

WYRE FOREST DISTRICT COUNCILPLANNING COMMITTEETuesday 8<sup>th</sup> June 2010– Schedule 474 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Director of Planning and Regulatory Services, Duke House, Clensmore Street, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

**PART A****Application Reference:** 10/0165/FULL**Site Address:** REAR OF 78 MILL STREET, KIDDERMINSTER, DY116XJ**DELEGATED AUTHORITY 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
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 policies: 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 (Adopted Wyre Forest District Local Plan) CTC.8 CTC.12 CTC.20 CTC.21 D.16 (Worcestershire County Structure Plan) CF.5 QE.1 QE.3 QE.5 QE.9 (West Midlands Regional Spatial Strategy) Planning Policy Statement 1 Planning Policy Statement 6 Planning Policy Statement 9 Planning Policy Statement 25.

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

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).

**Application Reference:** 10/0274/FULL

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

**APPLICATION DEFERRED.**

The Application was deferred at the request of the Development Manager.

**Application Reference:** 10/0215/OUTL

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

**DELEGATED APPROVAL** subject to:

- a) no objections from 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)
  - 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 to be set at 23.6m AOD
  - 8. Bungalows only
  - 9. Detailed Site investigation, remediation strategy and validation report required
  - 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

**Notes to Applicant**

- a) Surface water drainage will only be encouraged where it has been demonstrated that there is no resultant acceptable risk to controlled waters.
- b) There is a current application for a modification order to add a footpath to the Definitive Map under the Wildlife and Countryside Act 1981, you are advised to seek legal advice regarding vehicular rights.

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 policies: 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, (Adopted Wyre Forest District Local Plan) SD.2, RST.8, (Worcestershire County Structure Plan) Design Quality Supplementary Planning Guidance, Planning Policy Statement 1, Planning Policy Statement 3, Planning Policy Statement 25.

**Application Reference:** 10/0244/TREE

**Site Address:** 28 ANTON CLOSE, BEWDLEY, DY121HX

**APPROVED** subject to the following conditions:

1. Non-standard Condition '2 year restriction of Consent Notice'.
2. C17 (Tree Preservation Order Schedule of Works)
3. C16 (Tree Preservation Order Replacement trees)

Schedule of Works

Only the following works shall take place:

Fell – 3 Horse *Chestnuts (Aesculus hippocastanum)*

**Application Reference:** 10/0254/FULL

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

5.2 **APPROVED** 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 following policies: E.2, D.1, D.3 (Adopted Wyre Forest District Local Plan) PA6, QE3 (West Midlands Regional Spatial Strategy), Planning Policy Statement 1, Planning Policy Statement 4, of the Adopted Wyre Forest District Local Plan.