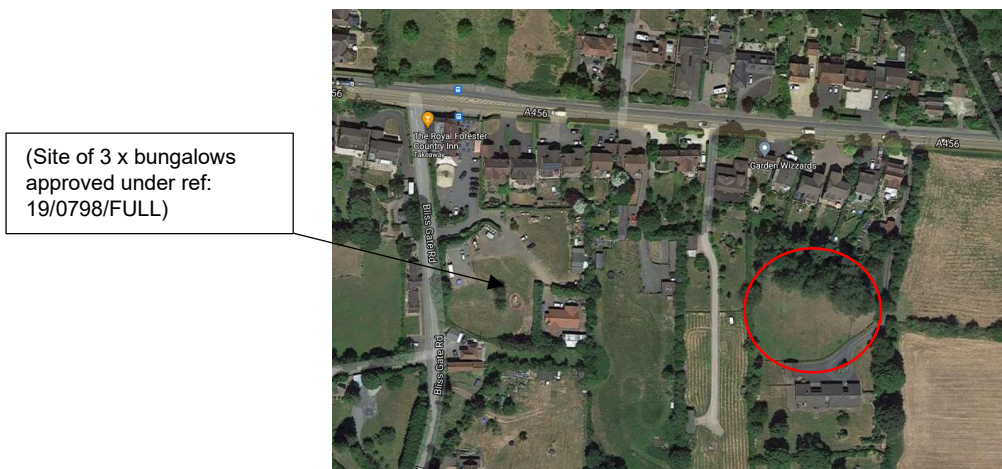
Paragraph 111 of the Framework advises that planning permission should only be refused

on highway grounds where it can be demonstrated that the development would have an unacceptable or severe impact on highway safety. The proposed development can provide appropriate parking provision and access for the proposed bungalows and therefore would not undermine highway safety, in line with CS Policy CP03 of the LP Policies SAL.CC1 and SAL.CC2 and paragraphs 110 and 111 of the Framework.

### ***Impact on Landscape Character***

The application site falls within Worcestershire County Council's Landscape Type of 'Forest Smallholdings and Dwellings', which consist of intimate, densely settled landscape characterised by strings of wayside cottages and associated smallholdings. Paragraph 174 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

The site layout, as part of the reserved matters, can be designed to be more irregular in terms of plot shape and size which will integrate well between the regular form of development along the A456 and the existing bungalow. Due to the location of the proposal it will not have impact upon the appearance of the area due to being between existing development with mature vegetation boundaries. As bungalows, they can be designed to ensure that each one has a slightly different design style to help retain the rural character of this part of the countryside. The proposed development would not harm the intrinsic character and beauty of this part of the countryside.



*Figure 2: Aerial view (not to scale) of application site and surroundings*

In response to the initial application the Council saw it appropriate to apply a Tree Preservation Order (TPO) to the band of trees to the North of the site. Due to this the applicant has undertaken a full tree survey (prepared by Arbtech) and this is submitted with the application. It demonstrates, along with the reduced number of dwellings and revised illustrative plans, that within the red line boundary two dwellings can be accommodated outside of, and away from the trees in the TPO which can and will be retained.

### ***Impact on Residential Amenity***

The proposed dwellings can be designed, at reserved matters stage, to ensure satisfactory living accommodation for future occupiers. The bungalows, as demonstrated on the illustrative plans submitted, can be positioned a sufficient distance from the existing

residential properties to ensure that no harm would arise from the development on the amenities of existing residential in terms of overlooking and overshadowing.

The rear elevation of the closest dwelling to the North is just over 30m from the edge of the red line boundary. The proposed dwellings would be, as illustrated, even further South from this creating separation distances significantly in excess of what is required within the residential design guides. This, combined with the presence of the TPO and retention of the trees to the North, will further contribute to maintenance of privacy. The distance of the proposal cannot have any impact upon residential amenity and, furthermore, right to a view is not a material planning consideration. The proposal is for bungalows. The height, to be confirmed in reserved matters and distance, cannot have any impact such as overbearingness nor impact on light (especially given the nature of the trees which are closer to the neighbouring dwellings in question).

In considering the site it is considered that the site can accommodate the proposed level of development taking into account material considerations such as the Design Guidance Supplementary Planning Document 2015 (SPG).

### ***Ecology***

An ecological survey, prepared by Star Ecology, has been undertaken and submitted with this application and highlights no ecological constraints or protected species. Subject to safeguarding conditions, the proposed development would not have a detrimental impact on the conservation status of protected species and would provide ecological enhancement measures (through the reserved matters) to ensure a net gain in the biodiversity value of the site, in accordance with CS Policy CP14, LP Policy SAL.UP5 and the Framework.

### ***Response to comments/concerns/objections raised in the initial application***

Further to discussion with officers prior to this re-submission, and the points already raised against the relevant headings, we outline a summarised response to the concerns and objections raised in the first consultation period:

- Comments regarding impact upon wildlife, protected species or similar are not valid. A full ecological survey has been submitted and, furthermore, Natural England responded as a consultee to state that they found the proposal would not have significant adverse impact upon statutorily protected species.
- The decision to not publish the ecological survey was that of the Council – the applicant confirmed this could be released to interested parties.
- We have now undertaken a tree survey and reduced the proposal by one dwelling and furthermore removed the land enclosed within the newly designated TPO from the application site.
- Drainage can be secured by condition as part of the reserved matters – Severn Trent have raised no objection.
- The highway objection was raised based upon constraints of third-party land. It is assumed that this is East bound around the edge of the hedge outside the applicant's ownership. Accordingly, a notice has been served on the adjoining landowner following the applicant having approached them and provided them with copies of the plans. The required splays can now be provided as required.

- The housing enabling officer acknowledges that the principle of dwellings under SAL.DPL2 is acceptable, however, a density of 35 dph is inappropriate for a rural location and, furthermore, the emerging plan is not at a stage which can carry weight.
- Matters relating to privacy have been discussed above. The separation distances are significantly above what is required with regard to design standards.
- Land Registry Plans are a guarantee to title, and the plans are scaled and permissible as evidence in legal proceedings thus, regardless of measurements taken to vegetation on the ground, the land owned is as per the land registry plans provided. Notwithstanding this highways as consultees only raised concern with splays, not the criteria for a shared private drive.
- Impact upon property values is not a planning consideration.
- Worcestershire Regulatory Services raise no concern with noise and, therefore, there can be no objection on the grounds of amenity with regard to noise. A construction management plan can be conditions should the Council deem is appropriate to protect the residential amenity of the neighbouring residents during the construction phase.
- I have discussed housing need above under principle above.

### ***Conclusion***

Regardless of whether the application site relates to non-previously developed (greenfield) or previously developed land it is located outside of the settlement boundary to Callow Hill village and within the open countryside. Therefore, the development of the site for housing would not promote urban regeneration, it would help to support the vitality of the rural community within Callow Hill and is of a scale that would not damage the character of the settlement or the landscape and would help to meet an identified local housing need.

There are no highways concerns and no other harm has been identified to residential amenity or biodiversity or trees. The site is considered suitable and appropriate for new housing development and that the proposed development would accord with relevant Local Plan policies as well the Framework. Outline consent should be granted subject to conditions and submission of reserved matters.



**General Site Photographs**









