

PLANNING APPLICATION NUMBER:P10/1325

Type of approval sought	Full Planning Permission
Ward	Wordsley
Applicant	Mr Gavin Warr, Selbourne Homes Ltd
Location:	WORDSLEY MANOR, MEADOWFIELDS CLOSE, WORDSLEY, STOURBRIDGE, DY8 5AD
Proposal	ERECTION OF 14 NO. DWELLINGS WITH ASSOCIATED ACCESS (RESUBMISSION OF WITHDRAWN APPLICATION P09/1335)
Recommendation Summary:	REFUSE

INTRODUCTION

1. This application was deferred for a site visit at Development Control Committee on the 13th December 2010.
2. The Natural and Environment and Rural Communities (NERC) Act came into force in 2006. Section 40 of the Act is of relevance and in that it states the legal requirements of public bodies, such as Local Planning Authorities to have regard to the conservation of biodiversity in England, when carrying out its normal functions.
3. It is important to reiterate the guidance inherent within PPS9 and its accompanying circular, in particular paragraphs 98 and 99 of Circular 06/2005. This states that:

“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature before granting planning permission. They should consider attaching appropriate conditions or entering into planning obligations

under which the development would steps to secure the long-term protection of the species...

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed before making a decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. ...developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted..”

4. In addition, bats are of particular importance being a European protected species under the Conservation of Habitats and Species Regulations 2010. Recent case law has emerged that confirms that the Regulations do not merely protect bat roosts but also their migrating corridors and foraging areas. This site relates to the foraging and migrating corridors of bats. In assessing whether it would be lawful to approve planning permission, the Local Planning Authority needs to be satisfied that:
 - There is an over-riding public interest to allow the development;
 - That full consideration has been given to alternatives assessing whether the proposed development could be put forward in a different way to ensure that there is no adverse impact upon bats; and
 - That if there is no alternative that the proposed development would not affect the overall conservation status of bats.
5. The Local Planning Authority would need to be satisfied that each of the tests could be met in supporting a scheme. The wider benefits of the scheme in terms

of the restoration and preservation of the Grade II* listed building could be argued to be in the public interest. However, officers are not satisfied at the time of writing the report that full consideration has been given to alternatives with respect to a scheme that would not have an adverse impact upon bats. In the absence of an alternative and suitable mitigation strategy, officers consider that the proposed development would detrimentally affect the favourable conservation status of bats. In light of these comments, it would not be appropriate to recommend approval since the three tests cannot be met.

6. In this case, survey work has been completed demonstrating the presence of protected species on the site (bats and reptiles). Whilst a mitigation strategy has been submitted it would not ensure the provision of suitable measures to protect the species or to preserve the function of the area of linear open space in terms of providing a corridor for wildlife and enhancing connectivity to the wider area. It would not be appropriate to condition mitigation since it is of the view of officers that it is unlikely that a suitable mitigation scheme could be delivered without significant changes to the submitted layout. In short, the proposed development would be contrary to the Council's duties under the NERC Act as well as PPS9, specifically paragraphs 98 and 99 of Circular 06/05. It is also worth noting that all species, irrespective of the level of protection afforded by The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 are protected by Policy NC6 of the Adopted Dudley Unitary Development Plan (2005).
7. The officer report sets out all of the material planning considerations relating to the proposed development. The report clearly sets out the overall benefits of the scheme with respect to the restoration and preservation of the Grade II* listed building, the acceptable layout and design of the proposed dwellings with respect to the setting of the listed building and in general design terms. The Local Planning Authority agrees that the only outstanding issue is the potential impact of the development upon protected species.

8. The protection of species is a material consideration when determining a planning application. The nature conservation part of this report within the assessment section clarifies the weight to be afforded to both bats and slow worms in the decision making process. In the absence of a suitable mitigation strategy that is able to preserve the conservation status of reptiles and bats the Local Planning Authority retains its view, that the benefits of the proposed development do not outweigh the harm of the proposed development, with respect to protected species and the wider wildlife corridor.
9. Whilst it is encouraging that the applicant's consultant states that "We are able to give an undertaking on behalf of our client that every effort will be made to submit as soon as possible an agreed mitigation strategy", officers consider that this is unlikely to be easily resolved. An acceptable mitigation strategy with respect to protected species and the wider wildlife corridor would require a complete redesign of the canal side part of the development with a potential loss of units. This may impact upon the viability of the scheme and the potential delivery of other benefits associated with the development in terms of the restoration and preservation of the Grade II* listed building and other Planning Obligations. A further viability report may then be required to be submitted by the applicant for independent verification by the Council and subsequent re-negotiation of the scheme as well as a revised assessment of the merits of the scheme in terms of the potential impacts upon the setting of the listed building, adjoining Conservation Area and general design and layout. In view of the substantial level of objections received to the application, it is considered that a complete new round of notification and publicity would be required for any such revisions to the scheme.
10. In view of the above, it is respectfully requested that this planning application is determined at Development Control Committee.

SITE AND SURROUNDINGS

11. The site measures 1.27 hectares. This is split into three areas with 0.61 hectares being the retained Wordsley Manor site with its associated garden areas and two parcels of land that are proposed for redevelopment lying to the north west and south east of the manor house. The south-eastern parcel of land measures 0.43 hectares and the north-western parcel of land measures 0.23 hectares.
12. Wordsley Manor dates from 1757 and is a Grade II* listed building. The manor house is occupied as a single dwelling house. The building is a three storey red brick building with a dentiled pediment which encloses a circular window. The manor comprises sash windows with moulded stone architrave and pediments. The manor comprises a number of early 19th Century outbuildings located to the north and south of the main mansion house.
13. Access to the manor house is via an existing private drive from Meadowfields Close to the east. There is also an existing pedestrian access to the canal towpath via a gate located within the southern boundary wall of the site.
14. The south-eastern parcel of land slopes gently to the south-east down to the boundary wall that abuts the Stourbridge Canal. There is a level difference of between 1.5-2 metres from the front entrance to the manor to the southern boundary wall. This portion of the site is grassed and comprises mature trees predominantly Ash and Acers that run along the boundaries of the site and there are some smaller species located centrally within the grassed area (Beech, Sweet Chestnut, Cherry, Pine, Locust and Pine). There is an existing ha ha wall feature of approximately 750mm that runs along the north-western boundary of this parcel of land. This would have historically been used to retain livestock within the pasture land located to the south-east of the mansion house.
15. The north-west parcel of land slopes down towards Kinver Street with an 8-10 metre fall over 42 metres. The site comprises overgrown grass and a significant number of mature trees. The trees predominantly lie within the north-western corner

of the site and comprise a number of species including Sweet Chestnut, Ash, Acer, Yew, Locust, Horse Chestnut, Holly, Cherry and Spruce. Immediately adjoining the north-western boundary of the site is Wordsley Brook. The trees within the site were previously protected by a blanket tree preservation order but this has subsequently expired. The trees are not now protected by a Specific Tree Preservation Order.

16. The site is located within a predominately residential area characterised by post-war semi-detached properties. Immediately adjoining the north-eastern boundary of the site is Meadowfields Close, to the north-west is Kinver Street and to the south is Primrose Hill. Properties in Meadowfields Close date from the 1960's and are largely traditional two storey semi-detached properties with some three storey terraced properties positioned at the lower level to the north (2-6 Meadowfields Close). The southern boundary of the site immediately adjoins the Stourbridge Canal, which forms part of the Stourbridge Sixteen Locks Conservation Area.

PROPOSAL

17. The proposal seeks the redevelopment of two parcels of land to provide a total of 14 dwellings. The land to the south that would adjoin the Stourbridge Canal would accommodate 9 dwellings and land to the north would accommodate 5 dwellings.
18. The canal side scheme would be in the form of 8 four bedroom houses and 1 five bedroom house. Each of the units would have detached garages with the exception of two of the units that would comprise integral garages. This part of the scheme would include the use of six house types. The development would be accessed from the existing private drive that serves the Manor House and would involve the repositioning of the existing pillars to Wordsley Manor.
19. The north (rearside) scheme would be in the form of 5 detached dwellings (3 no. 3 bed and 2 no. 4 bed) with the use of two house types. Each of the dwellings would be served by a detached garage. The proposed dwellings would be accessed off the existing turning head within the northern part of Meadowfields Close. The northern part of the site would be enclosed by a proposed new estate wall to be constructed

on the south-eastern boundary of this part of the site. The wall would extend up to 4.7 metres high from the proposed finished floor level of the site and would extend 1.8 metres above the retained areas of grassland serving as garden space for the manor. The proposed estate wall would be a retaining structure in order to re-grade the existing ground levels of this part of the site to reduce the change in levels across the site. The re-grading of the land would reduce the fall in levels across the site to approximately 1.5 metre rather than between 8-10 metres.

20. The dwellings would all be two storey modern dwellings with traditional embellishments to reflect the historical setting of the site. The dwellings seek to pick up on design features that are present within the Manor house and its associated outbuildings in the form of:

- Projecting brick dentil detail to eaves.
- Brick on edge verge detail.
- Stone detailing to parapets and sills.
- Brick arch and sill details.
- Brick chimneys.
- Brick details to garden walls and access gates.
- Traditional casement window styles and close boarded external doors.
- Boarded cart shed style garages with side hung gates.
- Materials to be traditional red-brick facings with tiled roofs.

21. The application is accompanied by a design & access statement, a landscape strategy, a ground investigation report, an extended phase 1 habitat survey, a bat survey, a reptile survey and a bat and reptile mitigation strategy.

HISTORY

Wordsley Manor

APPLICATION No.	PROPOSAL	DECISION	DATE
83/51797	Erection of 10 detached houses and garages (outline)	Refused	27/10/83
84/50652	Construction of road and erection of 12 detached houses and garages (outline)	Refused Appeal dismissed	11/07/84
P09/1335	Erection of 14 dwellings with associated access.	Withdrawn	10/12/09

Land adjacent to Wordsley Manor (Kinver Street and Meadowfields Close)

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/61/3883	The use of land for two pairs of semi-detached houses and on detached house.	Approved with conditions	15/08/61
BH/62/4256	The erection of two pairs of semi-detached bungalows and one detached semi-bungalow.	Approved with conditions	13/04/62
DB/66/460	Erection of 45 dwellings with garages.	Approved with conditions	18/10/66
BH/64/5473	Outline application for construction of road and erection of dwellings.	Approved with conditions	29/03/65

22. Pre-application discussions have been on-going with the owner of Wordsley Manor with respect to prospective development to secure the restoration and preservation of listed building since 2006. Discussions have focused around:

- Any new development must facilitate the restoration and preservation of the listed building.
- Development protecting the setting of the listed building and having regard to the historic sensitivity of the site.
- The importance of the wider urban green space which is partially wooded.

- Character and local distinctiveness of the surrounding wider heavily urbanised area.
- Importance of the green space associated with listed building.
- Impacts on the openness, setting and visual amenity and character of the linear open space.

23. The original proposal submitted for detailed consideration included a relatively high density flatted scheme on the canal side part of the site and a scheme for dwellings on the rearside part of the site. The southern part of the site has been reduced from an apartment scheme of 28 units to the current scheme of 9 dwellings. The overall number of units has been reduced from 44 units incorporating apartments to a scheme for 14 houses. The scale, massing and appropriateness of the flatted form of development raised concerns with respect to the setting of the listed building. The scheme has subsequently evolved to that submitted as part of the 2009 application and current application.

24. The previous application (P09/1335) was withdrawn in order to negotiate a suitable way forward with respect to the restoration and preservation of the manor house. In particular, justification was sought for the proposed design and financial justification for the proposed development and to provide additional information with respect to the potential flood risk and impacts of the scheme upon bats and reptiles.

25. The 1983 application (83/51797) was refused for the following reasons:

- Development would affect the setting of the adjacent listed building (Wordsley Manor).
- The proposed development would involve the removal of a number of mature preserved trees which would be detrimental to the visual amenities of the area.
- The width and design of the footpath and turning area are considered inadequate to serve the proposed development.
- The proposed dwelling in plot 1 would be likely to harm the amenities of no. 2 Meadowfields Close by reason of its siting.

26. The 1984 application (84/50652) which was refused and subsequently dismissed at appeal, which refused on the following grounds:

- The development would adversely affected by noise from the industrial premises on the opposite side of the canal to a serious detriment to the amenities of future occupiers.
- The development would unreasonably endanger future occupiers due to the increased length of the cul-de-sac which is already in excess of the current standard adopted by the highway authority to ensure satisfactory access for the fire service in an emergency.

PUBLIC CONSULTATION

27. The proposed development was advertised by way of ninety-two letters being sent to the occupiers of nearby properties, through the display of a site notice and the placing of an advert within the local press.

29. 12 individual letters of objection have been received and a petition signed by 106 residents who raise the following materials planning considerations:

Impact upon listed building and conservation area

- Setting of the Grade II* listed building.
- Development should be resisted to protect the character of this important property.
- Detrimental to the character and appearance of the conservation area.
- The Wordsley Church Conservation Area is adjacent to Wordsley Manor and the development of both the northern and southern sites can only be considered to be detrimental to the maintenance of this Conservation Area.
- The proposed development fails to respect the historical building character, proportion, massing and relationship between the buildings and spaces between them and with their setting. It is not possible to construct 14 properties within the boundary of Wordsley Manor without detrimentally impacting on the historic setting or property. 14 properties in this setting are completely disproportionate.

- The setting of the house has already been seriously compromised in the past by the progressive sale of its land for development. To sell off what remains and build more houses on it will destroy what remains of this. The manor house would be surrounded by 4 and 5 bedroom houses and would stand in the middle of a housing estate with the heritage lost.

Traffic Impact

- Unacceptable increase in the volume of traffic using Meadowfields Close.
- Concerns that the increase in traffic would result in a reduction in air quality.

Visibility

- The visibility of the junction of Meadowfields Close with Kinver Street is poor. An increase in the volume of traffic using this road raises concerns with respect to highway safety and in particular road traffic accidents involving pedestrians.
- Visibility is an issue from the proposed southern site. Traffic from this site would enter Meadowfields Close at a point where visibility of properties on the west side of the street would be obscured.
- Concerns regarding highway safety issues associated with the merging of traffic from the increased volumes on Meadowfields Close and Meadowhill drive.

Traffic Speed

- Concern regarding traffic speeds down Meadowfields Close towards Kinver Street and the impact of the increase in traffic at the head of the cul-de-sac serving Meadowfields Close.

Site of Local Importance for Nature Conservation

- The scheme would have a detrimental impact upon the Site of Local Importance that adjoins the site.
- The proposed development would result in an adverse impact upon wildlife and birdlife.

Impact upon Linear Open Space

- The development of the southern side of the manor house would negatively impact upon the Linear Open Space and its function as an important wildlife corridor that links to open countryside and should not be permitted.

Trees

- The area to the rear of properties to the west of Meadowfields Close is covered by a blanket TPO. The potential loss of mature trees and the habitat that all of the trees provides is of great concern to local residents. The birdlife in the area includes owls and many varieties of finch. The loss of habitat could denude the area of birdlife.
- There is evidence of bats and badgers in the locality and the disruption caused by the proposed development could endanger these species.

Flooding

- The development of the northern site and the introduction of hard landscaping to replace existing grassland will increase the likelihood of flooding. Increased amounts of surface water would flow off the hard landscaping and would overflow Wordsley Brook potentially flooding the road and properties in Kinver Street, which lie at a lower level than the proposed development.

Impacts upon Residential Amenity

- The scheme would result in a loss of privacy and an unacceptable level of noise and disturbance to the occupiers of existing dwellings that adjoin the site.

Drainage

- Concerns regarding the lack of capacity of foul and surface water drainage.

29. A subsequent letter has been received from the applicant's consultant requesting that the Local Planning Authority reasonably weighs the likely impact of the low population of slow worms and the potential for a mitigation strategy to be agreed, against the benefits of the scheme. It is also pointed out that the relevant legislation, case law and guidance does not prevent development in all circumstances that might be harmful to a protected species or its habitat.

30. Two further pieces of correspondence have been received from neighbours following the deferral of this application from the previous committee for a site visit. This states that the opinion of the Council's Nature Conservation Officer supports the points made by local residents in the submitted petition in relation to nature conservation and requests that Members are made fully aware of the implications of nature conservation legislation before reaching a decision on the scheme.

OTHER CONSULTATION

31. Group Engineer (Development): Subject to a satisfactory contribution towards transportation infrastructure and the site access roads remaining private, no objections are raised to the proposed development.
32. Head of Environmental Health and Trading Standards: No adverse comments.
33. Education: No objections since the development site generates a pupil yield of 4no Primary pupils and 3No Secondary. There is a surplus capacity of the local surrounding schools and therefore the pupil yield can be accommodated within the local schools. Based on the numbers that would be generated by the proposed development no education contribution would be required.
34. Natural England: Objects on the grounds that the proposals would adversely affect the conservation status of widespread reptiles and bats and recommends that either planning permission is refused or that the decision is deferred pending a revised proposal that addresses the deficiencies. Natural England has confirmed that it may remove their objection with respect to bats if certain mitigation measures were taken but has confirmed that as submitted they retain its objection with respect to the impact of the proposed development on the favourable conservation status of bats and reptiles.
35. British Waterways: No objections subject to conditions (lighting, management scheme for the landscaping and existing wall along the boundary to the canal, surface water drainage and ground water details). British Waterways welcomes the

proposals to retain the existing trees, for the development to respect the character of the canal Conservation Area and the retention of the existing boundary wall to the canal which adds to the character of the area.

36. British Waterways states that hard and soft landscaping aspects of development proposals, particularly at the site boundaries adjacent to waterways, play an important role in improving the site when viewed from the waterway. British Waterways supports the tree survey indicating that the existing tree belt adjoining the canal would be unaffected by the proposed development. British Waterways is supportive of the active management of the retained trees to improve the habitat and visual amenity.
37. British Waterways, through a planning obligation, seeks a contribution of £20,000 towards towpath enhancements for the provision of a 170m 2 metre wide macadam pathway, with timber edgings to be provided in a south-westerly direction to Henderson Bridge and a contribution of £3,000 for improvements to the well utilised cycle wheeling channel at Glasshouse Bridge to enable cyclists (both future occupiers and the local community) to have easy access to and from the towpath.
38. Police Architectural Liaison Officer: No objections received.
39. English Heritage: The application is driven by the need to generate income to invest in necessary repairs to the grade II* listed building. The scheme has been subject to extensive pre-application discussions since 2006 culminating in the submission of this current planning application. Although the proposed development would result in some loss to the setting of the listed building, this would be outweighed by the overall heritage benefit that would be derived from securing the repair of the grade II* listed building to outweigh the potential loss.
40. Following withdrawal of the previous application, the applicant has entered into an open book accounting exercise demonstrating the costs associated with the proposed development and therefore appropriateness of the scale of the contribution being offered towards the restoration of the manor house.

41. English Heritage has no objection to this application but advises that if the Local Planning Authority is minded to grant planning permission it should be subject to a S106 agreement to ensure delivery of relevant heritage benefits, namely that repairs to both the interior and exterior of the listed building and outbuildings as set out in an agreed costed, schedule of works are carried out in a timely fashion, certainly before either completion and/or occupation of the last phase of the new development, and that both oversight of the implementation of the works and regular scrutiny of their financial support should be available to the Council.
42. Environment Agency: No objections subject to conditions relating to surface water run-off, no new buildings being placed within 8 metres of the top of the bank of Wordsley Brook and floor levels being set to a minimum of 77.20 AOD.
43. Fire Service: No objection subject to all dwellings being fitted with domestic sprinkler systems.

RELEVANT PLANNING POLICY

- Unitary Development Plan

S2 Creating a More Sustainable Borough

S3 Green Assets

S4 Heritage Assets

S8 Housing

S11 Urban Renewal

S16 Access and Movement

DD1 Urban Design

DD4 Development in Residential Areas

DD6 Access and Transport Infrastructure

DD7 Planning Obligations

DD10 Nature Conservation and Development

DD12 Sustainable Drainage Systems

AM14 Parking

H3 Housing Assessment Criteria
H6 Housing Density
NC1 Biodiversity
NC5 Sites of Local Importance for Nature Conservation
NC6 Wildlife Species
NC9 Mature trees
HE1 Local Character and Distinctiveness
HE4 Conservation Areas
HE6 Listed Buildings
HE7 Canals
S02 Linear Open Space
S03 Access and Enhancement of Green Belt and Linear Open Space
EP4 Development in Floodplains
EP5 Air Quality
EP6 Light Pollution
EP7 Noise Pollution

44. Wordsley Manor is a Grade II* listed building. The south-eastern part of the site that adjoins the Stourbridge Canal is designated as falling within an area of linear open space. The canal, located beyond the south-eastern boundary of the site is designated as a Site of Local Importance for Nature Conservation, falls within the Stourbridge Sixteen Locks Conservation Area as well as also being within linear open space.

- Supplementary Planning Document(s)
 - Parking Standards and Travel Plans
 - Planning Obligations
 - New Housing Development
 - Historic Environment
 - Nature Conservation
 - Glass Quarter

- Supplementary Planning Guidance

PGN3 New Housing Development
PGN12 The 45 Degree Code

- National policy documents
 - PPS3 Housing
 - PPS9 Biodiversity and Geological Conservation
 - ODPM Circular 06/2005 Biodiversity and Geological Conservation
 - PPS5 Planning for the Historic Environment
 - PPS25 Development and Flood Risk
 - Conservation of Habitats and Species Regulations 2010
 - Wildlife and Countryside Act 1981

ASSESSMENT

Key Issues

- Principle
- Impact upon the setting of the Listed Building and Conservation Area
- Flood Risk
- Nature Conservation
- Linear Open Space
- Trees
- Access and Parking
- Layout and External Appearance
- Planning Obligations

Principle

45. The application proposes the erection of 14 dwellings within the extensive grounds of Wordsley Manor, occupying two parcels of land with 9 dwellings to the north and the remainder to the south of the Manor. In terms of establishing whether the principle of development can be considered there are three areas that require consideration:

- Wordsley Manor is a Grade II* listed building, within the boundary of the Glass Quarter SPD. The manor house has deteriorated over the years and comprises dilapidated outbuildings
 - Development is proposed within private residential garden land.
 - The site is characterised by mature trees and vegetation, located adjacent to the canal, a SLINC and Conservation Area.
46. National planning policy guidance set out in PPS3: Housing has recently been amended (June 2010) so that the definition of previously developed land (pdl) now excludes private residential gardens and therefore this is an important material consideration to take account of as part of this application.
47. The adopted UDP (2005) states that the Council expects to reach 90% of all its housing completions on pdl. The emerging Joint Core Strategy increases this figure in the Black Country under Policy HOU1 – Delivering Sustainable Housing Growth which requires that ‘at least’ **95%** of new housing (gross) be built on pdl. Whilst priority is therefore given to development on pdl in line with PPS3, Policy S2: Housing and Policy H3 of the UDP, this does not preclude all development on garden land but it does lessen the weight that should be given to development of gardens in the balance of considerations.
48. Greater emphasis is now on local policies to aid decision making and therefore the Council’s New Housing Development Supplementary Planning Document (SPD) (2007) would be utilised to assess what weight should be given to the proposed development. The SPD provides detailed information on implementation of housing policy in respect of design and density, so that local character and distinctiveness are paramount. It is considered that the low density of the proposed development, approximately 20 dwellings per hectare in each of the two parcels of land would maintain the open character of the site and its surroundings, in accordance with the New Housing Development SPD.
49. Furthermore, substantial garden land would still surround Wordsley Manor, therefore it is considered that the proposed development would not be unacceptable “garden

grabbing” as the development would accord with the character of the area, and adequate garden space would be retained.

50. It is considered therefore, that these considerations outweigh the fact that the proposal is not on pdl and the benefits of restoring and retaining the Grade II* listed building on the site as a single dwelling, in accordance with Policy HE6 of the UDP would further outweigh the fact that the development would be on a Greenfield site.
51. In light of the above, despite the proposal being located on garden land, it is considered that residential development in this location is acceptable in principle, as other material considerations (restoration and preservation of the Grade II* listed manor house) outweigh the fact that the development is not located on previously developed land.

Impact on the setting of the Listed Building and Conservation Area

52. Wordsley Manor is a grade II* listed building of mid 18th century date. The building is of particular historic significance for retaining its original interior decorative scheme and features (doors, veneered dado rails, plasterwork and staircases etc) intact. It is also of special interest for having two “principal” elevations of slightly different design – reflecting a change in orientation and adoption of a more “modern” style apparently while construction of the original house was still under way. Externally the property is adjoined by two flanking wings linked to the house by quadrant walls and probably comprising originally stabling, brewhouse, and washhouse accommodation. The original estate surrounding the house has been progressively sold off over the last 150 years but the spacious site still retains a number of mature trees which create a very secluded location despite its proximity to extensive modern housing development and the remnants of 19th century glass making industry.
53. The house is in reasonable structural order but in need of extensive preventative intervention to make good external joinery, decorations, rainwater goods and roof coverings. The linked out-buildings, an important contributor to the character and appearance of the house, are in a state of serious dilapidation or near collapse and are in serious need of remedial attention. A number of the internal fittings such as the

veneered doors and dados are in need of careful conservatorial treatment to safeguard them for the long term.

54. English Heritage and the Local Planning Authority would prefer that the landscaped setting of Wordsley Manor remains unimpaired. However, in the course of extensive discussions with the applicant and his advisors over the last four years we recognise the need to invest in the upkeep of the listed building and to restore the dilapidated outbuildings. The desire of the applicant to retain ownership of the property which has been in his family for over 150 years and to maintain it as a single family dwelling is also acknowledged. To that end English Heritage and officers of the Council have been sympathetic to the possibility of allowing some new development within the grounds of the listed building as an exceptional case (to normal policy protecting the setting of listed buildings), the income from which would be reinvested in the repair and upkeep of the listed building. In reaching this view English Heritage and officers have been conscious that the listed property might not be readily saleable as a single dwelling in this part of the Black Country with a consequent risk of pressure to subdivide the house to the serious detriment of its interior qualities. It is considered that the current proposals offer a means of averting this possibility and are the best method by which to retain the grade II* listed building as a single dwelling for the long term.
55. In considering the proposed development, English Heritage and officers have made it clear that the amount of new development should be proportionate to the needs of the listed building and that the starting point for any application should be a quantified schedule of dilapidations. It has also been made clear that although the application would not constitute “enabling development” as defined by guidance on that topic (i.e. development here would not in itself be contrary to planning policy) there would need to be a binding legal agreement to ensure that any income derived from the development was allocated within an agreed time frame to specified repairs to the listed building. This would be consistent with the approach normally adopted in securing developer contributions to the repair and upkeep of historic buildings.

56. The developer has submitted a costed statement of works to be undertaken to the listed building and a development appraisal in support of the planning application justifying the erection of 14 new houses to support the £400,000 of repairs. English Heritage's conservation architect and quantity surveyor have assessed the repair schedule and costs at pre-application stage. Although it is regrettable that the proposed works were not set out as a conventional priced schedule and do not include any conservation works to the interior of the listed building it is accepted that the works proposed in the Alder King schedule of 2007 are both necessary and not unreasonably costed. English Heritage and officers are therefore satisfied that the proposed extent and costs of repairs to the grade II* listed house and its outbuildings would be appropriate.
57. The Council's Valuer has tested the applicants' development appraisal and found it a valid justification for the proposed 14 new houses in terms of taking into account the costs associated with the proposed development, which included the proposed £400,000 towards the restoration of the manor house. In light of this assessment, officers and English Heritage are supportive of the case for the erection of 14 new dwellings to offset the £400,000 extent of repairs.
58. In addition to the above comments, the proposed layout has sought to reduce impacts upon the setting of the listed building through the sensitive siting of the dwellings.
59. The northern part of the site would serve to enhance the setting of the listed building through the erection of an 'estate wall' running east to west. The existing house faces the backs of properties on Kinver Street, which due to the imposition of back garden fences and associated garden equipment does little to enhance the setting of the existing building. The erection of the estate wall would be twofold. It would serve to improve and enhance the existing setting of the listed building from its present situation and ensure that in terms of the new development that all that would be seen would be the rooftops of the proposed houses thereby appearing as workers cottages that could have been associated with the original house.

60. In terms of the proposed canal side development the listed manor house is largely screened by a belt of mature trees that run in an east-west direction. These trees would serve to screen the proposed development from the manor house thereby ensuring that its setting is retained. The layout also seeks to retain openness through the centre of the site with the introduction of the private drive and front curtilage associated with the dwellings. This serves to protect the setting of the listed manor house and its views toward the canal as well as seeking to protect the open nature of the area of linear open space.
61. The site adjoins the Stourbridge Sixteen Locks Conservation Area. The proposed development would retain the existing estate wall positioned between the north-western boundary of the site and the canal. The estate wall would not be opened up as a result of the proposed development and would be retained in situ. This would ensure that the proposed development would not have an adverse impact upon the character or appearance of the Conservation Area. The scheme would also facilitate the provision of interpretation panels to the canal side of the wall as a means of improving the historic value of the canal network.
62. In summary, the proposed development respects the context of the Listed Building and does not compromise its' setting. This has been achieved by bespoke design of the housing units so as to resemble "estate cottages" and equally by carefully thought-through siting of the new units so as to minimise intervisibility as between the Manor and the new build. Notwithstanding the loss of some of Wordsley Manors historic grounds it is also considered that a sufficiently distinct "territory" remains to ensure that the principal building still "reads" as a mansion house set in extensive grounds. Although some diminution of the present spacious setting of the listed building would occur no change would occur in its immediate environs and the heritage benefits arising from the development more than offset the losses. In light of these comments, the proposed development would be in accordance with Policies HE1, HE4, HE6 and HE7 of the Adopted Dudley Unitary Development Plan (2005), the Historic Environment SPD and PPS5.

Flood Risk Issues

63. The previous application was withdrawn partly due to the absence of a Flood Risk Assessment (FRA) that assessed the potential impacts of the proposed development upon flooding with particular consideration of Wordsley Brook located to the north of the site and to determine the implications with respect to surface water drainage.
64. A FRA has been submitted by Healer Associates dated September 2010. The FRA has provided sufficient information for the removal of the previous objection from the Environment Agency to the scheme on flood risk grounds.
65. The topographic survey information (Drawing No: 2156-24APR09-01A) confirms that the finished floor level of the property nearest to the Wordsley Brook (shown on the Planning Site Layout as having a finished floor level of 67.20m AOD) is around 2 metres higher than the ground levels on the left bank of the watercourse. Given that the watercourse has a 100 year flow of less than 2 cumecs and that the opposite bank is lower, this finished floor level would ensure that the property is safe from flooding from the watercourse.
66. The Planning Site Layout also shows that there would be a 5 metre easement between the nearest property to the brook and the foul water sewer and the Wordsley Brook is located further away from this property. This easement would allow maintenance access to the watercourse. A condition would need to be attached to ensure that no fences or walls are erected restricting access to the watercourse in this easement area.
67. The FRA comprises a surface water drainage strategy. Whilst this only provides the principles of the drainage strategy, it does confirm that greenfield run-off rates would be maintained post development (including climate change impacts). A condition would be required at the detailed design stage to confirm that the run-off rates would be suitable (5 l/s/ha is the general greenfield run-off rate used) and that there would be adequate storage provided to attenuate flows. Given that this is an urban area with known flooding problems, the Environment Agency would seek attenuation to the 1 in

100 year plus 30% standard to ensure that the development does not increase flood risk on the Wordsley Brook downstream.

68. In light of the above, the proposed FRA demonstrates that the proposed development would not increase the risk of flooding within the area subject to conditions relating to surface water run-off, no new buildings being placed within 8 metres of the top of the bank of Wordsley Brook and floor levels being set to a minimum of 67.20 AOD. The proposed development would therefore be in accordance with Policy EP4 of the Adopted Dudley Unitary Development Plan and PPS25.

Nature Conservation

69. The application has been supported with the submission of an Extended Phase 1 Habitat Survey, a bat survey and a reptile survey. No bats have been identified within the manor house and there are no bat roosts in existing trees within the site. Three species of bat (Common Pipistrelle, Soprano Pipistrelle and Noctule) were found to be foraging within the site, the majority of which were found in the southern field (canal side) along the SE and NE boundary. Some bats were also found to be foraging around the house and trees. Slow worms have been mostly found within the northern part of the site adjoining Kinver Street. However, they were also encountered in the northern section of the southern/canalside area, bordering the garden which would be retained by the Manor.
70. The scheme has been submitted with a reptile and bat mitigation strategy. This report acknowledges that the proposed development would have an adverse impact upon existing site ecology in the absence of mitigation.
71. The scheme would result in the following impacts upon the slow-worm population:
- **Direct Habitat Loss:** The development would result in the loss of the majority of rough grassland and tall ruderal vegetation in the northern region of the site and loss of areas of suitable vegetation around the periphery of the southern part of the site:

- **Direct Harm During Works:** Any slow worms present with areas in which development is proposed may be killed or injured as a result of site clearance and construction activities:
- **Fragmentation of Habitat:** In the absence of migration, the development may lead to some fragmentation of habitat. The submitted report states that this impact would be limited by the low density nature of the proposed development, the provision of garden areas and the retention of vegetated boundaries around the site. The report states that the current slow worm population is already fragmented from the corridor of the Stourbridge Canal to the south by the presence of the large estate wall, although it recognises that there is connectivity to adjacent gardens.
- **Post-development Disturbance:** The slow worm population may be subject to disturbance as a result of increased human presence post-development.

72. The submitted mitigation strategy states that the long-term viability of the slow worm population would be limited in the absence of appropriate mitigation.

73. The strategy states that the likely impact of the proposed development on bats would be less than the perceived impact on the slow worm population. No roosts have been identified and the key areas of bat foraging and commuting habitat, considered to be the mature trees within the manor grounds and the line of trees that form the northern and southern boundaries of the southern site, would be retained and protected during the proposed development. However, the report does recognise that the development has the potential to have an adverse impact upon bats in the following way:

- **Fragmentation due to lighting:** Any street lighting included in the proposed development may result in an increase in lux levels along features currently used by bats for foraging and commuting. It is stated that this may dissuade bats from using certain parts of the site, thereby reducing the amount of foraging and commuting habitat available on site and potentially severing routes used by bats to cross the site. It is recognised, that inappropriate site lighting may also prevent bats from accessing the corridor of the Stourbridge Canal to the south.

74. In conclusion, the report considers that the development would unlikely significantly impact on the conservation status of bats in the long term.

75. The report concludes by putting forward mitigation and enhancement proposals with respect to slow worms and bats. In terms of reptiles, the following measures are proposed:

- Enhancement of remaining habitat on site:
- Relocation of reptiles from the proposed development areas:
- Maximisation of ecological permeability within the site;
- Creation of connectivity to the canal corridor

76. In terms of bats, the following mitigation and enhancement measures are proposed:

- Key foraging and commuting areas would be retained.
- A lighting scheme would be devised that would be 'bat friendly'.
- Provision of a series of bat roost boxes, affixed to trees throughout the development site.

77. All bat species, including their resting places and all slow worms are protected under legislation. Bat species and slow worms are protected from harm under the Wildlife and Countryside Act 1981 (as amended). Bats are also protected under European legislation (Habitats Directive), transcribed into the Conservation of Habitats and Species Regulations 2010. (This replicates paragraph 112)

78. PPS9 and its accompanying circular (06/2005 para 98 and 99) is clear that the presence of a protected species (such as bats and slow worms) is a material consideration within a planning application. The adopted UDP conforms with this approach by Policy NC6 Wildlife Species, as does the Nature Conservation SPD.

79. The supporting mitigation bat and reptile mitigation strategy raises a number of concerns in terms of:

- Harm to a protected species (maintenance of slow worm population);
- Damage to an important bay within a constrained location of a wildlife corridor (of arguably regional value).

80. The habitat to be created would be less than that lost both in volume and quality. That which would remain/be created would be highly fragmented with very significant edge effects. This would be significantly exacerbated by the very large increase in disturbance which would occur from both the increase in future residents and their pets.
81. The use of grass-crete is welcomed for the proposed access roads and paths. This would undoubtedly benefit sustainable drainage and the visual appearance of the development but it would be of negligible benefit for the area's wildlife.
82. The suggested solution of using permeable fencing within private garden space is not a sustainable solution and should not be considered as a primary mechanism to enable species, such as slow worms, to disperse. It is not envisaged that the connectivity would be maintained when the fencing would reach the end of its useful life in 10-15 years. The modern trend for replacing such fencing with heavy concrete gravel boards at the base is based on pragmatism (longevity and ease of maintenance of fence) rather than an aesthetic or fashion based trend. Therefore this style of fencing is likely to remain as the preferred option for gardeners in the future and would be difficult to control as part of a planning application.
83. Similarly it cannot be presumed that all private gardens would have beneficial lawns and shrubs, as this is dependant on the variety of uses and preferences which the new residents and their successors would have. It is true that slow worms can be found in large mature gardens where significant areas of long grass and shrubs exist, especially where large open compost heaps are maintained. These gardens are very much, and increasingly so, the exception rather than the rule with modern garden tastes generally not being sympathetic for this species' survival, such as the predominance of lawn and hard surface (either stone or decking) over large and dense borders. The proposed gardens which would be created would neither be large or mature. Since we cannot control this it is not an acceptable mitigation solution for a planning application.

84. The addition of three "eco-ducts" in the southern wall is welcomed to add to the ecological connectivity for ground based species which currently only exists through a gate linking the site to the canal. Similarly bat boxes and reptile hibernacula/refugia are welcomed as is the limited areas of habitat in the south.
85. As the mitigation report states relocation is not an accepted practice under local planning policy due to its high failure rate. However the point is noted that in this instance relocation is a result of constricting the species' range within the site (by removing them from their preferred area in the north and placing them into a limited volume of habitat which will be created within the remaining central section of the Manor grounds), rather than strictly a complete translocation.
86. Again the monitoring of the mitigation continuing for three years post completion of the works is firmly welcomed. However it is not foreseen that with the extreme tightness of the proposed layout that any remediating action could be possible other than the demolition of the residential development.
87. It has been suggested to the applicant that if they had any evidence that a differing solution to those presented previously to the Local Planning Authority, has been found to work in other such situations, that we would be very happy to study and consider them to forge a new way forward. Unfortunately, no such case study has so far been submitted. No evidence has been submitted that would leave it to be believed that the proposed mitigation would deliver the objectives of maintenance of the protected species (Slow worms) or protect/improve the wider wildlife corridor function which the site fits within.
88. Overall it is foreseen that there will be a loss of habitat as a result of the proposed development. This would often be extremely narrow in layout which would not be a suitable solution as is unlikely to be functional for the species concerned. The result would be that the relocation site (Manor grounds) would become functionally isolated from the wider network (in the south along the canal). The wider ecological interest would also not be protected or improved due to the large loss of green

space and negligible mitigation. This is not acceptable under PPS9 or local planning policy either in terms of its treatment of protected species or landscape ecology.

89. It is foreseen that the proposal would not preserve this protected species in the medium to long term. The proposal would remove and fragment habitat rather than protect or increase the function of Linear Open Space, in terms of linking open spaces and providing corridors for wildlife. The proposed development would therefore be contrary to Principle 6 of PPS9, Policies S02 and NC6 of the Adopted Dudley Unitary Development Plan (2005).

Linear Open Space

90. The site is an important link in the Fens Pool - Kinver wildlife corridor which in this area follows the line of the canal. This corridor is one of the most important within the Birmingham and Black Country conurbation, with arguably a regional function in linking the Wyre Forest and South Staffordshire heaths with Cannock Chase SAC and Sutton Park. This area, between the borough boundary and the western edge of Buckpool is the most constrained with development often tight to the canal and only occasional green bays off it for wildlife to rest. The southern part of the application site is within Linear Open Space which requires development to aid its wildlife corridor function.
91. Article 10 of the EU Habitats Directive 1992 says that: *'Member states shall endeavour, where they consider it necessary, in their land use planning and development policies, and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild flora and fauna'*. Regulation 39 of The Conservation of Habitats and Species Regulations 2010 transposes this into national legislation the protection of wildlife corridors and stepping stones through planning policy. This is in line with PPS9, UDP policies DD10, NC1 and most notably SO2 Linear Open Space.
92. Development within Linear Open Space is required, along with other functions, to improve wildlife connectivity. This does not impose an in principle objection to the

development of the site. The proposed development alongside the mitigation strategy for bats and reptiles and nature conservation enhancements throughout the site demonstrates that the proposed layout is not appropriate in terms of protected species mitigation as previously discussed and in terms of its juxtaposition within the ecological landscape. For these reasons, the proposed development would not be in accordance with Policies DD10, NC1 and S02 of the Adopted Dudley Unitary Development Plan (2005) and PPS9.

Trees

93. The application site comprises a number of mature trees but the trees are not protected by a Tree Preservation Order. The canalside scheme would involve some minor tree removal but the proposed development keeps the majority of the trees on this part of the site. The submitted Planning Site Layout proposes to replace more trees that it removes. As such, subject to tree protection conditions no concerns are raised regarding this part of the site from a tree perspective.
94. The proposed development on the Kinver Street side of the manor house is more problematic in tree terms mainly due to the greater proximity and size of the trees. Following visits to the site and discussion with the applicant's arboricultural consultant, the Council's tree officer is happy with the proposed tree removal on this part of the site. Most of the trees to be removed are poorly formed specimens that have become drawn up due to the proximity of other trees. Where better formed trees have been shown to be removed (particularly along the southwest boundary) this is because there are defects present that would significantly reduce the safe life expectancy of the trees and therefore their removal is considered appropriate.
95. The proposed estate wall would run across the root protection area of some of the trees and as such a traditional construction method would not be acceptable. The wall would be constructed to a structural engineers design on a mini-piled foundation system which would allow a suspended beam across the top of the root protection area. This would in principle be acceptable and subject to a condition requiring details to be submitted of the proposed method of construction of the estate wall should ensure the protection of the health of the retained trees.

96. Whilst the removal of a significant number of trees within the northern part of the site is regrettable, the proposed works would improve the management and therefore future health of the retained trees as well as facilitating development that would have wider historical benefits in the form of delivering the restoration and preservation of the listed manor house. For these reasons, the proposed development, would on balance, be in accordance with Policies NC9 and NC10 of the Adopted Dudley Unitary Development Plan (2005).

Access and Parking

97. In terms of the proposed layout, both site access roads and their associated visibility would be acceptable to meet the needs of the development but would not warrant being adopted by the Highway Authority. Meadowfields Close and Kinver Street would comprise sufficient capacity to accommodate the traffic generation associated with the proposed development without resulting in a detrimental to highway or pedestrian safety
98. The parking provision for each of the dwellings would be in accordance with standards set out in the Parking Standards and Travel Plans Supplementary Planning Document and the size of both the proposed garages associated with the dwellings and off street parking spaces would comply with current standards and The Manual for Streets thereby ensuring that the proposed development would not result in an increase in on-street parking in the vicinity of the site.
99. The proposed dwellings would be fitted with sprinklers to ensure that sufficient fire protection measures are in place and the Fire Service therefore raise no objection to the proposed development.
100. In light of the above, the proposed development would be in accordance Policies AM14 and DD6 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD.

Layout and External Appearance

101. The scheme has significantly evolved since pre-application discussions in 2006 and the design and layout of the proposed new houses has been revised in order to take into account comments made by officers and statutory consultees. The dwellings have been carefully positioned on the meadow land to the south of the Manor and on the lower land by the brook to the north keeping existing tree screening and retaining an attractive and appropriate private garden space around the listed building. The proposed layout would not have a detrimental impact upon the setting of the listed building and would be in accordance with Policy HE6 of the Adopted Dudley Unitary Development Plan (2005).

102. The existing density of development within the area relates to approximately 42 dwellings per hectare (8-34 Meadowfields Close). The overall density of the proposed development would be much lower at 20 dwellings per hectare. The low density serves to protect the setting of the listed building, to retain openness within the site to protect the function of the linear open space and to reduce impacts of the development upon the surrounding area in terms of traffic and amenity considerations. Having regard to the context of the site, the resultant density would be considered appropriate and in accordance with Policy H6 of the Adopted Dudley Unitary Development Plan (2005) and the New Housing Development SPD.

103. The siting of the proposed dwellings would ensure that there would be no adverse impact upon the residential amenity of the occupiers of existing properties that adjoin the site. There would be 18 metres between the side elevation of no. 43 Meadowfields Close and the rear of plot 12, there would be a 33 metre back to back distance between the rear of no. 47 and 45 Windsor Grove and plots 9 and 11, there would be a 35 metre back to back distance between the rear of no 2-3 Primrose Hill and plot 4.

104. Plots 1 and 2 would sit forward of no. 2-6 Meadowfields Close by 6.5 metres. The dwellings would be set in 5 metres from the side boundary associated with no. 2 Meadowfields Road. The setting in of the dwellings from the boundary would ensure

compliance with the 45 degree code thereby protecting the residential amenity of the occupiers of the nearest properties in terms of a loss of light and the proposed dwellings being overbearing.

105. In terms of the proposed siting of the dwellings within the site, suitable separation distances would be provided to ensure the protection of the residential amenity of the occupiers of the dwellings. There would be a 12.5 metres separation between the side elevation of plot 2 and the front elevation of plot 4, a 15 metre separation between the side of plot 6 and front elevation of plot 7 and plot 6 and there would be a minimum front to front separation distance of 17 metres between the properties within the canal side part of the proposed development.
106. The design concept has sought to develop a series of dwellings that could give the impression of having been built as part of the estate grounds of the listed building. The retention of a significant number of the existing trees within the site has been a key component in reaching the latest proposed layout.
107. The canal side part of the scheme has been underpinned by a requirement to retain an open corridor from the manor house to the south to retain the openness of the linear open space and to allow the creation of a development that appears to be part of the 'park-land' associated with the listed building. The scheme sought to retain the existing private driveway to the manor house with the re-location of the existing gate piers to allow the creation of the new access into the development and the proposed development has sought to develop dwellings that are subordinate in scale to the manor house but that relate to it.
108. Other parameters associated with the proposed canal side layout included:
 - Manor House to be retained in a formal setting surrounded by existing mature trees.
 - Existing ha-ha wall to be retained to maintain the setting of the manor house.
 - Existing canal side boundary wall to be repaired, re-pointed but otherwise retained as existing.

- Existing gated access to be retained for use as a private pedestrian and cycle access.
- Development should not make reference to the canal directly but should give the impression of an enclosed development of a 'secret garden' to respect the character of the adjoining Stourbridge Sixteen Locks Conservation Area.

109. Parameters for the evolution of the rearside development were as follows:

- Existing views from the Manor house towards to the north to be largely uninterrupted and maintained.
- Provision of an 'Estate Wall' in order to improve the setting of the Manor House. The creation of the wall would serve to ensure that the view of the development from the Manor would consist of glimpsed views of the partial roofscape protruding above the estate wall.
- Traditional designed dwellings with a maximum of two storeys', with gabled roofs and stepping down the slope, below the 'estate wall. Development to appear as workers cottages that could be associated with the Manor.

110. The site layout has evolved to take onboard all of the comments made by officers to ensure the protection of the setting of the listed building and to facilitate the development of an appropriate form and layout of development having regard to the setting of the site. The proposed layout would be suitable within its context and would ensure compliance with Policies DD4 and HE6 and the New Housing Development SPD.

111. The scheme includes the provision of individually designed houses for the site. On the canal side part of the development, plot 6, the first dwelling sited on the proposed private drive has been designed to appear as a gatehouse to serve the Manor. The adjoining plots (13 and 14) have been designed in the style of a converted stable block with the creation of a paved courtyard to the front.

112. Plots 11 and 12 have been positioned in order to maximise the distance from the existing trees adjacent to the canal boundary, whilst seeking to retain the open nature

of this part of the site towards views of the existing wall and pedestrian access to the canal.

113. Plots 7, 8, 9 and 10 have been designed in the style of estate cottages and linked with plots 7 and 8 to add visual interest within the street scene. Plots 7 and 8 have also been sited so that they provide a visual end stop when entering the development.

114. Turning to the rear side part of the development, the proposed estate wall would include features such as brick on edge copings, buttresses and a pedestrian gated access leading to a set of steps for use by residents to gain access to the Manor.

115. Plots 1 and 2 would comprise rear gardens that are graded up towards the estate wall behind. This serves to reduce the overall impact of the height of the proposed estate wall upon future occupiers.

116. Plots 1, 2 and 3 are relatively narrow dwellings. This seeks to reduce the scale of the proposed roofs that would be visible above the proposed estate roof. The proposed garages to plots 1, 2 and 3 are also set back so that they are not obtrusive in the street scene and facilitate the parking of vehicles to the side of dwellings so that they are out of sight from the street scene.

117. The rear gardens associated with all of the dwellings exceed the minimum standards set out PGN3 thereby providing a suitable level of amenity to prospective occupiers. The removal of trees within the rear side part of the development would ensure that the proposed gardens are useable and that the retained trees do not raise issues with respect to overshadowing or liveability.

118. Amended plans have been received reducing both the ridge and eaves heights of the proposed dwellings. These changes have improved the proportions to be expected of the proposed 'cottage-style' designs.

119. The proposed external appearance and siting of the dwellings would be appropriate having regard to the historic setting of the site and the proximity of retained trees. The

proposed development would not detract from the character of the area and would not be detrimental to the setting of the listed building thereby being in accordance with Policies DD4 and HE6 and the New Housing Development SPD.

Planning Obligations

120. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions.

Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

- Restoration and Preservation of the listed building - £400,000. The legal agreement must include an agreed costed, schedule of works to be carried out in a timely fashion, either completion and/or occupation of the last phase of the new development. The planning obligation relating to the works to the Manor would involve a covenant from the applicant that Selbourne Homes carries out those works as per an attached schedule and not that the applicant paying a sum of money to the Council (or a third party) for those works.
- Libraries - £2,679.46
- Open Space, Sport and Recreation - £50,404.98
- Public Realm - £6,699.42
- Transport Infrastructure Improvements - £5814.90
- Towpath improvements - £23,000
- Two Interpretation Panels for Conservation Area - £5,000
- Management and Monitoring Charge - £1000.00

Total Offsite Contribution equates to **£494,598.76**

The applicant has agreed to the payment of these offsite planning obligations.

Onsite Contributions:

The proposal also attracts a requirement for the provision of the following onsite planning obligations:

- Nature Conservation Enhancements
- Public Art

The applicant has agreed to the provision of these onsite planning obligations.

Other issues

121. The application site is not designated as a Site of Local Importance for Nature Conservation (SLINC). The canal, which lies to the south of the site, does fall within a SLINC. There is a tall estate wall located between the canal and the application site. This wall would be retained as part of the application site and therefore provides a physical barrier between the site and the canal. It is not considered that the proposed development would have a direct impact on the SLINC, which could not be addressed by condition. The potential impact of the proposed development on protected species is assessed elsewhere in this report including consideration of mitigation.
122. Severn Trent Water has been consulted regarding the proposed development. At the time of writing the report, no comments have been received with respect to the drainage implications of the proposed development. This will be reported in a pre-committee note.

CONCLUSION

123. The proposed development would deliver a number of benefits including the restoration and preservation of the Grade II* listed building, improvements to the canal towpath and the provision of interpretation panels alongside the canal Conservation Area. The proposed layout and house type design would be acceptable in terms of impacts upon the setting of the listed building and residential amenity. The scheme would not pose concerns in terms of flooding or the potential impact upon surface water drainage. The proposed loss of trees would be considered appropriate

and as a mechanism to manage the retained trees on site and the proposed development would be acceptable in highway terms.

124. All bat species, including their resting places and all slow worms are protected under legislation. Bat species and slow worms are protected from harm under the Wildlife and Countryside Act 1981 (as amended). They are also protected under European legislation (Habitats Directive), transcribed into the Conservation of Habitats and Species Regulations 2010.
125. PPS9 and its accompanying circular (06/2005 para 98 and 99) is clear that the presence of a protected species (such as bats and slow worms) is a material consideration within a planning application. The adopted UDP conforms to this and policy NC6 Wildlife Species, and similarly the Nature Conservation SPD; is not satisfied by the present application since it would be harmful to protected species (maintenance of slow worm population) and result in damage to an important bay within a constrained location of a wildlife corridor (of arguably regional value).
126. Development within Linear Open Space is required, along with other functions, to improve wildlife connectivity. This does not impose an in principle objection to the development. The proposed layout would not be appropriate in terms of protected species mitigation as previously discussed, but also in terms of its juxtaposition within the ecological landscape.
127. In this case it is not considered that the benefits of the proposed development outweigh the harm with respect to protected species and the wider wildlife corridor.

RECOMMENDATION

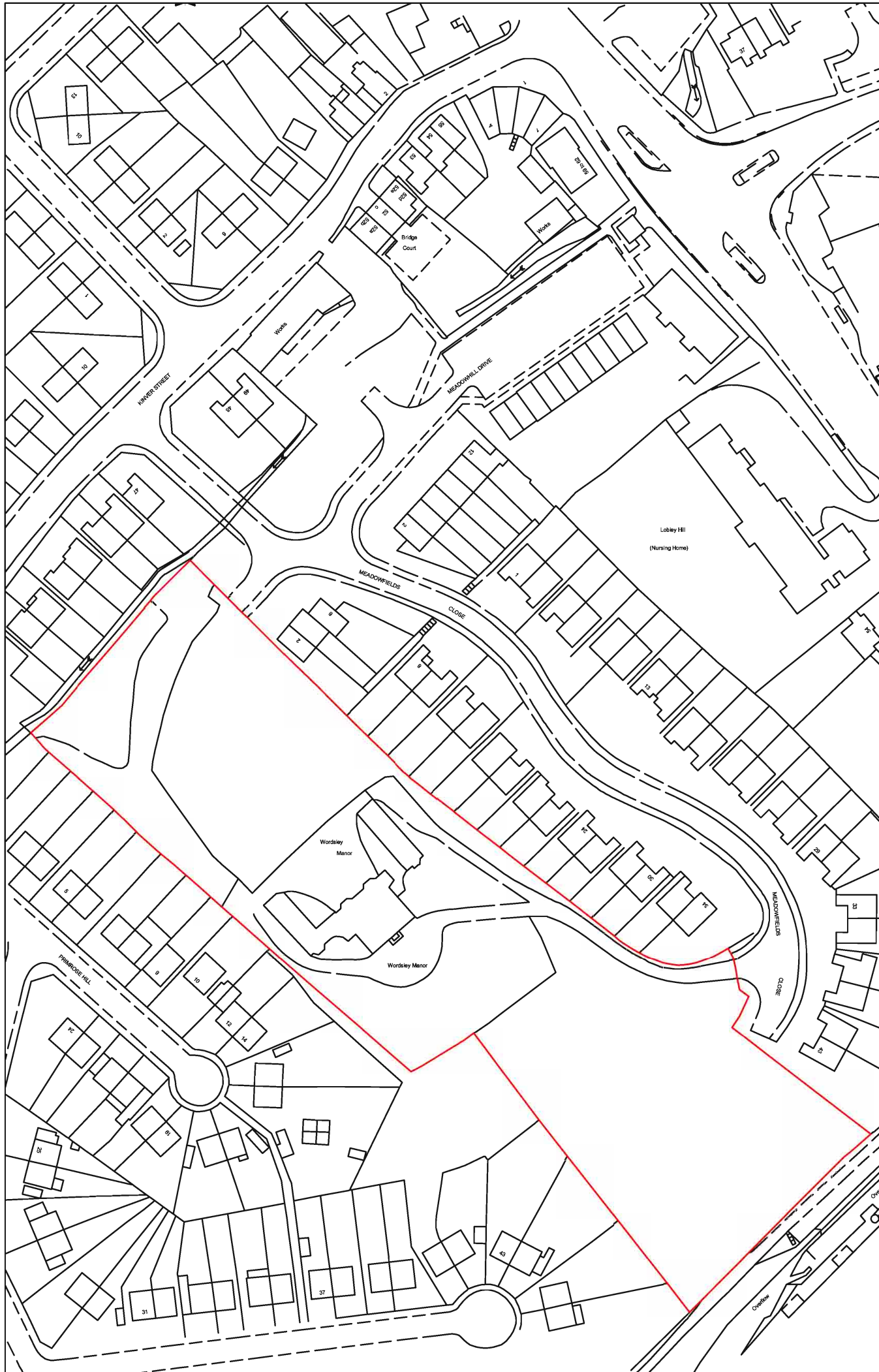
128. It is recommended that the application be refused for the following reasons:
 - The Local Planning Authority is not satisfied by the present application since it would adversely affect the conservation status of bats and reptiles. This would be through the proposal failing to ensure the provision of sufficient quality, quantity and connectivity of habitat to accommodate the reptile population with a net loss of local reptile conservation status and resulting in the fragmentation of

foraging/commuting areas for bats. Further, the inadequate mitigation would fail to protect/improve the wildlife corridor function which the site fits within thereby resulting in an unacceptable amount of damage to an important bay within a constrained location of a wildlife corridor. The proposed mitigation strategy would result in the relocation site becoming functionally isolated from the wider network (in the south along the canal) and the wider ecological interest would not be protected or improved due to the large loss of green space and negligible mitigation. The proposal would also remove and fragment habitat rather than protect or increase the function of Linear Open Space, in terms of linking open spaces and providing corridors for wildlife. For these reasons, the proposed development would be contrary to Policies NC6 (Wildlife Species) of the Adopted Dudley Unitary Development Plan (2005), S02 (Linear Open Space) and S03 (Access and Enhancement of Green Belt, and Linear Open Space), the Nature Conservation SPD and PPS9, the Conservation of Habitats and Species Regulations 2010 (with respect to bats) and the Wildlife and Countryside Act 1981 (with respect to bats and reptiles).

- The lack of a completed undertaking to make contributions towards the restoration and preservation of the Grade II* listed manor house (Wordsley Manor), off site contributions towards improvements to libraries, open space, sport and recreation, public realm, transport infrastructure improvements, towpath improvements, the provision of two interpretation panels within the adjoining Stourbridge Canal Conservation Area and on site contributions towards nature conservation enhancements and the provision of public art would result in an unacceptable impact upon local infrastructure with no compensation or enhancement to mitigate against the impacts of the scheme thereby resulting in harm to the wider community being contrary to Policy DD7 (Planning Obligations) of the Adopted Dudley Unitary Development Plan (2005) and the Planning Obligations SPD.

Conditions and/or reasons:

1. The Local Planning Authority is not satisfied by the present application since it would adversely affect the conservation status of bats and reptiles. This would be through the proposal failing to ensure the provision of sufficient quality, quantity and connectivity of habitat to accommodate the reptile population with a net loss of local reptile conservation status and resulting in the fragmentation of foraging/commuting areas for bats. Further, the inadequate mitigation would fail to protect/improve the wildlife corridor function which the site fits within thereby resulting in an unacceptable amount of damage to an important bay within a constrained location of a wildlife corridor. The proposed mitigation strategy would result in the relocation site becoming functionally isolated from the wider network (in the south along the canal) and the wider ecological interest would not be protected or improved due to the large loss of green space and negligible mitigation. The proposal would also remove and fragment habitat rather than protect or increase the function of Linear Open Space, in terms of linking open spaces and providing corridors for wildlife. For these reasons, the proposed development would be contrary to Policies NC6 (Wildlife Species) of the Adopted Dudley Unitary Development Plan (2005), S02 (Linear Open Space) and S03 (Access and Enhancement of Green Belt, and Linear Open Space), the Nature Conservation SPD and PPS9, the Conservation of Habitats and Species Regulations 2010 (with respect to bats) and the Wildlife and Countryside Act 1981 (with respect to bats and reptiles).
2. The lack of a completed undertaking to make contributions towards the restoration and preservation of the Grade II* listed manor house (Wordsley Manor), off site contributions towards improvements to libraries, open space, sport and recreation, public realm, transport infrastructure improvements, towpath improvements, the provision of two interpretation panels within the adjoining Stourbridge Canal Conservation Area and on site contributions towards nature conservation enhancements and the provision of public art would result in an unacceptable impact upon local infrastructure with no compensation or enhancement to mitigate against the impacts of the scheme thereby resulting in harm to the wider community being contrary to Policy DD7 (Planning Obligations) of the Adopted Dudley Unitary Development Plan (2005) and the Planning Obligations SPD.



Rev	Description	Date



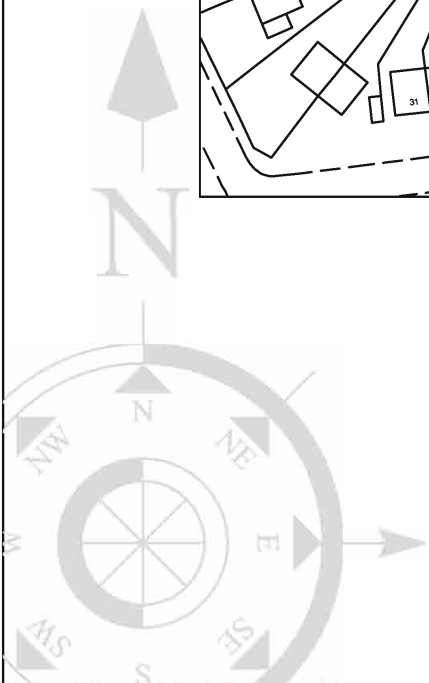
8 Oldfield Road,
Bocam Park,
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Development
SELBOURNE HOMES
Wordsley Manor Site

Drawing Ref.
Location Plan

Date June 2009	Scale 1:1250 @ A3	Drawn JD
Job. Ref./No. 0755/P/LO/01	Rev.	

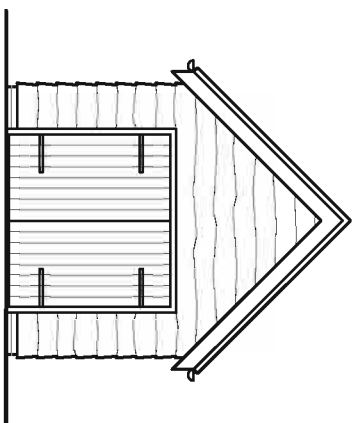


WARNING TO HOUSE PURCHASERS
Property Misdemeanors Act 1991

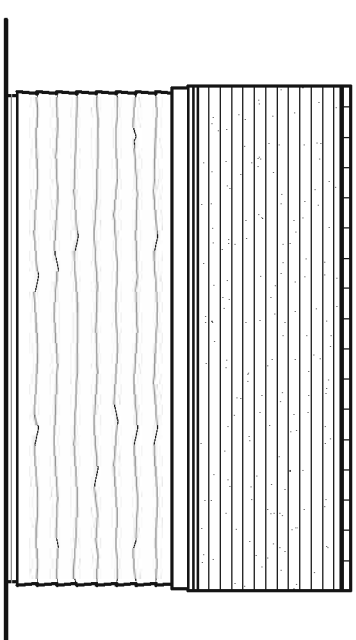
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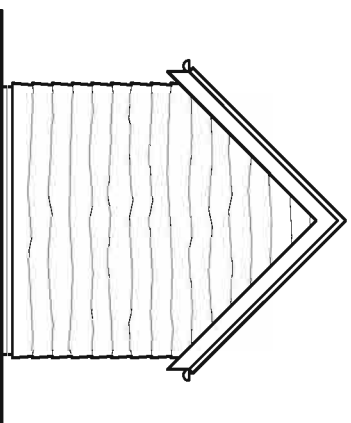
Nor do the contents of this drawing constitute a contract, part of any contract or a warranty.



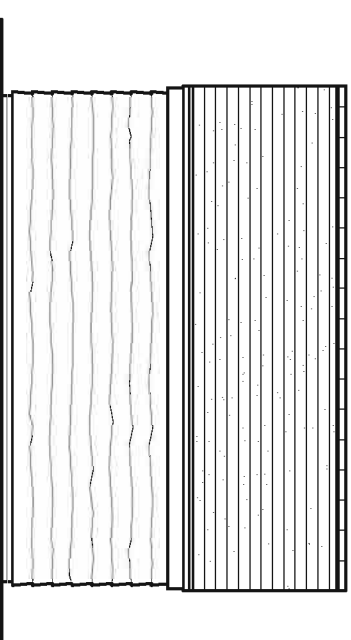
Front Elevation



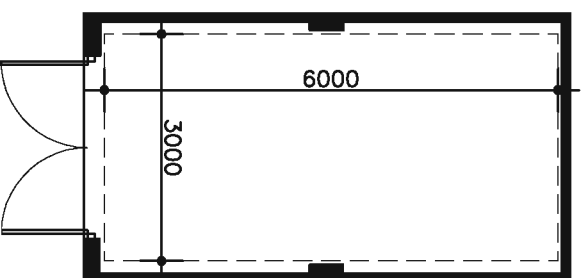
Side Elevation



Rear Elevation



Side Elevation



Floor Plan

Rev	Description	Date



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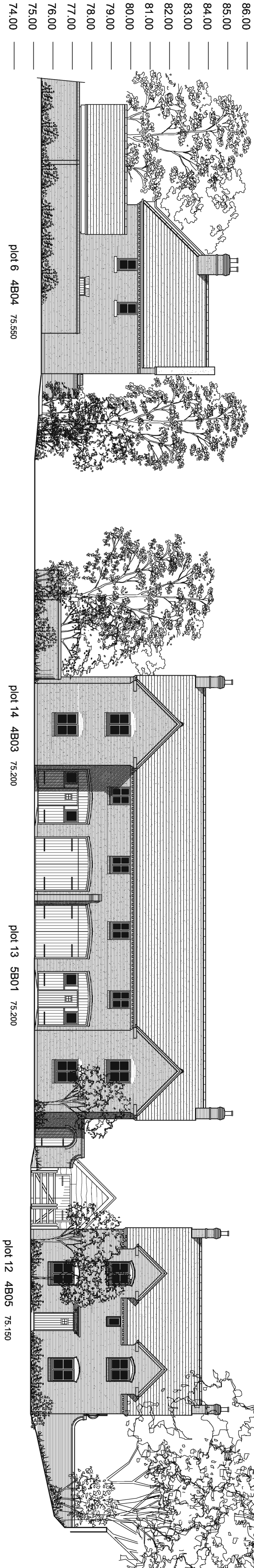
Development
SELBOURNE HOMES
Wordsley Manor Site

Drawing Ref:
Single Garage

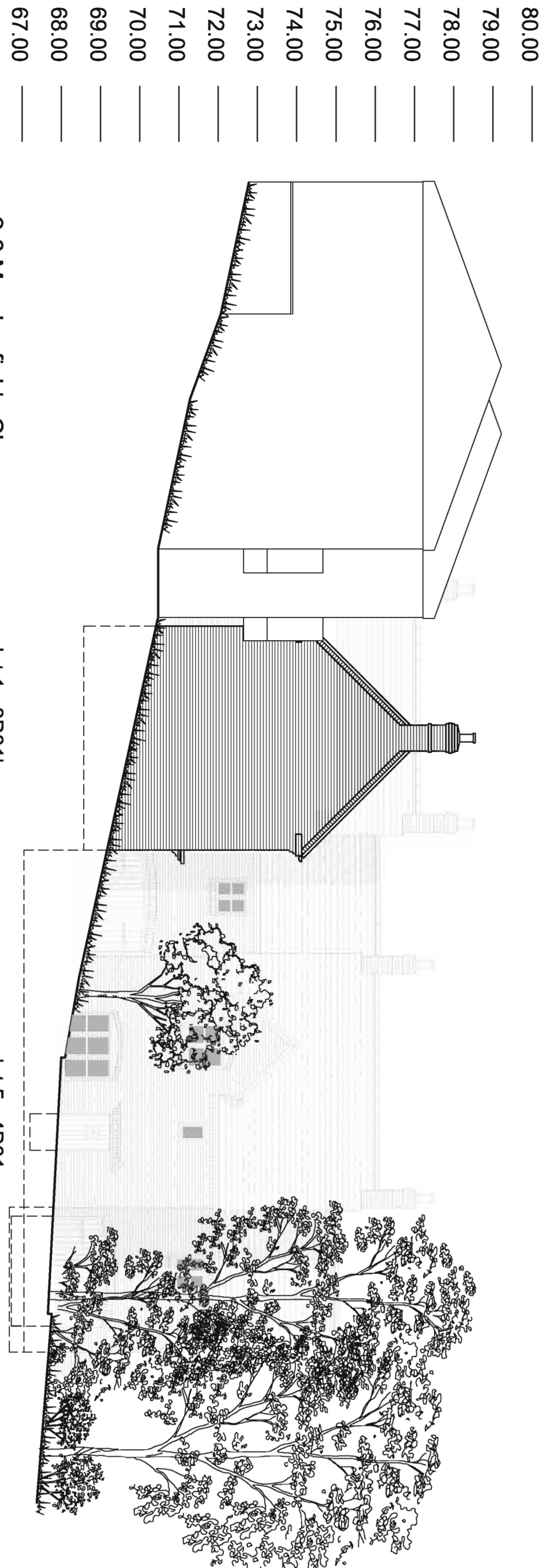
Date	Scale	Drawn
June 2009	1:100	JD
Job Ref/No.		Rev.
0755/PI/G/01		

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Site Elevation - A3



Site Elevation - B3

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Tel: 01656 865577
Email: enquiries@hmk.co.uk
Web site: www.hmk.co.uk

Development
SELBOURNE HOMES
Wordsley Manor Site

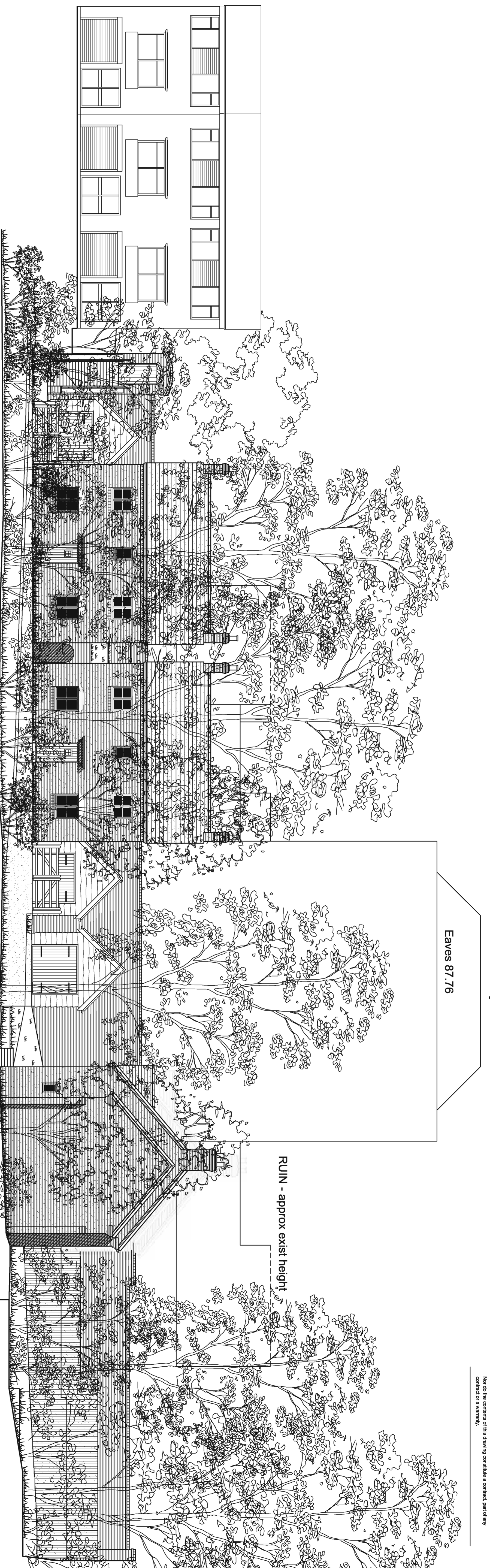
Drawing Ref:
Site Elevations- A3 & B3

Date	Scale	Drawn
May 2009	1:100	JD
Job Ref/No:		Rev:
0755/P/SE/04		C

WARNING TO HOUSE PURCHASERS

Property Misdescriptions Act 1991

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90.00
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66.00
65.00
66.00

2-6 Meadowfields Close
plot 1 3B01b 68.725
plot 2 3B01b 68.275
plot 5 4B01 67.200

Site Elevation - B4

80.00
79.00
78.00
77.00
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75.00
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72.00
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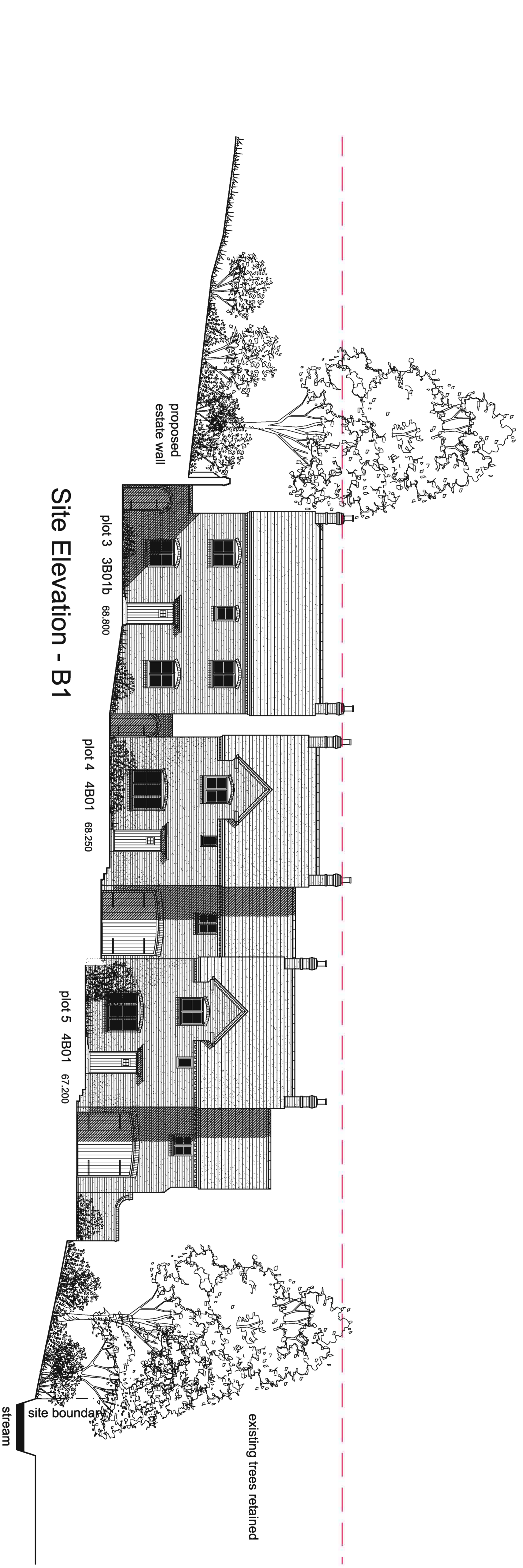


Site Section - B5

		JUNE 12, The Oak Broomgrove Bromsgrove B90 4E Tel: 01565 861300 Fax: 01565 865277 Email: info@healer.co.uk Web site: www.healer.co.uk	
8 Oulfield Road, Boscawen Park, E13 Bromsgrove B90 4E Tel: 01565 861300 Fax: 01565 865277 Email: info@healer.co.uk Web site: www.healer.co.uk		JUN 12, The Oak Broomgrove Bromsgrove B90 4E Tel: 01565 861300 Fax: 01565 865277 Email: info@healer.co.uk Web site: www.healer.co.uk	
<p>Development</p> <p>SELBOURNE HOMES</p>			
Drawing Ref: Site Elevation B4 & Site Section B5			
Date May 2009	Scale 1:100	Drawn JD	Rev B
Job Ref/Ac: 0755/P/SE/05			

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Ref	Description	Value
C	Permitted reserved and profits - and 7	£2.000
B	Existing trees retained in accordance with the survey	£2.000
A	Levels reserved to each plot to retain existing owners.	11.000

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Bromsgrove
Tel: 01656 861000
Fax: 01656 865577
Email: info@healer.co.uk
Web site: www.healer.co.uk

Developer
SELBOURNE HOMES
Wordsley Manor Site

Drawing Ref:
Site Elevation - Site B

Date	Scale	Drawn
June 2008	1:100 & 1:200	NH
Job Ref/No:		Rev:
0755/P/SE/01		C

Buyers are warned that this is a working drawing and is not intended to be a final contract. It is the responsibility of the purchaser to verify the accuracy of the information provided. The contents of this drawing may be subject to change at any time and amendments and variations can occur during the progress of the work. The purchaser is advised that the drawings are not to be used for any other purpose and dimensions of the finished construction may differ materially from those shown. Not to be used for any other purpose. Not to be used for any other purpose. Not to be used for any other purpose.

Legend

- Proposed finished floor & road levels
- Enclosures**
 - Black screen wall
 - Close boarded fence
- Landscaping**
 - Existing trees to be retained
 - Existing trees to be removed
 - Proposed trees & shrubs
 - Grass

Item	Description	Area
F	Plot 1 to 5 retained, areas added adjacent to Plot 11, Poles 6 to 12 shall remain reserved.	21,093.10
E	Application boundary amended to include existing Manor. Treatment of trees revised in accordance with latest tree report.	18,093.09
D	Existing holly and yew trees retained in rear garden of plots 2 & 3. Other trees removed and replaced with new trees.	25,008.09
C	Site level of Plot 1 raised.	10,008.09
B	Site level amended to reflect comments from email dated 22.04.09.	28,044.09
A	Boundary to plot 7 moved away from Wordsley Manor.	30,077.88

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Web: www.selbourne.co.uk

SELBOURNE HOMES
WORDSLEY MANOR SITE

Development:
WORDSLEY MANOR SITE

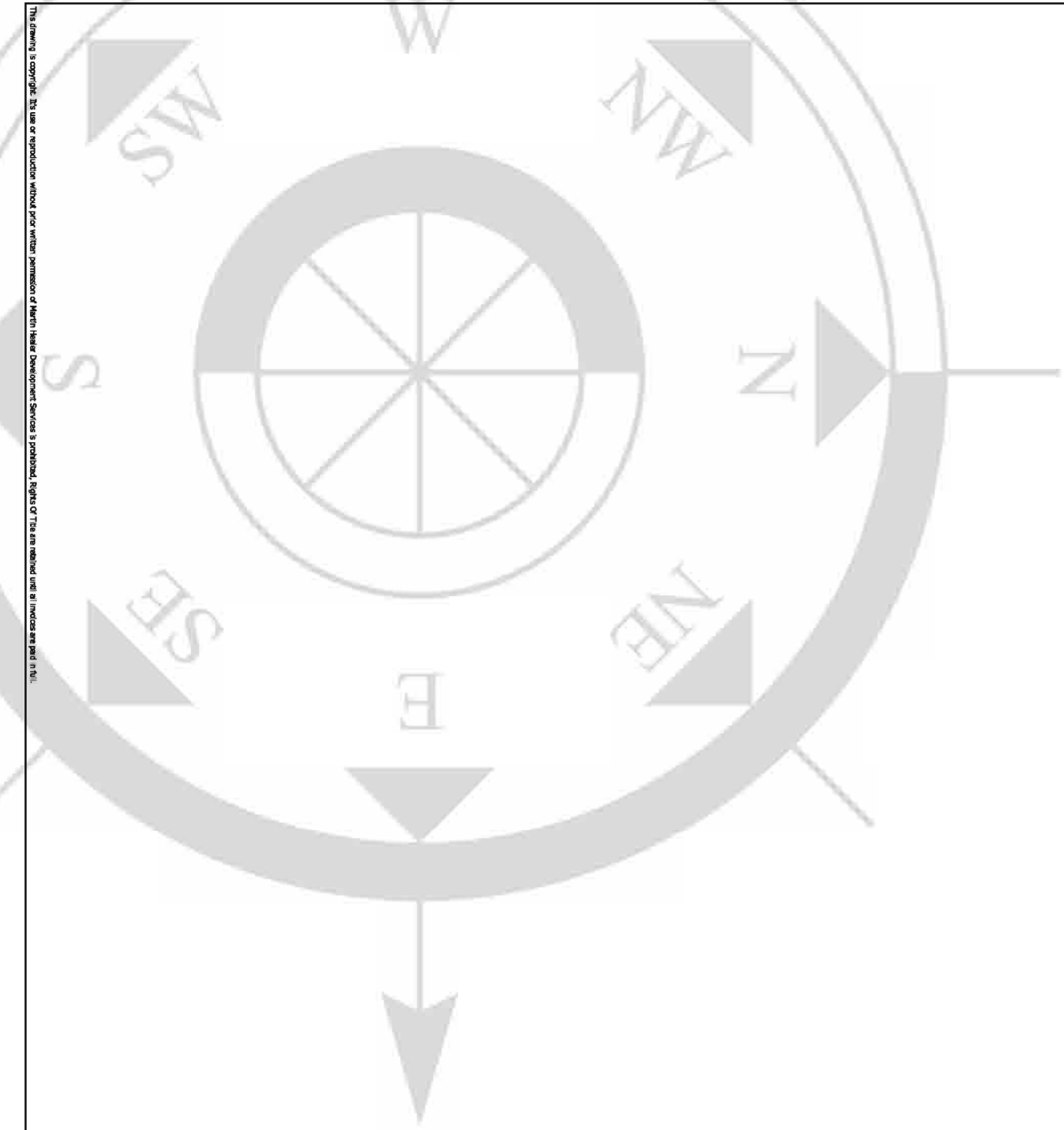
Planning Site Layout

Date	Scale	Drawn
JUNE 2008	1/500	NH
Job Ref: W/01		Rev: F

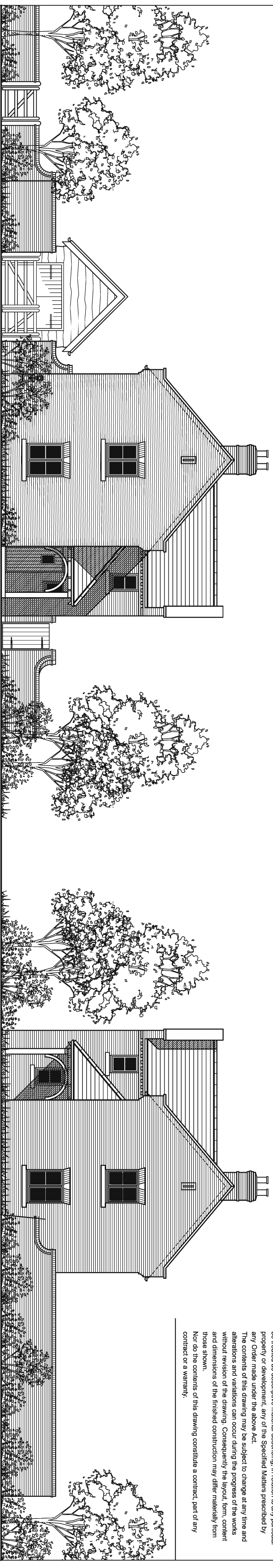
Site B - Rearside (0.23 hectares) 5 UNITS TOTAL

Retained Wordsley Manor Site (0.61 hectares)

Site A - Canalside (0.43 hectares) 9 UNITS TOTAL



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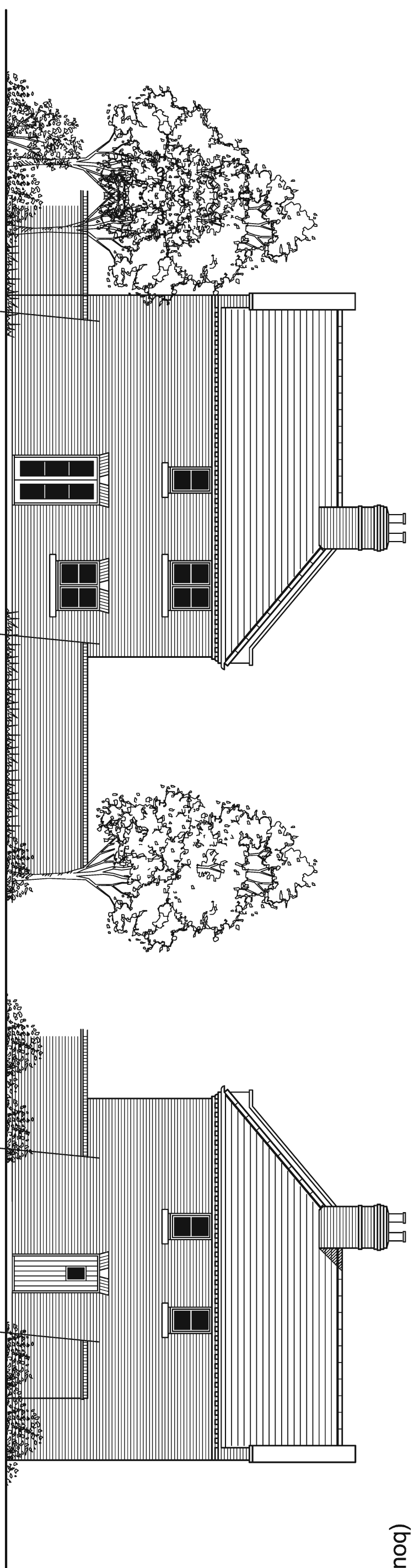


pedestrian access
to Wordsley Manor

Front Elevation

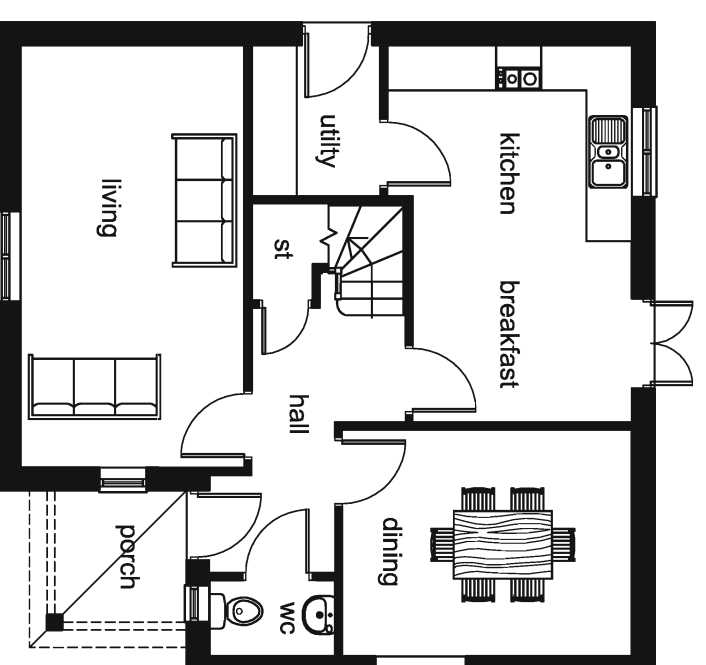
Side Elevation

Wordsley Manor Access Road Elevation
(boundary wall removed for clarity)

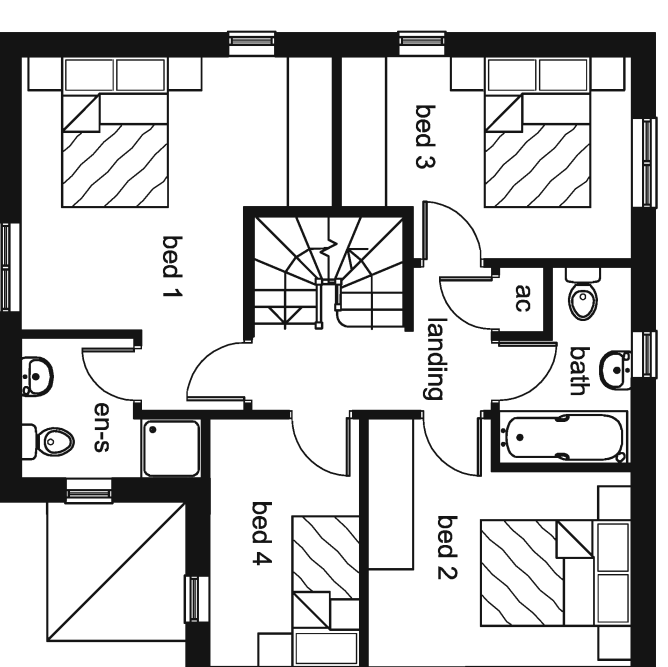


Rear Elevation
(boundary wall partly shown)

Side Elevation
(boundary wall partly shown &
garage removed for clarity)



Ground Floor Plan



First Floor Plan

Rev.	Description	Date
B	Ridge height reduced.	22.11.10
A	Attached garage with 'lean-to' hipped roof omitted and replaced with detached garage set back in rear garden to reflect concerns from English Heritage. Side windows to bedrooms 1 & 3 and door to utility room added.	28.04.09



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Web site: www.mhds.co.uk

Development
SELBOURNE HOMES
Wordsley Manor Site

Drawing Ref:
House type 4B04
'Gatehouse'

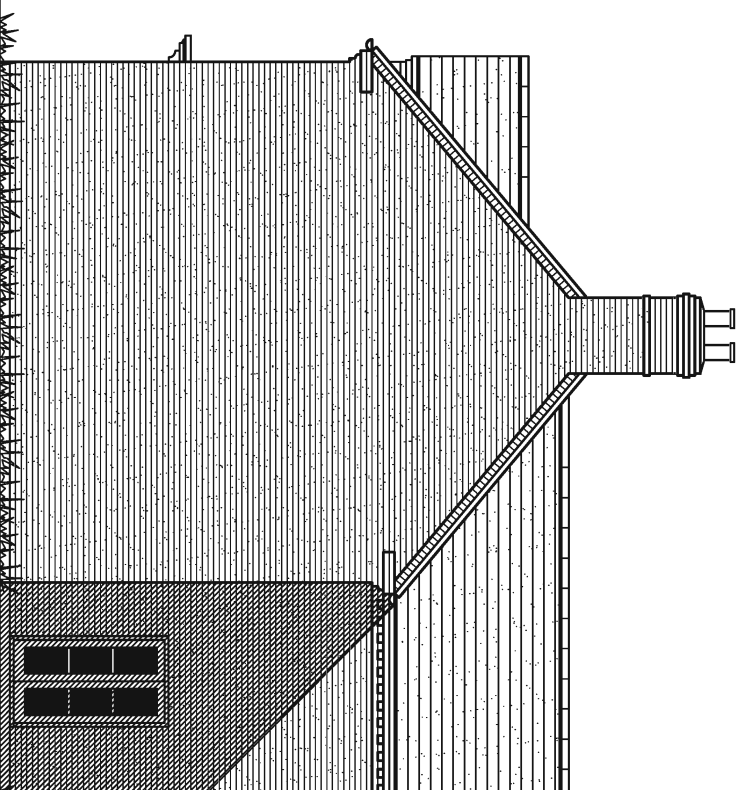
Date	Scale	Drawn
June 2008	1:100	NH
Job Ref/No.	Rev.	Rev.
0755/P/4B04/01		B

1270 SQ FT

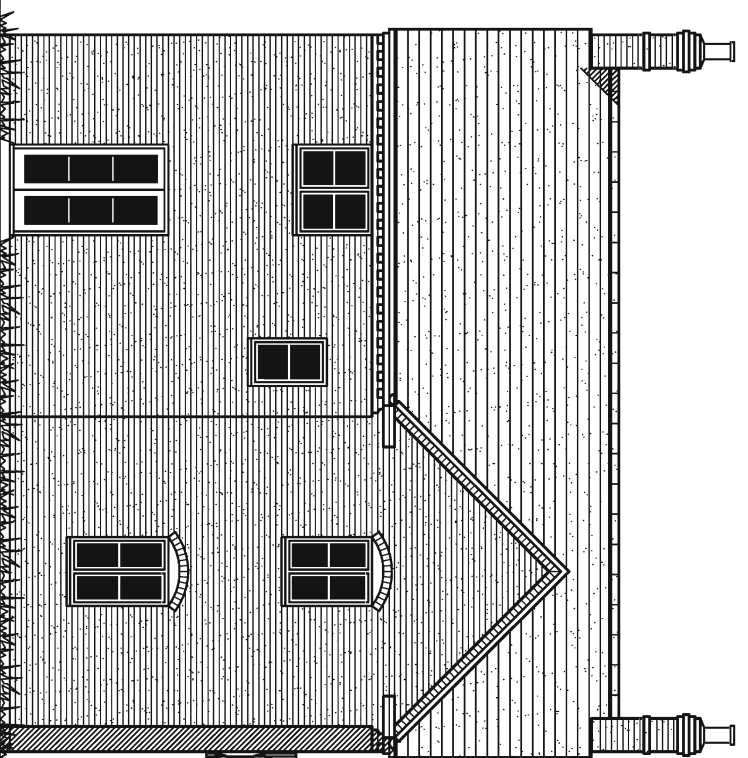
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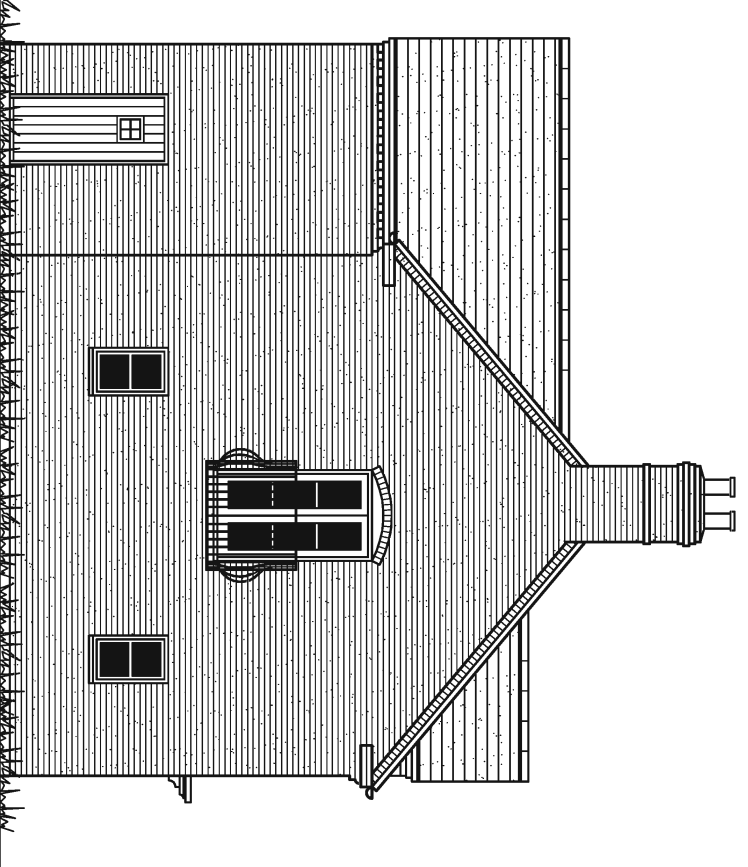
Front Elevation



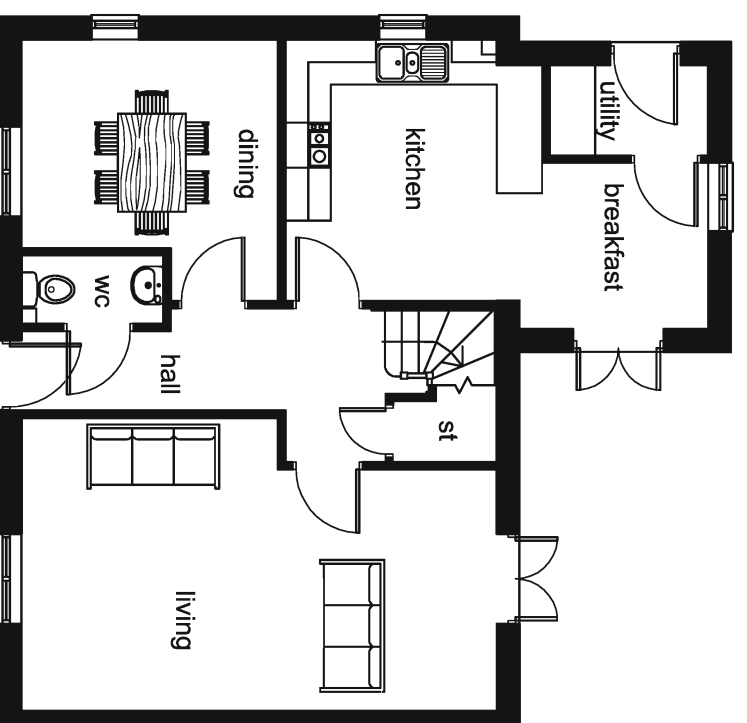
Side Elevation



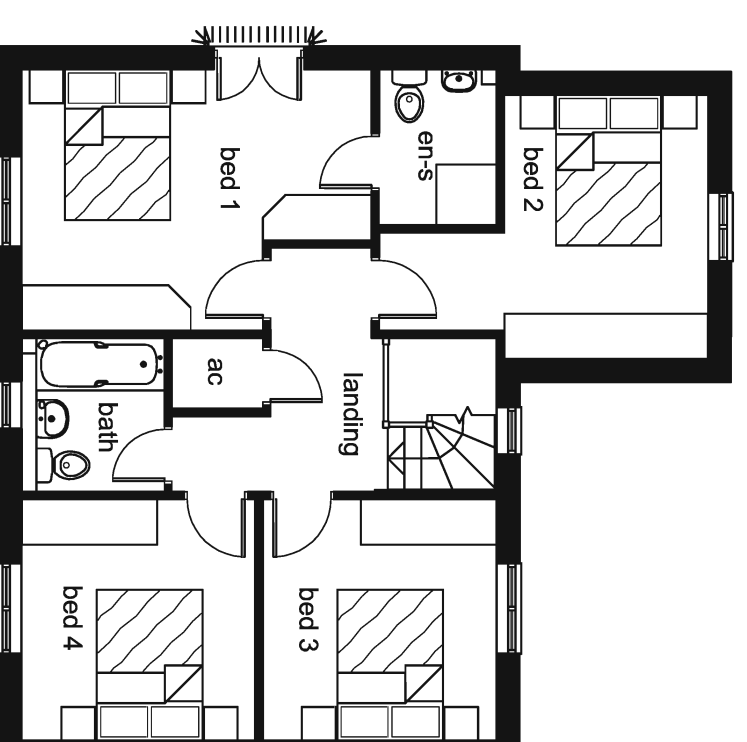
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

Rev.	Description	Date
D	Ridge height reduced.	22-11-10
C	Removing, 2 narrow windows.	22-06-09
B	WC moved, 2 narrow windows added, en-suite amended.	18-06-09
A	Full balcony omitted and replaced with Juliette type balcony and french doors. Internal layout of bed 1, bed 2 and relax room re-planned to include jack & jill en-suite between. Window to dining room added.	28-04-09.



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Web site: www.mhds.co.uk

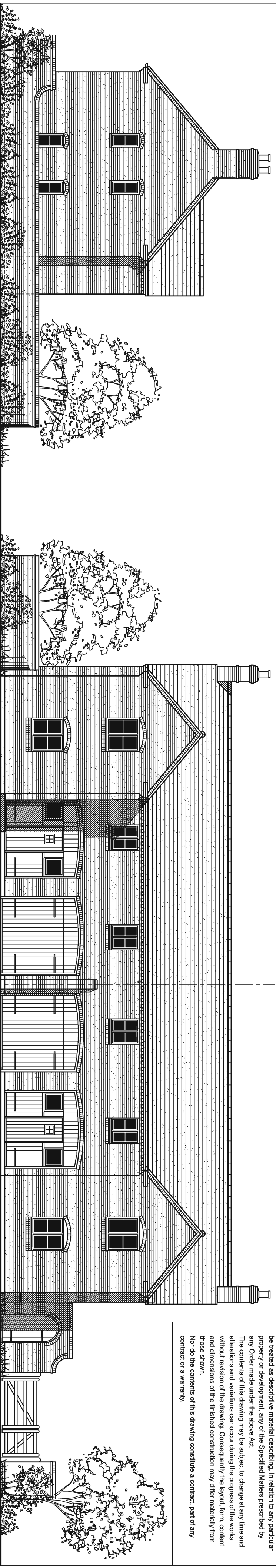
Development
SELBOURNE HOMES
Wordsley Manor Site

Drawing Ref.
Housestype 4B05

Date	Scale	Drawn
June 2008	1:100	NH
Job Ref./No.	Rev.	
0755/P/4B05/01	D	

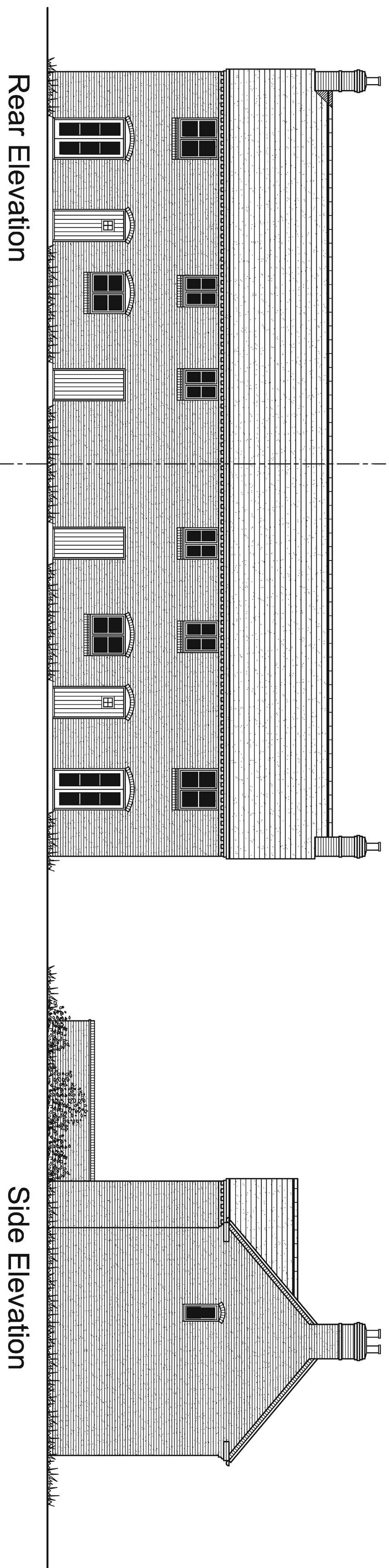
1395 SQ FT

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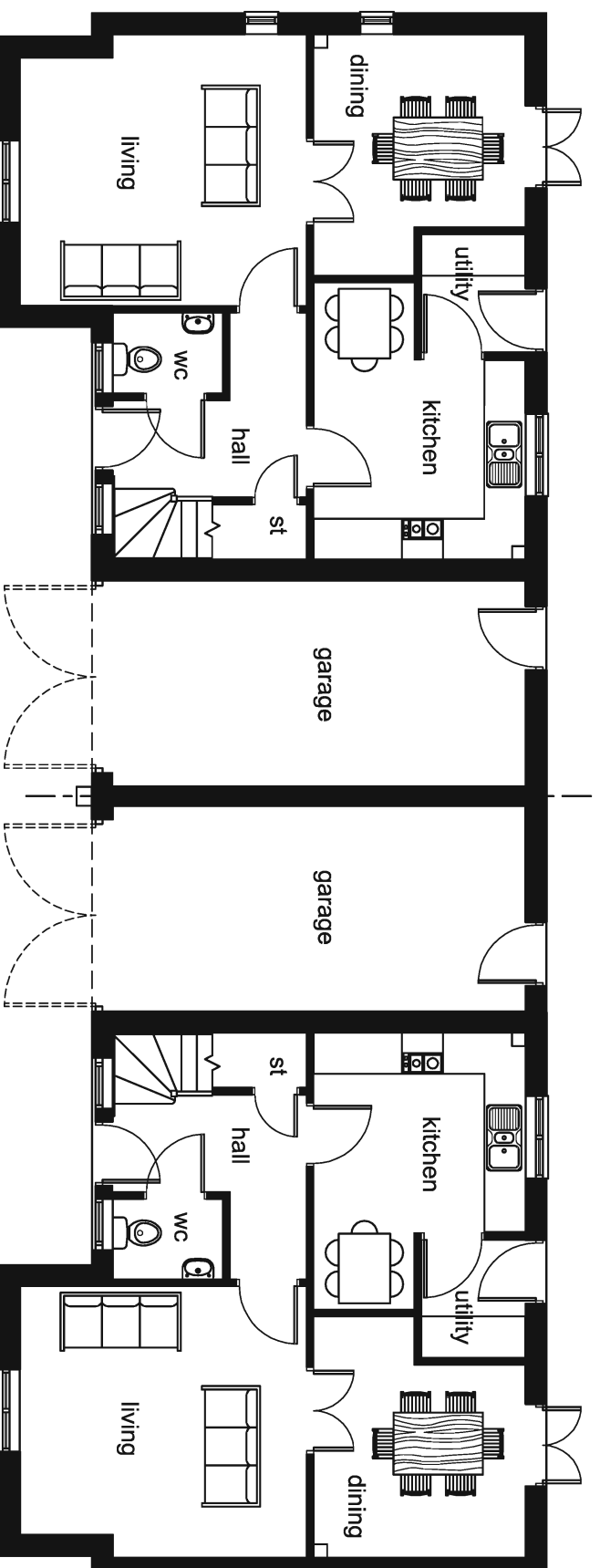
Side Elevation

Front Elevation

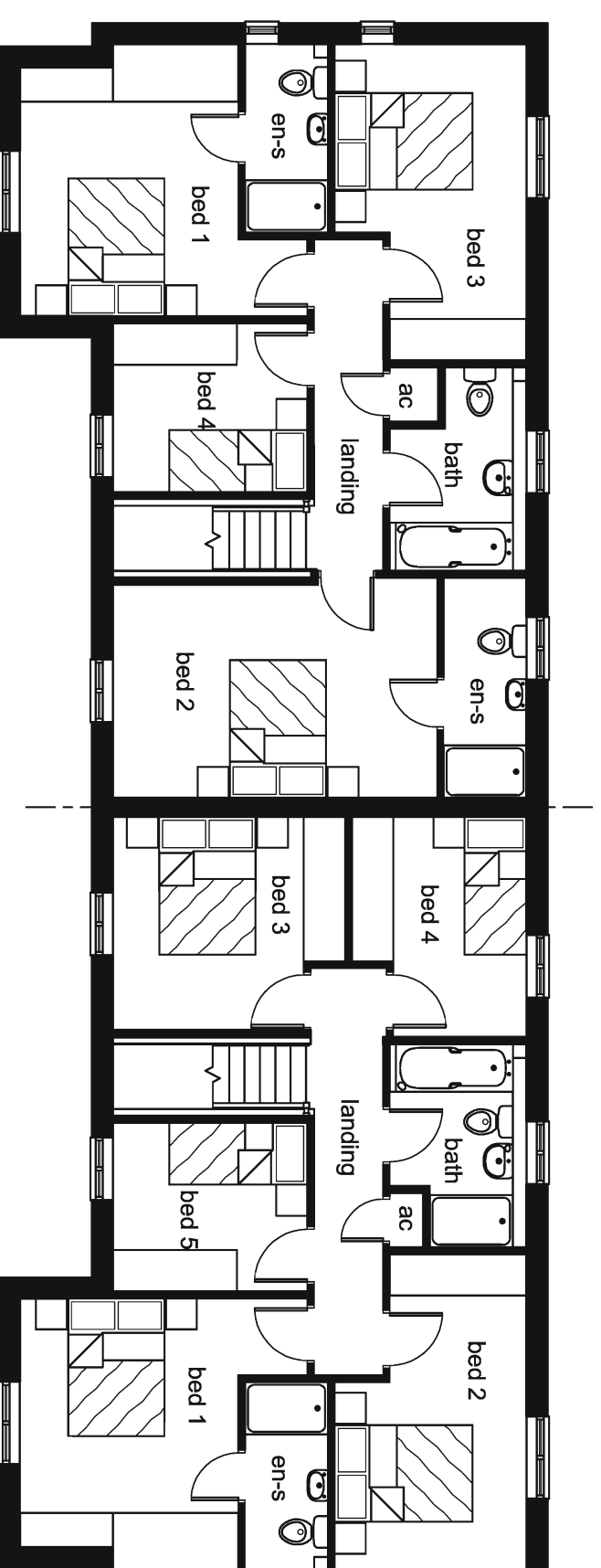


Rear Elevation

Side Elevation



Ground Floor Plan



First Floor Plan
4 bed 4B03

First Floor Plan
5 bed 5B01

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1290 SQ FT

Rev.	Description	Date
B	Roof ridge Height reduced.	22-11-10
A	Utility room added, 1st floor stairs widened.	18-06-09



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E-mail: mail@mhs.co.uk
Web site: www.mhs.co.uk

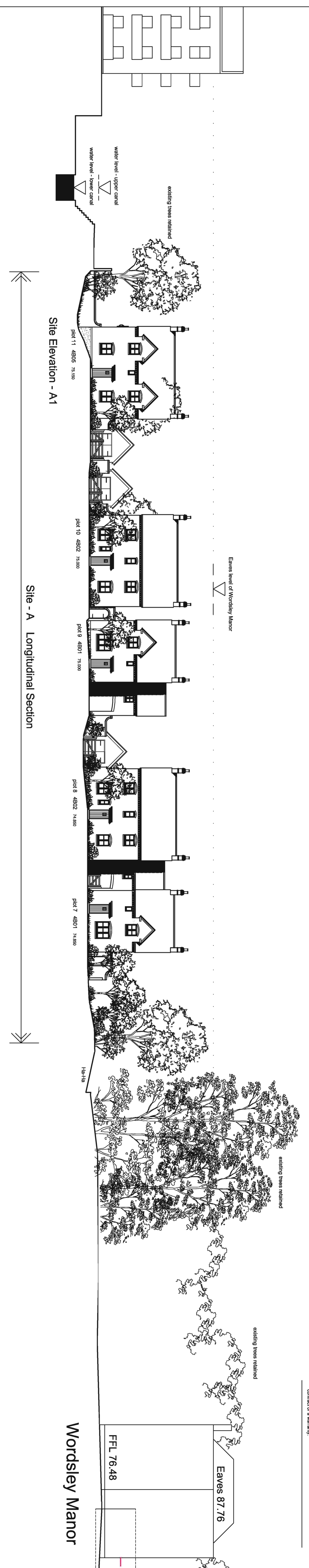
Development
SELBOURNE HOMES
Wordsley Manor Site

Drawing Ref.
House type 4B03/5B01
Stable block

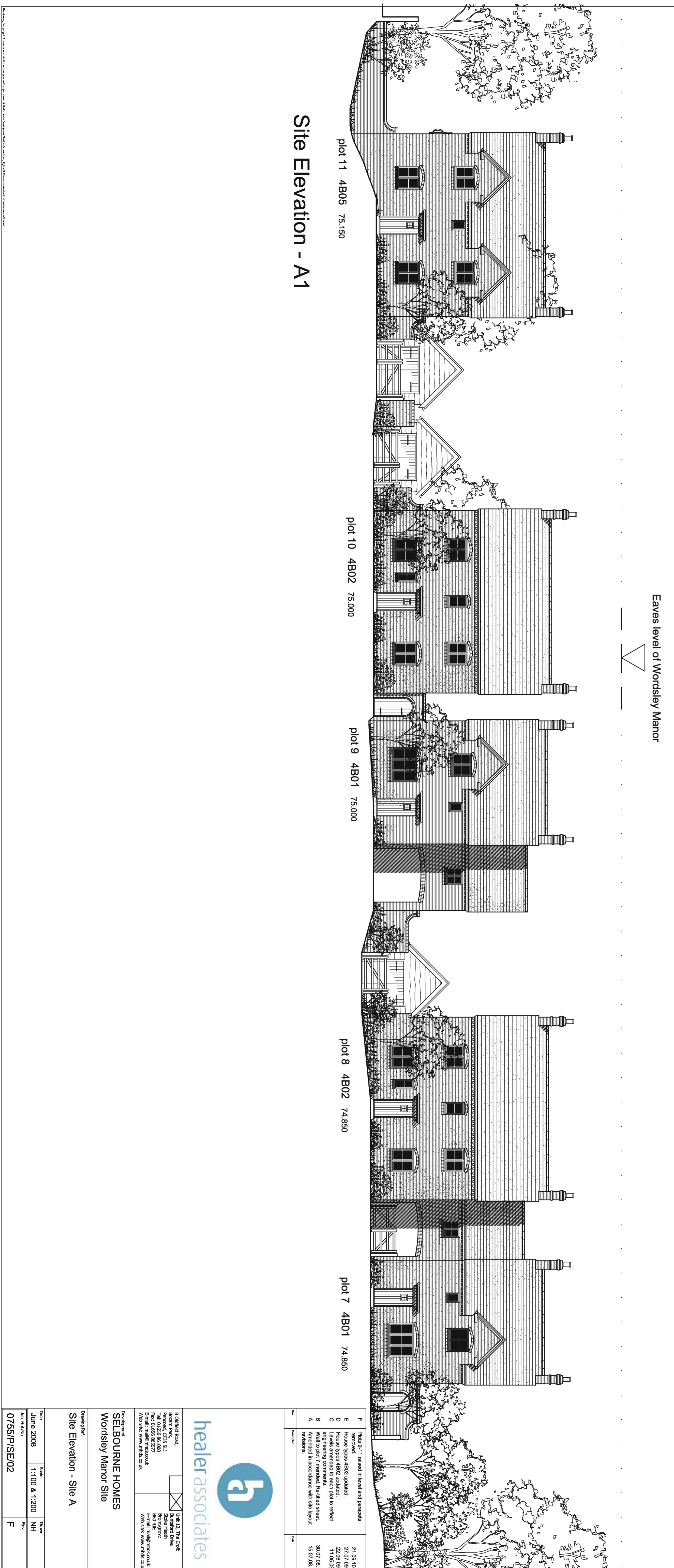
Date	Scale	Drawn
June 2008	1:100	NH
Job Ref./No.	Rev.	Rev.
0755/P/4B03/01		B

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Wordsley Manor



Site Elevation - A1

Plot	Plot No.	Plot Area	Plot Area (sqm)
F	Plots 8-11 raised in level and garages removed - see 4B02 updated	21.08/10.27/06/09	21.08/10.27/06/09
E	House types 4B02 updated	22.06/09	22.06/09
D	Levels amended to each plot to reflect engineering comments	11.06/09	11.06/09
C	Levels amended to each plot to reflect engineering comments	30.07/08	30.07/08
B	Wall to plot 7 amended - Re-filled steel	15.07/08	15.07/08
A	Amended in accordance with site layout revision		

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Development
SELBOURNE HOMES
 Wordsley Manor Site

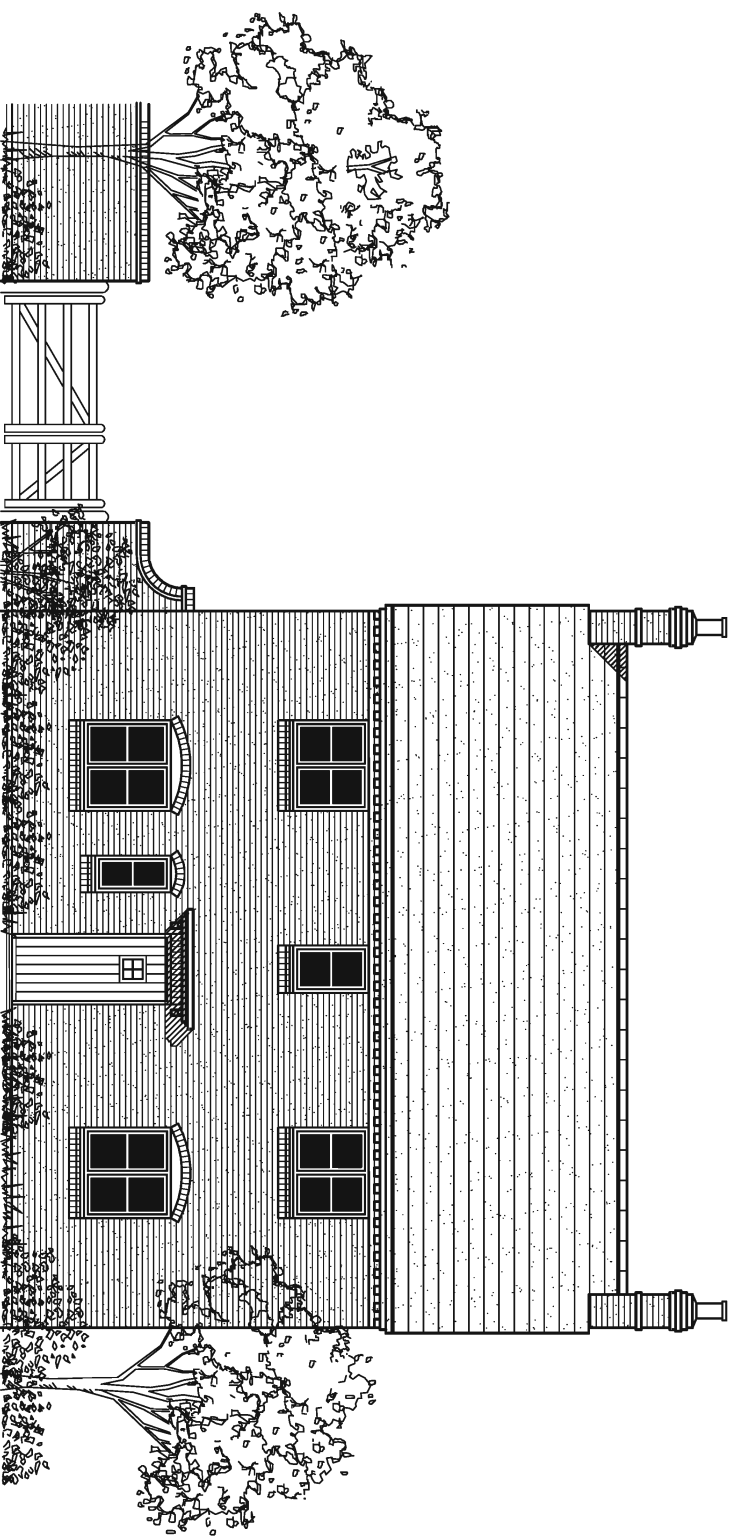
Drawing Ref: **Site Elevation - Site A**

Date	Scale	Drawn
June 2008	1:100 & 1:200	NH

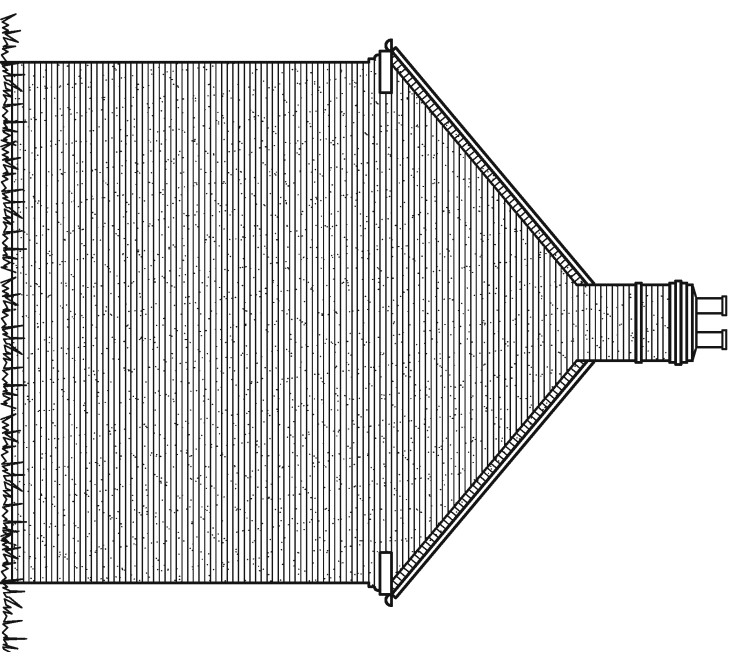
Job Ref/Abs: **0755/P/SE/02**

No.	Rev.	Desc.
1	F	

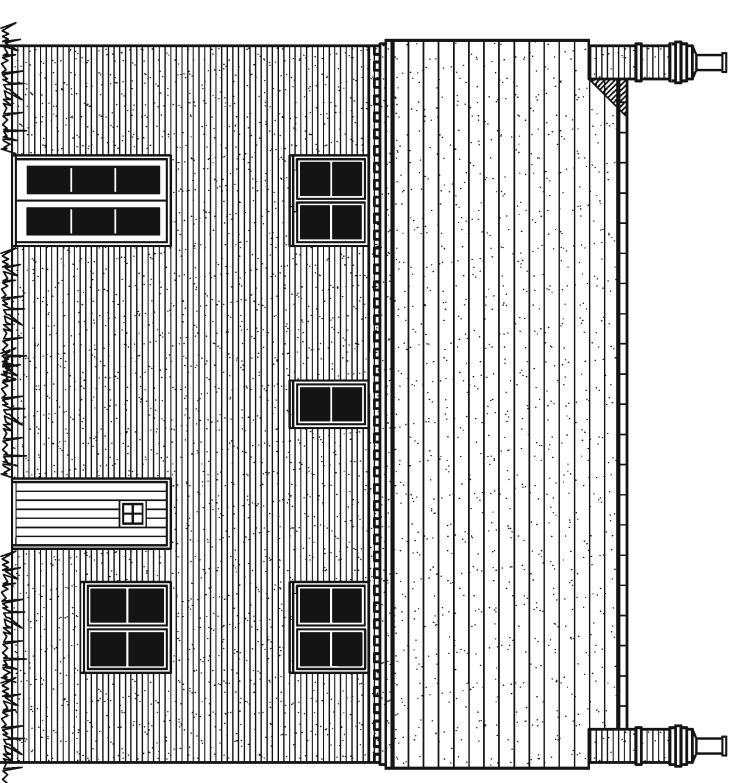
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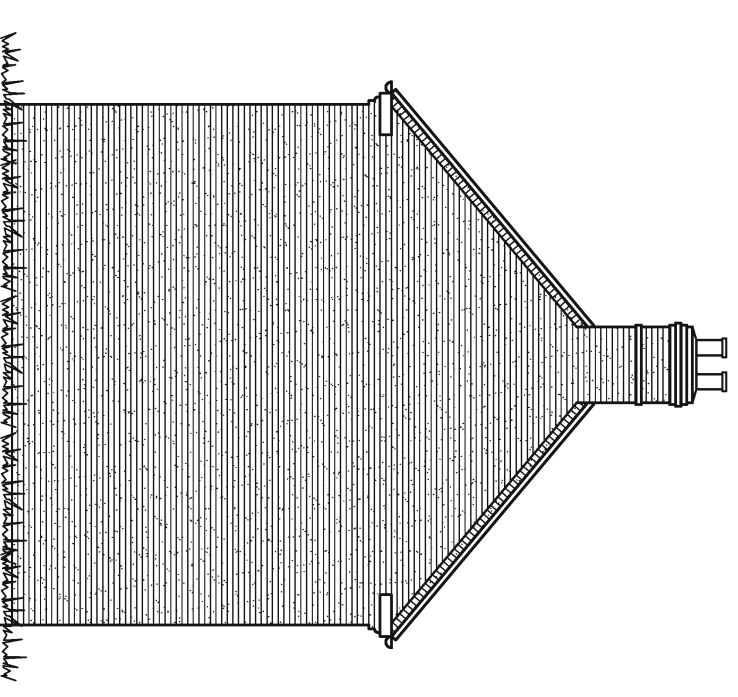
Front Elevation



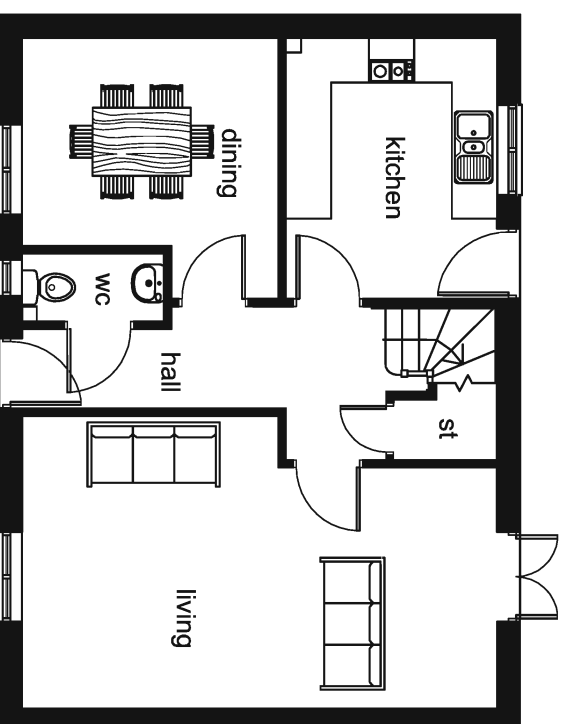
Side Elevation



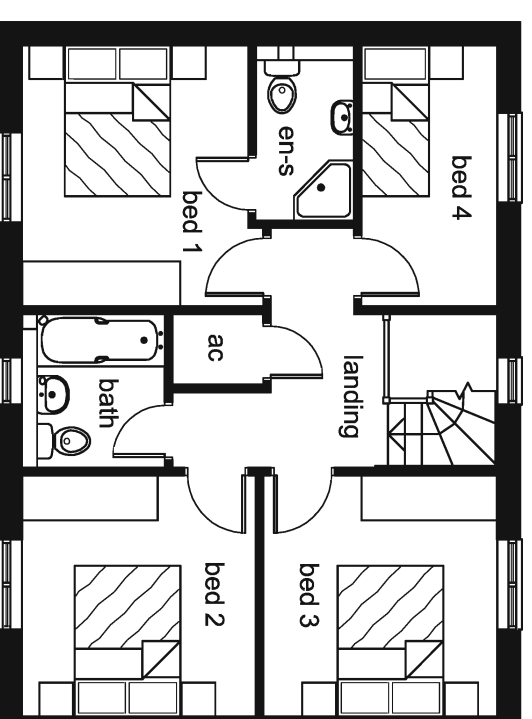
Rear Elevation



Side Elevation

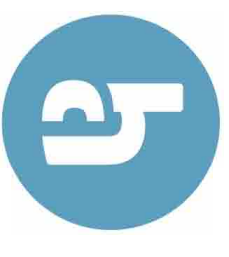


Ground Floor Plan



First Floor Plan

Rev.	Description	Date
C	Ridge height reduced. Eaves lowered.	22.11.10
B	Small living room window omitted.	27-07-09
A	Moving WC and adding 2 small windows.	18-06-09



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Web site: www.mhds.co.uk

Development
SELBOURNE HOMES
Wordsley Manor Site

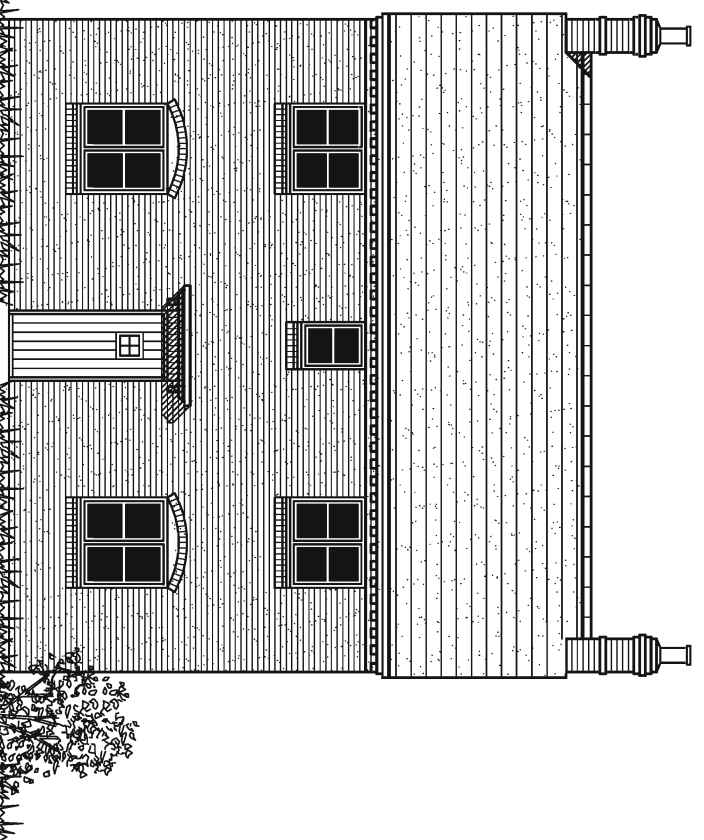
Drawing Ref.
Housetype 4B02

Date	Scale	Drawn
June 2008	1:100	NH
Job Ref./No.	Rev.	Rev.
0755/P/4B02/01		C

1205 SQ FT

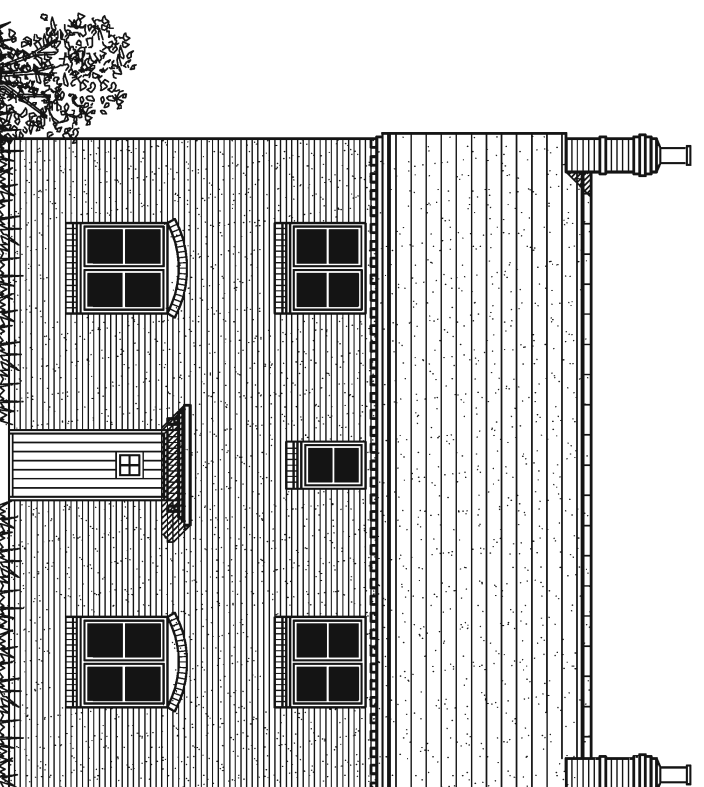
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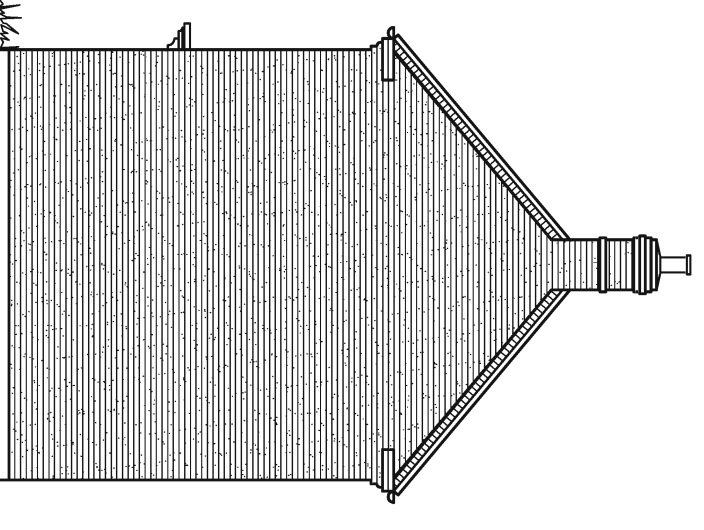
3B01b

Front Elevation



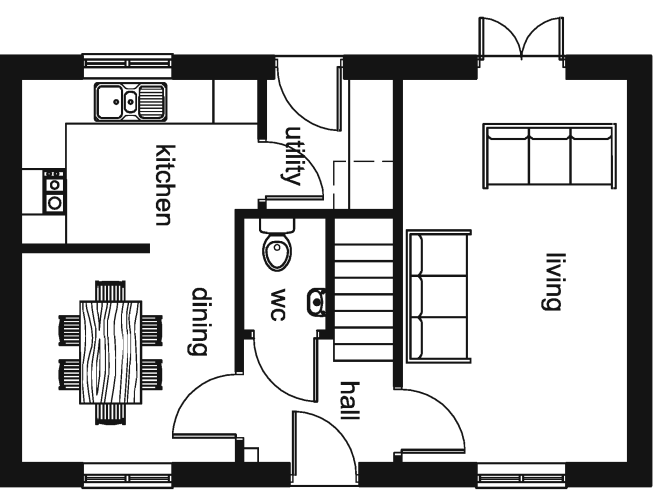
3B01b

Access Road Elevation



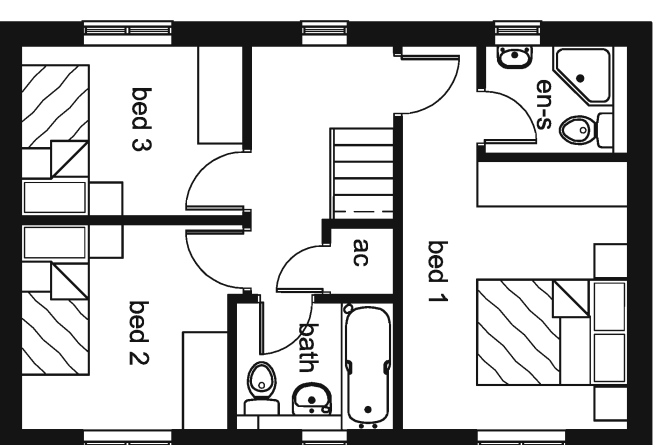
3B01b

Side Elevation



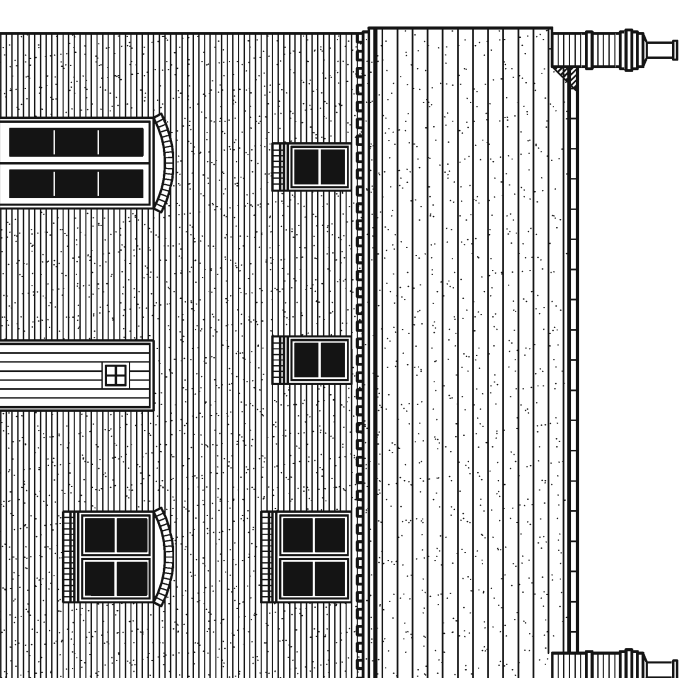
3B01b

Ground Floor Plan



3B01b

First Floor Plan



3B01b

Rear Elevation

Rev.	Description	Date
B	Ridge height reduced. Eaves lowered.	22.11.10
A	3B01a removed.	21.09.10



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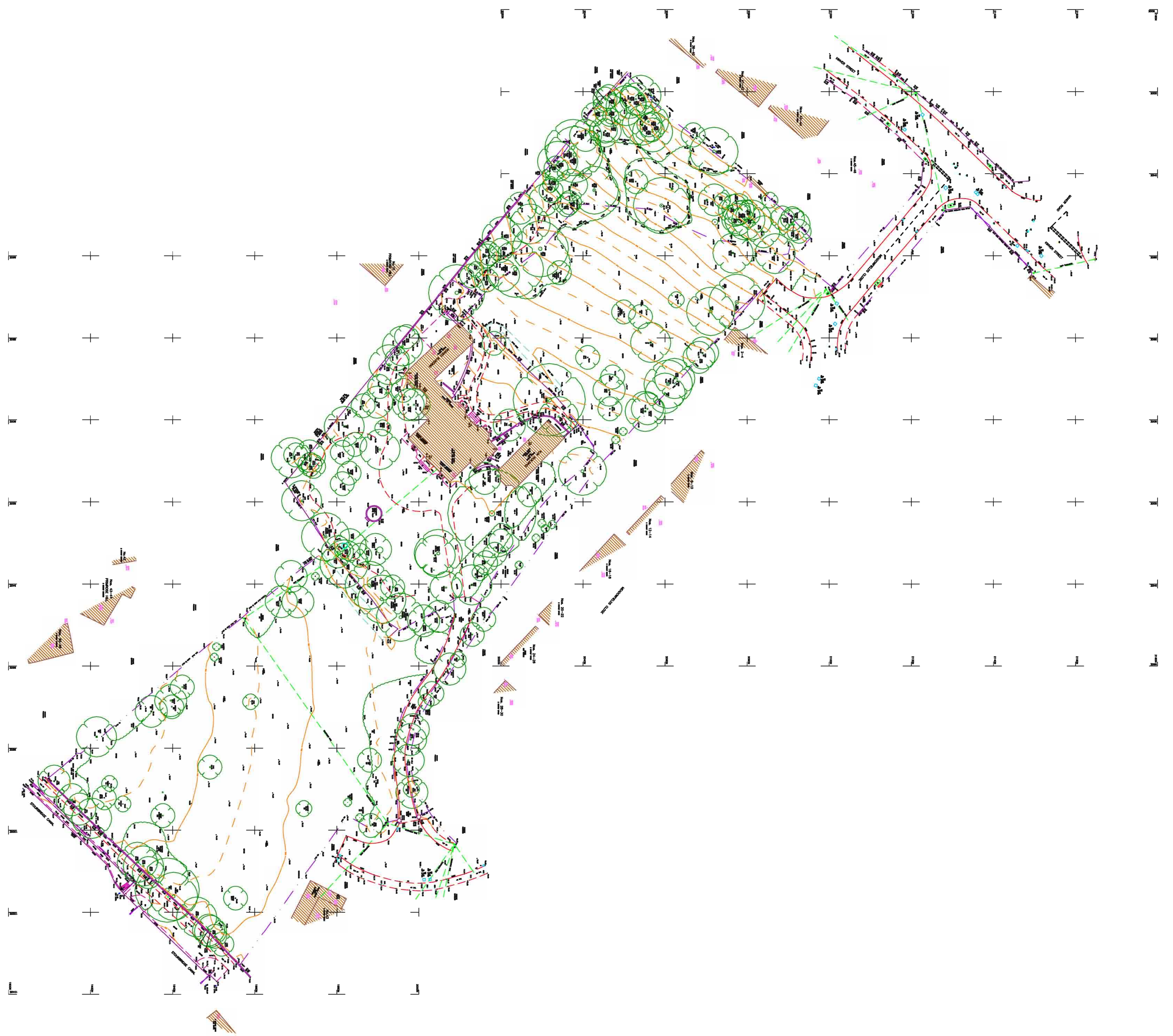
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Development:
SELBOURNE HOMES
Wordsley Manor Site


Drawing Ref: Housetype 3B01b	
Date June 2008	Scale 1:100
Drawn NH	Rev. B
Job Ref./No. 0755/P/3B01/01	

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882 SQ FT



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		AMENDMENTS		
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PROJECT:				
LAND OFF MEADOWFIELDS CLOSE WORDSLEY MANOR SITE				
TITLE:				
TOPOGRAPHICAL SURVEY				
DESIGNED:	DRAWN:	CHECKED:	DATE: APRIL 09	
SCALED: 1 TO 500	PRELIMINARY <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> TENDER <input type="checkbox"/> APPROVAL <input checked="" type="checkbox"/>			
DRAWING NUMBER:		REVISION:		
0756/SUR/01				