

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**8<sup>TH</sup> JUNE 2010**

**PART A**

**Application Reference:** 10/0165/FULL      **Date Received:** 24/03/2010  
**Ord Sheet:** 382657 276914      **Expiry Date:** 23/06/2010  
**Case Officer:** Emma Anning      **Ward:** Franche

**Proposal:** Conversion of existing garage workshop, formerly part of demolished mill, to five two bedroom dwellings, construction of three dwellings and five live-work units, with associated amenity and parking facilities

**Site Address:** REAR OF 78 MILL STREET, KIDDERMINSTER, DY116XJ

**Applicant:** Mr M Worton

<b>Summary of Policy</b>	H.1 H.5 E.6 D.1 D.3 D.7 D.10 D.11 D.13 NR.2 NR.5 NR.6 NR.12 CA.1 NC.2 NC.3 NC.5 NC.6 NC.7 TR.9 TR.17 RT.4 IMP.1 (AWFDLP) CTC.8 CTC.12 CTC.20 CTC.21 D.16 (WCSP) CF.5 QE.1 QE.3 QE.5 QE.9 (WMRSS) PPS 1 PPS 6 PPS 9 PPS 25
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to Section 106 Agreement</b>

**1.0 Site Location and Description**

- 1.1 The application site is an area to the rear of 78 Mill Street, a former car sales site. The site comprises a vacant warehouse building and large open area to the rear adjacent to the River Stour. The site is accessed off Mill Street via an existing vehicular access. The site is identified in the Adopted Wyre Forest District Local Plan as a mixed use area. The site shares a boundary with the River Stour, a Special Wildlife Site. The site is within flood zones 2 and 3.
- 1.2 Permission is sought to convert the existing warehouse building to create 5 no. two-bedroom residential units and to erect a separate new block comprising three dwellings and five live/work units with associated amenity areas and parking.

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**2.0 Planning History**

- 2.1 WF/0508/03 OUTL - Erection of two blocks of apartments with associated car parking : Approved
- 2.2 09/0007/RESE - Erection of two blocks of apartments, car parking, two ground floor offices : Approved
- 2.3 09/0818/FULL - Conversion of existing garage workshop to five live/work units and construction of eight one-bedroom dwellings with associated amenity and parking facilities : Withdrawn

**3.0 Consultations and Representations**

- 3.1 Highway Authority – No objection subject to conditions
- 3.2 Community and Partnership Services – The increase in the stature of the proposed buildings increases the potential of harm. I am happy that there is unlikely to be any direct threat to protected species on the site itself.

I am concerned that there is a threat of disturbance to the River Stour Special Wildlife Site (SWS) wildlife corridor, from both light being cast across it and physical disturbance from the construction and subsequent use of the development. We need further evidence of how the SWS will be protected from light pollution and disturbance.

It would good to be able to see this achieved through some robust river side planting of appropriate native trees and shrub species.

It would also be good to see some enhancement works through either some in stream measures and/or through the use of appropriate bird and bat boxes being used throughout the development

- 3.3 Environment Agency – No objections, in principle, to the proposed development subject to conditions.
- 3.4 Conservation Officer - I have no objection to these proposals and do not feel that they will have a detrimental impact on the character, appearance or setting of the nearby Locally listed buildings.
- 3.5 Environmental Health - No objection subject the addition of contaminated land conditions.

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- 3.6 Natural England - Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal. Natural England welcomes the report's recommendations (section 6) and proposes these are addressed by means of a suitable planning condition or informative, as appropriate.
- 3.7 Severn Trent Water Ltd - No objection subject to drainage condition
- 3.8 Policy and Regeneration - The proposal site is located along Mill Street in Kidderminster and is an identified Mixed Use area on the Adopted Local Plan Proposals Map. Due to the sites location the policy considered most pertinent for the application is Policy E.6: Areas Allocated for Mixed Uses. Policy E.6 permits B1 (office) use classes along with residential development, subject to the residential element being in conjunction with other uses. The proposal is therefore in line with the spirit of Policy E.6 as it is proposing residential development in conjunction with a number of live/work units, which will provide small starter units for the local business community. This concept of small starter units is something that will be encouraged further through the Core Strategy. Therefore, it is considered the application would appear to satisfy the requirements laid out in Policy E.6 as well as being in line with the future development aspirations of the District.
- 3.9 Worcestershire Wildlife Trust - We note that the site falls adjacent to the River Stour SWS but we do not think that the proposals will have an adverse effect on the features for which it was selected. Accordingly we do not wish to object to the application but we would suggest that you append a condition to control runoff and potential pollution risks from construction work and the resulting development to any permission you may be otherwise minded to grant. We would also suggest that a condition to cover ecological enhancement should be attached, in line with PPS9. In this case the installation of bat and bird boxes on the main buildings would an appropriate option to take forward.
- 3.10 Neighbour/Site Notice – No representations received

#### **4.0 Officer Comments**

- 4.1 Permission is sought to convert the existing warehouse building to 5 no. two-bedroom residential units and to erect a separate new block comprising three 2/3 bed dwellings and five live/work units with associated amenity areas and parking.

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- 4.2 Of the dwellings proposed in the new build block, five of the eight would be live-work units comprising an office/work area, kitchen and w.c. at the ground floor and traditional one-bedroom, living accommodation on the first and second floors. The remaining three units would feature living room, kitchen and w.c. at the ground floor with two bedrooms and a bathroom over the upper floors.

#### PRINCIPLE OF DEVELOPMENT

- 4.3 The key policy consideration in assessing whether the principle of development is acceptable is Policy E.6 which relates specifically to mixed-use areas and permits residential uses which are provided in conjunction with other uses. The scheme comprises thirteen dwellings in total. However five of these are proposed as live work units. Whilst it is accepted that not all of the dwellings on site are proposed in connection with other uses it is considered that the overall mix of proposed uses on this site would satisfy the requirement to maintain this part of Kidderminster as a 'mixed use' area, in accordance with Policy E.6. The Policy and Regeneration team have been consulted and concur with this view, as set out previously.
- 4.4 It is envisaged that the live-work units would attract small scale independent start-up businesses, typically comprising one person working alone to establish the business. Clearly not all types of enterprise would be compatible with this type of live-work set up, and it would be necessary to appropriately condition these units to ensure that an open business use was not issued which could compromise amenity or highway safety in this locality. Typically activities such as professional services, for example an accountants office or similar; a beautician; an architect; or, an artist's studio could be appropriate uses. It is therefore suggested that a condition requiring the use of the ground floor of each live-work unit to be approved in writing by the Local Planning authority prior to first occupation and any subsequent changes of use would be appropriate in order to control future business uses of the live-work units.

#### DESIGN & SITING

- 4.5 The arrangements of buildings and spaces as proposed would see the site accessed from an existing accessway to the west of the site, with vehicular and pedestrian access leading immediately into the communal parking area nearest to the boundary with the river. The proposed new live-work block would be sited behind the parking area between it and a recently built apartment block. The building to be converted would sit adjacent to the new block with private gardens and a pedestrian walkway separating the two.

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- 4.6 The arrangement of buildings and parking areas has, to a large extent, been dictated by the sites proximity to the river and the corresponding flood zones which has prevented new residential accommodation being located to the north of the site near to the waters edge, as a result most new built development would occupy the centre of the site. This footprint of development sits well on the site as it allows the built form to be closest to existing buildings and does not therefore compromise the openness of the River Stour. Similarly, in siting the parking areas adjacent to the river also allows for substantial planting along the boundary, which will, subject to appropriate conditions, contribute positively towards delivering an ecological gain on the site in accordance with the recommendations of both Worcestershire Wildlife Trust and the Countryside and Conservation Officer and will provide substantial screening of the development from the river. For these reasons it is considered that the footprint of buildings and spaces proposed would be acceptable in terms of the impact on the visual amenity and ecology of the adjacent river and surrounding townscape.
- 4.7 The existing warehouse building is to be converted with minimal external alterations, in order to preserve the character of the building. Changes which are proposed include the introduction of window and door openings and the installation of velux style windows to the east and west elevations. Existing first floor half-moon window openings would be in-filled. The new building proposed would be 2.5/3 storey and would be of modern design with dormers to the roof. Small architectural details have been borrowed from the style of the warehouse building such as the arched entranceways and full length windows. In assessing the suitability of the design of the buildings on site the advice of the District Council's Conservation Officer was sought. The Conservation Officer does not object to the design of the proposed buildings and as such I am satisfied that they are of a design appropriate for the site which would not cause harm to the visual amenity of the area
- 4.8 The height of the proposed new building would be two and a half storey whilst the existing warehouse building would remain a two storey property. Given that the surrounding buildings are a mix of heights with the adjacent recently built apartment block being three and a half storeys and other buildings such as the garage being single storey I consider the proposed new block would sit comfortably amongst the existing buildings near to the site.
- 4.9 It is proposed that each dwelling would have its own area of private amenity space, in this instance, to the front of each property. Sizes for amenity areas would range between 6-10 m in length, which in considering that there would be no facing windows and that distances between existing properties and gardens is in excess of 10m I am happy that there would be no undue impact on the amenity of occupiers of any existing or proposed properties and that adequate amenity provision is proposed.

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- 4.10 No details of the proposed boundary treatments have been provided. However, it would be possible to ensure that these were appropriate to the site through a condition requiring details to be submitted and approved prior to any development commencing.

**BIODIVERSITY & FLOOD RISK**

- 4.11 The majority of the site is located within Flood Zone 3 (high risk, 1% annual probability flood risk), and as such and in accordance with Environment Agency requirements a full flood Risk Assessment was submitted with this application. The assessment has been considered by the Environment Agency who do not object to the proposed development. I am therefore satisfied that the development would not cause or exacerbate flooding risk in this locality in accordance with Policy NR.5 of the Adopted Wyre Forest District Local Plan.
- 4.12 The application site shares a boundary with a Special Wildlife Site, namely the River Stour Special Wildlife Site and accordingly an ecological report accompanied this application on which Worcestershire Wildlife Trust and the District Council's Countryside and Conservation Officer have been consulted. Both consultees do not object to the application but do suggest that conditions be attached to any permission requiring ecological enhancement on the site, namely bat and bird boxes as well as appropriate planting. It is also recommended that a condition to control pollution risks from any water run-off from the site is attached to any consent. Based on the above consultation feedback it is considered that the detail contained within the ecological survey is satisfactory and that no harm to any ecological interests would arise as a result of this development. This could be reinforced by imposition of suitable conditions. Natural England has raised no objections.
- 4.13 The District Council's Environmental Health team have confirmed that the site is known to suffer from some contamination. It would therefore be proposed to include a condition requiring a landfill gas investigation to be carried out and appropriate precautionary measures put in place before any works commence on site. Concerns regarding land contamination were raised by the Environment Agency also who advised that:

*"It is clear from the information provided that there is a significant risk of contamination of the soils and the groundwater underlying the site. We acknowledge that in order to establish site conditions and therefore the risk, an intrusive site investigation (SI) is recommended.*

*The scope appears to acknowledge that groundwater should be considered as a receptor for the site as groundwater sampling has been proposed. It is important to ensure that any risk to controlled waters is adequately assessed as the site is located on the Wildmoor Sandstone, a major aquifer of regional strategic importance and within a Source Protection Zone 2 of a public water supply borehole. It is essential that several of the sampling locations are advanced to the water table across the entire site in order to identify any impact on groundwater and also to assist in deriving flow directions etc.*

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*It is essential that the soils and waters are tested for the appropriate range of contaminant as detailed in the relevant DOE industry profiles. Clearly the site history will be associated with a carpet factory, electricity engineering depot and more recently as a vehicle maintenance and repair garage. Leachability tests will also be required in order to establish the mobility of any metals/inorganic contaminants within the soils. The proposals as submitted do not appear to mention the number of soil samples to be analysed. The rationale for the sampling locations and frequency is unclear and needs to be considered and explained fully.*

*We would therefore suggest that the appointed environmental consultant pulls together a detailed 'scope of works' for the SI. This should be submitted to us for review prior to the start of the site investigation (SI) works, to allow discussion of the scope. It is essential that the proposals are in accordance with BS10175 and CLR11. "*

- 4.14 The Environment Agency has recommended several conditions to ensure that the development would not give rise to harm being caused to watercourses.

**HIGHWAY MATTERS**

- 4.15 It is proposed to access the site from a side road off Mill Street. All vehicular traffic will enter straight onto the communal car park and pedestrian only access will lead off this to the proposed units. A total of 13 car parking spaces are proposed to serve the 13 units (i.e. 1 space per unit) as well as bike stores for each unit. Worcestershire County Council, as the Highway Authority, has been consulted on the proposed plans and do not object on grounds of highway safety or parking provision. I am therefore satisfied that the proposal would accord with Policies TR.9 and TR.17 of the Adopted Local Plan.

**SECTION 106 AGREEMENT**

- 4.16 In accordance with the District Council's Planning Obligations Supplementary Planning Document the following contributions have been sought;

<u>Obligation</u>	<u>Amount</u>	<u>Recipient</u>
Open space	£3,492.48	To be confirmed
Education	£18,512.00	Worcestershire County Council - St Catherine's CE Primary school - Wolverley High school

- 4.17 The Planning Obligations SPD also requires contributions towards biodiversity, in this instance it is proposed to secure adequate contributions through appropriate conditions as referred to above which would require a robust landscaping/planting scheme and the provision of bat and bird boxes.

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## 5.0 Conclusions and Recommendations

5.1 The proposal accords with the Adopted Local Plan policies as detailed above and as such I recommend that **delegated** authority be granted to **APPROVE** the application subject to:

a) the signing of a **Section 106 Agreement** to secure the following:

- i) Open space contribution of £3,492.48
- ii) Education provision of £18,512.00

and

b) the following conditions:

- 1. A6 (Full with no reserved matters)
- 2. A11 (Approved plans)
- 3. B1 (Samples/details of materials)
- 4. B11 (Details of enclosure)
- 5. B15 (Owl/bat box)
- 6. Full details of all proposed planting, and the proposed times of planting to be submitted and approved in writing.
- 7. C8 (Landscape implementation)
- 8. C13 (Landscape management plan)
- 9. D1 (Contaminated land)
- 10. D2 (Landfill gas investigation)
- 11. There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below the 1% plus climate change flood level (34.06m AOD) other than those indicated
- 12. Finished floor levels shall be set no lower than 34.66m AOD,
- 13. A Flood Evacuation Management Plan shall be submitted and approved in writing
- 14. A scheme to deal with the risks associated with contamination of the site shall each be submitted and approved in writing
- 15. Remediation strategy and the effectiveness of the remediation to be submitted and approved in writing
- 16. Contamination not previously identified, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with to be submitted and approved in writing
- 17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority
- 18. E2 (Foul and surface water)
- 19. E6 (No drainage to watercourse)
- 20. Vehicle access construction



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21. Access turning and parking
22. Highway improvements/offsite works
23. Parking for site operatives
24. J1 (Removal of permitted development – residential)
25. Full details of the proposed use of the ground floor shall be submitted and approved in writing
26. The ground floor of units 1, 5, 6, 7 and 8 shall at no time be used for residential purposes

Notes

- A Severn Trent Water regarding public sewer
- B Private apparatus within the highway
- C Alteration of highway to provide new or amend vehicle crossover

Reason for Approval

The scheme, as proposed, is considered to accord with the land use requirements of the Adopted Local Plan. The design of the footprint of buildings and spaces is considered appropriate in this locality and would not give rise to a situation which would compromise adjacent ecological interests or give rise to a situation which would be detrimental to highway safety or flood risk. The amenity of existing and future occupiers would not be compromised by the scheme proposed. The proposed development is therefore considered to be in accordance with the policies listed above.

5.2 Officers also request delegated authority to REFUSE the application should the required Section 106 agreement not be completed by 26 June 2010, for the following reason:

1. The applicant has failed to secure a contribution towards education provision and off site open space in accordance with the Supplementary Planning Document – Planning Obligations (2007). Without this agreement it is considered that the proposed development fails to accord with Policies CY.4 and LR.2 of the Adopted Wyre Forest District Local Plan together with the aims of the Supplementary Planning Document – Planning Obligations (2007).

PLANNING COMMITTEE

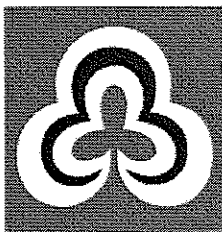
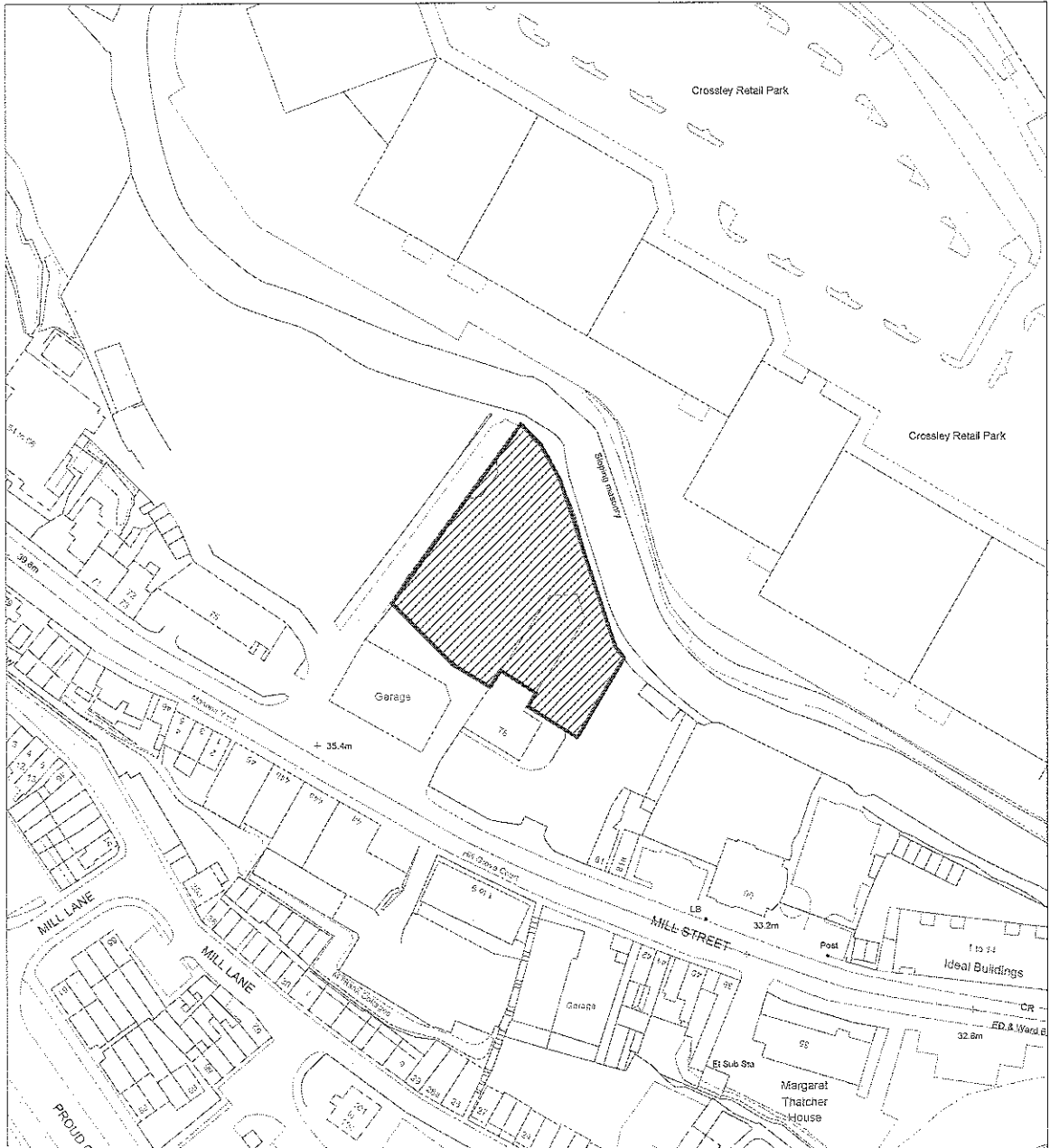
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OS sheet:- S08276NE

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**PLANNING AND REGULATORY SERVICES DIRECTORATE**  
**Rear of 78 Mill Street**  
**Kidderminster**  
**DY11 6XJ**



Duke House, Clensmore Street, Kidderminster, Worcs, DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556

Application Reference: 10/0274/FULL      Date Received: 11/05/2010  
 Ord Sheet: 374281 273862      Expiry Date: 06/07/2010  
 Case Officer: James Houghton      Ward: Rock

**Proposal:** Demolition of existing bungalow and replacement with 3No dwellings (amendment to schemes previously approved under applications 09/0505/FULL and 09/0506/FULL)

**Site Address:** OXBINE, CALLOW HILL, ROCK, KIDDERMINSTER, DY149XB

**Applicant:** Mr J Matthews

<b>Summary of Policy</b>	H.2, D.1, D.3, D.4, D.5, D.10, D.11, D.13, LA.2, NR.9, TR.9, TR.17 (AWFDLP) D.14 (WCSP) CF.2, QE.1, QE.3 (WMRSS) Design Quality SPG
<b>Reason for Referral to Committee</b>	Development Manager considers that application should be considered by Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site is within the Callow Hill settlement boundary, the landscape protection area and an area of great landscape value. The site currently contains a substantial bungalow set back from the road behind a hedge and parking area. A large detached garage/workshop stands is set back behind the bungalow and is close to the boundary shared with The Cherries.
- 1.2 Members may recall that planning permission was granted for the demolition of the existing bungalow and the erection of a total of three new dwellings across the site in October 2009, following a site visit by Committee Members.

**2.0 Planning History**

- 2.1 09/0505/FULL – Demolition of existing bungalow and replacement with two new dwellings : Approved 22/10/09.
- 2.2 09/0506/FULL – New dwelling sited in the garden of Oxbine : Approved 22/10/09.

10/0274/FULL

### **3.0 Consultations and Representations**

- 3.1 Rock Parish Council – No comments received.
- 3.2 Highway Authority – No objections subject to the addition of conditions relating to visibility splays, vehicle access construction, driveway gradient, access turning and parking, cycle parking and parking for site operatives being attached to any permission issued.
- 3.3 Policy and Regeneration – No comments received.
- 3.4 Arboricultural Officer – No comments received.
- 3.5 Countryside and Conservation Officer – No comments received.
- 3.6 Severn Trent Water – No objection subject to the addition of condition requiring details of surface and foul water drainage to be submitted prior to bringing the development into use.
- 3.7 Neighbour/Site Notice – No representations received.

### **4.0 Officer Comments**

- 4.1 The principle of accommodating 3 properties on this site has previously been accepted by virtue of permission previously granted. The applicant now seeks approval for alterations to the approved development of three dwellings on the site of Oxbine. The proposed changes relate to the sizes of the plots, the form, and positions of the three dwellings and access to and from the public highway. A previously proposed double garage adjacent to The Cherries is no longer proposed.
- 4.2 The proposed plots differ slightly from those on the approved scheme. The plots would still be of a size comparable to those found in the immediate area and as such would offer no detriment to the rhythm and character of the street scene and immediate area. The rear amenity spaces are considered to be of an appropriate size relative to the dwellings.
- 4.3 The proposed new dwellings are considered acceptable in terms of both scale and design, all three dwellings would be pitch roofed, brick built and of a similar height to other properties along Callow Hill. Their appearance in the streetscene is considered to be appropriate.

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- 4.4 The proposed dwellings would have a minimal impact on the privacy, outlook or daylight enjoyed at neighbouring properties and the 45° Code guidelines would not be breached. In order to minimise any risk of overlooking a condition requiring details of planting is suggested in order to ensure hedges along the boundaries shared with the property known as 'The Cherries' are maintained at an appropriate height. The proposed dwellings would, by virtue of their set back position and the retention of much of the existing hedge, along with the replication of similar plot size, frontage and ridge height to neighbouring properties, offer negligible detriment to the street scene.
- 4.5 Members may recall that the previously approved development proposed two highways access points from the public highway (A456). The revised layout now proposes the use of a single access point to serve all 3 properties. The Highway Authority has no objections to this revised layout subject to the addition of conditions to any permission issued.

## 5.0 Conclusions and Recommendations

- 5.1 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. B3 (Finishing materials to match)
4. B15 (Owl/bat box)
5. C6 (Landscaping – small scheme)
6. Disposal of surface water and foul sewage
7. Visibility splays
8. Construction of the vehicular access
9. Driveway and/or vehicular turning area
10. Access, turning area and parking facilities
11. Secure parking for 4 cycles
12. Parking for site operatives

### Notes

- A Mud on Highway  
 B Private apparatus within the highway  
 C Alteration to highway to provide new or amend vehicle crossover  
 D Public sewer crosses the site – no construction within 3 metres either side of the sewer pipe.

### Reason for Approval

The proposed dwellings would form an infill development within the settlement boundary, are considered to be well designed and will have an acceptable appearance in the street scene. The impact of the dwellings upon the occupants of neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on amenity. The proposed development is considered to accord with the requirements of Policies H.2, D.1, D.3, D.4, D.5, D.10, D.11, D.13, LA.2, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan (2004)

PLANNING COMMITTEE

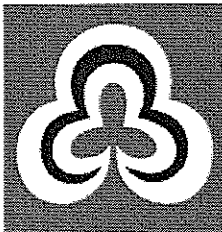
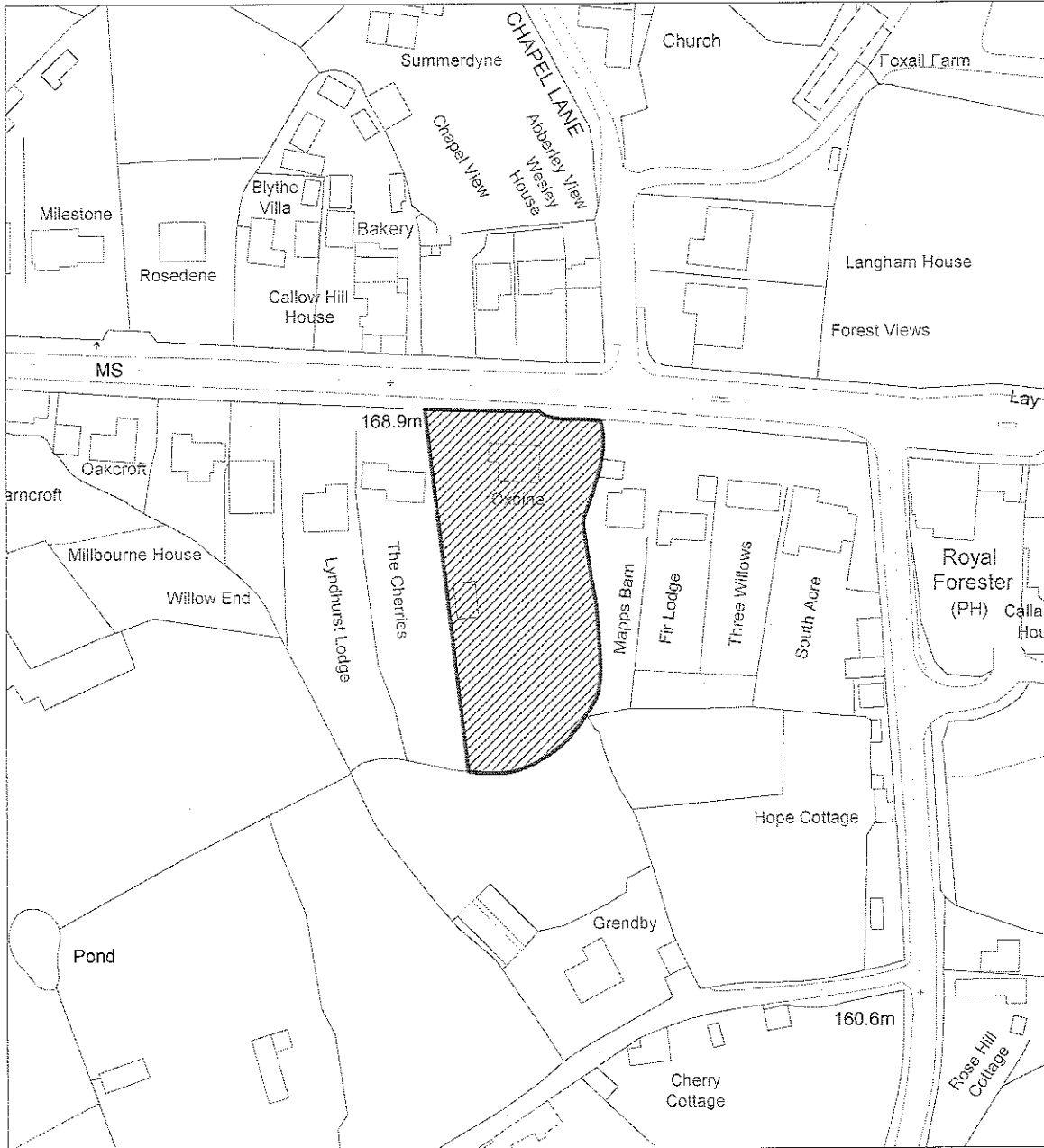
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

8<sup>TH</sup> JUNE 2010

**PART B**

**Application Reference:** 10/0215/OUTL      **Date Received:** 23/04/2010  
**Ord Sheet:** 378359 275792      **Expiry Date:** 18/06/2010  
**Case Officer:** Julia Mellor      **Ward:** Bewdley and Arley

**Proposal:** Demolition of garage/car vehicle spraying unit and erection of two detached bungalows with garages (layout, scale & access to be determined) (Renewal of Planning Permission 07/0333/OUTL)

**Site Address:** UNIT 1, DOWLES ROAD, GREENACRES LANE, BEWDLEY, DY122RE

**Applicant:** Exec. Of The Late J Francois

<b>Summary of Policy</b>	H.2, D.1, D.3, D.7, D.9, D.10, D.11, D.13, NR.2, NR.5, NR.8, NR.9, NR.11, TR.9, TR.17 (AWFDLP) SD.2, RST.8 (WCSP) Design Quality SPG PPS1, PPS3, PPS25
<b>Reason for Referral to Committee</b>	Application involving proposed Section 106 obligation
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site is accessed off Greenacres Lane, a private road leading from Dowles Road which also gives access to Riverside Caravan Park.
- 1.2 The site currently accommodates a vacant single storey building approved for light industrial and office uses in 1969. It has however also been in use as a garage and vehicle spraying unit.
- 1.3 The current application seeks consent in outline for two detached bungalows with a detached double garage block. The proposed bungalows would be positioned to the rear of The Cottage and Marlborough House. Layout, scale and access are to be considered for approval with the current application, with appearance and landscaping reserved for future consideration.

10/0215/OUTL

## 2.0 Planning History

- 2.1 184/68 – Two concrete buildings : Approved 4/12/68
- 2.2 210/68 – Light industrial building with office accommodation : Approved 23/1/69
- 2.3 WF.938/03 – Demolition of garage/car/vehicle spraying unit and erection of two detached bungalows with garages : Refused 13/1/04
- 2.4 WF.654/04 Outline – Demolition of garage/car/vehicle spraying unit and erection of two detached bungalows with garages : Refused 24/8/04 (Appeal dismissed 1/4/05).
- 2.5 06/0830/OUTL Outline – Demolition of garage/car/vehicle spraying unit and erection of two detached bungalows with garages : Withdrawn
- 2.6 07/0333/OUTL - Demolition of garage/car vehicle spraying unit and erection of two detached bungalows with garages (layout, scale & access to be determined) : Approved 18/5/07

## 3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection
- 3.2 Highway Authority – Awaiting comments
- 3.3 Environment Agency – Awaiting comments
- 3.4 Environmental Health – Awaiting comments
- 3.5 Severn Trent Water – No objection subject to condition
- 3.6 Neighbour/Site Notice : two letters have been received to date in response to the neighbour consultation procedure.

The first is an objection which raises the following concerns -

- Access to Unit 1 is only obtained over our private drive. Permission to use our drive is granted on condition that the grantee repairs and maintains the drive. The applicant has continually refused to repair or maintain the drive. As the applicant has continued to ignore the amount owed, any permission to use our access is suspended.
- Has the dry footpath access/exit been resolved?



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- Five properties on this industrial site was refused permission by the Council in 1985. A refusal supported by the Inspectorate at appeal. The Inspector's refusal was based upon the increase of traffic on the access which he termed 'hazardous' and he pointed out the dangerous junction from the access onto Dowles Road. This application again seeks to raise the number of properties on the industrial site to five. How is this not dangerous in 2010 when it was deemed so in 1985 and 1986?
- As the unit roof is made of asbestos we ask that the Council ensure that strict constraints are in place with regard to its removal and disposal, not only because this is a residential area but as the unit lies alongside a public meadow frequented daily by townsfolk and tourists
- To simply say that the water supply for these properties will come from the mains create considerable difficulties. In order to get to the mains they will require easements from at least two neighbouring properties. Have these been acquired? The nearest mains industrial supply is at least 200 metres away. The existing four residential and one unit properties on the former gas works site are supplied through a single one inch black Alkathene pipe which in turned is joined onto a remaining length of the original one inch galvanised pipe which itself is joined to the stop-tap tail by a length of electricity board conduit. We cannot imagine the water authority will allow the developers to tap onto that supply. Similar questions are raised with regard to the disposal of sewage – will the existing system cope?

A letter of support has also been submitted which states the following:

- We strongly support this application as we did when it was last submitted in 2006/7. Clearly, the economic climate of the last two years or so has made it difficult for the development to proceed and we would like further time to be granted to enable the redevelopment of this near derelict site to take place. The development will remove a significant eyesore from the riverside area and greatly enhance the appearance of the site.

#### **4.0 Officer Comments**

- 4.1 The application site is located in an area designated in the Adopted Local Plan as primarily for residential purposes under Policy H.2. There is therefore no objection to the principle of residential development on this site.
- 4.2 The site lies within flood zone two. A previous attempt to provide residential properties on the site was refused in 2004 and dismissed at appeal due to flooding reasons (reference WF.654/04). The Environment Agency submitted an objection on the grounds that the proposed development would have no safe, dry access during severe flood events and the Inspectorate dismissed the appeal on this basis.

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- 4.3 The most recent application (07/0333/OUTL) resolved this matter by providing a dry access for the two plots.
- 4.4 The current application seeks approval to renew this 2007 permission, and the site layout shows the provision of a dry access achieved by increasing the including a strip of land within the ownership of the adjacent property known as Pennington to provide a pedestrian access from both plots to Greenacres Lane. As the strip of land is located further away from the River Severn it lies outside the 1 in 100 year flood level and therefore would allow a safe dry pedestrian access. As this strip of land is within the ownership of the adjacent occupiers it is necessary to secure its provision and retention by a condition which requires a Section 106 Agreement signed by all the landowners.
- 4.5 With respect to other matters it is considered that the siting of the two bungalows together with that of the garage would not significantly affect the outlook or cause a significant loss of privacy to the occupiers of the adjacent properties whilst the parking provision is adequate.
- 4.6 Access via Greenacres Lane which is privately owned is a private matter as are the easements with respect to the water supply. The comments regarding highways have been raised and considered in depth previously, however the Highway Authority raised no objections at that time. The removal and disposal of the asbestos roof will fall under regulations governed by the Health and Safety Executive.

## 5.0 Conclusions and Recommendations

- 5.1 The current application replicates the previous 2007 application and provides a dry access which overcame the previous floodplain issues, whilst the proposed layout and scale of the development is considered appropriate to its setting.
- 5.2 I recommend **delegated APPROVAL** subject to:
- a) no objections from
    - i) the Environment Agency
    - ii) the Highway Authority
    - iii) Environmental Health officers, and
  - b) the following conditions:-
    - 1. A1 (Standard outline)
    - 2. A2 (Standard outline – reserved matters)
    - 3. A3 (Submission of reserved matters)
    - 4. A11 (Approved plans)

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5. Prior to the commencement of development a Legal Agreement relating to the provision and retention of a safe dry access leading from Plots 1 and 2 to Greenacres Lane, shall be in place. Such an Agreement shall be signed by all owners of the land incorporated within the pedestrian access
6. B1 (Materials)
7. Finished floor levels
8. Bungalows only
9. Site investigation
10. Foul and surface water
11. No infiltration of surface water into the ground
12. Removal of permitted development
13. Access, turning and parking
14. No access gates until details of position have been agreed
15. Scheme for surface improvements to the existing shared access roadway
16. Parking of site operatives
17. Details of flood warning notices

Reason for Approval

The principle of residential development is acceptable whilst the application would provide a safe, dry access for both plots to overcome previous flood risk issues. Whilst the impact upon the adjacent neighbours has been assessed it is considered that there is not sufficient adverse impact to warrant refusal. The proposed development is therefore considered to comply with the policies listed above.

Application Reference: 10/0244/TREE      Date Received: 30/04/2010  
 Ord Sheet: 379717 276124      Expiry Date: 25/06/2010  
 Case Officer: Alvan Kingston      Ward: Wribbenhall

Proposal: Fell 3 horse chestnut trees

Site Address: 28 ANTON CLOSE, BEWDLEY, DY121HX

Applicant: Mr Steven Jones

Summary of Policy	D.3, D.4 (AWFDLP)
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	<b>APPROVAL</b>

**1.0 Site Location and Description**

1.1 The three trees are situated in the rear garden of 28 Anton Close, which is part of a residential estate on the outskirts of Bewdley. The trees within this application and other trees located around the estate where once part of the grounds for Warstone House.

**2.0 Planning History**

2.1 None

**3.0 Consultations and Representations**

3.1 Bewdley Town Council – Awaiting response

3.2 Ward Members – Awaiting response

**4.0 Officer Comments**

4.1 The proposed work is to fell three Horse Chestnuts (*Aesculus hippocastanum*) located within the rear garden of 28 Anton Close.

4.2 The three chestnuts look like reasonable specimens from a distance and do add to the amenity of the area. However, on closer inspection, the tree nearest the passageway has been inappropriately pruned in the past and as it is a chestnut it is foreseen that significant decay will be likely to form within the larger pruning cuts.

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- 4.3 The tree located behind the existing shed has a large wound along the stem and is a rather poor specimen and the tree within the centre of the group is suppressed by the other two trees. Allowing it to remain when the other two are to be felled would be likely to result in branch failures.
- 4.4 The garden that the trees are located within is quite small for 3 Horse Chestnuts (*Aesculus hippocastanum*) to be accommodated. If left to grow to their full capacity they will have a very poor relationship with the nearby dwelling.
- 4.5 Although it is accepted that the removal of the three trees may appear quite harsh, it is considered that when assessing their condition and location, it is the best course of action for the long term.
- 4.6 It is not felt that the garden can sustain three trees. Therefore, two alternative species replacement trees should be planted as mitigation for the loss of the chestnuts.

## 5.0 Conclusions and Recommendations

- 5.1 It is considered that the works proposed to remove the three trees is acceptable in the interests of their long term management of the urban forest within the area.
- 5.2 It is recommended that works are **APPROVED** subject to the following conditions:
  - 1. Non-standard Condition '2 year restriction of Consent Notice'.
  - 2. C17 (TPO Schedule of Works)
  - 3. C16 (TPO Replacement trees)

### Schedule of Works

Only the following works shall take place:

Fell – 3 Horse Chestnuts (*Aesculus hippocastanum*)

Application Reference: 10/0254/FULL      Date Received: 04/05/2010  
 Ord Sheet: 381711 273584      Expiry Date: 29/06/2010  
 Case Officer: Paul Round      Ward: Lickhill

**Proposal:** New substation to serve future development

**Site Address:** FINEPOINT, FINEPOINT WAY, KIDDERMINSTER, DY117FB

**Applicant:** HXRUK (KP DEV) LTD

<b>Summary of Policy</b>	E.2, D.1, D.3 (AWFDLP) PA6, QE3 (WMRSS) PPS1, PPS4
<b>Reason for Referral to Committee</b>	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The site forms a 7.5 ha former sports ground site situated on the corner of Minster Road and Walter Nash Road East on the boundary between the towns of Kidderminster and Stourport on Severn.
- 1.2 The site gained approval for industrial development on a phased approach in 2005 and is now known as Finepoint. Development of Phases 1 and 2 are now complete, the latter being operated by City Link. Reserved Matters approval was granted for Phase 3 for Pure Offices in 2008.
- 1.3 The application seeks for the installation of an electricity sub-station to serve the remaining three plots to the north-east / south-east side of the estate.

**2.0 Planning History**

Various applications have been submitted on the site. Those of relevance are:-

- 2.1 WF.526/00 – Industrial Units (Outline) : Approved
- 2.2 WF.1255/04 – Variation of condition to extend period for submission of reserved matters and implementation : Approved
- 2.3 05/1245/FULL – Variation of conditions to allow phased development of the site : Approved

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- 2.4 06/0530/RESE –10 Industrial Units and Access Road (Phase 1) : Approved
- 2.5 07/0875/RESE – B2 / B8 Development (City Link - Phase 2) : Approved
- 2.6 08/0912/RESE – Three-storey office development (Pure Offices - Phase 3)  
:Approved
- 2.7 09/0087/FULL - Variation of Condition 4 of 05/1245/FULL to allow alterations  
to phasing of development : Approved

### **3.0 Consultations and Representations**

- 3.1 Stourport on Severn Town Council – Views awaited
- 3.2 Highway Authority – Views awaited
- 3.3 Central Networks – No objections
- 3.4 Neighbour/Site Notice – No representations received

### **4.0 Officer Comments**

- 4.1 Reserved Matters approval was granted in 2008 for Pure Offices, under Phase 3 of the outline permission. The remaining two plots on this area of the estate, under the terms of the Outline consent, require submission of Reserved Matters application by February 2011.
- 4.2 In order to provide guaranteed electricity supply to these three plots the owners of the site propose to install an electricity substation similar to two others that already exist to serve existing development.
- 4.3 The unit will measure 6.48 sq metres (2.7 metres x 2.5 metres) and have an overall height of 2.4 metres. It will be constructed of glass-reinforced plastic (GRP) with a low-pitched roof and coloured dark green. It will be located adjacent to the larger of the two remaining plots, being accessed from the main estate road.
- 4.4 The location of the unit will allow any future development to proceed. The visual amenity of the street scene will not be prejudiced as the unit will be read in the industrial context in which it sits. The landscaping and boundary treatment of future development will not be prejudiced.
- 4.5 There are no other issues of material importance that will have a direct impact on the consideration of this application.

10/0254/FULL

**5.0 Conclusions and Recommendations**

- 5.1 The proposed substation is of a design and is positioned in a way that will not prejudice the ability to provide quality landscaping or boundary treatment to any future development and will not affect the visual amenities of the street scene being read in an industrial context.
- 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. The unit hereby approved shall be coloured Holly Green (BS 14 C 39) and shall be maintained in that colour to the written satisfaction of the Local Planning Authority, at all times throughout the lifetime of the development.

**NOTE**

SN12 (Neighbours' Rights)

Reason for Approval

The proposed substation is of a suitable scale and design and is positioned in a way that will not prejudice the ability to provide quality landscaping or boundary treatment to any future development and will not affect the visual amenities of the street scene being read in an industrial context. For these reasons the proposal is considered to comply with the above policies of the Adopted Wyre Forest District Local Plan.