

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
11TH AUGUST 2009

PART A

Application Reference: 09/0372/FULL **Date Received:** 28/05/2009
Ord Sheet: 385117 276817 **Expiry Date:** 23/07/2009
Case Officer: James Houghton **Ward:** Offmore and Comberton

Proposal: Erection of a detached three bedroom dwelling following removal of existing single storey side extension & garage, shared access & turning area, car parking provision.

Site Address: 2 HUSUM WAY, KIDDERMINSTER, DY103XY

Applicant: Mr H Burns

Summary of Policy	H.2, D.1, D.3, D.4, D.10, D.11, TR.9, TR.17 (AWFDLP) SD.3, D.5 (WCSP) CF.4, QE.3 (WMRSS) PPS1, PPG3
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site consists of part of the residential curtilage of no. 2 Husum Way and would form a corner plot close to the junction with Tennyson Way, backing onto the side of a bungalow. The site slopes slightly away from Husum Way with a level change of approximately 0.8m across the site. The development would require the removal of a single detached garage.

2.0 Planning History

- 2.1 WF/1097/04 - Erection of a two storey extension : Approved 17/12/04.
- 2.2 09/0234/FULL – Erection of a detached three bedroom dwelling following removal of existing single storey side extension and garage : Withdrawn.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to conditions
- 3.2 Severn Trent Water – No comments received.

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3.2 Neighbour/Site Notice

One letter of objection from the occupants of a neighbouring property raising the following issues:

- Plan submitted does not take into account a passage running alongside the complainant's property, and as such indicates a larger garden for the new unit than can be achieved.
- Proposed three bed unit would create more noise as a three bed property could allow families to live there.
- Possible noisy neighbours and rowdily behaved children, pet nuisance exacerbated in the summer by possible barbecues etc.
- Development would result in the complainant's property being surrounded by five gardens rather than four, as is currently the situation.
- Reduction in levels of natural light enjoyed in the bathroom of the complainant's property, the existing 1.8m fence already cuts down the levels of natural light considerably.
- The proposed dwelling and no. 2 Husum Way do not benefit from garages and as such it is envisaged that parking may occur on the pavements, particularly when the properties receive visitors, this may lead to traffic generation problems as well as restricting access for those using mobility scooters.
- Several issues that may arise during the construction phase are also raised including noise, dust, interruption or interference with services, generation of extra traffic and the need to keep the bathroom window closed.
- The complainant also raises concerns relating to the number of properties in the immediate area which are let and states that these properties may not be as well maintained as other properties.

4.0 Officer Comments

4.1 The application site is previously developed land lying within an allocated residential area and as such the principle of a dwelling in this location is acceptable under the provisions of Policy H.2 of the adopted Wyre Forest District Local Plan.

4.2 The proposed detached dwelling is considered appropriate in terms of scale and design. The dwelling would not appear incongruous in this location, as it is similar in height to neighbouring properties along Husum Way and replicates their roof pitch and type as well as window style and detail, a condition requiring the submission of details of materials will ensure that the new dwelling blends in with neighbouring properties. The new plot created would be of a similar width to other properties along Husum Way. The relatively short rear garden would provide approximately 68m² of private amenity space. An inspectors decision within the Wyre Forest District (APP/R1845/A/06/2024669) states that about 70m² is considered adequate amenity space for a modern 3 bed roomed dwelling given national guidance on the reuse of previously developed land. On this basis, the proposed amenity provision is considered to be acceptable.

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- 4.3 The proposed dwelling would be considered to have a minimal impact on the amenity of surrounding properties. The property immediately to the rear of the new dwelling, no. 203 Tennyson Way, would be approximately 8m away although a walkway alongside no. 203 reduces the depth of the garden to approximately 7m, this is shown on the amended plans. The rear elevation of the proposed dwelling faces the side elevation of no. 203 which contains only one window which is obscure glazed and serves a bathroom, 1m in front of this window is an existing 1.8m close boarded boundary fence. The rear elevation of the proposed dwelling has been designed to minimise any impact on the amenity enjoyed by the occupants of neighbouring properties. In order to prevent overlooking and thereby preserve privacy habitable room windows are set at ground floor only, a window serving the stairwell is set slightly higher, windows within the roof serve the bathroom and an ensuite. The proposed dwelling is set to the north of no. 203 and, given this orientation and the lack of habitable room windows above ground floor level, it is considered that the proposed development would have minimal impact on the privacy, light and outlook of surrounding properties. The 45^o Code guidelines would not be breached.
- 4.4 The concerns of the neighbour relating to the possible noise generated by the occupants of the proposed dwelling along with concerns over pet nuisance, rowdy children and the quantity of rented properties in the immediate area as well as those relating to the construction process have been taken into account but do not constitute material planning considerations.
- 4.5 The objections from neighbours relating to highways issues have also been taken into account by the highways authority and the conditions they have recommended are considered sufficient to mitigate any alleged potential harm.

5.0 Conclusions and Recommendations

- 5.1 The proposed dwelling is considered to be of an appropriate design and will have an acceptable appearance in the street scene. The impact of the dwelling upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on amenity. As such it is considered that the proposed development accords with the requirements of Policies H.2, D.1, D.3, D.4, D.10, D.11, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan (2004).
- 5.2 In consideration of Articles 1 & 8 of the Human Rights Act 1998, it is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples of materials)
 4. J1 (Removal of Permitted Development – Classes A and B)
 5. J8 (No further windows – South elevation)

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6. Access, turning and parking
7. Cycle Parking (Single Unit)

Reason for Approval

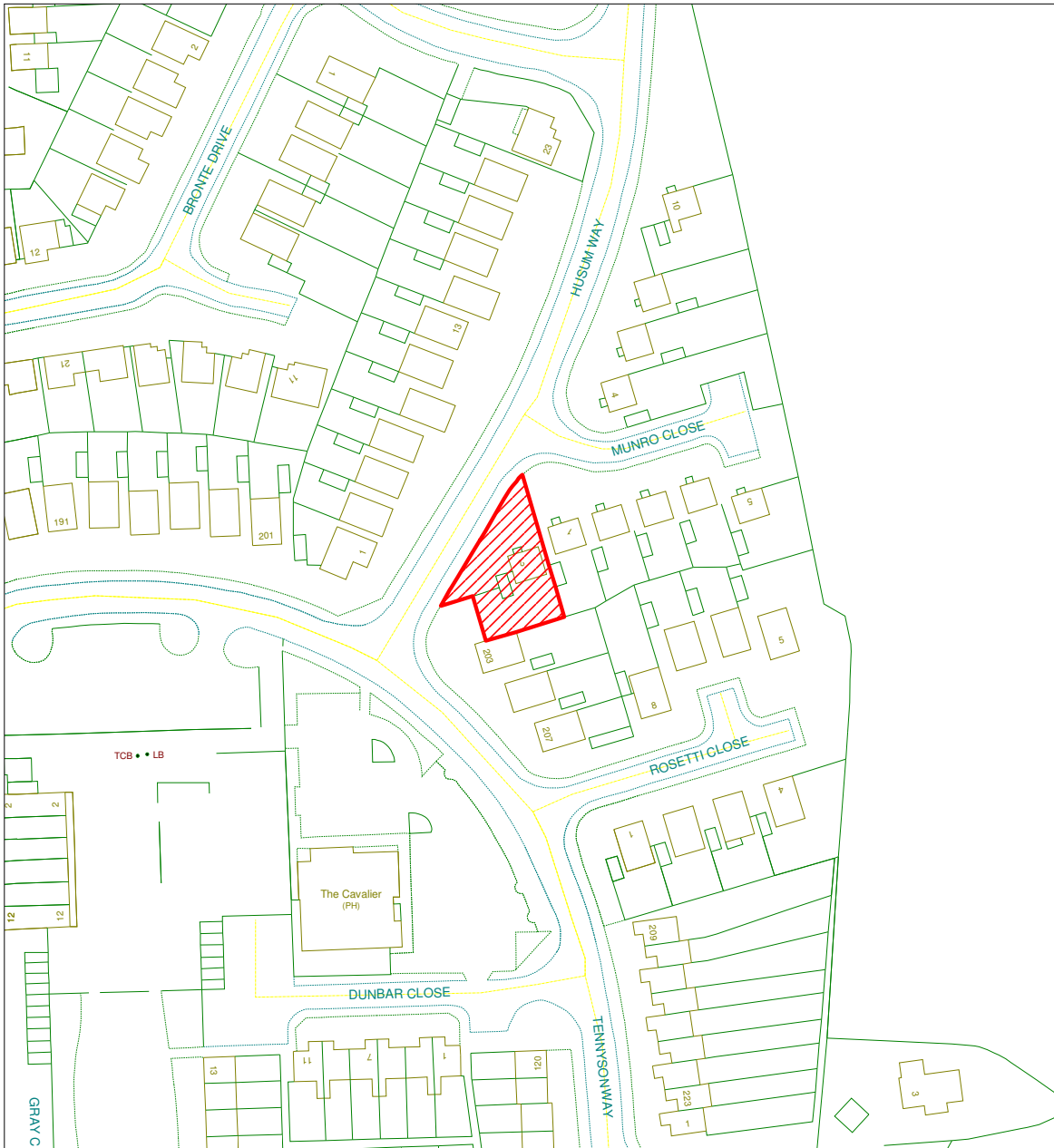
The proposed dwelling is considered to be of an appropriate design and will have an acceptable appearance in the street scene. The impact of the dwelling upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on amenity. As such it is considered that the proposed development accords with the requirements of Policies H.2, D.1, D.3, D.4, D.10, D.11, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan (2004).

Date:- 24 July 2009

OS sheet:- SO8576NW

Scale:- 1:1250

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
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PART B

Application Reference: 09/0331/TREE **Date Received:** 12/05/2009
Ord Sheet: 379621 275937 **Expiry Date:** 07/07/2009
Case Officer: Alvan Kingston **Ward:** Wribbenhall

Proposal: Fell Sycamore

Site Address: 18 THRELFALL DRIVE, BEWDLEY, DY121HU

Applicant: Mrs W Beddall

Summary of Policy	D.4 (AWFDLP)
Reason for Referral To Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The tree the subject of this application is located within the rear garden of 18 Threlfall Drive, which is a residential development on the former grounds of Warstone House. The estate has a number of mature trees on the open spaces and within gardens, some of which are in a poor condition or are considered unsuitable for their location.

2.0 Planning History

2.1 None

3.0 Consultations and Representations

3.1 Bewdley Town Council - Objection received:

“Please note that the Committee gave a qualified approval to this application. The Applicant gave no reason for the felling of the tree. The Committee noted its close proximity to the dwelling house and if the reason therefore was because the foundations or drains were being affected then they would have no objection. However, if the reason for felling was because of some more general amenity then the Committee felt the tree should be subject of crowning and not felling.”

3.2 Ward Members – No representations received

3.3 Neighbour/Site Notice – No representations received

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4.0 Officer Comments

- 4.1 The proposed work is to remove a poor quality multi-stemmed Sycamore from the rear garden of 18 Threlfall Drive.
- 4.2 The tree is not considered to be a particularly significant tree within the area and as it is multi-stemmed, it has potential weak points that could fail in the future as the tree grows. It also has a poor relationship with the house.
- 4.3 The tree is viewed as being a poor quality specimen and during the recent TPO review study it was assessed as being not worthy of being included within any new TPO. Allowing these works to take place at this time will ensure a suitable replacement tree is planted. However if the works are refused at this time, as recommended by the Bewdley Town Council, then if the TPO is revoked, there will be no way of preventing the works and no way of enforcing a replacement tree.
- 4.4 The Town Council's recommendation that the tree should be 'Crowned' and not felled is disappointing as crown reduction work is an inappropriate crude management technique, that causes more problems than it solves. If a tree is in a poor condition and is in an inappropriate location, it is good practice to fell and replace the tree with a more suitable specimen.
- 4.5 Every attempt has been made to clarify Bewdley Town Council's position, however, no response has been received. It has therefore been assumed that their objection is being maintained, and as such under the current scheme of delegation, the application must be considered by the Planning Committee.

5.0 Conclusions and Recommendations

- 5.1 It is recommended that the works are **APPROVED**, subject to the following conditions:
1. TPO1 - Non-standard Condition '2 year restriction of Consent Notice'.
 2. C17 - TPO Schedule of Works
 3. C16 - Replacement Tree <within 12 months> <a species to be agreed> <8-10cm girth at 1.5m along the stem> <a location to be agreed>

Schedule of Works

Only the following works shall be carried out:

- Fell 1 Sycamore

Application Reference: 09/0404/FULL	Date Received: 11/06/2009
Ord Sheet: 374592 273233	Expiry Date: 06/08/2009
Case Officer: Paul Round	Ward: Rock

Proposal: Use of existing stationary caravan by carer for two years

Site Address: RUSHMERE, BLISS GATE ROAD, ROCK, KIDDERMINSTER, DY149XS

Applicant: Mr J Greasley

Summary of Policy	H2, H9, H18, D3, D5, D7, D10, LA1, LA2, NC2, TR9, TR17 (AWFDLP) SD2, CTC12, CTC1 (WCSP) QE1, QE6 (WMRSS) PPS1, PPS7
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site is accessed off Bliss Gate Road and lies south of the settlement boundary to Callow Hill and north of the settlement boundary to Bliss Gate within the Landscape Protection Area and Area of Great Landscape Value.
- 1.2 The site currently accommodates a detached bungalow, which fronts onto Bliss Gate Road. The current proposal seeks consent for a detached two bedroom portable building independent annex within the rear garden, which would have independent access via the adjacent lane called Mary Draper Lane, which is unadopted. As the description advises, the dwelling would be used by a full time carer.

2.0 Planning History

- 2.1 07/1078/FULL - Independent annex for full time carer : Refused: 18/12/07
Appeal Dismissed:
- 2.2 08/0012/FULL - Independent annex for full time carer : Refused: 11/3/08

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection and recommend Approval
- 3.2 Highway Authority – No objection
- 3.3 Neighbour/Site Notice - Two letters of support received subject to:

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- a) Proposed development meeting planning criteria
- b) Annex size and siting as agreed plans
- c) Annex solely for use of carer and removed when need ceases
- d) Access is satisfactory

4.0 Officer Comments

4.1 The proposal is in the main identical in its considerations to the previous applications submitted in 2007 and 2008, and the appeal determined in November 2008. The differing element in this application is that it is now proposed to use an existing caravan that is currently used for storage purposes, and was in place when the Inspector made his decision last year.

4.2 Both of the previous applications were refused for the following reason:

The proposed development, comprising additional detached accommodation within the rear garden for a full time carer at this location, would detract from the appearance and open character of the countryside, which is designated as part of the Landscape Protection Area and Area of Great Landscape Value. As such, it is considered contrary to Policies H.2, H.9, H.18, D.1, D.3, D.5, LA.1 and LA.2 of the Adopted Wyre Forest District Local Plan, Policies SD.2 and CTC.1 of the Worcestershire County Structure Plan, Policies QE.1 and QE.6 of Regional Spatial Strategy (RPG11), together with Government policy in PPS7 and the aims of the Supplementary Planning Guidance: Design Quality (2004). Having taken into account the personal circumstances of the applicants, it is not considered that there are sufficient material considerations to outweigh these policies by permitting the proposed development and it is considered that it would set an undesirable precedent.

4.3 In dismissing the appeal the Inspector summarised:

“I wholly sympathise with the situation the appellants find themselves in with respect to their health and note the support given by neighbours. With regard to their personal circumstances the Council refer to Planning Policy Guidance Note 1 (PPG1). Whilst this specific document has been replaced, I consider the general principles to which it refers in this regard to remain in force. In this instance I am not satisfied that a case of sufficient strength has been put forward to demonstrate that other options that would accord with the principles of Policy H.18 have been fully considered as a means of providing the accommodation sought. I conclude that the proposal would be contrary to Local Plan Policies that seek to protect the open countryside from unacceptable and sporadic development.”

4.4 The use of a caravan for self-contained residential use, even for a carer facility, is judged against the housing policies that control this area. Dwellings are not permitted outside settlement boundaries on the basis of trying to protect the sensitive landscape that exists. Whilst separate units of accommodation are not permitted within this area, Policy H18 does allow annex accommodation through extensions and alterations to existing

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dwellings, provided they have strong links with the main dwelling house to avoid fragmentation of the residential curtilage. Caravans may be permitted on a seasonal basis to help with agricultural workers where this is for a justifiable need.

- 4.5 The proposed use of the caravan in this case does not fit within this policy context. The Planning Inspector supported the Council's view on this point stating "*The policy [H.18] sets out criteria against which proposals are be assessed and the proposal does not accord with this*" To be clear, the use of caravan would result in substantial structure with an independent access. It would be entirely self-contained with a significant degree of attachment to mains services, albeit shared with Rushmere. This is completely at odds with the policy context, which requires annexes to be incorporated within the dwelling and having shared services and access.
- 4.6 The Inspector stated "*...I am not satisfied that a case of sufficient strength has been put forward to demonstrate that other options that would accord with the principles of policy H.18 have been fully considered as a means of providing the accommodation sought.*" The applicant's agent has once again been asked to justify why this independent, free standing, option has been chosen, and has responded by stating "*...my clients do not have the capital to build an annex, nor at their time of life do they wish to incur a mortgage on the property. Added to this is Mr Greasley's medical conditions and the chronic anxiety and social phobia mean that he could not cope with a carer living in the same dwelling. The degree of physical separation is therefore essential.*" Members are advised that these circumstances are very similar to those considered by the Inspector and are not considered as justifiable reasons to dismiss a more sensitive and appropriate option in planning terms.
- 4.7 The proposal falls outside the established policy framework for this type of development. As such there is an 'in principle' objection to this proposal, with the establishment of a separate unit of accommodation, which would adversely affect the appearance of the open character of the landscape in this protected area.
- 4.8 Whilst the Applicant's Agent provided information concerning the medical conditions of the Applicants this information was identical to that submitted in 2007, 2008 and considered by the Inspector at appeal. Opportunity has been afforded to the Applicant's Agent to provide additional supporting information from the Medical Profession to justify the need for a carer. Confirmation from the Applicants Doctor has been forthcoming and re-enforces the point that since the consideration of the previous applications that there are no new medical concerns to be considered. In addition there is no evidence provided to support in any form the need for a carer, especially in a separate unit of accommodation even on a temporary basis.
- 4.9 I share the previous Officers' and Inspector's sympathy with the Applicants. However there is insufficient evidence to weigh against the substantial harm that would be caused by the provision of temporary carer accommodation on the site, and the substantial precedent it would set, especially in view of the lack of justification provided.

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- 4.10 The previous applications and the Inspector did result in any highway implications or potential loss of amenity to neighbouring properties. I concur with these views and feel that there are no other issues in this case.

5.0 Conclusions and Recommendations

- 5.1 There are no new or persuading arguments to justify the provision of an independent, separated carer accommodation at the property. To allow this provision would be in direct conflict with the policies that seek to protect the Landscape Protection Area from unacceptable development. In view of the previous applications and the recent appeal decision, which found in favour of the Council's decision, there is substantial justification for refusing this permission.

- 5.2 It is therefore recommended that this application be **REFUSED** for the following reason:

The proposed development, comprising additional detached accommodation within the rear garden for a full time carer at this location, would detract from the appearance and open character of the countryside which is designated as part of the Landscape Protection Area. As such, it is considered contrary to Policies H.2, H.9, H.18, D.1, D.3, D.5, LA.1 and LA.2 of the Adopted Wyre Forest District Local Plan, Policies SD.2 and CTC.1 of the Worcestershire County Structure Plan, Policies QE.1 and QE.6 of the West Midlands Regional Spatial Strategy, together with Government policy in PPS7 and the aims of the Supplementary Planning Guidance: Design Quality (2004). Having taken into account the personal circumstances of the applicants, it is not considered that there are sufficient material considerations to outweigh these policies by permitting the proposed development and it is considered that it would set an undesirable precedent.

Application Reference:	09/0442/FULL	Date Received:	18/06/2009
Ord Sheet:	380892.7334688 270729.716366099	Expiry Date:	13/08/2009
Case Officer:	James Houghton	Ward:	Areley Kings

Proposal: Temporary changing facility

Site Address: STOURPORT CRICKET & RUGBY CLUB, WALSHES MEADOW, HAROLD DAVIES DRIVE, STOURPORT-ON-SEVERN, DY130AA

Applicant: Stourport Rugby Club

Summary of Policy	D.1, D.3, LR.1, NR.5, TR.15 (AWFDLP) CTC.8 (WCSP) PPS25
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is within Walshes Meadow, which is land owned by the District Council and utilised for outdoor recreation and sports. The application site is positioned close to the boundary shared with a static caravan park and adjacent to the existing club house and changing facilities.
- 1.2 The applicant seeks permission for the temporary siting of changing rooms for a period of five years.

2.0 Planning History

- 2.1 07/0283/FULL – Provision of new pitch with relocation of floodlights to both sides of pitch and two additional lights and regrading of part of site : Approved 31/05/09.

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No comments received.
- 3.2 Forward Planning – No objections to proposed development.
- 3.3 Environment Agency – No objections, though the following comments are made:

“As set out in the brief flood risk report the site is within flood zone 3, this zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding as defined by Planning Policy Statement 25: Development and Flood Risk. The area proposed for the siting of the facilities has been known to flood previously.

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Table D.2 of PPG25 states that outdoor sports and recreational and essential facilities such as changing rooms are classified as “water compatible” development in association with the adjacent rugby pitches. We accept that the proposal is set as far back from the edge of the river as possible and has a small footprint of 175m² compared to the significant size of the flood plain of the River Severn at this location.

The floor level is not as high as we would normally recommend, but as the rugby pitches will flood before the water gets to the changing rooms we assume they will not be required during a time of flood, and hence access does not become an issue especially as flooding in this area is progressive and steady.

We note that the building will be placed on block walls, we would not normally consider this as mitigation for loss of flood storage or for the location of the proposed building. Voids such as this tend to become used for temporary storage. It should be made clear to those who use the building this area should be kept clear for the lifetime of the proposed development.”

3.4 British Waterways – No objections to the proposed developments.

3.5 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the temporary siting of changing and showering facilities close to the boundary shared with a static caravan site and adjacent to the existing clubhouse and changing rooms on Walshes Meadow for a period of five years. The facilities currently available on site are felt to be inadequate, the four changing rooms and two shower rooms are shared by the Rugby Club, which may have several teams playing during the day and the Cricket club who would also need to accommodate two teams. The five year temporary period is to provide a short term solution whilst a proposal for a longer term solution in the form of permanent changing facilities and club house is worked up. Any such future proposal would be subject to planning permission.
- 4.2 The proposed structure would be supported 1.2m off the ground on concrete block plinths to reduce the risk from flooding, and the walls would be finished in vertical tongue and groove timber boards stained dark green and the roof in goosewing grey plastic coated steel cladding.
- 4.3 The scale and design of the proposed structure is considered appropriate; in this location the building would offer negligible impact to the amenity enjoyed by patrons of neighbouring properties, the static caravans within Redstone Caravan Park. Whilst the changing rooms would be less than 10m from static caravans they would be separated by a substantial existing conifer hedge which would prevent any visual intrusion and minimise any aural impact. Further reducing the impact of the development is the temporary nature of the permission applied for.

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- 4.4 Although the application site falls within Flood Zone 3 the proposed development is considered appropriate in that PPS25 describes “outdoor sports and recreation and essential facilities such as changing rooms” as being water compatible, the Environment Agency also state that flooding in this location is progressive and steady and therefore the pitches would be flooded and unserviceable before flood waters reached the changing rooms. The proposed structure is raised to a height of 1.2m above ground level allowing minimal displacement of water during a flood event.
- 4.5 The application site is located on the path of the Proposed Stourport Relief Road however the temporary nature of the building would not prejudice the future construction of the relief road.

5.0 Conclusions and Recommendations

- 5.1 The scale and design of the proposed development is considered acceptable and would be positioned inconspicuously, offering minimal impact to the amenity enjoyed by patrons of the adjacent static caravan park. The siting of the proposed changing facility, designated a water compatible use, within Flood Zone 3 would be considered appropriate and it is considered that the building would have a negligible impact on the capacity of the flood plain. The temporary structure would not prejudice the route of the proposed Stourport Relief Road. As such the proposals would be considered to accord with the requirements of Policies D.1, D.3, LR.1, NR.5 and TR.15 of the Adopted Wyre Forest District Local Plan (2004) as well as Planning Policy Statement 25: Development and Flood Risk.
- 5.2 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A8 (Temporary permission – buildings)
 2. A11 (Approved plans)
 3. B6 (External details – approved plan)

Note:

The Environment Agency recommends that the void space created below the proposed building remains empty for the lifetime of the development in order to minimise the impact on flood storage.

Reason for Approval

The scale and design of the proposed development is considered acceptable and would be positioned inconspicuously, offering minimal impact to the amenity enjoyed by patrons of the adjacent static caravan park. The siting of the proposed changing facility designated a water compatible use, within flood zone 3 would be considered appropriate and it is considered that the building would have a negligible impact on the capacity of the flood plain. The temporary structure would not prejudice the route of the proposed Stourport Relief Road. As such the proposals would be considered to accord with the requirements of Policies D.1, D.3, LR.1, NR.5 and TR.15 of the Adopted Wyre Forest District Local Plan (2004) as well as Planning Policy Statement 25: Development and Flood Risk.

Agenda Item No. 5

Application Reference: 09/0477/FULL **Date Received:** 06/07/2009
Ord Sheet: 383303 275399 **Expiry Date:** 31/08/2009
Case Officer: Paul Round **Ward:** Aggborough and Spennells

Proposal: Conservatory to rear

Site Address: 14 AGGBOROUGH CRESCENT, KIDDERMINSTER, DY101LG

Applicant: Mr & Mrs G White

Summary of Policy	D1, D17 (AWFDLP) QE3 (WMRSS) Design Quality SPG
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 14 Aggborough Crescent is a semi detached property located on the southern side of Aggborough Crescent situated opposite the junction with Malvern Drive.
- 1.2 It is a two storey brick and tile property benefiting from a flat roofed single storey rear extension and a detached garage.
- 1.3 It is proposed to erect a conservatory to the rear of the property directly off the existing extension.

2.0 Planning History

- 2.1 WF.0696/77 – Porch and Bay Window : Approved
- 2.2 WF.0144/79 – Lounge and Utility : Approved

3.0 Consultations and Representations

- 3.1 Environmental Health – Views awaited
- 3.2 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 This application is a relatively straight forward application being brought to the Planning Committee due to the Applicant being employed by the Council.
- 4.2 The conservatory, which measures 3.3m in width and projects 5m from the existing rear extension, would be positioned to the right hand side of the rear of the property.

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- 4.3 The conservatory is of a design that fits in a simplistic way to the existing rear elevation of the property without appearing incongruous or obtrusive. The neighbouring property at No.13 would not be adversely affected by the proposal due to its own substantial extensions that exist along the boundary, and the neighbouring property at No.14A again would be unaffected due to its juxtaposition with the proposed conservatory.
- 4.4 Policy D.17 requires domestic extensions to be in scale and character with the original dwelling, which is achieved in this instance.
- 4.5 Having considered the policy context and the detail aspects of the proposal, I consider that the development is acceptable.

5.0 Conclusions and Recommendations

- 5.1 The proposed design of the conservatory would not affect the character or appearance of the original dwelling and is positioned in such a way so as to minimise any impact on neighbouring properties.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)

Note:

SN12 (Neighbours' rights)

Reason for Approval

The proposed design of the conservatory would not affect the character or appearance of the original dwelling and is positioned in such a way so as to minimise any impact on neighbouring properties. The proposal is thus compliant with Policies D.1 and D.17 of the Adopted Wyre Forest District Local Plan.

Application Reference: 09/0480/FULL	Date Received: 26/06/2009
Ord Sheet: 384618 280070	Expiry Date: 21/08/2009
Case Officer: Emma Anning	Ward: Cookley

Proposal: Change of use from village convenience store to a house

Site Address: 39 LIONFIELDS ROAD, COOKLEY, KIDDERMINSTER, DY103UG

Applicant: Mr & Mrs T Harley

Summary of Policy	H.2 D.3 D.10 D.13 TR.9 TR.17 RT.7 (AWFDLP) D.16, D.35 (WCSP) QE.3 (WMRSS) PPS3
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 39 Lionfields Road is a detached property which is currently trading as a local convenience store and a dwelling for its owners. The property is located in an area identified as suitable for residential development.
- 1.2 Permission is sought for a change of use of the retail area of this property from an A1 retail premises to a dwelling house (C3), resulting in the entire property being one single dwelling.

2.0 Planning History

- 2.1 Various extensions to the rear of the property including kitchen and bedroom extensions – all approved between 1975 and 1980.

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Views awaited
- 3.2 Highway Authority – No objection
- 3.3 Forward Planning - The site in question is currently a convenience store located in the village of Cookley. The site is allocated in the Local Plan Proposals Map as an Area for Residential Use, as defined by Policy H.2. Therefore, in principle, a change to residential use is acceptable. However, as the unit in question is currently a convenience store, Policy RT.7: Small Shop Change of Use, of the Adopted Local Plan is also a material consideration. Policy RT.7 identifies that *‘any proposal for a change of use of a convenience store will be viewed with particular rigour where there is no alternative provision within 500m’*. In this particular case, within the 500m radius of the unit, there are two other ‘convenience’ stores – namely the

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Tesco Express and the Post Office, both located on Castle Road. It is therefore considered that there is appropriate alternative convenience provision within the 500m buffer and consequently the application satisfies the rationale of Policy RT.7.

3.4 Neighbour/Site Notice - No representations received

4.0 Officer Comments

- 4.1 Permission is sought for the change of use of the existing local convenience store (Use Class A1) to a residential dwelling (Use Class C3). The owners of the store wish to retire in the near future and will close the shop as they do. Despite attempts to sell on this business, which has been offered for sale since 2007, no offers have been made (despite a significant reduction in asking price) and therefore the owners intend to utilise the entire building as a residential property.
- 4.2 The principal policy considerations in this instance are Policies RT.7 and H.2 of the Adopted Wyre Forest District Local Plan. Policy RT.7 seeks to prevent the loss of local convenience retail offer where there is no alternative provision within 500m of the site. As detailed in the comments given by the Forward Planning section there is a Tesco Express store and a Post Office which are within this 500m tolerance. The application therefore satisfies the requirements of this policy and is therefore acceptable in this regard. Given that the application site is within an area identified in the Local Plan as being suitable for residential development I am satisfied that the proposal also would satisfy the requirements of Policy H.2 of the Adopted Wyre Forest District Local Plan. The principle of the change of use of this retail store to a dwelling is therefore acceptable.
- 4.3 No details of any elevational alterations have been submitted as part of this application, which seeks only the approval for the change of use. However, the additional detail submitted with the application does confirm that a subsequent application for alterations and extensions will follow. Therefore for the purposes of this application it should be assumed that no material alterations to the external appearance, other than those for which deemed consent would exist through the Town and Country Planning (General Permitted Development) Order 1995 (as amended), are proposed. I am therefore satisfied that in terms of the impact of the proposals on the visual amenity of the existing street scene there would be no further harm caused to the appearance of this building or the local distinctiveness of the area. The proposal complies with Policy D.3 of the Adopted Wyre Forest District Local Plan.
- 4.4 As already described, there is already an ancillary residential unit on this site which shares the shop building and is occupied by the owners of the shop. There is land to the rear of the property which is currently used as a garden and parking area. This arrangement would not alter as a result of this proposal; I am therefore satisfied that adequate private amenity space is available for occupiers of the dwelling and that sufficient parking provision is available on site to satisfy the requirement of 2 spaces for dwellings of 3 or

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more beds, as set out in Appendix 9 of the Adopted Wyre Forest District Local Plan. The proposal therefore satisfies policies TR.17 and D.3 of the Adopted Wyre Forest District Local Plan.

- 4.5 The applicants have noted that the change of use hereby proposed would have significant implications for improving the amenity of neighbours as there would no longer be noise from delivery vehicles or problems associated with customer parking along Lionfields Road.
- 4.6 The County Council Highways Officer was consulted as part of this application and has no objection to the proposal. Given that the site already accommodates two off-road car parking spaces and in light of the potential reduction in vehicular traffic movements to and from the property, I consider there would be no harm caused to highway safety as a result of this proposal.
- 4.7 To approve this application could have implications for neighbours if the property were allowed to benefit from Permitted Development rights as the 'original' dwelling house, following approval of this application, would be the property as it stands today, which includes a number of rear extensions. It would be possible, under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to erect further extensions to this property which could potentially impact on neighbour amenity. It is therefore considered reasonable, in the interests of neighbour amenity, to withdraw permitted development rights for extensions to the resulting property.

5.0 Conclusions and Recommendations

- 5.1 The proposal accords with the relevant policies of the Adopted Wyre Forest District Local Plan and I therefore recommend the application be **APPROVED** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. Removal of permitted development rights for extensions to the resulting property

Reason for Approval

The proposed change of use of this retail premises to one dwelling is acceptable in principle, as it would satisfy the requirements of Policies H.2 and RT.7 of the Adopted Wyre Forest District Local Plan. The proposal would not cause harm to neighbour amenity or give rise to a situation which would be detrimental to highway safety. The proposal therefore complies with the policies listed.