

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
10TH NOVEMBER 2009

PART A

Application Reference:	09/0551/FULL	Date Received:	03/08/2009
Ord Sheet:	384005 278273	Expiry Date:	28/09/2009
Case Officer:	James Houghton	Ward:	Broadwaters

Proposal: Erection of a single storey extension (for disabled child)

Site Address: 8 SION AVENUE, KIDDERMINSTER, DY102YJ

Applicant: Mr C Downes

Summary of Policy	D.1, D.3, D.17 (AWFDLP) QE.3 (WMRSS) Design Quality SPG PPS1
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 13 OCTOBER 2009 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

1.1 The application property is a two storey, hip roofed dwelling set back from the road behind a front drive and gardens. The property benefits from a two-storey, half-hip roofed side extension as well as a single-storey, mono pitch roofed rear extension.

2.0 Planning History

2.1 WF/0594/03 – Erection of two-storey extension : Approved 18/07/03

2.2 WF/1301/03 – Retention of two storey extension (revision to WF.594/03) (Retrospective) : Approved:10/02/04

2.3 A mono pitch roofed single-storey rear extension has also been erected, presumably under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or its predecessor.

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3.0 Consultations and Representations

3.1 Highway Authority – No objections subject to the addition of a condition requiring the provision of a further parking space, increasing the total to two spaces, to any approval issued.

3.2 Neighbour/Site Notice – Letters of objection have been received from those representing the occupant of a neighbouring property. The objections raised are:

- The proposed extension would appear to increase the existing ground area by approximately 50% resulting in a building out of scale with those in the surrounding area.
- The creation of a further bedroom may result in the need for a further parking space.
- The appearance of the proposed extension is out of character with dwellings in the immediate area.
- The property has no rear access and as such there are concerns as to how the necessary materials will be moved on site.
- The proposed extension would reduce the levels of day light currently enjoyed by the occupant of the neighbouring property as well as to the garden of the neighbouring property.
- Could the existing garage not be utilised to provide a further bedroom.
- Guttering may overhang boundary.

4.0 Officer Comments

4.1 The applicant seeks approval for the erection of a pitch roofed single-storey rear extension providing shower room and bedroom for a disabled child. Officers have been advised that, due to the nature of the disability in this case, there is a need for the shower room to be a separate supervised area, with the bedroom beyond providing a safe environment free of obstructions, including radiators. In this regard, a 'safe space' enclosure would be provided. This all combines to increase the required footprint. Officers have been advised that the proposal has received support, in the form of a Disabled Facilities Grant, from the North Worcestershire Care and Repair Agency.

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- 4.2 With dimensions of 3.4 metres wide by 7.5 metres deep, the extension would be positioned along the boundary with No.7 Sion Avenue to the north of the application property. To the rear of No.7 is an existing substantial wooden outbuilding which runs along the boundary shared with No.8. In this regard, the view of the extension from the neighbouring property would be severely limited, and the 45° Code rendered somewhat irrelevant in this instance. It should be noted that should the existing outbuilding be removed the proposed extension would breach the 45° code but meet the requirements of the 25° tilt guidelines when taken from the small window to the rear of No.7, closest to No.8, which is presumed to serve a habitable room. The 45° code, when applied in respect of No.9, is considered acceptable given the distances involved.
- 4.3 The proposed extension is to the rear of the property and as such would offer minimal detriment to the street scene and would not contribute to the application property appearing incongruous in either side or design.
- 4.4 A condition requiring that an extra parking space be provided within the curtilage of the site is recommended to ensure that the parking standards as set out in Appendix 9 of the Adopted Wyre Forest District Plan (2004) are complied with.
- 4.5 In considering the application, there are clearly emotive issues as far as the applicant is concerned, in seeking to provide a suitable level of comfortable, ground floor accommodation, for their disabled child. This, however, must be balanced against the relevant policies and guidance. It is a fact that the original property has been extended previously, as detailed earlier in this report. These already represent a 73% increase over the original floor space of the dwelling. The proposed extension would further increase this figure to a 140% increase which, given the urban context and position of the extension, whilst significant, is considered acceptable as the latest addition would have no detrimental impact on either the appearance of the host dwelling or the street scene.
- 4.6 It has been suggested by the neighbour that the existing garage be utilised to convert to a bedroom, and at a depth of 5.8 metres this would, at first glance, appear to have some merits; however, at just 2 metres wide this would provide little opportunity for the necessary circulation space around furniture and would have a very unpleasant and claustrophobic feel, and on this basis it is perhaps understandable why this potential option has not been seriously considered by the applicant. Furthermore, Officers have been advised by the applicant's agent that the nature of the disability is such that a 'safe-space' area around the room is required, which could not realistically be accommodated within the confines of the existing garage.

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- 4.7 Issues concerning the position of guttering on the boundary, the movement of materials during the construction process and the use of the garage as further living accommodation rather than the extension have been taken into account but would not be considered material considerations in the determination of this application.

5.0 Conclusions and Recommendations

- 5.1 In consideration of Articles 1 & 8 of the Human Rights Act 1998, it is recommended that this application be **APPROVED** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B3 (Finishing Materials to Match)
4. Parking single house 2 spaces
5. Boundary Fencing

Note

SN12 (Neighbour's Rights)

Reason for Approval

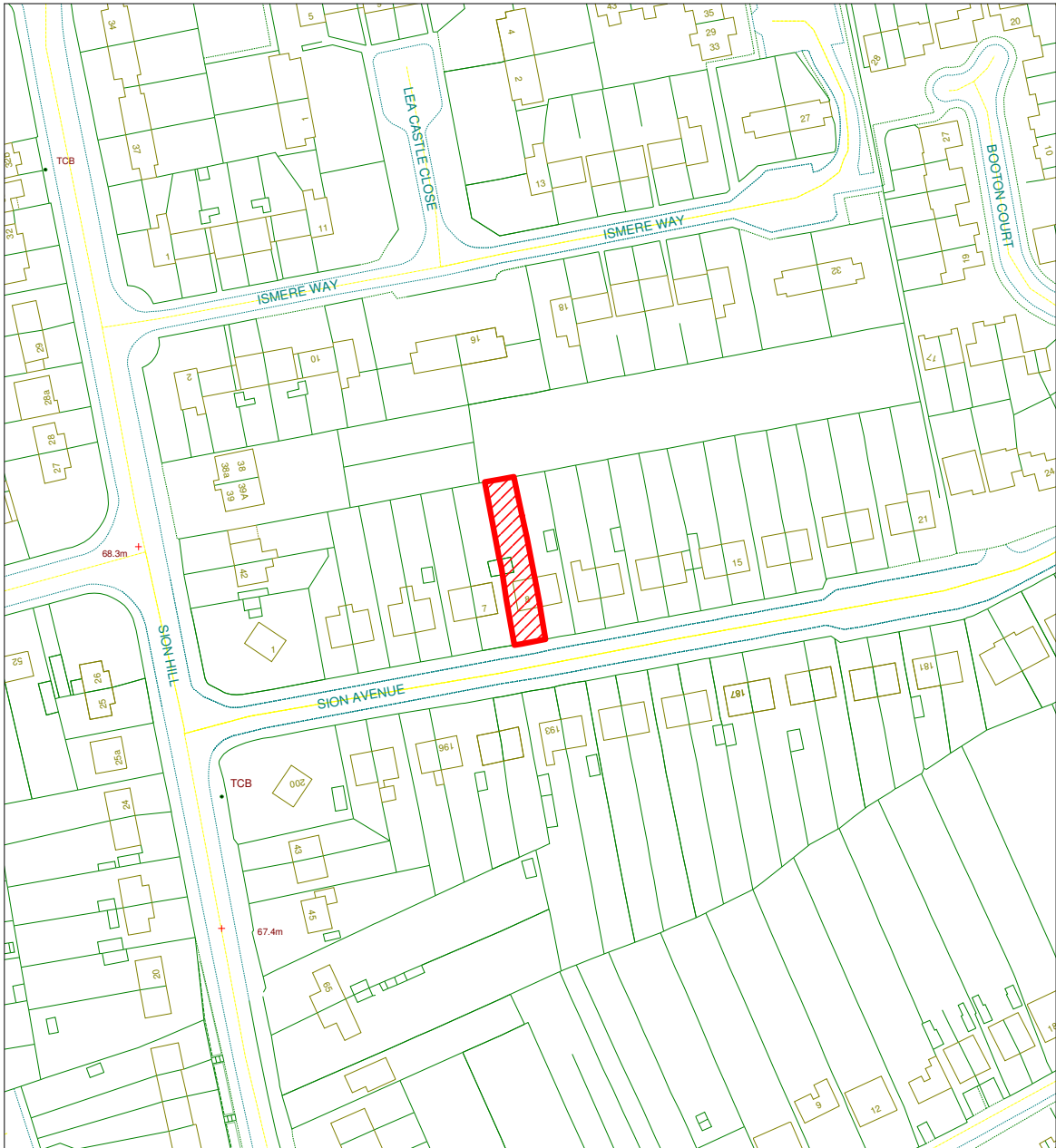
The proposed extension is considered to be of an appropriate scale and design in relation to the host dwelling and would have no detrimental impact on the street scene. The impact of the extension on the occupants of neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity, any potential for harm can be controlled through condition. For these reasons the proposal is considered to be in accordance with Policies D.1, D.3 and D.17 of the Adopted Wyre Forest District Plan.

Date:- 24 September 2009

OS sheet:- SO8478SW

Scale:- 1:1250

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Application Reference: 09/0611/FULL	Date Received: 27/08/2009
Ord Sheet: 378320 275586	Expiry Date: 22/10/2009
Case Officer: Emma Anning	Ward: Bewdley and Arley

Proposal: Erection of 5 No. 4 bed houses and parking with associated access.

Site Address: KENDAL LODGE, DOWLES ROAD, BEWDLEY, DY122RD

Applicant: Bigjay Developments

Summary of Policy	H.2 H.5 D.1 D.3 D.10 D.11 D.13 D.16 NR.4 NR.9 TR.9 TR.17 (AWDFLP) CTC.1 D.1 D.5 (WCSP) CF.3 CF.4 CF.6 QE.1 QE.3 T.7 (WMRSS) Design Quality SPG PPS 1, PPS3; PPG14
Reason for Referral to Committee	Parish Council request to speak on application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site lies adjacent to Dowles Road, Bewdley. The site is very steep, with a rise of 15m across a distance of 60m from the road to the rear of the site. The central area however is relatively flat, the rear and front of the site contain the most abrupt gradients.
- 1.2 Currently one detached split level bungalow of 1970s styling occupies the site. Immediately to the north-west of the site other detached dwellings sit within large plots, to the north-east is Lands End Way a much denser development of detached dwellings on smaller plots. Further along Dowles road to the north-east two other sites which were formerly occupied by large houses have been developed to Accommodate additional dwellings.
- 1.3 The site is allocated as being suitable for residential development in the Adopted Local Plan.
- 1.4 An extant planning permission exists on the site for the erection of four four-bed detached dwellings with garaging, this application seeks to increase the number of dwellings proposed to five.

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2.0 Planning History

- 2.1 07/1291/FULL - Demolition of existing dwelling & construction of 4 No. four bedroom dwellings with associated access & parking (re-submission of 07/0734/Full) : Approved

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objection to the proposal and recommend refusal. This application should be refused on the grounds that (1) an additional access and highway traffic on to this section of Dowles Road constitutes a danger and risk of accidents and (2) that the area is known to be affected by springs and watercourses that would be affected by such development.
- 3.2 Highway Authority – Recommends conditions be attached to any permission requiring adequate visibility spays be provided before any other works commence on site, the access and driveway gradient are to be constructed to a suitable standard. Conditions are also requested which would ensure that Dowles Road is kept free of mud and other highway obstructions during construction. One final condition should be added which would require the applicant to submit details, to be approved by the Highway Authority, of any works proposed to structures or ground abutting the publicly maintained highway.
- 3.3 Watercourse Officer – The development site is not in the vicinity of the Severn or any ordinary watercourse, so no fluvial flooding has to be feared. There is something in the proposal that concerns me though, namely the possible increase in surface water flooding risk. As you will know the location on the Dowles Road is sloping considerably. The development of this site might therefore lead to an increase in the surface water flooding risk of the properties downstream of this development. To prevent this, the scheme proposes aco drainage. The proposal gives no details though about this aco drainage, which makes it impossible to judge if this drainage will be able to cope with the surface runoff of the site. Moreover, the proposal gives no details about how the drainage of the five houses on the site will be organised.

What I would suggest is that an assessment will be carried out about the impact of the development on the surface water risk and that a drainage plan will be submitted for approval.

The area in general lies on Etruria Marls and there are known problems with clay lenses. This might lead to instability problems (landslips), dependent on the amount of water in the area. Therefore, it would be wise to have a geo environmental survey done for land stability, especially in view of the changing weather climate.

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- 3.4 Arboricultural Officer - It would appear that the area to be developed is the same and no additional trees will be removed or affected.
Having looked through the files there doesn't appear to have been any Arboricultural consultation; however there is a section on landscaping in your final report that seems to cover all the necessary areas.
I think that the same conditions should be added for retained tree and landscaping.
- 3.5 Worcestershire County Council Public Path Orders Officer - Objection to the proposal. Close board fencing is not an acceptable form of boundary treatment adjacent to the public right of way.
- 3.6 Environmental Health - Site is within 250m of Lyttleton Road Landfill site and therefore a landfill gas survey is recommended.
- 3.7 Severn Trent Water - No objection subject to sustainable drainage condition.
- 3.8 Ramblers Association - No objection. There would be no material effect on Bewdley FP 519.
- 3.9 Neighbour/Site Notice : Three neighbour letters received. The main points raised are summarised as follows:-
- The plans appear to show the height of the dwellings has been increased, this should be amended to ensure that the previous height commitment is not exceeded.
 - The exit from the site poses severe safety questions. Vehicles will exit onto the road with a bend in one direction and a summit in the other, which restricts an oncoming driver's view of vehicles exiting. The pavement for pedestrians is on the opposite side of the road which will cause difficulty for people crossing.
 - There are serious concerns relating to drainage on this site. During heavy rain water flows rapidly from this site down to the road. Building on this site will create further run-off which could adversely effect properties below this site.
 - Properties below the site will be directly overlooked by the development. At present this is a well wooded site which presents good views up from the riverside, retention of tree cover is vital to this development.
 - The proposal represents an overdevelopment of the site.
 - Traffic along this stretch of road regularly exceeds the 30mph speed limit which will have implications for egress and ingress to the site.

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4.0 Officer Comments

4.1 Permission is sought for the erection of five 4-bed homes. There is an extant permission for four detached dwellings with associated access and parking which was approved in 2007 on this site.

POLICY AND ALLOCATION

4.2 The site is comprised of one detached house and its residential curtilage. I am satisfied that the site constitutes Previously Developed Land as defined in Planning Policy Statement 3: Housing. The site is allocated as being suitable for residential development in the Adopted Local Plan and as such, the principle of residential development on this site is acceptable.

4.3 The proposed density of development would equate to 17 dwellings per hectare. This level falls below the requirement of 30 dwellings per hectare as set out in Policy H.5 of the Wyre Forest District Adopted Local Plan, however in light of the physical constraints of the site and the character of the surrounding area I consider the level of provision to be acceptable and in accordance with Policy D.5 in this instance.

DESIGN AND LAYOUT

4.4 The proposed dwellings are of good design with attractive architectural detailing and would relate well to the character of the area and to other dwellings in the locality. The design of the proposed dwellings differs from that which was previously approved in that the dwellings are now three storey properties with integral garaging. The previous permission saw four two storey dwellings with detached garage blocks to the front. However the height of the proposed dwellings compared to the dwellings already approved would not alter, this is because the dwellings already approved would sit on higher ground. The current scheme would see that area of ground excavated to create the ground floor level. Therefore the overall height of the dwellings would remain identical to the previously approved scheme despite the change in house type. It should also be noted that the ridge height of the proposed dwellings would sit 2m lower than the height of the existing bungalow and therefore I consider that the scheme as proposed would not cause harm to openness or exacerbate any potential for overlooking of existing nearby properties. The table below provides comparison height and floorspace figures for the existing dwelling, the extant scheme and the proposed development:

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		<u>Existing Dwelling</u>	<u>Extant Permission</u>	<u>Proposed Scheme</u>
Ridge Height (max) (OS datum)(amsl)		49.11	47.11	47.11
Footprint (inc detached garages/carports)	Plot 1	158 (24 sq.m)	144.6 (42 sq.m)	72
	Plot 2	x	136.1 (42 sq.m)	72
	Plot 3	x	136.1 (42 sq.m)	72
	Plot 4	x	136.1 (42 sq.m)	72
	Plot 5	X	x	72
Footprint Total		158 sq.m	552.9 sq.m (168 sq.m)	360 sq.m
Floorspace	Plot 1	158	105.2	190
	Plot 2	X	188.2	190
	Plot 3	X	188.2	190
	Plot 4	X	188.2	190
	Plot 5	x	X	190
Floorspace Total		158 sq.m	669.8 sq.m	950 sq.m

4.5 The layout of the proposed development would reflect the local pattern of development which is largely detached properties in large individual plots. The parking and access area to the front is characteristic of dwelling which front onto Dowles Road and it would therefore blend well with the immediate locality. The proposal therefore complies with Policy D.1 and Policy D.3 of the Adopted Local Plan.

4.6 The proposed site plan shows adequate levels of private amenity space for each dwelling, with average garden lengths of 20m. The layout of the dwellings would not result in loss of privacy or overlooking of neighbouring properties by virtue of the large separation distances between dwellings and the levels of screening and landscaping proposed. Similarly the relationship between the proposed dwellings would not give rise to an undue impact on the amenity of occupiers as there is sufficient separation distance and the orientation of windows and doors would not allow overlooking or a loss of privacy.

HIGHWAY, ACCESS AND PARKING

4.7 The scheme proposes to utilise the existing access from Dowles Road to serve the five dwellings, this was also the case as part of the previously approved scheme. No adverse comments from the Highways Officer have been received and it is therefore considered that the proposal accords with Policy TR.9 of the Adopted Local Plan as the conditions suggested by the Highways Officer are considered sufficient to ensure that this proposal would not be detrimental to highway safety.

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- 4.8 The adopted car parking standards require that for the five dwellings a total of 10 car parking spaces would be required. The proposed site plan shows that this requirement can be met on site. The proposal therefore accords with Policy TR.17 of the Adopted Local Plan.
- 4.9 Two of the neighbour objection letters received raise concerns regarding the potential highway impact of the proposal (above). Having consulted with the Highways Officer who does not object to this scheme I am satisfied that the type of access proposed is appropriate for this class of highway. The concerns raised by neighbours largely relate to the excessive speed of cars travelling along this stretch of road which is a matter for law enforcement agencies and is not within the remit of planning to control.

LANDSCAPING

- 4.10 The indicative landscaping on the site plan shows a high degree of proposed landscaping largely achieved through the retention of existing trees on site. The District Council's Arboricultural Officer has been consulted and is happy that there appears to be adequate soft landscaping to the boundaries and within the elements of built form which will help to soften the visual appearance of the development within this wooded landscape. It is proposed to add a condition to any permission requiring a full landscape plan to be submitted and approved prior to works commencing on site. Issues of drainage and land stability can be addressed via the imposition of suitable 'pre-start' conditions and will be further covered at the Building Regulation stage of the development.
- 4.11 The Worcestershire County Council Public Path Orders Officer raised concern that the boundary treatment proposed adjacent to the Public Right of Way is not appropriate. The Officer comments do state that this objection could be overcome through amended proposals. Accordingly the applicant has provided amended plans which show that no alterations will be made to the existing boundary treatment abutting the Public Right of Way. I am therefore satisfied that this would overcome any concerns raised by the County Footpaths Officer.

OTHER ISSUES

- 4.12 One neighbour objection letter raised concerns with land drainage on this site. The District Council's Watercourse Officer has been consulted and has in turn sought the advice of the District Council's Principal Environmental Health Officer and the Pollution Control Technician who commented as detailed above. Whilst the consultees do not object to the proposal they do recognise that there may be implications for drainage and land stability. Being serious matters these would need to be addressed by suitable pre-start conditions and as a precautionary measure it is proposed that a condition requiring a full land stability survey and details of full site drainage are included on any permission, with details to be submitted and agreed in writing prior to any commencement on site.

09/0611/FULL

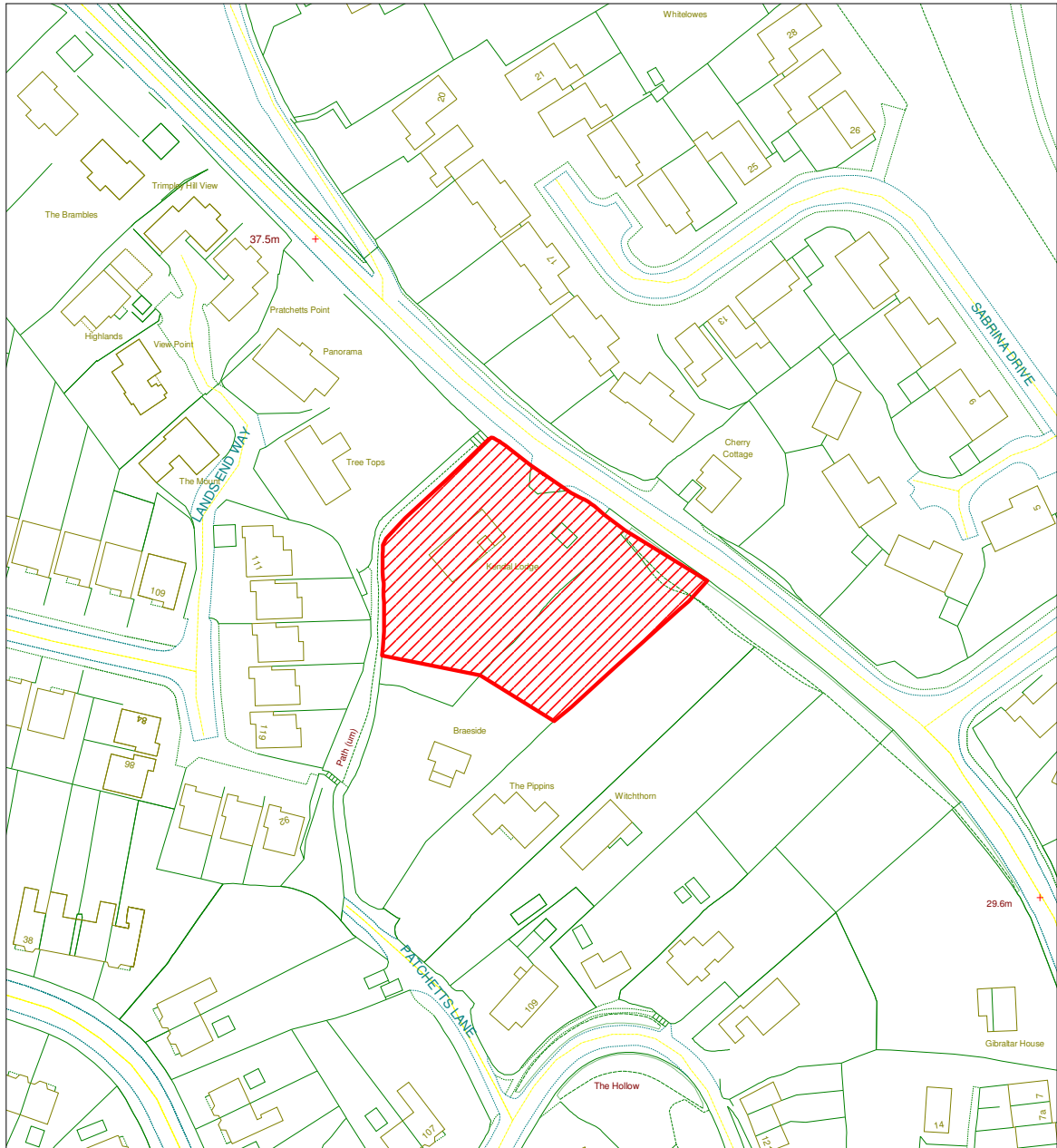
5.0 Conclusions and Recommendations

5.1 For the reasons outlined above I consider the proposal to be in accordance with the relevant policies of the Adopted Wyre Forest District Local Plan and as such I recommend that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved Plans)
3. B1 (Samples/Details of material)
4. B11 (Details of enclosure)
5. C2 (Retention of existing trees)
6. C5 (Hand digging near trees)
7. C6 (Landscaping)
8. C8 (Landscape implementation)
9. D3 (Slope stability)
10. D2 (Landfill gas investigation)
11. E2 (Foul and surface water drainage)
12. F5 (Hours of operation)
13. Highway Conditions

Reason for Approval

The development by virtue of its design and layout would relate well to the character of the area and would have an acceptable appearance in the streetscene. Careful consideration has been given to the impact of the proposal on the amenity of neighbours and it is considered that they would not be unduly affected. The proposal would not give rise to a situation which is detrimental to highway safety.



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
10TH NOVEMBER 2009

PART B

Application Reference: 09/0597/FULL **Date Received:** 20/08/2009
Ord Sheet: 377471 274802 **Expiry Date:** 15/10/2009
Case Officer: Stuart Allum **Ward:** Bewdley and Arley

Proposal: Two Storey Side Extension.

Site Address: 7 PARK DINGLE, BEWDLEY, DY122JY

Applicant: Mr John Stephens

Summary of Policy	D.1, D.3, D.17, TR.17 (AWFDLP) QE.1, QE.3 (WMRSS)
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 No. 7 Park Dingle is a detached dwelling located in an allocated residential area to the west of Bewdley town centre.
- 1.2 This is a low density housing area with generally 'staggered' building lines to reflect the curving nature of the estate roads and the hilly topography.
- 1.3 The neighbouring dwellings to the rear are located on a floor level below that of the application site.
- 1.4 The design of the existing dwelling is that of the classic 'A' frame alpine style with steeply pitched roof and side dormer windows.
- 1.5 The proposal involves a two storey extension to the north facing side elevation, with pitched tiled roof and front and rear facing dormer bedroom windows.

2.0 Planning History

- 2.1 WF.497/96 – Erection of a single storey extension at rear : Approved

09/0597/FULL

3.0 Consultations and Representations

3.1 Bewdley Town Council – Objection to the proposal and recommend refusal. The application should be refused on the grounds that the extension is proportionately too large for the site and in relation to the adjoining property causes loss of privacy and loss of light.

3.2 Highway Authority – No objections

3.3 Neighbour/Site Notice - One letter of objection received:

Because of the ground elevation to the rear of our property, the first floor rear window of the proposed extension will provide an unobscured view from the window directly into our rear lounge and kitchen. The extension in general will also block the little light that we have coming into our lounge, kitchen and garden in the afternoons.

4.0 Officer Comments

4.1 Proposals involving the extension or alteration to an existing residential property, including curtilage buildings and previous extensions must:

- i) be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building;
- ii) be subservient to and not overwhelm the original building which should retain its visual dominance;
- iii) harmonise with the existing landscape or townscape and not create incongruous features, and
- iv) not have a serious adverse effect on the amenity of neighbouring residents or occupiers.

4.2 With regard to paragraphs i) and ii), the extension has been designed in such a way that it would be in scale and keeping with the original building (in associated with the previously approved rear conservatory extension).

4.3 The original building would retain its visual dominance, particularly when viewed in the context of the local street scene. In no way could the extension be regarded as an 'incongruous feature'.

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- 4.4 The introduction of an additional rear facing bedroom window, set 2.75 metres further back from the position of an existing bedroom window, has been carefully assessed in the light of the comments received from the neighbour to the rear of the site, and Bewdley Town Council. This consideration has included a visit by the Case Officer to the objector's property, in order to observe the spatial relationship and to take photographs.
- 4.5 It is clear that the existing rear facing bedroom window at 7 Park Dingle already creates the opportunity for some overlooking of properties to the rear. This is mitigated to some extent by an existing tall conifer hedge located along part, but not all, of the rear boundary and planted on the applicant's land. The issue is, therefore, one of degree, or how much more potentially intrusive the additional window would be to amenity and privacy than the situation currently prevailing.
- 4.6 Perceptions of overlooking can be subjective, but in this instance a recommendation for refusal for this reason would be difficult to substantiate. The distance between the affected windows (the proposed bedroom window and a living room window) is 22 metres approximately, which is considered to be an acceptable separation distance.
- 4.7 Even allowing for the difference in levels between the properties (7 Park Dingle at the higher level) the effect on privacy of the new window could not be described as 'serious' in the context of Policy D.17 of the Adopted Wyre Forest District Local Plan.
- 4.8 In a similar vein, the distance between the properties would negate any consideration under the Council's 45 degree daylighting Code. The Code is concerned with safeguarding general daylight, not, as the objectors appear to be suggesting, sunlight at certain times of the day.
- 4.9 No other potentially harmful effects on neighbours to each side of the site have been identified.

5.0 Conclusions and Recommendations

- 5.1 The comments and objections of the neighbour and the Town Council have been carefully appraised. However, on balance, the proposal is considered to be in compliance with the appropriate policies and other guidance.

09/0597/FULL

5.2 In consideration of Articles 1 & 8 of the Human Rights Act 1998, it is recommended that this application be **APPROVED**, subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plan)
3. B3 (Matching materials)

Note

SN12 (Neighbours' rights)

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design in relation to the original dwelling and will appear as an appropriate addition to the local street scene. The impact of the extension upon neighbouring properties has been carefully assessed and it is considered that no serious loss of privacy or amenity would occur as a result of the development. For the reasons the proposal is considered to be in accordance with the above policies of the Adopted Wyre Forest District Local Plan.

Application Reference:	09/0610/FULL	Date Received:	27/08/2009
Ord Sheet:	375723 268774	Expiry Date:	22/10/2009
Case Officer:	Paul Round	Ward:	Rock

Proposal: Demolition of Existing House and Erection of Replacement House and Garage.

Site Address: BANK FARM, BANK LANE, ABBERLEY, WORCESTER, WR6 6BQ

Applicant: MRS R J MURRANT

Summary of Policy	H9, D1, D3, D4, D5, LA1, LA2, NR8, NR9, NC7, TR9, TR17 (AWFDLP) D10 (WCSP) QE3, QE6, QE7 (WMRSS) Design Quality SPG PPS1, PPS7, PPS9
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 Bank Farm House is located on Bank Lane on the southern extremity of the District. The site intersects Wyre Forest and Malvern Hills and as such, applications have been made to both Authorities.
- 1.2 The site is located within a distinctly rural location designated as a Landscape Protection Area. The property is a Victorian Farmhouse and is shown on the 1884 historic map. Although it is attractive, there are some unattractive additions to the rear and subsidence is occurring. The property is not listed and is not within a rural historic area.

2.0 Planning History

- 2.1 08/0917/FULL – Replacement Dwelling : Withdrawn 14/10/08
- 2.2 08/1103/FULL – Replacement Dwelling : Withdrawn 22/12/08

09/0610/FULL

3.0 Consultations and Representations

- 3.1 Rock Parish Council – Recommend Refusal. The Council object to this application. They believe the current dwelling to be a substantial character house worthy of retention. Council believes there would be great danger of disturbance to birds and wildlife should this application be approved.
- 3.2 Malvern Hills District Council - No objections
- 3.3 Highway Authority - No objection
- 3.4 Arboricultural Officer - No objections
- 3.5 Ramblers Association - No objections
- 3.6 Conservation Officer - Having looked at the photographs it is clear that the property has lost many of its original features, such as windows and rainwater goods, the majority of the former being apparently replaced with double-glazed units (although it is unclear as to whether these are UPVC or timber), and not ones which even accurately represent the original fenestration, and the latter being replaced by plastic, rather than cast iron, or even as a minimum, aluminium. Furthermore, with the extensions to the rear, one being flat roofed, and the other having a large steel flue piercing the roof, adds to the already unsympathetic alterations to the property.

Whilst the building is undoubtedly an historic property, and one of potential local interest, it is my professional opinion that the alterations already undertaken to the exterior of the building would prejudice any Statutory Listing by English Heritage. This is without seeing the interior of the building - however, it is highly unlikely that the building would be listed for its interior alone.

Although the property may be of local interest, and as such a potential for local listing, the process of local listing has not been rolled out to this area at present. However, as with Statutory Listing, the buildings on the Local List have to be subject to specific adopted criteria, including being in their original condition where-ever possible. As such, it would not be realistic at this stage to consider the property for local listing.

- 3.7 Worcestershire County Council Public Path Orders Officer - No comments received

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3.8 Natural England - Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species provided that a planning condition is attached to any permission covering the proposed mitigation and compensation measures. This is needed in order to ensure that the compensatory bat roost proposals mentioned briefly in the ecological consultant's report are adequately expressed.

3.9 Worcestershire Wildlife Trust - (Original comments) - Thank you for sending us the details of this application. We note the contents of the ecological survey and the plans associated with the development and we would like to make the following comments:

1. Unfortunately, we are forced to object to this application on the basis that you do not yet have sufficient detail to be able to determine the impact of the proposals on bats. This is primarily due to the lack of detail concerning the replacement roost. Though the garage plan has indicative roost potential we cannot find details of dimensions, materials or connectivity to the wider countryside. This information will be important in allowing comparison with the existing roost space and in determining whether or not the replacement roost will be likely to get a licence.
2. In order for an EPS licence to be granted the applicant will need to show better than like for like replacement of roosting space. Accordingly details of roost enhancement should also be available to you prior to determination. We would recommend that the replacement house should also contain new roost potential, which would count towards the necessary enhancement in line with PPS9 and your duties under the NERC Act 2006. Full details of roosting opportunities for a variety of species should be provided so that you can be certain of the potential for benefit through this development.
3. Assuming that the additional information comes forward and that you are otherwise minded to grant permission for the application we would recommend that you append a condition reflecting the need to deliver the development in line with the licence, and the relevant drawings as supplied. In addition, it will be important to exercise control over extraneous light so that dark corridors from the new roost openings to the wider countryside can be maintained.

(Revised comments) Thank you for sending us the amended details of this application and the enhanced bat mitigation strategy for the site. We are pleased to **remove our previous objection** and recommend that you progress the application with a condition to cover the recommended mitigation strategy as outlined in the relevant documents and plans.

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3.10 Countryside and Conservation Officer - Looking at the addendum to the bat survey the mitigation measures shown in this are fine with just a few details needing confirming. Firstly the roof is of a construction that involves no roof trusses and the garage will be constructed before demolition to keep the continuity of roosting habitat on site and an additional bat survey will be carried out of the roof void prior to any demolition taking place and if bats are found then a licence will need to be applied for.

3.11 Neighbour/Site Notice – No representations received

4.0 Officer Comments

4.1 Policy H9 controls replacement dwellings within this location stipulating that they are permissible provided that :

- the existing dwelling is not of historic or local architectural interest;
- the use has not been abandoned;
- it is comparable in size and 3 dimensional scale of the existing dwelling;
- it would relate harmoniously to any other buildings in the locality and be in keeping with the character of the area;
- it is located on the site of the existing dwelling except where a less prominent position is available nearby.

4.2 The consideration of these points forms the basis of considering the application.

4.3 The property is a Victorian Farmhouse although it is not listed and is not viewed by the Conservation Officer of Local Historic Importance. Following a structural report, it is concluded that due to the twisting of the structure and evidence of subsidence that the property is not structurally sound to take any further extensions, leading to the conclusion that demolition and rebuilt is the best way forward. Whilst I agree with the Parish Council that the building is attractive it does not in my view play an important part in the historic landscape and is not prominently located. As such the principle of the replacement is acceptable.

4.4 When looking at the detail, the proposed dwelling replicates the height of the existing and provides 22% increase on the size. The increase relates to the depth of the property and not the frontage. On this basis I am satisfied that the proposed dwelling is comparable in size and three-dimensional form. Even if a differing view was taken, due to the fact that the existing property has substantial permitted development rights available to extend the property, I would prefer to see the property increase in size in this form rather than as an after thought. The location of the dwelling has been moved, and I agree with the applicants that the proposed position reduces its impact on the landscape. In policy terms I consider the replacement is acceptable.

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- 4.5 The design of the property picks up on the local vernacular whilst retaining some individuality. The property is not seen in the context of other properties and due to the varying types of property along Bank Lane. I therefore feel that the approach to the design of the building is acceptable.
- 4.6 There are no highway or neighbour amenity issues in this case.
- 4.7 The previous applications have been withdrawn due to issues arising from the existence of bats. Further survey works have been undertaken and a mitigation strategy submitted which has satisfied the Councils Countryside Conservation Officer, the Wildlife Trust and Natural England. By providing an alternative roost in the proposed garage it is viewed that enough mitigation is present to offset any harm to protected bats. No other wildlife issues were found as part of the surveys.

5.0 Conclusions and Recommendations

- 5.1 The proposed replacement dwelling is considered acceptable in size, design and siting and will not result in harm being caused to the character of the area or the landscape protection area. Matters of highway safety and neighbours' amenity have been considered; however, it is concluded that no adverse harm will occur.
- 5.2 The application is recommended for **APPROVAL** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B1 (Samples/Details of Materials)
 4. C3 (Tree Protection during Construction)
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), extensions (including porches and canopies), alterations to external elevations (including painting and cladding), alterations to the roof (including dormer windows), construction of outbuildings larger than 10 cubic metres or swimming pools, installation of chimneys, flues, solar panels (either on the building or freestanding, or installation of ground or water source heat pump within the curtilage of the dwelling, other than those expressly authorised by this permission, shall not be carried out without express planning permission first being obtained from the Local Planning Authority.
 6. No demolition until a further ecological survey is undertaken.
 7. Mitigation including construction of garage/bat roost prior to demolition.
 8. C6 (Landscape Implementation)
 9. C8 (Hedge Protection)

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Notes

- A SN1 (Removal of Permitted Development Rights)
- B SN3 (Protection of Species)
- C The developer is advised to note that a Public Right of Way crosses near to the site. The developer is therefore advised of the following obligations:
 - No disturbance of, or change to, the surface of the path or part thereof without written consent [this includes laying of concrete, tarmac or similar].
 - No diminution in the width of the right of way for use by the public.
 - Building materials must not be stored on the right of way.
 - Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
 - No additional barriers are placed across the right of way.
 - The safety of the public using the right of way is to be ensured at all times.

Reason for Approval

The proposed replacement dwelling is considered acceptable in size, design and siting and will not result in harm being caused to the character of the area or the landscape protection area. Matters of highway safety and neighbours amenity have been considered, however it is concluded that no adverse harm will occur.

Application Reference:	09/0663/FULL	Date Received:	18/09/2009
Ord Sheet:	382436 276304	Expiry Date:	18/12/2009
Case Officer:	Paul Round	Ward:	Sutton Park

Proposal: Substitution of previously approved apartments (21 in number) with 9 No. 2 & 3 bedroom dwelling houses 2 No. 1 bedroom apartment (Previous approval 07/0362)

Site Address: BADGERS DEAN DEVELOPMENT, FRANCHISE STREET, KIDDERMINSTER, DY116RE

Applicant: Miller Homes (West Midlands)

Summary of Policy	H2, H4, H5, H10, D1, D3, D9, D10, D11, D12, D13, D16, NR2, NR8, NR9, NC5, CY4, TR9, TR17, LR2, LR3, IMP1 (AWFDLP) SD3, D6, D7, D9, D11, T1, T3 (WCSP) QE1, QE2, QE3, QE4, QE7 (WMRSS) Design Quality SPG, Planning Obligations SPD PPS1, PPS3
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The Badgers Dean Development lies to the rear of Kidderminster Hospital on the corner of Franchise Street and Hume Street.
- 1.2 The site is a 0.91ha (2.24 acres) parcel of land that is currently being developed for residential development.
- 1.3 The application seeks for a re-plan of the remaining part of the site substituting three apartment blocks for 9 no. 2 & 3 bedroom dwellings and 2 no apartments.

2.0 Planning History

- 2.1 07/0362/FULL – Residential Development for 84 dwellings : Approved
- 2.2 08/0657/S106 – Variation of S.106 to allow amendments to affordable Housing Units : Approved

09/0663/FULL

3.0 Consultations and Representations

3.1 Highway Authority – No objections

3.2 Central Networks - No objections

3.3 Crime Risk Manager – No comments

3.4 Environmental Health – Further contamination works are required

3.5 Severn Trent Water Ltd – No objections

3.6 Housing Services Manager – Miller Homes have endeavoured to meet their s106 affordable housing obligations on the Franchise Road site. 20 affordable units (14 for rent and 6 for shared ownership) have been sold to Waterloo Housing Association for affordable housing but due to the economic slowdown and Housing Associations reluctant to take further shared ownership units, there were six outstanding units. Miller Homes are therefore proposing to provide 12 HomeBuy units in place of the 6 shared ownership units. The HomeBuy Direct scheme provides equity loans to help first-time buyers purchase selected new build properties. HomeBuy Direct participants are given help to purchase a new build home from one of our development partners. The purchaser takes out a mortgage to cover at least 70% of the purchase price and this is topped up with an equity loan covering up to 30% of the price. HomeBuy is a product supported by the Homes and Communities Agency and is classified as intermediate affordable housing under Planning Policy Statement 3. Therefore on this basis, the new application is actually providing an increase in the number of affordable units and on this basis, I support the application.

3.7 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 There are effectively two main considerations in this application, firstly in respect of the design and layout of the proposed dwellings and secondly in respect of the change in number of affordable housing units.

4.2 The developers have found themselves in a depressed housing market and in order to increase the saleability of the units have opted to make the change from apartments to houses.

4.3 The design of the proposed 9 houses that replace the three apartment blocks mirrors the design ethos seen in the developed part of the site, creating a continuing theme across the development. Each dwelling is two storey having its own parking space and ample garden depths to protect the properties to the rear in Lower Parklands.

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- 4.4 An apartment block is still planned to the rear of the site being accessed from Hume Street. An addition two flats are being planned to this block, being designed as an extension to the block, and this fits neatly to the block without detracting from its design quality or appearance in the streetscene.
- 4.5 Overall I consider that this does not diminish the quality of development as originally planned and in my view may be a more effective way of providing housing on the site.
- 4.6 In respect of affordable housing, the proposed housing figures along with the already approved housing figures are shown in the table below:

Application Number	Number of Dwellings	Number of Affordable Housing Units	% of Affordable Housing Units	Density (Dwellings per hectare)
07/0362/FULL	84	25	30	92
08/0657/S106	84	26	31	92
09/0663/FULL	74	20	27	81

- 4.7 The developers have already sold 20 units over to Waterloo Housing Association, however they have had no interest in the remaining six units. As such the proposal is to exclude the remaining six units from the affordable housing number. Members will be aware of the Adopted Wyre Forest District Local Plan policy H10 requiring affordable housing provision of **up to** 30% with a lesser amount being justified through financial viability. The Developers have provided figures to demonstrate that with the development as approved unviable and unsalable, the re-plan provides a slightly better financial situation although having greater interest to the housing market. It is clear that the additional 2 units required to make up the 30% on the proposed numbers is not viable to sell to a housing association. The developers have also provided details of 12 units that they have identified to be sold through the Governments HomeBuy product, which is classified by PPS3 as affordable housing. When taking into account this product as well the scheme will actually provide 43% affordable housing units on the site. Having taken the advice of the Housing Services Manager I consider that this approach, under the current market conditions, is acceptable in policy terms.
- 4.8 The following S.106 contributions have already been paid and as such there is no further requirement for additional contributions, especially in view of the lesser number of dwellings.

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<u>Requirement</u>	<u>Offered Provision</u>	<u>Required by SPD</u>
Open Space / Children’s Play Space	£60,000 for the maintenance and/or improvements of Brinton’s Park or other Public Open Space	✓
Biodiversity	£7,000 off site contribution towards the enhancement of Biodiversity	✓
Education Facilities	£54,896	✓
Public Realm	£9,000 to be provided to the Council to commission a piece of Public Art to be use in conjunction with Brinton’s Part Heritage Trail.	✓
Highway Works	£25,000 to upgrade a Pedestrian Crossing Facility at either Bewdley Road or Sutton Road.	

5.0 Conclusions and Recommendations

5.1 The proposed re-plan is considered to be acceptable in design and layout terms and provides adequate provision fro affordable housing as required by policy H10 of the Adopted Wyre Forest District Local Plan.

5.2 I therefore recommend **delegated APPROVAL** subject to:

- a) the signing of a **deed of variation** to amend the number of affordable housing units to 20 as already supplied to Waterloo Housing Association; and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B10 (Window details)
 - 4. J9 (Open plan frontages)
 - 5. H13 (Access, turning and parking)
 - 6. Contaminated land

Note
SN2 (Section 106 Agreement)

Reason for Approval

The scheme is considered to be acceptable in principle and is suitably located within a residential area. The design and layout of the dwellings are felt to provide cohesion between the existing and proposed dwellings and positively contributes towards the character and appearance of the surrounding area. Traffic generated by the development is not felt to compromise highway safety. As such the development is compliant to the policies listed above.

Agenda Item No. 5

Application Reference: 09/0703/LIST **Date Received:** 07/10/2009
Ord Sheet: 378653 275319 **Expiry Date:** 02/12/2009
Case Officer: Stuart Allum **Ward:** Bewdley and Arley

Proposal: Fitting of Pigeon Proofing using suspended netting and bird deterrent spiking to yard area

Site Address: GUILDHALL & MUSEUM, LOAD STREET, BEWDLEY, DY122AE

Applicant: Wyre Forest District Council

Summary of Policy	LB.1, LB.2, LB.3, CA.1 (AWFDLP) CTC.19, CTC.20 (WCSP) QE.3, QE.5 (WMRSS)
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The site of Bewdley Museum lies between Load Street, which is the principal spinal road of the town, and the Queen Elizabeth II Silver Jubilee Gardens. The site is deep and penetrates behind the rear gardens of properties on High Street and Severnside South as well as Load Street itself.
- 1.2 The proposed netting and spiking works to deter pigeons and other birds are mainly concentrated in the back yard maintenance area of the Museum.

2.0 Planning History

- 2.1 There have been many and varied alterations.

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views awaited
- 3.2 Conservation Officer – Views awaited
- 3.3 English Heritage – This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 3.4 Environmental Health – Views awaited

09/0703/LIST

3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

4.1 The proposals have arisen from an ongoing situation at the Museum relating to feral pigeons.

4.2 This is explained in a brief report from the nominated pest control contractor:

“Inspection of the site shows the Museum and the local area suffer from flocks of feral pigeons. The complex roof tops and maintenance back yard provide a haven for shelter with well established roosting sites.

The build up of droppings is causing problems with smell and defacement of the historic building.

Pigeon guano around the ledges, roofs and floor of the back yard especially is now a health hazard.

A risk from disease pathogens associated with feral pigeons has become a serious concern. The ever increasing number of birds is putting pressure on other areas of the Museum and the newly finished barn area is already receiving visits from pigeons trying to roost and nest.

During the survey one bird was noticed nesting on the floor inside the main entrance to the building.”

4.3 These proposals were subject to pre-application advice from the Conservation Officer and English Heritage.

4.4 Although the formal views of the Conservation Officer were not available at the time of writing this report, an objection is not anticipated.

4.5 As this application is submitted on behalf of Wyre Forest District Council, and parts of the complex are Listed at Grade II*, if Members resolve to approve, the matter will need to be forwarded to the Secretary of State via the Government Office for the West Midlands to ascertain if they wish to call in the application.

5.0 Conclusions and Recommendations

5.1 The proposals would be compatible with the historic character of the Grade II and Grade II* Listed Buildings, and would preserve the character/appearance of the Bewdley Conservation Area.

09/0703/LIST

5.2 It is therefore recommended that **delegated** authority be granted to **APPROVE** this application, subject to:

- a) a 'no objection' response from the Conservation Officer and English Heritage;
- b) the decision of the Secretary of State via the Government Office for the West Midlands not to call in the application; and
- c) the following conditions:
 - 1. A7 (Listed Building/Conservation Area Consent)
 - 2. A11 (Approved plans)
 - 3. B3 (Material samples as submitted – building fixing bolts/net/metal spikes)

Reason for Approval

The proposed works are compatible with the historic character of these Grade II and Grade II* Listed Buildings and the character/appearance of the Bewdley Conservation Area would be preserved. The proposal is therefore in compliance with the policies listed above.