

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

09/11/2010

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH NOVEMBER 2010

PART A

Application Reference: 10/0347/FULL **Date Received:** 16/06/2010
Ord Sheet: 382323 276275 **Expiry Date:** 15/09/2010
Case Officer: Emma Anning **Ward:** Sutton Park

Proposal: Provision of a new primary care centre and pharmacy with associated car parking and external works, following the demolition of redundant hospital building and the relocation of hospital staff car parking

Site Address: HUME STREET, KIDDERMINSTER,

Applicant: Haven Health Properties Ltd

Summary of Policy	D.1 D.3 D.4 D.7 D.9 D.10 D.11 D.15 NC.5 NC.6 TR.1 TR.3 TR.6 TR.7 TR.8 TR.9 TR.17 TR.18 CY.2 CY.3 IMP.1 (AWFDLP) PPS22
Reason for Referral to Committee	'Major' planning application Third party has registered to speak at Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 14 SEPTEMBER 2010 PLANNING COMMITTEE MEETING TO ALLOW OFFICERS TO PROVIDE FURTHER CLARIFICATION ON MATTERS RELATING TO HIGHWAY SAFETY, SITE ACCESS, SUSTAINABILITY MEASURES AND SECTION 106 CONTRIBUTIONS.

1.0 Site Location and Description

1.1 The application site occupies 10,000 sq.m. of the southern end of the existing, Kidderminster Hospital site between Sutton Road, Hume Street and Franchise Street. The application site is currently occupied largely by a car parking area which fronts Hume Street and the following buildings comprising of:

Brook House	A nine storey building of 1960's design, once used as nurses accommodation at the north of the application site (now vacant)
Pathology & Haematology Departments	A mix of single and three storey buildings, to the north of the application site (attached to Brook House)

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Mortuary	Centrally located in the application site. A single storey detached building of modern design
Hospital Radio	A small detached single storey brick building at the western edge of the application site
Brooklyn & Bali Hi	A pair of semi detached houses fronting Hume Street.
Oxygen Store	An oxygen container housed in a brick walled enclosure with gates and security mesh

1.2 At present there are two access points within the application site, both of which are off Franchise Street to the west.

1.3 This application seeks permission to demolish the above mentioned buildings and to provide a new, purpose built medical centre and pharmacy with associated car parking. Additional car parking provision would also be provided for the Acute Trust.

2.0 Planning History

2.1 None relevant

3.0 Consultations and Representations

3.1 Highway Authority – No objections subject to conditions and the applicants being willing to enter into a S106 agreement for contributions towards highway improvements.

(Comments received in respect of additional Traffic Assessment information submitted following the initial consideration by the Planning Committee) - The applicant has demonstrated that there is no adverse impact on car parking, the access is best located on Hume Street and this can satisfactorily be located without detrimental impact to residents or safety, and there is a section 106 package that addresses impact on bus services and improvements to pedestrian access.

3.2 Community and Partnership Services - No comments received

3.3 Arboricultural Officer - No objection to the proposals

3.4 Environment Agency – No comments to make

3.5 Crime Risk Advisor - No major concerns with the development. Of the opinion that the new facility will be an improvement on what is there at the moment.

3.6 Worcestershire Regulatory Services (Environmental Health) - Dust/Noise management plan required for demolition phase.

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- 3.7 Policy and Regeneration - The Kidderminster Hospital site is safeguarded for healthcare needs through Policy CY.3 of the District Local Plan. The proposed consolidation of GP practices onto the hospital site is consistent with that Policy. It secures the regeneration of the site and the proposed new building presents a much stronger frontage to Hume Street. It further complements the on-going regeneration of the surrounding area which includes the Miller Homes (Badgers Dean) development in Franchise Street and at the same time provides modern medical facilities for the surrounding communities.

The proposal will help to ensure that the wider hospital site maintains a critical mass that can assist in public transport and accessibility. At the same time the proposal manages to incorporate a significant amount of car parking whilst mitigating and minimising the visual impact from the surrounding public streets through a combination of landscaping and the building acting as a screen to approximately 50% of the car parking area.

The relocation of the GP practices frees up the existing sites for potential residential use in line with Policy H.2 of the Adopted Local Plan. These sites are highlighted in the Strategic Housing Land Availability Assessment (SHLAA). This provides the essential evidence underpinning the emerging Local Development Framework and the need to meet the requirement for 4,000 new homes in the period to 2026. The proposed redevelopment of these sites will make an important contribution to meeting housing needs in these areas.

In summary, the application appears broadly consistent with the main policy provisions and as such is to be welcomed.

- 3.8 National Care Standards - No comments received
- 3.9 Severn Trent Water - No objection subject to inclusion of drainage condition
- 3.10 Central Networks - No objection. Advised on the inclusion of informative on any permission.
- 3.11 Neighbour/Site Notice – Two objection letters received in response to application as originally submitted. The main points raised are listed as follows;
- Sterilising of the hospital grounds in the mid-1990's, escalated to the current 220 on-site parking spaces, has deprived in-patients of the dignity of healing in green surroundings.
 - Quite apart from the inappropriateness of the 324 on-site car parking spaces, it is pertinent to enquire what progress Worcestershire County Council have made with an Employee Travel Plan for this major site?
 - Does this proposal not contravene local/national planning policies/statement e.g. contra-indication for lavish parking provision to locales well served by public transport?

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- The proposal, as it stands, would exacerbate the burgeoning social problem of ever-increasing traffic thereby diminishing the quality of life of local residents.
- The Quail Court tenement-density housing is still under construction. The tarmacadam-saturated sterilisation of this vicinity poses a flood risk as the Blake brook runs underneath, illustrating this are the hazards produced many times per year where standing water accumulates notably at Hume street/Franchise Street corner and the Kidderminster Hospital goods entrance.
- Generation of gratuitous extra traffic would worsen the current impediment manifested by the lack of parking restrictions countenanced along Bewdley Road, between Wood Street and Kidderminster Hospital bus stops.
- It is hoped that long-established applied research will be harnessed to the decision making process, so that a rational well-informed outcome emerges. Preferably this would be in harmony with respect for the one planet we do have - and thereby resulting in the parking allocation rather less than the present 220 spaces.
- The parking in Hume Street now is a joke when people are going to the hospital. People park over my drive for most of the day now so what will the parking be like when they start building the centre.
- The height of the building looks far to high so all I will be seeing is a great big centre with room for extension.
- Are there plans to make it wider or one way? Also are you planning to put H-bars over the residents' drives so that visitors cannot park or block our drives like they do all the time at the moment? I would also like to know where the staff are going to park while the work, [if it goes ahead]is being carried out.

Comments received after revised plans of 28 July 2010 and 9 August 2010 submitted:

One letter of support received. The comments made are summarised as follows:

- I am a patient at Aylmer Lodge and the present building is unfit for purpose, every inch of space is used which does not allow the practice to increase the services offered to patients. Presently they are unable to even save patients having to go to the hospital for a blood test due to lack of space.
- The proposed new location will allow patient services to expand, but because the premises is for two practices will also mean a financial saving, along with an on-site pharmacy which will serve the local population as well as patients, and increased parking for both practices will benefit both patients and staff.
- I understand that the site is presently occupied by an unused building and car parking which would be relocated on the site therefore existing hospital staff would not loose out.

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- The new surgery and pharmacy is a good use of the site and will fit well into the setting of the hospital. It is very well served by public transport, is mid-way between the two amalgamating surgeries and will provide 21st Century facilities that both staff and patients should be able to access.
- I understand that Hume Street is quite narrow but I believe that the entrance to Sutton Road will be widened, and I believe that the new building and car park entrance will help the flow of traffic along Hume Street – it will mean that vehicles will be able to pass at the new entrance to the car park.

Four letters of objection received. The main points raised are summarised as follows:

- There seems to be no consideration given to how parking in Hume Street will be affected by the position of a new entrance to the primary care centre. Residents are concerned that the entrance will exacerbate an already difficult parking problem.
- I note that the pedestrian crossing has been removed from the plans but there is no detail regarding parking restrictions in Hume Street, I assume it will not be possible for residents to park directly opposite the new entrance as they do now, so the already difficult residents' parking situation will be made worse by these plans. I would like to know what provision has been made to help residents find on or off road parking for their cars.
- Whilst approving of the extra pedestrian access at Hume Street/Sutton Road corner I must protest that the 339 car parking spaces shown is at variance with the 324 previously proposed.
- I reiterate the points raised in response to the application as originally submitted relating to the enormous over-provision of parking proposed.
- Planning Committee Councillors have already articulated that Kidderminster Hospital is the cause of many traffic problems. Currently traffic does not obey circulation markings on site and parking hours are often ignored. There may be notices threatening wheel clamping – but has any instance ever occurred?
- It is hoped that the repercussions on the West Kidderminster community – and not least the wider community of bus operators serving the site – are adequately evaluated. Does this even more environmentally unsound proposal not call for “fibre” to be demonstrated in tempering the application?
- Combining two doctors' surgery premises into one cannot be beneficial for health reasons, as too many people with health complaints will be treated all in one place.
- The car parking facilities for patients using the facilities is not big enough to capacitate for everyone.
- The egress appears to be in the wrong place, going into Hume Street.
- The surgery should be placed where it can cater for everyone's needs.

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4.0 Officer Comments

4.1 Permission is sought for the demolition of the above mentioned redundant hospital buildings and the erection of a new primary care centre with associated car parking and the creation of two separate Acute Trust car parks.

CONTEXT

4.2 This proposal is put forward by Haven Healthcare Properties who were appointed by Wyre Forest Primary Care Trust, in 2005, to deliver improved primary care facilities in Kidderminster. The scheme would essentially bring together, on one site, two existing GP surgeries namely Aylmer Lodge Surgery and Northumberland House Surgery. Both surgeries currently operate out of premises which they have outgrown and which will restrict any future improvements to the quality of care which could be provided. A comprehensive Design and Access Statement has been provided to accompany this application which gives further thorough and detailed analysis of the context of this application.

4.3 In assessing the merits of this application it is felt that the following matters should be considered:

- Principle of development
- Siting, design and amenity
- Highway safety and access
- S106 Contributions
- Other matters

Each matter is considered in turn below.

PRINCIPLE OF DEVELOPMENT

4.4 The key policy consideration in determining whether the principle of what is proposed is acceptable are Policies CY.2 and CY.3 of the Adopted Local Plan, which identifies health centres and hospitals as being key community facilities. Policy CY.3 relates specifically to the Kidderminster Hospital site and seeks to safeguard it for future healthcare needs. Given the nature of the development proposed I am satisfied that it would accord with the requirements of this policy.

4.5 Policy CY.2 relates to new community facilities and states that they must provide for a genuine local community need; should reflect the role and function of the settlement or neighbourhood to which they relate; be compatible with surrounding uses; be accessible to all potential users and be located as close as feasible to all potential users. The policy resists the loss of a community facility where there is a clear need for that facility. Although the proposal would see the removal of existing hospital buildings the information contained within the Design and Access Statement gives clear

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justification for the loss of these (largely redundant) buildings and given that they would be replaced with more up to date health care facilities there would be no overall loss of community facilities. For this reason and the reasons set out below I am satisfied that the proposal would accord with all requirements of Policy CY.2 and is therefore acceptable.

- 4.6 As detailed by the Forward Planning and Regeneration Manager, the relocation of the GP practices frees up the existing sites for potential residential use in line with Policy H.2 of the Adopted Local Plan. These sites are highlighted in the Strategic Housing Land Availability Assessment (SHLAA). This provides the essential evidence underpinning the emerging Local Development Framework and the need to meet the requirement for 4,000 new homes in the period to 2026. The proposed redevelopment of these sites will make an important contribution to meeting housing needs in these areas.

SITING, DESIGN AND AMENITY

- 4.7 The proposed medical centre would be sited at the centre of the application site roughly on the footprint of the existing mortuary building. A 132 bay car park for the use of patients, staff and visitors of the primary care centre would be provided to the front of the building fronting Hume Street and two further car parks, one to the rear of the proposed medical centre and one to the west of the site fronting Franchise Street would provide separate parking provision for the acute trust.
- 4.8 The design of the primary care centre is proposed as a modern modular/fragmented design with elements of differing heights, sizes and finishes. This design approach has been chosen to help bridge the gap between the differing scales of existing buildings on the hospital site. The types and colours of the materials proposed have been chosen to match those of surrounding developments in order that the building relates well visually to the local area. In terms of its architectural characteristics and finish I am satisfied that the design of the building is appropriate to this locality; would harmonise with existing buildings on this site; and, would not cause harm to the visual amenity of the streetscene.
- 4.9 The proposed medical centre would be a maximum of three storeys high, with some elements being just two storey in scale. At the rear, facing into the hospital site, the building would appear taller as it is proposed to provide some undercroft car parking on this elevation. At its tallest point the proposed building would measure approximately 13.5m (when measured from the highest ground level). The tallest building currently on this site, Brook House, measures some 14.5m taller at around 28m when measured from the same land level. The proposal would be no taller than the existing Oil Farm Building on site. In terms of it's scale it is considered that the proposed primary care centre would site well against the existing backdrop of substantial buildings which occupy this site. It is also acknowledged that overall the scale of building on this site would be reduced through the removal of Brook House which I consider would be a visual improvement to this part of Kidderminster. I therefore am satisfied that the scale of buildings proposed is also acceptable

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and that the primary care centre would not result in the creation of a visually incongruous feature in this streetscene.

- 4.10 In accepting the scale and design of the proposed building, it remains to be considered whether there would be any adverse impact caused, particularly to neighbour amenity, through the siting of the proposed building. It is proposed to locate the building further forward of the existing Pathology and Haematology block and Brook House, roughly in the centre of the site where the existing single storey mortuary building is located. It is recognised that the siting of the new primary care centre at this point would result in larger more substantial buildings being brought closer to the residential properties on Hume Street. This has been raised by a neighbour as a concern. In assessing this concern I have taken into account that the proposed primary care centre would not come significantly close to residential properties on Hume Street than any existing building and despite the increase in height of the building the separation distance of approximately 40.5m would exist between the new facility and the closest existing dwellings, a distance I consider to be acceptable. Given that the nine storey building is to be removed I feel that, on balance, the proposal would not lead to a deterioration of neighbour amenity. I am therefore satisfied that the siting of the proposed primary care centre is acceptable.
- 4.11 In addition to the siting and design of the proposed buildings on site, it is essential to assess the impact of changes to be made to the external open spaces against the requirements of Policies D.10 and D.11 of the Adopted Wyre Forest District Local Plan which seek to ensure that all new developments have appropriate regard to boundary treatments and landscaping. It is proposed to increase the amount of landscaping on the site with the introduction of additional tree planting on the car park area. The indicative artists impressions submitted suggest that the existing boundary treatment along the edge of the site, a low level post and rail fence, will be retained, however this would be controlled by condition.
- 4.12 Following the request of Members at the Planning Committee meeting on 14th September 2010 the applicants have provided a detailed Sustainable Construction Statement. Detail provided in the Sustainable Construction Statement highlights that the following specific energy saving measures shall be employed:
- The use of natural ventilation is maximised
 - High efficiency heating boilers having good co-efficient of seasonal performance
 - Low pressure hot water heating flow and return temperatures shall be lower than tradition to maximize heating generating efficiency
 - Practical zoning of heating, ventilation and air conditioning systems
 - Occupancy detection control strategies linked to mechanical ventilation systems, resulting in 'on demand' ventilation control, lower delivered fan power and increased flexibility in building usage.

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- Heat recovery devices shall be used on all supply air mechanical ventilation systems. Lighting solutions take consideration of appropriate lighting levels and uniformity and shall employ low energy lamps and high frequency control gear.
- Lighting solutions shall include intelligent automatic control systems where appropriate and energy beneficial
- Weather compensation of all heating systems (where suitable for heat emitter characteristics)
- Variable speed pumping on heating pipework systems such that the energy consumed matches the actual demand
- The drainage system has been designed using SUDS principles whereby the surface water has been attenuated to reduce the surface water runoff rates below those currently existing at the site. This attenuation has been provided by the introduction of underground tanks positioned within the site boundary.
- The report concludes that large scale inclusion of on-site renewable energy generation beyond the capital cost constraints for the project but Haven Health Properties Ltd would wish to enhance the sustainability credentials of the scheme and therefore small scale on-site renewable energy generation is proposed via inclusion of a discreet 4m² Photovoltaic (PV) panel array.
- Green roofed elements to enhance local habitat

4.13 With the above measures being implemented then the report concludes that the development would achieve a BREAM rating of 'excellent' and would achieve an energy performance rating of 'B' which would exceed the levels expected of a new development. The design has clearly been developed to ensure that the best possible levels of energy efficiency are achieved and therefore it is considered that the development would satisfy the requirements of PPS 22: Renewable Energy.

HIGHWAY SAFETY AND ACCESS

4.14 It is proposed to provide vehicular access at three points; one off Hume Street at the centre of the site; and the others at the existing access points off Franchise Street. The existing entrance off Franchise Street is already barrier controlled and it is proposed to implement a similar car park management system at the entrance to the new Acute Trust car park at the north of the application site as well as at the Hume Street Entrance. The Traffic Assessment confirms that 'crocodile plates' would be used at the entrance and a token controlled barrier would be installed at the exit. Tokens would be issued at the medical centre reception to patients leaving the site. This car park management measure would ensure that the car park is reserved for the use of medical centre patients only and would prevent hospital traffic parking on the car park causing displacement of medical centre visitors to areas off site. Car parking provision is split into two types on this site; Acute Trust car parking which would be dedicated to Acute Trust staff/visitors; and parking associated with the primary Care Centre. Provision is proposed for 205 and 134 spaces (including 13 disabled spaces, 4 duty doctor spaces, a delivery space and an ambulance space) respectively.

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Pedestrian access to the proposed new facility would be formally laid out off Hume Street, the corner of Sutton Road and Hume Street and off Sutton Road as well as through the main hospital site across the rear of Block A.

- 4.15 It is essential that the proposal accords with the following policies; Adopted Local Plan policy TR.1 relates specifically to bus infrastructure relating to highway matters and requires that, where appropriate, S106 contributions towards improvements to bus services will be sought; Policy TR.9 seeks to ensure that no detriment will be caused to highway safety as a result of a proposed development; and, Policy TR.17 requires that proposals for new development meet the parking requirements as set out in the Adopted Local Plan.
- 4.16 A detailed traffic assessment was submitted with the application which discussed matters of traffic management, accident studies and sustainable access. A second addendum to this report has been provided by the applicants following a request from Members at the Committee meeting of 14th September 2010. This addendum details how a robust assessment has been carried out on the possibility of locating the main site access off Sutton Road. The report includes the results of a junction modelling process, which was formulated based on actual traffic data collected over a seven day period, the model suggests that the access off Hume Street is preferable as, based on predicted accident rates, incidents are three times more likely if the access is sited off Sutton Road.
- 4.17 Furthermore, this risk would be exacerbated by the closeness of an access off Sutton Road to the Hume Street junction. Also included in Addendum 2 of the Traffic Assessment is a detailed analysis of the effect of the proposed Hume Street access on the traffic flows on Hume Street. The report concludes that, at peak times, there is no risk of traffic build up at junctions at either end of Hume Street as a result of parked cars and the additional traffic generated as a result of the development. In addition, in order to improve the present situation on Hume Street the car park access is to be widened which will make access and egress easier, with improved access widths and visibility. It would also improve right turn arrangements for vehicles exiting the site towards Sutton Road. The additional detail submitted in Addendum 2 has been carefully assessed by the County Council's Highways Officer who has commented as detailed below:

"I have undertaken discussions with the transport consultant since the last Committee. The potential access on Sutton Road is concluded by the consultant to not be appropriate due to its proximity to Hume Street junction and this is a statement that I agree with. The principle of introducing a new access on a sensitive road which is a high category road is not supported and preference is to having the access off a lower category of road and allowing trips to distribute on to main roads through existing junctions. Junction spacing in this instance will result in right turning movements into Hume Street and the access to have an adverse impact on the free flow of traffic on Sutton Road. I have discussed this option with the County Councils accident studies team and they conclude that an access off Hume Street is preferential.

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The applicant has considered if the preferred Hume Street access can be improved and several options have been considered. The applicant has made width improvements which improves capacity; they have demonstrated through vehicle tracking that commercial vehicles and cars can use the access and considered opportunity for vehicles to pass and the time of passage where no opportunity would exist. There is opportunity for vehicles to pass in accesses and breaks in the parking pattern, but even if there was no space the delay to waiting vehicles was small. I do not consider that this access would hinder residents or create a capacity or road safety problem".

- 4.18 Policy TR.17 sets out requirements of 4 car parking spaces per consulting room as well as one ambulance space. The ambulance space is shown to be provided along with 132 car parking spaces and one deliveries space. This would be the required number of spaces for a premises offering 33 consulting rooms as is proposed, however the proposed medical centre has the internal layout as summarised in the table below, which shows other rooms including nurse rooms, treatment rooms and counselling rooms which it is considered would be similar in their nature of use to a consulting room and would therefore be likely to generate additional traffic and therefore demand for parking. Other ancillary rooms and facilities would not generate a need for parking.

Room Type	Ground Floor	First Floor	Second Floor	Total Rooms	Car Parking Provision Required
Consulting Room	16	17		33	132
Nurse Room	2			2	8
Admin Office	2			2	
Interview Room	2			2	
Store/WC/Plant/Kitchen	16	15	12	43	
Reception	2			2	
Waiting Area	2	2		4	
Treatment Room	4	8		12	48
Pharmacy	1			1	
Counselling Room		2		2	8
Training/meeting Room		1	2	3	
Office/Staff Room			13	13	
TOTAL				119	196

- 4.19 Based on details contained in the table above, car parking standards would require 196 spaces be provided. The applicant has provided reasoned justification as part of the Transport Assessment to justify the levels of parking provision proposed in the context of the facilities on site. As part of this justification it was necessary for the applicant to demonstrate that the site would be well served by public transport and that walking and cycling would be encouraged through the design of the development.

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This report has been carefully considered by the Highways Officer who confirms that the applicant has provided a case for a reduced car parking provision based on the expected staff numbers and patients' surveys to conclude that actual car parking demand will be below that normally required. With this evidence and the knowledge of PPG13 the Highway Authority is happy to conclude that the proposed car parking numbers for the Medical Centre are acceptable. Additional clarification was sought, at the last Committee meeting, as to what the impact on the proposed development would be on parking provision for the hospital. Members are reminded that the intention is to remove a number of hospital buildings and to create three separate car parks for the sole use of the Acute Trust. The Traffic Assessment (Addendum 2 chapter 4) confirms that the car parking levels proposed for the existing hospital site are appropriate and in fact represent an over-provision of Acute Trust car parking provision when the removal of the existing buildings is taken into account.

- 4.20 The Acute Trust currently benefit from 285 car parking spaces on site. The development as proposed would see this reduced to 257 spaces. Whilst this is a reduction of 28 spaces, it should be recognised that the hospital site, based on the amount of operational floorspace which would remain following the removal of the redundant buildings, would actually have an expected car park provision of 212 spaces. Therefore, the proposal would represent an over-provision of parking on site for the Acute Trust.
- 4.21 The Worcestershire County Council Highways Officer has reviewed the approach that has been taken and agrees that there is excess car parking in the hospital car parks and is therefore satisfied that there will be no displacement of vehicles on to the surrounding road network. The proposal therefore satisfies the requirements of Policy TR.17 of the Adopted Local Plan.
- 4.22 Similarly, with regards to the need to encourage alternative modes of transport to the site, particularly bus travel, walking and cycling, improvements are proposed to the two nearest Pelican crossings on Bewdley Road and Sutton Road and the tactile paving on Hume Street would be relocated to a more suitable location on the pedestrian desire line. The access to the site using public transport created the greatest challenges. Whilst there are bus services to the hospital site already and also surrounding the existing facilities, the patients who already enjoy bus access to the Aylmer Lodge and Northumberland Avenue medical centres would, without improvements to the bus service, be adversely impacted by the location of the new surgery either having no service to the new facility or a reduced service frequency. In order to mitigate for the reduced bus service a Section 106 contribution is required to extend the 5/5A bus service from Franche to the hospital where patients have a short walk to the proposed centre and provide a contribution toward increasing the frequency of the X3 service.

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This has been agreed as part of the S106 legal agreement at a figure as detailed in the following section of this report and officer's consider this is a suitable means of mitigation in accordance with Policy TR.1 of the Adopted Local Plan.

- 4.23 Policy TR.9 states that new development should not cause harm to highway safety and accordingly the plans, as originally submitted, have been amended to remove a proposed zebra crossing on Hume Street which was not on a pedestrian desire line and the resultant road markings reduced the ability of existing residents to park on street. Similarly, the junction alterations proposed as part of the original submission were considered unnecessary as the existing junction already provided a tight junction which had the benefit of reducing speed of vehicles negotiating the junction and keeping a short crossing distance for pedestrians. The proposed access points are acceptable and will not impact on on-street car parking. Given that the Highways Officer does not object to the proposed layout the Local Planning Authority is satisfied that the proposal would not compromise highway safety.
- 4.24 The statutory consultation process generated responses from some members of the public which expressed concerns that the proposed development would cause parking problems for the residents of Hume Street including the lack of resident parking and also the inconsiderate parking habits of visitors who will block the driveways of the properties adjacent to the site. It was queried whether there were any proposals to make alterations to Hume Street whether there would be parking restrictions imposed on Hume Street, and, if the new entrance would mean that people would no longer be able to park on the road opposite it due to new parking restrictions. The Highways Officer has offered comment insofar as, based on the Transport Assessment provided and in consideration of the S106 contributions which would be sought, there would be no displacement of vehicles onto the public highway and there are no Traffic Regulation Orders proposed as part of this application which would hinder on-street parking in Hume Street. It has also been queried whether Worcestershire County Council have made any progress on a travel plan for the Kidderminster Hospital site. It should be noted that the County Council cannot force the existing hospital to operate a travel plan, however it is recognised that the new facility should benefit from one and as such a condition would be included on any permission requiring this to be submitted prior to first occupation of the new facilities. Similarly, it has been raised that users of the existing hospital car parks often ignore circulation markings and parking restrictions, however this is not a material consideration in determining this application as it is a matter for the management of the hospital. Concern was expressed that combining two surgeries into one large surgery could potentially lead to a flu pandemic with the concentration of persons with illness being contained in one place. This too is not considered to be a material planning consideration.

S106 CONTRIBUTIONS

- 4.25 In accordance with the requirements of the District Council's Adopted Planning Obligations Supplementary Planning Document, the following financial contributions have been sought:

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Category	Amount	Destination
Transport/Highways	£80,000	WCC (See detailed breakdown below)
Public Realm	Nil	N/A

4.26 At the Planning Committee meeting of 14th September 2010 Members sought additional clarification on where the monies identified for highway related contributions in the table above were to be spent. Advice from the County Council's Highways Officer is as follows:

“The section 106 package comprises of 3 items, each is addressed individually below:

- £2,000 contribution to allow the County Council to relocate the dropped kerb on the existing uncontrolled pedestrian crossing, to a location that is on the pedestrian desire line. The current access sits 6m along Hume street from the junction with Sutton Road. It is proposed to relocate the crossing to the corner of Hume Street/Sutton Road which will bring it closer to the pedestrian access to the medical centre site, a much more suitable location which will sit within the pedestrian desire line.

- The Controlled crossings (pelican) nearest the site on Sutton Road and Hume Street are to be improved to allow additional pedestrian capacity by altering the equipment and sequence of the lights. The £20,000 contribution cannot achieve all the improvements on both crossings but contributes towards these improvements. The scale of contribution is reflective of the additional pedestrian movements that the new facility will generate.

- Bus service improvements. This is split into 2 services.

1. The 5/5A service that covers Franche presently allows direct access to the existing doctors practice but the relocation of the practice means that persons who would have accessed the site on bus will no longer have a service within reasonable walking distance. The £50,000 contribution will pay for the amendment to the bus route to allow the extension of the service to stop at the hospital where there would be a short walk to the medical centre through the hospital grounds. This contribution ensures that patients that presently enjoy access via bus to maintain that service and so would not be disadvantaged. This sum would cover the total cost of bus services for one year, however, subject to contract negotiations the monies could be used to part finance a subsidised service for up to a period of five years (maximum).

2. The bus service from the south comprises of several services passing the existing doctors practice which provides a frequent service from the Stourport direction. However only the X3 service from the South extends to the Hospital. To ensure that access via bus is attractive the frequency of the X3 service needs to be improved. The contribution of £8,000 is modest but represents a reasonable contribution considering the number of patients accessing the service.

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This contribution will be retained with other contributions to supplement the existing bus contract to achieve this aim. It should be noted that this contribution will not result in improvements to the frequency of the service alone but represents a step towards achieving this goal”.

- 4.27 Contributions towards public realm are required, however the Local Planning Authority is satisfied that the positive visual benefit of the development itself with the removal of the multi-storey tower building would significantly benefit the overall appearance of the public realm and is therefore considered to be in itself an acceptable contribution in accordance with the above mentioned document.

OTHER MATTERS

- 4.28 A public consultation exercise was carried out by the applicants in accordance with the Council's Statement of Community Involvement, details of which are provided in the accompanying Design and Access Statement. The public feedback from the consultation exercise broadly reflects that received in response to the statutory consultation undertaken as part of the application process. The most frequently sited concerns refer to the highway implications of the proposal, in addition to the details given above, the Highways Officer of Worcestershire County Council has responded individually to some of the points raised.

5.0 Conclusions and Recommendations

- 5.1 The proposal satisfies the requirements of the Adopted Wyre Forest District Local Plan policies as detailed above and, as such, I recommend **APPROVAL** to the application subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1 (Samples/Details of Materials)
4. C6 (Landscaping – small scheme)
5. C8 (Landscape Implementation)
6. Vehicle access construction
7. Consolidation of driveway/turning area
8. Access turning and parking
9. Secure cycle parking to be provided
10. Parking for site operatives and staff during construction phase
11. Travel Plan to be submitted
12. F13 (Control of Dust)
13. F5 (Construction Site Noise/vibration)
14. Drainage
15. Car park management plan to be submitted

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
D Mud on highway

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E No drainage or discharge to the highway

Reason for Approval

The proposed primary care centre development is, by virtue of its siting, design and massing, considered to be acceptable development in this locality which would relate well to its immediate surroundings and would not result in the creation of an incongruous feature which would cause harm to either visual amenity or neighbour amenity. The impacts of the proposal on the highway network have been carefully assessed and it is considered that the development would not give rise to a situation which would be detrimental to highway safety. The proposal therefore accords with the Adopted Wyre Forest District Local Plan listed above.

PLANNING COMMITTEE

10/0347

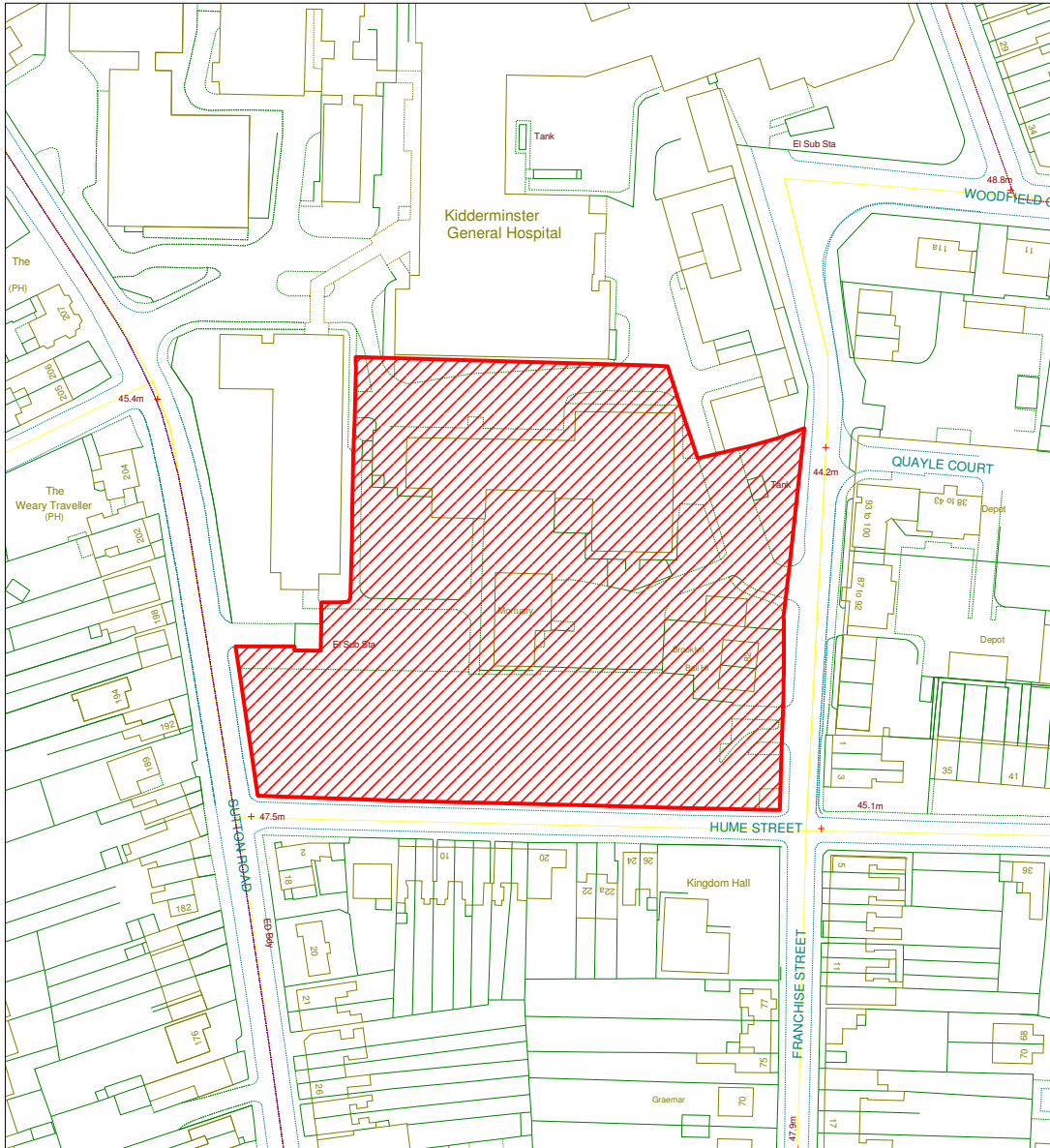
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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Hume Street
Kidderminster**



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

Agenda Item No. 5

Application Reference: 10/0464/FULL **Date Received:** 12/08/2010
Ord Sheet: 381452 276233 **Expiry Date:** 11/11/2010
Case Officer: Emma Anning **Ward:** Habberley and Blakebook

Proposal: Variation of Condition 17 of Planning Permission 08/0977/OUTL to prevent occupation of any dwelling prior to the provision of visibility splays on site

Site Address: 108/109 BEWDLEY HILL, KIDDERMINSTER, DY116JE

Applicant: Mrs S Powell

Summary of Policy	H.2 H.5 D.1 D.3 D.4 D.9 D.13 NC.4 NC.5 NC.7 TR9 (AWFDLP) PPS1, PPS3, PPS9
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site accommodates the existing residential properties known as 108 and 109 Bewdley Hill, and is located between Western Way and Summerhill Avenue.
- 1.2 The site is identified in the Adopted Local Plan as being suitable for residential development. A Tree Preservation Order protects several trees at the front of the application site, along the frontage with Bewdley Hill.
- 1.3 Outline consent was granted, subject to conditions, by Committee in 2009 (08/0977/OUTL) for the redevelopment of the site to provide 13 new dwellings, whilst retaining the existing 1930's property at 108 Bewdley Hill. The property at 109 Bewdley Hill was to be demolished. Consent was sought and granted for the proposed access and layout only.
- 1.4 This application seeks consent to vary condition 17 of the aforementioned outline consent which relates to the need to provide visibility splays on site prior to any other works commencing. The applicant seeks to vary this condition to ensure visibility splays to be provide prior to first occupation of the development. It should be noted that when the application was submitted the description of development sought to amend Condition 17 to prevent any construction vehicles entering the site without prior construction of the visibility splays. This was subsequently amended following concerns from the Highway Authority that the condition would be ambiguous and potentially unenforceable. The description of development was amended and is now as set out above.

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2.0 Planning History

- 2.1 08/0977/OUTL - Demolition of bungalow and erection of 13no dwellings, retention of 108 Bewdley Hill (Layout & Access to be considered) : Approved 22/07/09

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection

- 3.2 Neighbour/Site Notice – Ten neighbour letters received (one from Hillcrest Residents' Association) throughout the period of public consultation. Three of the letters were received prior to the amendment made to the description of development however, any points equally relevant to the revised application have been included in the summary below. The main issues raised are summarised as follows:

- The deletion of the first twelve words of the condition appears, in some manner, to be an attempt to start the development against the declared intent of the Planning Committee.
- Sadly, we all know that planning consent conditions are worthless. Therefore what actually gets built when the amendment is approved is anyone's guess. (*Officer Comment – The permission was granted in outline form, but with access and layout agreed. Details as to the design and appearance of the properties remain to be agreed at the Reserved Matters stage and are not for consideration at this time.*)
- An underlying problem must have materialised with this development otherwise there would be no need to vary the Condition 17 which details such an important aspect of this consent, i.e. the visibility splays.
- If the applicant has no control of plot 109 they cannot safeguard the provision of the visibility splays because they can no longer comply with the original access arrangements.
- Conditions 6, 7, 8, 10, 12, 14, 15, 16, 20, 21, 22, 24 and Notes E and J are all pre-start conditions. In approving variation 17 has the applicant/or will the applicant be requested to apply/comply for all these 12 Conditions and 2 Notes?
- We understand that the applicant wishes to enter the site on foot to commence development. One wonders how long the residents will be forced to look at a building site? Where will site operatives park? In Western Way and Leabank Avenue ? There will be 1000's of bricks being delivered, plant machinery, cranes - Where will construction vehicles unloading materials do so safely if no parking is provided on site for operatives, as per Condition 22? Will they be forced to unload/park on the very narrow footpath on the busy and dangerous A456?
- The applicant may be only able to build 7 of the 13 intended properties and if they do not control plot 109 the visibility splays cannot be achieved.

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- To allow any construction to start without the entrance first being upgraded to conform to the Conditions set out in condition 17 would compromise our Health and Safety and also that of other users of the highway adjacent to the proposed development.
- We have concerns that the applicants supporting documentation letter contains no details of exactly where they will commence any works. They make no mention of how they intend to have materials delivered and unloaded safely from the A456. Also, how do they intend to remove and load any surplus ground/garden waste from the site itself.

A number of other concerns have been raised following public consultation on this proposal which have been summarised above. Not all of the points raised can be taken into account when determining this application as they concern matters not material to its consideration, these are:

- The reason for the application being submitted which relates to private company matters.
- Land ownership concerns
- Matters already assessed as part of the approved Outline consent which do not relate to the application being considered.

4.0 Officer Comments

- 4.1 Permission is sought to vary Condition 17 of Permission 08/0977/OUTL. Condition 17 reads as follows, with the bold text utilised to assist Members in identifying the relevant wording which it is proposed to vary:

"Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above."

- 4.2 The applicant now seeks to vary this condition to read:

"Before the first occupation of any dwelling on site, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above."

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- 4.3 The re-wording of this condition would prevent any of the dwellings on this site being occupied until the visibility splays are provided. This differs from the original permission which was conditioned to prevent any works at all being carried out before the visibility splays required are in place. In considering this application it is felt necessary to firstly examine the reasons the original condition was worded as it was and then to examine the implications of the change in wording.
- 4.4 The reason stated on the outline consent for imposing condition 17 is "in the interests of highway safety". It is understood, from the County Highways Officer, that the condition was originally imposed to ensure that a suitable access to serve the type of development proposed would be in place. Officers have been advised that the condition was not imposed as a result of the County Highways Officers being concerned that the existing access was inadequate to allow the development to commence.
- 4.5 The implications for amending the wording of this condition are that it would allow the applicants, subject to compliance with **all** other pre-start conditions, to carry out works on site without having to provide the approved access to serve the development in the first instance. This would mean that, potentially, the applicants could carry out works to the access in the final stages of construction as the amended condition would only require that none of the properties be occupied until this is done. In essence it is the timing of the provision of the visibility splays which is sought to be changed. It should be noted that this consent would still require the provision of the access and visibility splays as approved and would require all other conditions, including all pre-start conditions, of the outline consent to be addressed before any works can commence on site.
- 4.6 The key consideration is the impact of this proposed change in wording to Condition 17 on highway safety; no other matters are considered relevant as the changes proposed to the condition would not alter any other part of the development which will remain identical to that already approved. The Highways Officer has been consulted and offers no objection to the scheme as detailed above. Further clarification from the Highways Officer confirms that the existing access to 108 is considered to be adequate to serve as a site entrance for the duration of construction. The Highways Officer advises that there are two different phases for this development, a construction phase and an occupied phase. This application seeks to provide the visibility splays prior to first occupation of any dwelling so that the splay is there for benefit of future occupants. The question is, can the site be accessed without providing the defined splay, by construction traffic.
- 4.7 During construction a management plan would be implemented by the contractor (as is required by Condition 22 of outline consent 08/0977/OUTL) to provide for access and matters concerning the operation of plant materials etc. The builder takes responsibility for accessing the site and must place suitable measures to allow for this.

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The existing access is to be closed under a separate condition (Condition 18) but in light of fact that it is existing and the construction phase is a short term measure, then it is not considered that there would be a concern in terms of highway safety.

For these reasons I am satisfied that the proposed variation of condition would not give rise to a situation which would be detrimental to highway safety and as such it is felt that the proposal accords with Policy TR.9 of the Adopted Wyre Forest District Local Plan.

5.0 Conclusions and Recommendations

- 5.1 Worcestershire County Council, as the relevant Highway Authority, has been consulted as has confirmed that the proposal would not give rise to a situation which would be detrimental to highway safety. On that basis, it is therefore recommended that the application be **APPROVED**.

Reason for Approval

The proposed variation of Condition 17 of Planning Permission 08/0977/OUTL is considered to be acceptable as it would not give rise to a situation which would be detrimental to highway safety and would not prejudice or alter any development approved as part of the above mentioned permission.

PLANNING COMMITTEE

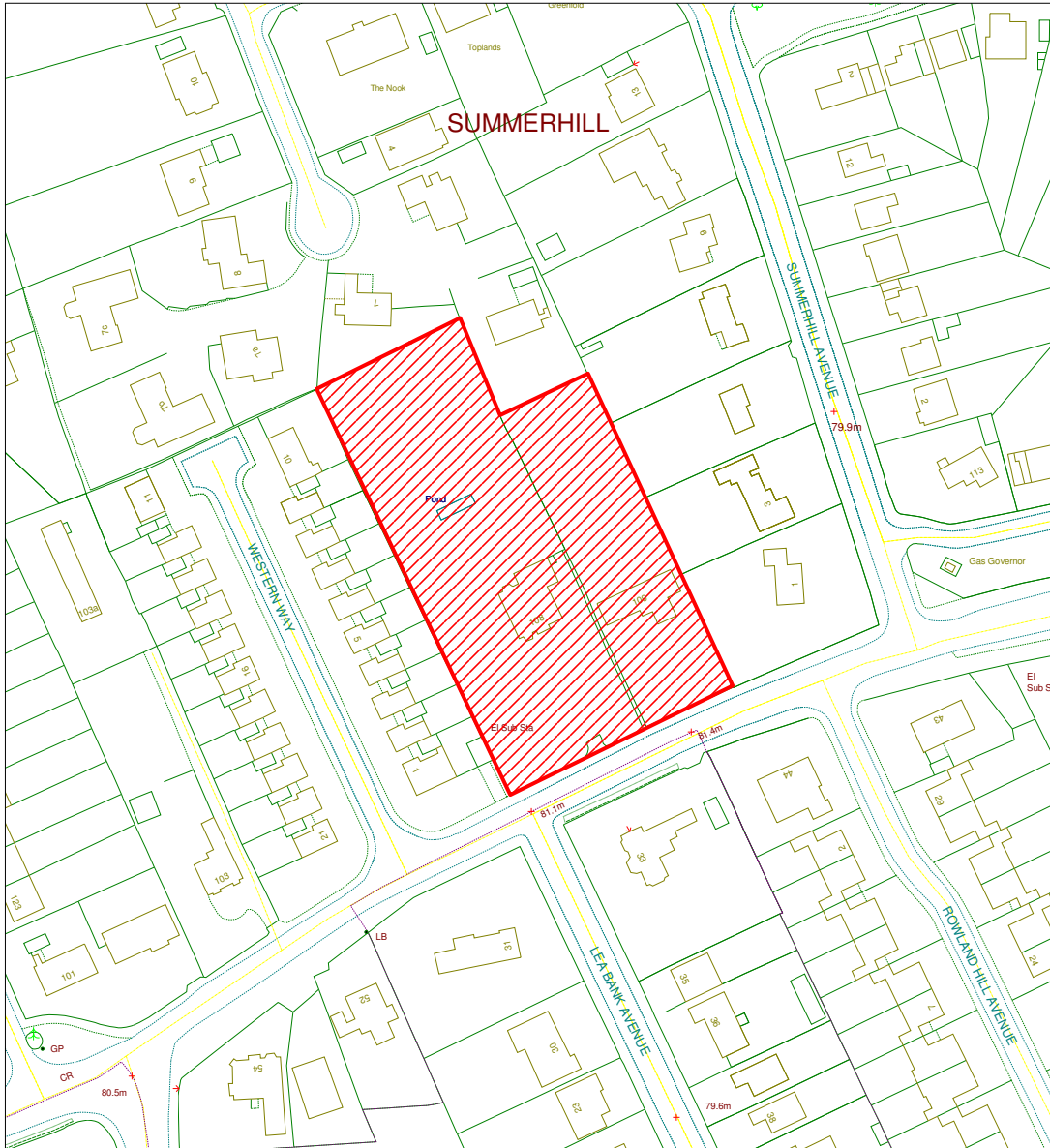
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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

108/109 Bewdley Hill

Kidderminster

DY11 6JE

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Application Reference: 10/0477/FULL	Date Received: 18/08/2010
Ord Sheet: 383325 276753	Expiry Date: 17/11/2010
Case Officer: Julia Mellor	Ward: Greenhill

Proposal: Construction of 19 no unit residential foyer (16x1-bed studio bedsits and 3x1-bed flats) with communal facilities including office and storage, associated access, parking, bin & cycle storage

Site Address: SITE OF FORMER CAR PARK AT JUNCTION OF, BROMSGROVE STREET AND LION STREET, KIDDERMINSTER,

Applicant: WEST MERCIA HOUSING GROUP

Summary of Policy	KTC.2, D.1, D.3, D.6, D.7, D.9, D.10, D.11, D.13, D.16, H.2, H.9, H.10, AR.2, AR.3, TR.6, TR.7, TR.9, TR.17, CY.2, TC.1, TC.2, TC.5, IMP.1(AWFDLP) DS01, DS02, CP04, CP05, CP12 (WFCS) SD.2, SD.3, SD.4, SD.5, SD.9, CTC.16, CTC.17, CTC.18, T.1, D.4, (WCSP) PPS1, PPS3, PPS4, PPS5, PPS9, PPG13
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site of approximately 0.08 hectares in area is of an irregular shape and lies at the junction of Bromsgrove Street and Lion Street in Kidderminster town centre. The site is open on three sides with the northern boundary facing the rear of properties fronting Coventry Street, including the District Council office block.
- 1.2 The site lies due north of the former public house known as 'The Barrel', whilst to the west is a car park sited on land between 2.5 and 3.0 metres lower than the application site.
- 1.3 The site, which is in the ownership of the County Council, is used as a public car park. The car park is privately managed.
- 1.4 The proposed development is a 19 bed Foyer scheme comprising 16 one-bed studio bed-sits and 3 one-bed flats. The Foyer would be managed by St Basil's, a Midlands based charity who provide services for the homeless community. They have indicated that the Foyer scheme will seek to provide housing for young people who are unable to live at home. It would provide a stable and secure community in which young people can receive support, help with gaining employment, training and help in finding permanent accommodation to achieve independence.

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- 1.5 The scheme would operate for 16 to 25 year olds and, in order to be eligible for the accommodation potential tenants would be required to demonstrate a commitment to education, employment or training. Officers have been advised that a Foyer is not a short stay hostel where people stay for a few nights then move on. Young people would be able to live at the Foyer for up to two years. Many would stay six to twelve months, however others would need longer to establish their confidence and life-skills to move onto independence.
- 1.6 In addition to the residential accommodation, the development proposes a range of communal facilities for use by the tenants. These comprise a training kitchen/lounge, an IT suite, a manager's office, an interview room, a storage area and laundry at ground floor together with a staff sleeping area on the first floor. The communal facilities would assist with providing educational life skills.

2.0 Planning History

- 2.1 07/0312/FULL – Retention of public car park (granted on a temporary basis) : Approved 16.5.07 (to expire 16.5.12)
- 2.2 WF.1117/01 – change of use to a commercial car park together with fencing for a five year period : Approved 19.3.07
- 2.3 WF.336/95 – Renewal of consent for temporary library : Approved 19/7/95

3.0 Consultations and Representations

- 3.1 Highway Authority - No objections subject to conditions regarding the provision of secure parking for 6 cycles
- 3.2 Environment Agency – No formal consultation required. Standing advice regarding surface water management good practice.
- 3.3 Strategic Housing Services Manager - The proposed development will assist in delivering strategic targets in the Wyre Forest Homelessness Strategy and the County Housing Strategy. There is a significant level of need for housing support and wider joined up solutions for young homeless people in Wyre Forest. Although rough sleeping is at a low level in the District, there is a significant youth homelessness problem with 'sofa surfing' and movement of young people around and outside of the District. This need is highlighted in the following key statistics:

Homelessness P1E Return to CLG

2007: 30% of homeless acceptances were people under the age of 25

2008: 45% of homeless acceptances were people under the age of 25

2009: 50% of homeless acceptances were people under the age of 25

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Bed and Breakfast Placements:

2008: 90 under 25 year olds placed in B&B (representing 45% of people in B&B)

2009: 64 under 25 year olds placed in B&B (representing 59% of people in B&B)

The provision of the scheme will help to reduce the Council's use of B&B's by providing 19 units of supported accommodation for young people, which will assist in further reductions in the Council's revenue budget and will assist in meeting the targets within the Temporary Accommodation Reduction Plan.

The site, which was chosen following a lengthy site viability assessment process, is in a good central location near public transport links, Youth House and Kidderminster College. The redevelopment will also contribute towards the regeneration of the Eastern Gateway, a site identified in the Kidderminster ReWyre Prospectus.

3.4 Disability Action Wyre Forest - The ground floor is accessible to all with level/ramp to entrance from highway.

However Disability Action Wyre Forest strongly objects to this application in its present form.

The proposed development is on 3 floors of which 2 aren't accessible to people with mobility related disabilities.

There is no lift to the 1st or 2nd floor.

The development creates an inequality for disabled people restricting them to the ground floor only.

The development prevents disabled people obtaining tenancy on the 1st or 2nd floors.

The development prevents disabled family members or friends from visiting anyone on the 1st or 2nd floors.

Disability Action Wyre Forest's understanding of the application is that it is an inequality to disabled people in 2010 and recommend refusal in its present form.

3.5 West Mercia Police (Crime Risk Advisor) - As mentioned in the Design and Access statement the intention is to apply for Secured by Design status for this project.

Whilst no formal application has been made as yet, I have been consulted on the project and I am happy with the design and the intended security features.

I therefore have no comments, recommendations or objections to make regarding this application.

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3.6 West Mercia Police (District Inspector) – No comments received.

3.7 Worcestershire County Council (Historic Environment and Archaeology Service) :

[Original Comments] - It has been demonstrated that further information on the nature, extent and significance of the heritage asset or potential asset is required. Therefore a Historic Asset Evaluation, as required under PPS5 should be provided before this application can be approved.

[Revised Comments] - The County and District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by PPS5. Further to recent conversations regarding the problems associated with the undertaking of pre-determination evaluation, I am prepared to amend my advice to that of a conditional programme of archaeological work. PPS5 clearly states the need to determine the impact of development on the historic environment before a decision is made; there is also a need to pragmatically assess each application and related issues that have a bearing on the scheme. An archaeological desk based assessment would in this instance provide little further information than is currently available, and the only sure way of determining impact is by intrusive field work.

To that end, a formal planning condition requiring the evaluation to be carried out prior to development should be applied to the consent, and a further condition stating that should significant remains be encountered a foundation design that will result in minimum impact and high preservation must be submitted to and approved by the Local Planning Authority. Such arrangements for the assessing and recording of a site of historic interest can be secured by the application of a negative condition as outlined in PPS5.

It will be the applicant's responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief.

3.8 Arboricultural Officer – The planting scheme is acceptable however, it is at the back of the development and there is no room for planting at the front of the development where it would be appreciated more and soften the development. I am unsure how this could be rectified without changing the layout of the development. There is a Norway Maple Crimson King tree sited outside of the application site and whilst it is in a good condition, it is a poor species, so not something I would protect. However, it is important for the streetscene, especially since there are no new trees proposed for the front of the building. The tree is about 5 metres from the building and as there is tarmac around the base on the development side, it should not be adversely affected by the laying of the new ground surface. It would be a good idea to require protective fencing on the development in accordance with British Standards to stop it being damaged during the consultation phase.

3.9 Kidderminster and District Youth Trust – No objections

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- 3.10 Parking and Streetscene – No concerns; parking provided and Council car parks adjacent so no problem should arise with on-street parking. Possible refuse implications.
- 3.11 Severn Trent Water – Views awaited
- 3.12 Worcestershire Regulatory Services (Environmental Health) – Views awaited
- 3.13 Policy and Regeneration – The Bromsgrove Street (Eastern Gateway) area of the town has been identified through the ReWyre Regeneration Initiative and the Kidderminster Regeneration Prospectus as a key regeneration opportunity in the town. The vision for the area is to create a vibrant, mixed use area while addressing the poor environment with a redefined street pattern and reduced surface car parking.

A Foyer scheme on this site would be complimentary to the regeneration vision for the area. West Mercia Housing Group has been working closely with the District Council prior to submitting this application to ensure that the development would meet the aspirations for the site. An Urban Designer from Taylor Young was jointly commissioned to work with both parties to ensure that the scheme is designed in a way that complements the future regeneration of the area.

The Foyer scheme will have a positive impact on the public realm, providing enclosure to the street where currently there is a surface car park and create a corner feature as it wraps around the site. Importantly the Foyer scheme will also provide a residential establishment in the town centre, contributing to the mix of uses and activities in the area.

This site is subject to Policy KTC.2 of the Local Plan which states that any new development should not prejudice the implementation of any service roads. However, the applications have previously demonstrated that the 'lower' car park adjacent to the site in question on Lion Street would still be adequate to allow rigid and articulated lorries to turn if needed. Therefore this development would satisfy the requirements of this policy.

- 3.14 Community Safety Partnership – No comments received
- 3.15 Young Peoples' Panel – No comments received
- 3.16 Environmental Services Manager – No comments received
- 3.17 Countryside and Conservation Officer – Views awaited

10/0477/FULL

3.18 Neighbour/Site Notice/Press Notice : 1 objection has been received raising the following concerns -

- The development would be detrimental to the amenities of the area, we are already experiencing serious problems from individuals staying at the Lion Hotel, many of whom are ex-prisoners and we have young people with some of the most challenging behaviour on the other side of the road in the Youth Centre. The only possible outcome of putting youngsters from broken homes into this new building in this specific area would be to encourage the pre-existing situation to deteriorate further
- In the supporting documents, it states that the Police will have a regular presence. We have been made aware that the local Police have no knowledge of this and the application itself, therefore it may be inaccurate. (*Officer Comment – The West Mercia Police Crime Risk Advisor and District Inspector have been notified of this application*).

Two letters of support have been received stating the following:

- Connexions based at Youth House, Bromsgrove Street works with young people aged between 13 and 19 (and older for young people with learning difficulties and/or disabilities). We have actively worked with and supported young people who are homeless or at risk of becoming homeless. This is a particularly vulnerable group who often have other support needs or issues. In our experience there is clearly a need for supported Foyer accommodation within the Wyre Forest area for young people.
- A Foyer for homeless young people in the Wyre Forest has been discussed in various forms over a period of years and would be of real benefit to local young people. The proposal to offer accommodation where young people can and would be expected to benefit from education and training opportunities and have support with independent living is something that Connexions would welcome.
- The site is away from main residential areas but close to the town centre and organisations and services including Connexions accessed by young people. It is also close to transport links.

4.0 Officer Comments

4.1 The application site which currently accommodates approximately 30 parking spaces is part of a larger area allocated under Policy KTC.2 of the Adopted Local Plan. The Policy states that this is an area safeguarded for car parking or open space and service roads. Furthermore, it states that physical development, other than car parking, that will prejudice the implementation of any service roads in this area will not be allowed.

10/0477/FULL

The reasoned justification indicates that there is a need for the development of rear service roads to facilitate the free flow of pedestrian and vehicular traffic within the town centre streets and this area is identified for service yard provision to serve Coventry Street.

- 4.2 The plans submitted would not retain the existing car park, neither would they provide open space for public use. However, the current application site only encompasses half of the area allocated under Policy KTC.2, the western lower half of the allocated site would still be retained as a car park (accommodating approximately 20 parking spaces). Moreover the Agents, on behalf of the applicants, have previously demonstrated that this lower car park area could, subject to alterations to site levels, allow an articulated vehicle to turn around which would allow vehicles to service the rear of the units on Coventry Street or Worcester Street should the need arise in the future. It is therefore considered that the principle of the physical development on the application site is acceptable.
- 4.3 The majority of the proposed floorspace would provide residential accommodation. According to Policy H.2 of the Adopted Local Plan residential development is acceptable within Kidderminster town centre subject to the use being restricted to upper floors only. The plans submitted indicate that the development would not comply with this Policy as two of the nineteen residential units are proposed at ground floor. Furthermore the non residential communal uses at ground floor are to be provided specifically for the tenants on site rather than for public use. It is however considered that as the ground floor residential units have been designed for use by a wheelchair user and a mother and baby this is acceptable.
- 4.4 Furthermore, the ancillary communal facilities at ground floor would not displace any existing public or commercial floorspace. It is therefore considered that whilst not totally in compliance with Policy H.2 the proposed use of the building at this town centre location is acceptable, particularly as the site is close to other community facilities such as Youth House, Kidderminster College and the leisure centre as well as public transport links. The site also forms part of Bromsgrove Street/Worcester Street Key Opportunity area recognised for its regeneration potential within the ReWyre Prospectus.
- 4.5 There is also local and national support for the proposed Foyer scheme to assist in meeting the housing needs of young people. The need for the proposed Foyer in Kidderminster is supported by the Wyre Forest District Council Housing Strategy, Worcestershire's Supporting People Strategy, and Government guidance entitled 'Sustainable Communities: Settled Homes, Changing Lives' (2005), which seeks to minimise the use of temporary accommodation. It is also considered that the provision of the Foyer scheme would help to deliver a mix of housing in accordance with PPS3.

10/0477/FULL

- 4.6 Comments from the Strategic Housing Services Manager clearly indicate that there is a significant proportion of people accepted as homeless who are under the age of 25 and a large proportion of these people are placed in bed and breakfast accommodation. Furthermore, although rough sleeping is at a low level in the District, there is a significant problem with ‘sofa surfing’ whereby young people are regularly moving around or outside the District because they have no permanent address.
- 4.7 Information submitted on behalf of St. Basil’s, the managing agent of the proposed Foyer scheme, states that the Foyer model is designed to give young people settled accommodation where they can benefit from education and training opportunities which will enhance their ability to become independent by widening future housing and employment options. The aim is to support and assist residents into employment and independent living, or into move-on accommodation generally provided through Housing Associations.
- 4.8 Officers have been advised that the proposed residents would come primarily from Kidderminster as they may already have friends and family in the locality. Some young people may not live in the area but need to be closer to College and their workplace. Furthermore, for some young people it may not be safe for them to continue to live where they are currently located and so need to move to this area. There will be a multi-agency panel responsible for selecting residents for the scheme.
- 4.9 The applicants have previously considered the following 22 sites, and the table below summarises the reasons why they were dismissed.

SITE	REASONS UNSUITABLE
26 Wood Street	Development commenced at the same time as Foyer site identification process
Telephone Exchange, Blackwell Street	35-54 flats to be developed and part refurbishment so constraints in terms of design but also developer expectations on value
Rock Works, Park Lane	Refurbishment likely to be costly and unsuitable for a Foyer; parking would also be an issue with no on-site provision and no immediate public car parks
Timber Yard, Park Lane	Extensive remediation required, part of wider site in private ownership

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Mill Bank Garage, Mill Street	Private ownership and offer rejected; site subsequently developed to provide open market flats
Zanzibars, Castle Road	Larger development in private ownership (receivership) and contamination issues
Lea Street School	Structural issues identified made site unviable
207 Birmingham Road	Too remote
Churchfields Business Park, Clensmore Street	Long-term development timescales unsuitable
Georgian Carpets, Clensmore Street	Site in temporary use with longer term development timescales linked to Churchfields Business Park (same private ownership)
Lime Kiln Bridge, Clensmore Street	Long-term development timescales unsuitable
Blakebrook School, Bewdley Road	School likely to relocate but uncertainty as to when
Elgar House, Green Street	Refurbishment completed; now mostly taken as office space and design unsuitable for Foyer
Long Meadow Mills, Dixon Street	Costly remediation, demolition and Planning Obligations mean site will only be viable as part of a wider development
Industrial Estate, Park Lane	Extensive remediation required, part of wider site in private ownership scheme would be isolated
Market Auctions, Comberton Place	Adjacent to Magistrates Hall – disturbances would not be compatible with supportive Foyer environment and development timescales uncertain

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SITE	REASONS UNSUITABLE
Depot, Green Street	Not currently vacant
Bed City, MCF Complex, New Road	Issues with electric sub-station and waterway mean site will only be viable as part of a wider development (viability is marginal even for open market development)
CMS Car Showroom, Churchfields	Long-term development timescales unsuitable; scheme would be isolated
BT, Mill Street	Drainage issues and offers sought on the basis of high density open market flats (now developed)
Cheshires Site, Coventry Street	Demolition, contamination and tenancy issues

- 4.10 Turning to the proposed design of the development, the site lends itself to a corner building set close to the back of footpath of Bromsgrove Street in order to maintain the building lines generated by existing adjacent developments. The plans submitted show a building of three storeys in height with a mono-pitch roof with a combination of glazing, brick and a mix of white render and blue rendered feature panels.
- 4.11 It is considered that the building turns the corner well to address the frontages of both Bromsgrove Street and Lion Street with the front elevation of the building framed by the staircases set back at either end.
- 4.12 Due to its siting at the back of pavement, its contemporary design and chosen materials, it is acknowledged that the proposed building will have a commanding presence within the streetscene. It is considered that the site is able to accommodate this striking building which will bridge the gap in roof heights between the Council offices at Coventry Street and the vacant 'Barrel' public house.
- 4.13 The floorspace at ground floor has been designed to accommodate a wheel-chair accessible residential unit of accommodation. This has been designed in accordance with guidance entitled 'Designing for the Disabled' with wheel-chair accessible bathing facilities and a layout providing sufficient space to accommodate wheel-chair movements. The development will also comply with Part M of the Building Regulations. Disability Action Wyre Forest has objected to the proposals on the basis that the upper floors are not accessible to people with mobility related disabilities. The managing agent, St. Basil's, is to provide a response to the concerns raised by Disability Action Wyre Forest and these will be reported on the Addenda and Corrections sheet.

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- 4.14 A formal application to achieve 'Secured by Design' accreditation will be submitted shortly. The doors and windows are to meet specific security standards whilst a door entry system is also proposed. In addition, CCTV cameras are proposed to be installed to monitor the building externally and internally within the communal areas.
- 4.15 An Ecological Survey has been submitted which indicates that due to the small size of the site and its low ecological value, together with a lack of protected species and its urban setting, it will only ever be of local importance. The report recommends the installation of bird boxes to enhance the ecological value of the site.
- 4.16 Original comments received from the County Council's Historic Environment and Planning Officer indicate that the site lies within the historic core of the medieval town and within a tenement plot which may date from the 13th century. He has indicated that there is the potential for important archaeological remains which will help in the understanding of the social and economic development of the town. The site falls within the Central Marches Historic Towns Survey for Kidderminster (1993).
- 4.17 Revised comments received from the County Council's Historic Environment Planning Officer stated earlier in the report indicate that the County Council is satisfied that a pre-start condition which requires an archaeological investigation to be undertaken prior to the commencement of development would be acceptable.
- 4.18 It is acknowledged that the development would cause the loss of approximately 30 parking spaces which are currently available for public use. In addition, the development does not provide any parking spaces for the residents. The proposed managing agent, St. Basil's, has however indicated that it is unlikely that the potential tenants would own a car and it is acknowledged that the existing Bromsgrove Street car park with its 301 parking spaces would be available. In addition, the site is centrally located which allows good accessibility for public transport. The Highway Authority raises no objection.
- 4.19 Finally, whilst this is a major planning application there is no requirement for a planning obligation for education provision as the development is for affordable housing. Furthermore, the proposed development does not exceed the thresholds for contributions towards open space or children's play facilities.

5.0 Conclusions and Recommendations

- 5.1 The central location of the proposed site ensures that the residents would have good access to public transport, whilst the site has been chosen for its proximity to other facilities such as the Youth House, the leisure centre and the College.

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- 5.2 It is considered the proposed principle of the Foyer combining both residential and educational facilities for young people is acceptable at this site and there are sufficient material considerations to outweigh the strict compliance with Policies KTC.2 and H.2 of the Adopted Wyre Forest District Local Plan.
- 5.3 As a result of the siting of the building, its height and contrasting design, it is considered that the building would be a prominent feature in the streetscene. However, the proposed design is considered acceptable, would benefit the public realm and support the Council's regeneration and housing strategies.
- 5.4 It is therefore recommended that this application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. No development until programme of archaeological work
 4. No demolition or development other than in accordance with the agreed programme of archaeological work
 5. Completion of site investigation and post investigation assessment and provision of analysis, publication and dissemination of results
 6. Landscaping in accordance with details
 7. Tree protection
 8. Drainage details
 9. Provision of bird houses and brick bird boxes
 10. Provision of secure cycle parking in accordance with plans
 11. Details of materials
 12. Windows to be set back minimum of 75mm
 13. Site levels in accordance with plans
 14. Details of boundary treatment

Reason for Approval

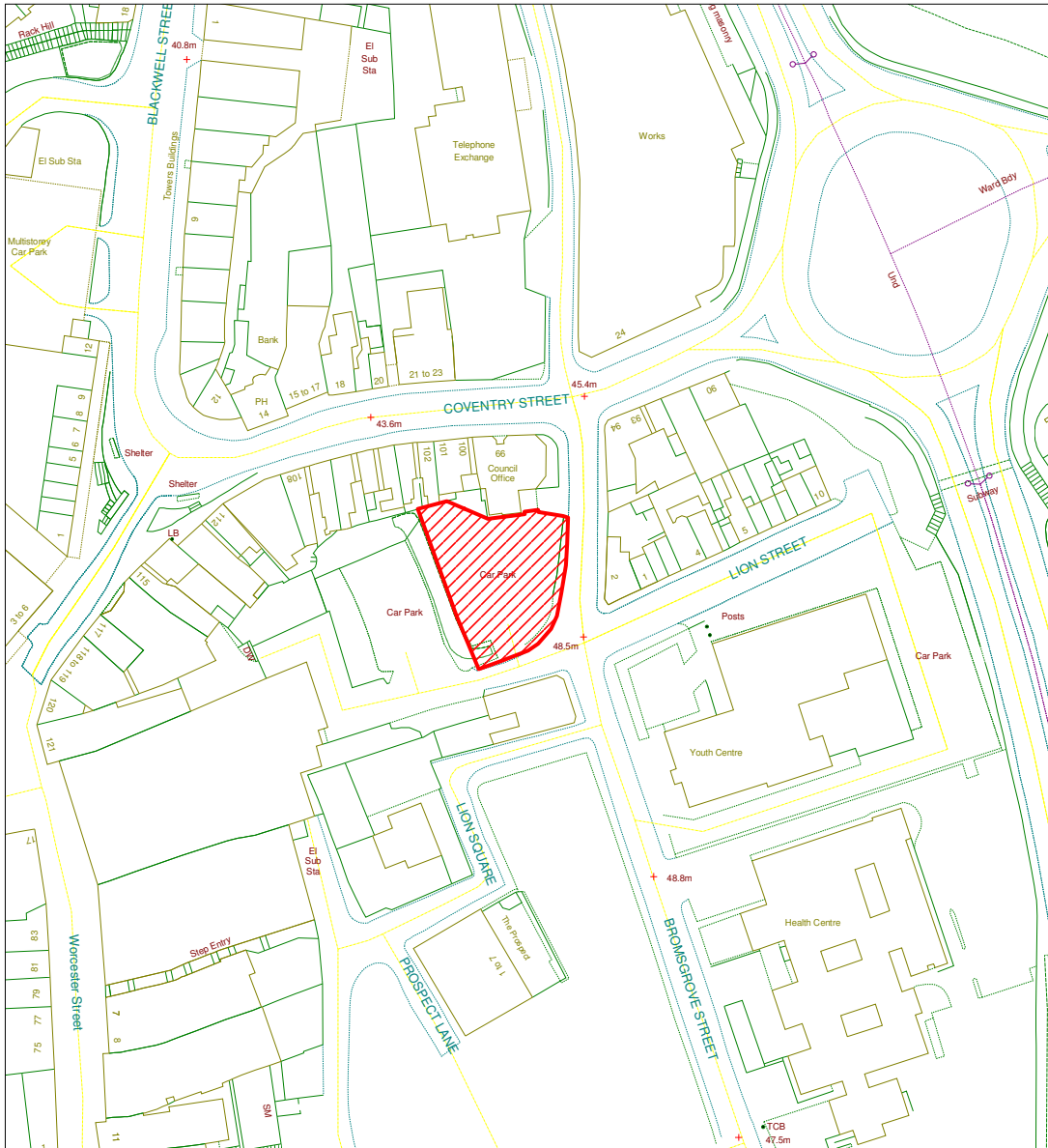
The proposed Foyer scheme would provide residential accommodation and education/training facilities for young people within the town centre. It is considered that the principle of the proposed use is acceptable at this location whilst the design of the building is acceptable within the streetscene. The development would not provide any parking spaces for the occupiers and would remove parking spaces which are available for public use at present. It is however considered that due to the location of the site and the existing public car parks within the vicinity that the loss of parking, together with the lack of provision for the tenants, is acceptable. It is considered that the impact upon the possible archaeological remains could be adequately addressed via a suitably worded condition.

Date:- 26 October 2010

OS sheet:- SO8376NW

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Site of former car park at
junction of Bromsgrove Street
and Lion Street, Kidderminster**



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

Agenda Item No. 5

Application Reference: 10/0551/RESE **Date Received:** 17/09/2010
Ord Sheet: 381728 273597 **Expiry Date:** 17/12/2010
Case Officer: Paul Round **Ward:** Lickhill

Proposal: Erection of new Civic Offices for Wyre Forest District Council with associated car parking and extension of Finepoint Way

Site Address: FINEPOINT, FINEPOINT WAY, KIDDERMINSTER, DY117FB

Applicant: Wyre Forest District Council

Summary of Policy	E.2, E.10, D.1, D.3, D.4, D.6, D.7, D.9, D.10, D.11, D.12, D.14, D.15, D.16, D.19, NR.2, NR.7, NR.8, NR.9, LA.2, GB.6, NC.5, TR.9, TR.17 (AWFDLP) DS01, CP01, CP02, CP08, CP12, CP13, CP15 (WFCS) D.26, D.43, T.1 (WCSP) PPS1, Supplement to PPS1 (Climate Change), PPS4, PPS9, PPS22, PPS23, PPG13 Design Quality SPG
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council 'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms a 1.2ha (3 acre) corner site located within the Finepoint business park development, which is situated on the boundary of Stourport on Severn and Kidderminster bounded by Minster Road to the east and Walter Nash Road West to the north. The site is affected by a Tree Preservation Order.
- 1.2 The site is surrounded on all sides by business development with the nearest residential development being approximately 380m to the north-west. The Green Belt and Landscape Protection Area lie beyond the business park to the south. The County Council have identified the landscape surrounding the business park as part of the Sandstone Estatelands landscape character type, which is described as an open, rolling landscape characterised by an ordered pattern of large, arable fields, straight roads and estate plantations. Despite the fact that this is a functional landscape, the consistent geometric pattern can convey a strong sense of visual unity.
- 1.3 The application is submitted in reserved matters form seeking approval of siting, design, external appearance, landscaping and access for new civic offices for the District Council along with car parking and other associated works.

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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
- 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 – 3 storey office development (Pure Offices - Phase 3) : Approved (not implemented)
- 2.7 09/0087/FULL - Variation of condition 4 of 05/1245/FULL to allow alterations to phasing of development – Approved
- 2.8 10/0254/FULL - New substation to serve future development – Approved (not implemented)

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – View awaited
- 3.2 Highway Authority – View awaited
- 3.3 Arboricultural Officer – View awaited
- 3.4 Countryside and Conservation Officer - View awaited
- 3.5 Crime Risk Advisor - The area does have some anti-social behaviour mainly in the form of motorcycles using the fields that are at the back of this development. A bigger concern is that these people will move their attentions to the new building and it will become a gathering area for youths and anti-social behaviour. The most likely gathering points will be the concourses at the front and rear of the main reception.

With regard to the concourse at the front of the building the following potential problems should be avoided.

- 1. Vehicles having a clear run at the building enabling them to crash into either the reception or the council chamber.
- 2. Vehicles parking on the concourse.
- 3. Vehicles dropping off passengers directly outside and obstructing the road

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4. Youths gathering in the area and disturbing council sessions
5. People disrupting council meetings by banging the glass curtain walling.

Access to flat roof elements should be restricted.

The building is to have a staff car park which will provide secure parking. I would like to encourage the local authority to apply for 'Park Mark' certification indicating that it is a safe place to park

As far as the internal design is concerned, if there is to be a café area it is important to be able to secure it, when the café is closed but the public still have access to the building. If vending machines are to be installed they should be positioned so that there is always some form of surveillance over them, either from staff or by CCTV.

It is essential that the public and private areas are clearly defined and separated and that access is restricted to the private areas by an access control system.

- 3.6 Worcestershire Regulatory Services (Environmental Health) – Views awaited
- 3.7 Severn Trent Water – No objection subject to condition in respect of drainage details. (*Officer Comment - Additional drainage plan submitted to Severn Trent Water; views awaited on latest plan.*)
- 3.8 Neighbour/Site Notice : 2 letters received –

Letter 1 - *"Whilst we have no objection to the site being used to erect new Civic Offices we do wish to raise our concerns over the inevitable increase in the traffic congestion that already exists along the A451. As I am sure you are aware there is already a problem with traffic and the tailbacks that are frequently encountered in both directions between Kidderminster and Stourport – a problem which seems to be getting significantly worse and this development can only add to the issue."*

Letter 2 - *"I believe that there is sufficient space within the building available to the public together with the Council Chamber not to consider these elements as ancillary to the approved B1 site use. The application falls across two class uses B1 and D1 and therefore should be a full application not a reserved matters procedure."*

4.0 Officer Comments

- 4.1 The original outline consent for the Finepoint business park allowed all uses with the B use class incorporating offices, light industrial, general industrial and warehousing. Reserved Matters approvals have been given for the three of the four phases, with applications for phases needing to be submitted by February 2011.

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4.2 The proposed new Civic building for the District Council has been submitted in reserved matters form and falls to be determined on those matters, namely siting, design, external appearance, landscaping and access. Comments have been made as part of the consultation process that usage falls outside the definition of B1(a) Offices. In this respect consideration has to be given to the primary usage of the building which will be offices. Approximately 18% of the floor area will be given over to public areas, including committee rooms and council chamber. Given that these areas will not be exclusively to public use and in the main will be used by employees and Councillors during normal office hours, with use by the public when invited to view or participate in Council meetings, I am satisfied that the other areas outside the office function can be considered as ancillary to the primary use. In arriving at this view I have taken into account the potential use of the spaces for purely public functions, however due to the irregular occurrence of such events the spaces can still be judged as ancillary. On this basis the proposed use falls within the remit of the outline consent and can be judged as a reserved matters application.

SITING AND DESIGN

4.3 The two storey building will sit in the centre of the site addressing the corner part of the site. There will be two entrances, one at Finepoint Way and the other at Walter Nash Road West. The building falls into two wings with a central entrance and is flanked by staff and visitor parking. The building entrances are surrounded by public areas which will be treated as a civic space.

4.4 The accommodation provides a gross internal area of 4053 sq. m. which can be broken down as follows:

	Ground Floor	First Floor
East Wing	The Chamber	Chief Executive’s Office
	Public Meeting Rooms and Training Facilities	Member Facilities
	Café / Social Space	Civic Room
Central Reception Area		
West Wing	Open Plan Offices for Four Directorates	
	‘Back of House’ Support Functions	

4.5 The accommodation provides approximately 200 desk spaces for staff and facilities for Members and the public.

4.6 The building has been positioned on the site so as to maximise the curved nature of the site and addresses key visual aspects from Minster Road and Stourport Road.

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It sits well within the public areas, and the building and car parking have been sited sensitively away from protected trees situated on the boundaries. Neighbouring uses and plots have been buffered by car parking and landscaping.

- 4.7 I considered that the form and siting of the building have fully taken account of the characteristics of the site and provided a building footprint that will serve its intended purpose well.

PUBLIC ART

- 4.8 In line with Policy D.12 of the Adopted Wyre Forest District Local Plan, space has been allocated to the north of the building for Public Art. The final design will be part of the on-going discussions and in conjunction with key stakeholders. The provision of public art will help enhance the visual appearance of the building, details of which can be secured by a planning condition.

EXTERNAL APPEARANCE

- 4.9 The submitted Design and Access Statement sets the context as to the choice of design in this context. *“The building draws inspiration from the local vernacular of the three towns...with ribbons of development reminiscent of the historic weaving sheds of Kidderminster. Each pitched roof component accommodates the primary functions of the Council...The linking flat roofed areas accommodate subordinate facilities...Each of the two wings are arranged around a courtyard increasing legibility, aiding natural ventilation and daylight penetration and providing safe, secure, sheltered external amenity space.*
- 4.10 Members will be aware of the surrounding buildings, which are distinctly industrial in character. Within the business park whilst the buildings are of a higher design quality, they still are of an industrial style. It was appreciated when outline approval was given that the frontage developments plots would be of a higher quality of design and would need to have the ability to ‘stand alone’.
- 4.11 There is an opportunity to provide a building that is unique and of high quality design in this location. The Architects for the scheme have undertaken a design review through MADE (Midland Architecture and the Designed Environment), which endorsed the design thesis of corridors on a grid with open courtyards and felt the architectural designs considered at the review stage were progressing in the right direction.
- 4.12 The external elevations of the main wings will be treated in a pallet of materials which include brickwork, timber cladding, and glazed curtain walling all finished with a pitched zinc roof. The flat roof areas for the central reception area and between the pitched roof elements will be treated with a sedum roof. The southern elevation fronting Finepoint Way will include a wooden louvered canopy to shield the windows from excessive sun and provide a protected way from the car parks to the entrance.

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- 4.13 Provision is made within the south faces of the pitched roof for Photovoltaic Cells to be positioned, although the exact number and position has yet to be confirmed and configured through an appropriately worded condition.
- 4.14 I consider the proposed design is of a high quality that provides an appropriate frontage to the main public vantage points from Minster Road, Stourport Road and Walter Nash Road West. The design ethos has resulted in a building that is suitable for a Civic building, and that will provide an attractive frontage to the business park.

LANDSCAPING

- 4.15 Landscaping of any scheme is important, but that of a Civic building is particularly important due to the public face that it presents. The landscaping has been developed alongside the building design and is described by the Architects as being of a “...*structured arrangement with fingers of landscaping interlocking with the ‘ribbons’ of the building of the building and the sedum roofs*”.
- 4.16 The boundary of the site to the east, south and west is defined by beech hedgerows with the north boundary retaining the group of protected trees with supplemental under-storey planting. Areas of car parking are broken up with tree planting and other areas to the east being used as more formalised planting areas.
- 4.17 The plaza areas outside the entrance doors to the north and south and all pathways will be treated with ‘Blanc de Bierges’ concrete modular paving which provides a high quality finish to external spaces.
- 4.18 Car parking areas will be treated with Integra Porous paving which is a modular unit which works to form an exceptionally durable, permanently porous, high load bearing paving structure. It is proposed to be filled with gravel to provide a highly aesthetic and permanently porous wearing surface.

ACCESS

- 4.19 Access to the business park has been determined as part of the original outline and included consideration of likely traffic generation to the site. As such the reserved matter approval seeks access to the building only. The comments expressed through the consultation process have been noted, however traffic movements on to the A451 have already been considered as part of the outline consent.
- 4.20 Vehicular access to the building will be provided via two entrances, one to the staff parking area and the other to the visitor parking area. Pedestrian access can be gained from Finepoint Way or Walter Nash Road West.
- 4.21 In respect of the staff parking area situated to the west and north, 141 spaces will be provided with the addition of 6 disabled spaces. These spaces will be secured by a barriered entrance and exit. Secure Cycle and Motor Cycle parking will also be provided.

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- 4.22 Visitor parking will be situated to the south providing 24 visitor spaces with the addition of 3 disabled spaces. Cycle and Motorcycle parking will be provided. Level access will be provided from car parking areas to the building and ground floor rooms. Lift access is to be provided to the upper floor.
- 4.23 The total provision of 174 spaces which includes 9 disabled spaces roughly equates to the required numbers within the County Council's car parking standards. Where there is a slight oversupply, I consider that this is acceptable given the nature of the building and the requirement for members of the public to utilise this building.
- 4.24 Parking and access is considered to be appropriate in this location. Pedestrian access is within close walking distance of bus stops. Overall this is considered an acceptable approach to access.

SUSTAINABILITY

- 4.25 The project team is aiming to attain an "excellent" BREAM rating. Some of the green technologies currently being explored in the design are the incorporation of a ground source heat pump system supporting the heating and cooling of the building. This will allow a natural means to balance peak cold and hot temperatures throughout the year maintaining a much more natural, constant and comfortable internal building temperature. The design also is developed around shallow floor plates, maximising natural ventilation around the internal spaces and allowing very good daylight penetration, avoiding the need for air conditioning and artificial lighting during the day. The design team is also currently looking at other options which include the use of Photovoltaic cells on the roofs to generate and export electricity to the local grid, and rainwater harvesting which will be used for toilet flushing and local plant irrigation. Drainage will incorporate a full Sustainable Urban Drainage Scheme (SUDS) with permeable parking areas as detailed in the consideration of landscaping.
- 4.26 Sustainability measures have been a key priority in the brief for this project and it is key that the District Council lead by example in the development proposed. The measures proposed and the ambition for BREAM excellent rating is following the Government's guidance in respect of sustainability.

OTHER BUILDINGS AND PLOTS

- 4.27 Whilst the building sits on a business park, due to the position of the building it will not impact on existing building or future development plots. Other buildings in the vicinity will be similarly unaffected.

CONDITIONS

- 4.28 A number of conditions were imposed on the original outline which will still affect the proposal. New conditions may be imposed on a reserved matters application if they deal with the matters being considered. As such the proposed conditions will be minimal.

10/0551/RESE

5.0 Conclusions and Recommendations

5.1 The proposal provides a Civic building that is of a high quality design that is suitably positioned within this prominent site. The access to the building and levels of parking are considered acceptable given the proposed function of the building. Landscape proposals are appropriate and have fully taken into account the protected trees on the site. No surrounding buildings or development plots will be prejudiced by these proposals.

5.2 I therefore recommend **APPROVAL** subject to the following conditions:-

1. A4 (Reserved matters only)
2. A11 (Approved plans)
3. Details of Public Art
4. Details of Photovoltaic Cells

Reason for Approval

The proposal provides a Civic building that is of a high quality design that is suitably positioned within this prominent site. The access to the building and levels of parking are considered acceptable given the proposed function of the building. Landscape proposals are appropriate and have fully taken into account the protected trees on the site. No surrounding buildings or development plots will be prejudiced by these proposals. For these reasons the proposal is compliant with the policies listed above.

PLANNING COMMITTEE

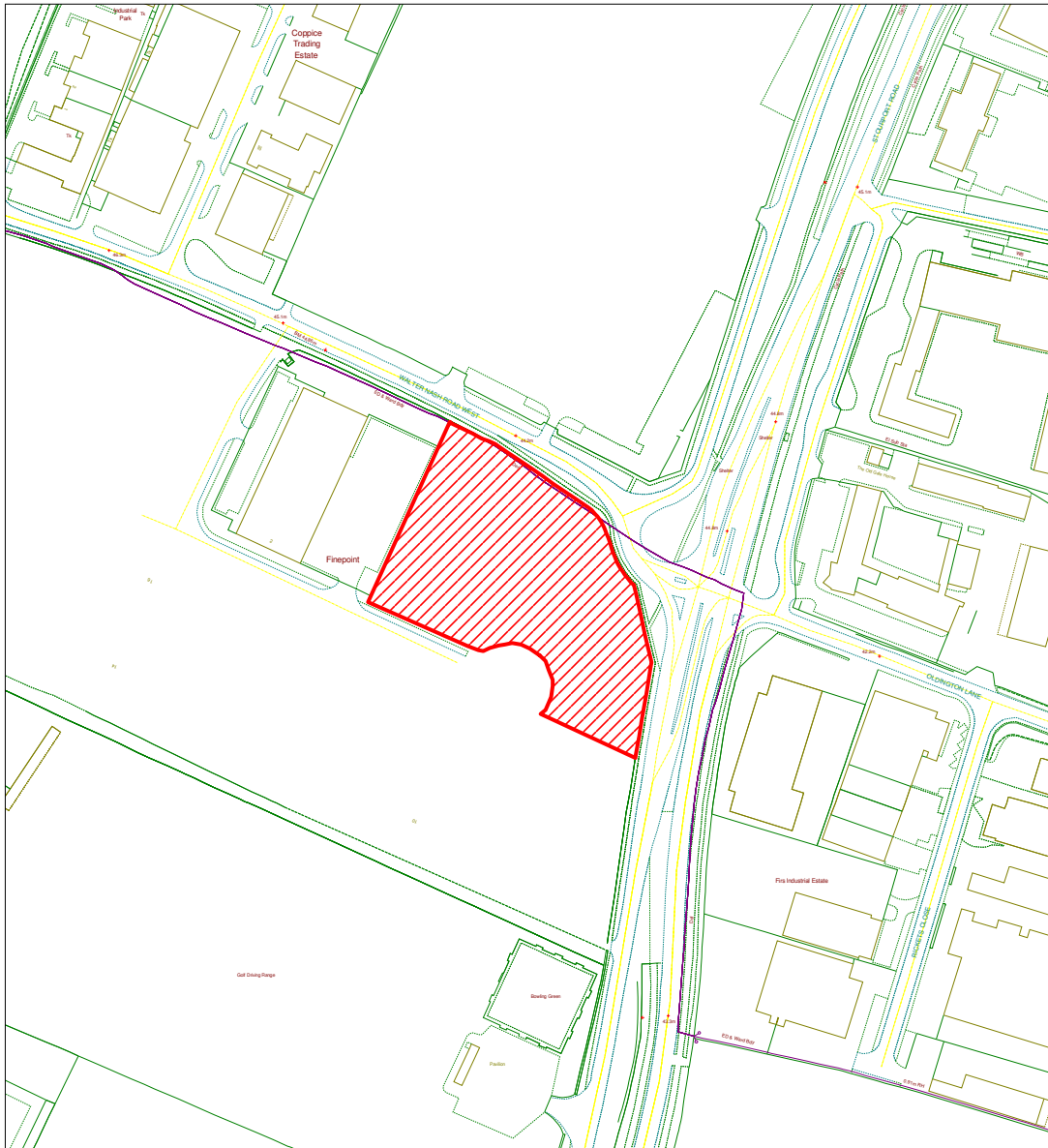
10/0551

Date:- 26 October 2010

OS sheet:- SO8173NE

Scale:- 1:2500

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Finepoint
Finepoint Way
Kidderminster DY11 7FB**



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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH NOVEMBER 2010

PART B

Application Reference:	10/0478/FULL	Date Received:	18/08/2010
Ord Sheet:	388735 275370	Expiry Date:	13/10/2010
Case Officer:	Paul Wigglesworth	Ward:	Blakedown and Chaddesley

Proposal: Remove agricultural workers occupancy condition (ie delete condition (c) of planning permission KR 203/72)

Site Address: WADEHAMET, WOODROW, CHADDESLEY CORBETT, KIDDERMINSTER, DY104QF

Applicant: MR R BLAKEWAY

Summary of Policy	GB.1, AG.2, AG.3 (AWFDLP) DS04, CP13 (WFCS) D.38, D.39 (WCSP) PPS1, PPG2, PPS7
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 Wadehamet is located in Woodrow on the south western side of the C2185 road approximately 750 metres from its junction with the Worcester Road (A450) and about 1.8 km to the North West of Chaddesley Corbett. This two storey property with a detached garage is set back approximately 78 metres from the C2185.
- 1.2 To the front side and outside of the application site as defined is a corrugated metal building currently associated with Wadehamet and beyond this building and to the rear of Wadehamet are the various fields which form part of the holding. On the other side of the application site is a dwelling house known as Wall Cottage and land associated with Woodrow Nursery.
- 1.3 The application site lies within an area designated as Green Belt.

2.0 Planning History

- 2.1 KR/203/72 – Erection of agricultural Dwelling : Approved 15.8.72
- 2.2 KR.514/72 – Erection of a farm house : Approved 13.3.72

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- 2.3 09/0097/FULL - Variation of agricultural occupancy condition of planning permission KR203/72 to also enable occupation in association with non commercial equestrian uses : Refused 8/4/10:

“The application site lies within an area designated as part of the West Midlands Green Belt where dwellings are only allowed in accordance with Policies GB.1 and H.9 of the Adopted Wyre Forest District Local Plan and Policy D39 of the Worcestershire County Structure Plan. The extension of the terms of occupancy as proposed would enable the property to be occupied by persons not engaged in agriculture or forestry and furthermore would have the effect of reducing the likelihood of this property to be used as an agricultural or forestry worker's dwelling thereby circumventing the normal requirements of Policy AG.3 of the Adopted Wyre Forest District Local Plan and government advice in Annex A of PPS7. Furthermore to approve applications in circumstances such as this where there is considered to be no overriding justification would set a serious precedent as it would have the effect of creating an additional exception to Green Belt Policy, that is to allow new dwellings or changes to existing agricultural or forestry occupancy conditions for people who enjoy keeping horses as a leisure activity.”

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – ‘Object to the proposal and recommend refusal. We believe there is still a demand for agricultural properties which is endorsed by an application for an agricultural property for Mr C Rowberry some three years ago. The Parish Council object to removing this restriction because it would mean a loss of another agricultural property in the Parish’.
- 3.2 Highway Authority – No objection
- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 This property gained outline planning permission on the 15th August 1972 (Council reference KR 203/72). Condition c) of that planning permission states:

‘The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in agriculture as defined in Section 290 of the Town and Country Planning Act, 1971 or forestry or a dependant of such a person residing with him (but including a widow or widower of such a person)’.

- 4.2 At the time of that planning permission there was 43.4 ha (107 acres) of land used for sheep farming. More land was purchased in 1982 and 1994 and the holding was also expanded around the main farm base at Heathy Mill Farm, Kidderminster some 3 miles away. The total land, including Heathy Mill Farm now farmed, owned and rented amounts to some 462.6 ha (1,143 acres) and this is farmed from Heathy Mill Farm by the applicant's son.

10/0478/FULL

The applicant has retired from farming and has bought a cottage in Chaddesley Corbett and is seeking to let Wadehamet, which is vacant, to generate additional income.

- 4.3 The current application seeks planning permission to remove the condition to enable unrestricted occupation of the property.
- 4.4 In support of the application the applicant's agent has submitted a considerable amount of supporting information, including details of the marketing of the property. The agent's supporting statement summarises the case as follows:

'The conclusions are unavoidable, namely firstly that Wadehamet does not even with 111 acres agriculturally justify the employment of a single agricultural worker, and secondly that Wadehamet is unsaleable and unlettable with its present agricultural occupancy condition, despite being offered with a substantial discount. A practised, efficient and widespread marketing campaign has failed to find anyone who is prepared to buy Wadehamet the house with the condition, and in particular there is no farming business nearby which will either. The farming enterprise in which the Applicant is now a retired partner has no need of the house either, and the farming regime on the partnership land has no agricultural need for the house at Wadehamet i.e there is no justification for the retention of the condition in purely agricultural terms'.

- 4.5 Policy AG.3 of the Adopted Wyre Forest District Local Plan provides the basis upon which applications of this nature should be judged. This policy makes it clear that the removal of an agricultural workers condition will only be permitted where it has been proven through the marketing of the property, that there is no long term need for the dwelling on the unit or in the locality. Analysis of this nature requires specialist expertise and Reading Agricultural Consultants have been employed to undertake an assessment of the situation. They have reported as follows:

'The Formal Statement of Circumstances and Case History report states that Wadehamet Farm has grown considerably since its purchase as bare land by the applicant, Mr Blakeway, in 1967. At that time the farm extended to 43.3 ha (107 acres) and was all down to grass and used for grazing sheep. In order to provide the care required for the sheep, an application for a farmworker's dwelling (KR203/72/0) was submitted and subsequently approved on 15th August 1972. The accommodation comprises a large four-bedroomed house with an attached double garage.

Additional adjoining land was subsequently purchased in 1982 and 1994 resulting in a block of some 114.7ha (283.5 acres). In the meantime the holding was also expanding around the main farm base at Heathy Mill Farm, Kidderminster, some 3 miles distant.

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The total area of land now farmed, owned and rented, is some 462.6ha (1,143 acres) with all the in-hand land in arable production and a small amount of land which is not able to be ploughed let as grazing pasture.

In-line with national agricultural trends, the farm has become more specialised; in this case by discontinuing livestock production (sheep and pigs) and decreasing its labour force from a peak of 12 farmworkers in 1972 to the current two employees with a dependence upon agricultural contractors for large areas of work. One farmworker lives in a tied cottage at Heathy Mill whilst the other lives in his own cottage nearby.

The applicant has now retired from active farming and has passed the management of the holding to his son, who lives at Heathy Mill Farm. The applicant has since purchased a nearby dwelling for his retirement and is seeking to let Wadehamet Farmhouse to generate additional income.

In order to make the dwelling more appealing to the letting market, the applicant submitted an application to Wyre Forest District Council in 2009 (09/0097/FULL) to widen the occupancy condition to allow a person engaged in non-commercial equestrian activities to occupy the dwelling. This application was refused permission on 8th April 2009.

Subsequent to that refusal, the applicant instructed agents to commence a marketing campaign to sell or let the dwelling with the existing occupancy condition attached.

The occupancy condition attached to the property requires that:

“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971 or forestry or a dependant of such a person residing with him (but including a widow or widower of such a person).”

There is no Section 106 Agreement tying the dwelling to the land.

Policy

Policy AG3 of the Local Plan states that an agricultural occupancy condition on a dwelling will not be removed unless it can be demonstrated that “there is no long term need for a dwelling on the unit or in the locality, for a person solely or mainly employed in agriculture or forestry, or a widow or widower of such a person, and any resident dependents.”

The explanatory text explains that dwellings that have been permitted in order to meet agricultural needs should remain available for that purpose, so that the Council will not relax occupancy conditions unless it can be shown that a need no longer exists for such accommodation in the locality. It goes on to say that applications to remove agricultural occupancy conditions must be accompanied by written evidence showing the steps that have been taken to

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market the dwelling with the condition in place, and that applications should include proof that “the dwelling has been actively marketed by an estate agent for a reasonable period, at a price which reflects the existence of the occupancy condition, and that no interest has been expressed from within a reasonable travelling distance.” The locality is defined as being within the District or its adjoining parishes.

This policy reflects national guidance on the removal of occupancy conditions, as set out in paragraph 17 of Annex A to PPS7. This states:

“Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions.

These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings”.

Appraisal

Need on the holding

The Formal Statement of Circumstances and Case History report provides a comprehensive background and history of the agricultural holding, which is now a large arable operation. It is clear from the details provided that the land is all farmed as one unit – Wadehamet Farm, and the adjoining land, and Heathy Mill Farm and its adjoining land - and is operated as RH Blakeway & Sons Ltd. Consequently, and contrary to Mr Dolman's assertions, the need for the property should relate to the whole holding rather than just the 43.3 ha (107 acres) at Wadehamet, or even the 114.7ha (283.5 acres) within the contiguous block of land.

It is clear that there is justification for the employment of at least three workers on a holding of 462.6ha (1,143 acres) since that is the current status on the holding. The holding is a diverse arable unit, currently producing winter wheat, spring barley, carrots, onions and potatoes. Such cropping would normally require a much more labour-intensive regime, however, the applicants' son, who now manages the holding, makes use of contractors to minimise employed labour.

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Therefore, under the **existing** circumstances it is evident that there is no longer a requirement for additional workers on the holding, or the dwelling at Wadehamet Farm to accommodate those workers.

Nevertheless, as pointed out in a letter from Julian Dolman to Wyre Forest District Council, dated 9th February 2009, "my client is concerned...that the dwelling should not be 'lost' to agriculture so that if market conditions change..or..he cannot find an agricultural contractor for this wholly arable farm, then the house would be available for occupation by a farmworker."

As such, it is apparent that the owner does not actually wish to sell the property.

In such circumstance it must be concluded that although there is currently no need for the dwelling on the whole holding, circumstances may change in the future, which could dictate different employment criteria on the holding e.g. the holding may undertake more farm work with its own staff rather than employ contractors, thus requiring more staff; staff may retire and need to be replaced; cropping regimes may change or the holding may become more livestock orientated.

Such changes could occur at any time and a sale of this dwelling now would mean that the owner forfeits the right to erect another farmworker's dwelling on the holding, as highlighted in paragraph 5 of Annex A to PPS7, as another application would be considered an abuse of the planning system. "Such a sale could constitute evidence of lack of agricultural need."

Need in the locality

Survey of local farmers

In terms of the specific requirements of Local Plan Policy AG3, it is evident that the agricultural land agents, Halls, have contacted other landowners (a total of 48) within an approximate 15 minute drive of the property to establish if they need further accommodation for agricultural workers. The list of farmers contacted appears comprehensive. I understand from the Planning Development Control Department of Wyre Forest District Council that there have been no recent applications for farmworker's dwellings within this area.

Such farmers would be likely key targets for a marketing campaign such as this.

A pro forma enquiry was sent to all local farmers on 26th February 2010, to which there were only two replies, neither of which required a farmworker's dwelling – one of which was the applicant's son who manages the holding. The survey is specific in requesting whether there is a need for the dwelling at Chaddesley Corbett, a point which is made very clear in both the covering letter and the survey.

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Marketing

The property has been on the market for the past thirteen months.

In terms of setting an appropriate price for the property, there have been three independent valuations from G. Herbert Banks, Allan Morris & Guise and Doolittle & Dalley, which are shown in Table 1.

Table 1

<i>Agent</i>	<i>Unencumbered price (£)</i>
<i>G. Herbert Banks</i>	<i>695,000</i>
<i>Allan Morris & Guise</i>	<i>685,000</i>
<i>Doolittle & Dalley</i>	<i>725,000</i>
<i>Average</i>	<i>710,667</i>

Following these valuations, Halls marketed the dwelling at a guide price of £500,000, which represents a reduction of 29.6% of the average valuation to reflect the encumbrance of the occupancy condition. This reduction is within the normal range when marketing properties with agricultural occupancy conditions.

In terms of the breadth of advertising, the property was advertised in eight editions of Farmers Weekly (4 examples provided with the application pack) and eight editions of the local newspapers, namely the Express and Star (2 examples), Kidderminster Chronicle (2 examples) and Kidderminster Shuttle (5 examples). It has also been on Halls' website throughout the marketing period, generating 58,985 hits by 9th July 2010, and is still being marketed on the Halls' website.

RAC understands that a For Sale/To Let board was placed outside the property, generating a number of enquiries.

The letter from Julian Dolman to Wyre Forest District Council dated 9th February 2009 also states that "for the time being he [the applicant] wishes to let the house and the next door paddock/field for non-commercial equestrian purposes.... The area proposed includes a substantial existing corrugated iron building in the 'front garden' of the house...which would be suitable for alteration to smaller stabling or for that matter for the site of a new smaller stable block..." An estimation of the size of the paddock from the supplied maps indicates the area to be approximately 0.9ha (2.2 acres).

However, the sales brochure reveals that the paddock and the corrugated iron building are not included in the sale, a point noted in the valuation letter from Allan Morris & Guise (26th May 2009). Clearly the applicant is marketing a different category of property in the sales exercise to the one which he wished to let to the non-commercial equestrian market.

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The act of removing the adjoining paddock from the sale of the dwelling limits the available sale options due to the lack of any available buildings or land. Thus the market is limited to a person employed on another farming unit or a person last employed locally in agriculture.

It is impossible to generate any form of agricultural income from the dwelling as it is marketed.

From the general marketing, including the website, there were 63 requests for particulars of the property and two requests to view the property. It is evident from the Halls' letter of 27th July 2010 to Mr Dolman that there were a number of respondents who were interested in the property and who apparently did not meet the criteria interpreted by Halls. These people did not proceed to view the property, but it is unclear whether they were refused the opportunity to view the property or whether they decided on their own accord that it would be inappropriate to proceed any further.

There were also a number of telephone enquiries of the dwelling. However, the letter from Halls states that the enquirers "had not read or understood the implications of the agricultural occupancy condition. Once explained, it was very clear in all cases that they in no way complied with the condition." This comment implies that the agents determined whether the enquirers complied with the condition and whether they could proceed any further. Whilst it could be argued that the land agent has undertaken this 'filtering' role as a 'duty of care' to assess whether the buyer would be "compliant" with the condition, he is, strictly speaking, not the arbiter of compliance with the condition.

No contact addresses or numbers were provided by the agents, within the application, to verify the statements made.

Halls report that no formal offers were made for the property.

Conclusion

Overall, I consider that there have been genuine attempts to market Wadehamet Farmhouse over a prolonged period and that the marketing has been effective in identifying potential purchasers.

The dwelling has been marketed with no agricultural land or buildings, despite the fact that the applicant had wished to let the dwelling with an adjoining paddock and farmbuilding. Clearly this approach will have limited the number of people who would be able to comply with the agricultural occupancy condition. This is compounded by the fact that the dwelling is priced at £500,000, which is likely to be beyond the affordability range of a farmworker. Nevertheless, the price offered represents a discount of approximately 30% over the open market value estimated by three independent agents, which is an appropriate in such circumstances.

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In broad terms RAC accepts that the marketing exercise has demonstrated a current lack of demand for this particular property with the agricultural condition attached, both on the holding and in the vicinity. However, RAC does have some reservation over the withdrawal of the land and building attached to the property, which is clearly not used by the farm business but which would be let with the dwelling in the event of the lifting of the agricultural occupancy condition. This fact limits the number of people who may comply with the condition and consequently limits the market for the property.

The evidence presented by the applicant's agent has not demonstrated that there is no long-term need for the standard agricultural occupancy condition, but equally it has shown there is no current need for the standard condition. There is not an adequate long term, or even medium term, assurance that the holdings' agricultural system does not warrant further staff in the future.

Policy is concerned with the longer-term need for agricultural dwellings but also advises that dwellings shouldn't be kept vacant because of occupancy restrictions. It seems that Wadahamet farmhouse would be kept vacant if nothing is done about the condition. Therefore, the options are to amend the occupancy condition, which would retain the dwelling for use for agricultural workers in the longer term, or to remove the condition, which could lead to an additional dwelling being built to serve the longer-term needs of the farm.'

- 4.6 Reading Agricultural consultants have since recognised that there is no option to amend the occupancy condition as the current application seeks permission solely to remove the condition.
- 4.7 With respect to the second option, to approve the application but risk being faced with an additional dwelling on the holding at some point in the future should planning permission be granted, further clarification has been requested from Reading Agricultural Consultants and they have agreed that:
- projecting past trends, and particularly at this farm, it is generally less likely that there will be a need for one additional agricultural workers dwelling in the future as farming becomes more efficient
 - if the owner were to sell the dwelling (rather than offer it for rent) the Council could make a case to prevent another dwelling being granted, at least for the next 5 -10 years, on the grounds that a sale would be evidence of a lack of agricultural need
 - The only evidence of long term need is a statement in the previous application that the applicant didn't want to lose the dwelling to agriculture. However, as that application was rejected it could be argued that that argument was also rejected which puts the Council in a weak position if this evidence were to be used to support a refusal.
 - There isn't a very strong case to withhold consent.

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- 4.8 The Parish Council's comments have been considered but an application for an agricultural workers dwelling at Rowberry's Nursery doesn't demonstrate a need for agricultural workers dwelling in the area. That application was approved over 3 years ago and the need for an agricultural workers dwelling at the Drayton Road site was site specific so if Wadehamet had been available at that time it would not have been suitable to meet that particular agricultural need.

5.0 Conclusions and Recommendations

- 5.1 Reading Agricultural consultants have looked closely at the marketing of this property and the need for an agricultural workers dwelling both at this location and to serve the area. They conclude that the property has been marketed correctly for an appropriate period of time and also that there is no existing need for an agricultural workers dwelling. The question of a long term need is more uncertain but Reading Agricultural Consultants have not produced any evidence of a long term need other than a statement from the applicant's agent in 2009 that the applicant didn't at that time want to lose the dwelling to agriculture. This is judged to be insubstantial evidence on which to refuse the application as otherwise there is not a strong case to withhold consent.
- 5.2 It is concluded that the proposal is compliant with the terms of Policy AG.3 of the Adopted Wyre Forest District Local Plan and Government advice contained in PPS7 and it is recommended that planning permission to remove the agricultural worker's condition be **APPROVED**.

Reason for Approval

The proposal has been carefully examined in terms of the marketing and need for an agricultural workers dwelling and the Local Planning Authority is satisfied that the property has been marketed in a proper way and that there is no existing need for an agricultural workers dwelling or any substantial evidence of a long term need. In these circumstances to approve the application would be in accordance with the Development Plan policies mentioned above and in particular Policy AG.3 of the Adopted Wyre Forest District Local Plan.

Application Reference:	10/0531/FULL	Date Received:	08/09/2010
Ord Sheet:	380248 275671	Expiry Date:	08/12/2010
Case Officer:	Emma Anning	Ward:	Wribbenhall

Proposal: African Village and Woodland Walkway

Site Address: WEST MIDLAND SAFARI PARK, SPRING GROVE, BEWDLEY, DY121LF

Applicant: WEST MIDLAND SAFARI PARK

Summary of Policy	GB.1 GB.2 GB.6 LA.1 D.1 D.3 D.4 D.10 D.11 NR.12 NC.2 NC.5 NC.7 (AWFDLP) CP13, CP15 (WFCS) CTC.1 CTC.5 CTC.12 D.39 RST.14 (WCSP) PPG 2 PPS 9
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is part of the West Midlands Safari Park complex, and sits to the north of the existing amusement area. Part of the site is a flat grassed area and is currently used for the keeping of goats whilst the remaining sloping, wooded, area is used for the grazing of ostrich. A brick built electric sub station building stands in the centre of the grassed area and there are two dilapidated timber buildings in the wooded area. Existing pathways run through the application site which remain from when the site was previously used as a walk-through visitor attraction.

1.2 Permission is sought to recreate a walk-through visitor attraction in the form of an African styled village housing various small animals to include lemurs, meerkats, sheep, Gambian pouched rats, goats and tortoise. Development would involve:

- re-instating of the pathways,
- the removal of 14 trees,
- the provision of 9 small buildings for housing of animals,
- the provision of 6 visitor viewing platform buildings or storage buildings,
- the erection of one village entrance building/gift shop,
- the refurbishment of the existing sub station which would be dressed to match the exhibit theme,
- the erection of boundary fencing.

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2.0 Planning History

2.1 BB.80/71 - Safari Park : Approved

3.0 Consultations and Representations

3.1 Bewdley Town Council – Objection to the proposal and recommend refusal. The committee is minded to refuse the application since although there was no overall objection to the concept of the village and walkway, the proposal involved the removal of sixteen trees (allegedly as they were dead or dying) and pending confirmation and information from the Arboricultural Officer that such was correct the application should be refused. (*Officer Comment – To clarify, the application involves the removal of 14 trees (not 16 as mentioned by Bewdley Town Council. The Arboricultural Officer's comments are set out under paragraph 3.2)*)

3.2 Arboricultural Officer – I have no objection to the proposed African Village development at the Safari Park and for the removal of the 14 trees with the enclosure.

The trees are in a poor condition and are exempt from the TPO.
There are two conditions I would like to see:

1. Details of replacement native woodland planting within the woodland enclosure.
2. Details of crown lifting and/or pruning works needed to allow the enclosure to be used by visitors.

3.3 Countryside and Conservation Officer – Initially identified issues with a lack of mitigation for bats who may be using the site and the grazing of acid grassland (a BAP protected habitat).

Additional information has since been received from the applicants which addressed the concerns raised and the following response from the District Council's Countryside and Conservation Officer have been received;

Bats - the letter addresses the concerns re lighting and shows enhancement opportunities in the form of boxes and loft voids accessible for these species. A condition should be included that whilst no bats are believed to be using the trees to roost, if during the felling operations bats are found all work is to stop and the advice of a licensed bat worker taken and a natural England licence sought.

Acid grassland - The letter now highlights that the proposal will reduce the levels of grazing which will help acid grassland and will remove trees which will promote the growth of new grassland. Hence I feel that the reduced grazing is the key element to preventing harm to this habitat and will actually promote the acidic grassland species. A condition will be required to ensure that only low intensity grazing is allowed on this part of the site.

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This will mitigate the small losses to this habitat by removing the threat from the remainder and establish the conditions needed for the habitat to thrive.

In terms of issues of Biodiversity there are no objections.

3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Permission is sought for the creation of an African themed village walk-through visitor attraction within the West Midlands Safari Park, housing small animals as detailed above.
- 4.2 The principle of the Safari Park use has been established since the original 1971 permission. The application site falls within the area approved as Safari Park. Various buildings have been proposed and supported by the District Council over the years, and on these occasions the schemes have been considered appropriate development in the Green Belt as they are in association with the recreational use of the site. There appears to be no reason in this particular case to adopt a different view, and as such it is considered that the development is appropriate.
- 4.3 The African Village would be located on the western edge of the Safari Park adjacent to an existing lake. The northern half of the site slopes steeply downwards towards the lake from west to east, whilst the remaining half has only a shallow slope. This part of the site is not visible from outside of the Safari Park boundary and therefore, given the modest scale of the buildings proposed on the site as detailed below, it is accepted that there would be no impact on visual amenity or openness of the Green Belt as a result of the development proposed.
- 4.4 It is proposed to erect 15 new buildings/shelters and to refurbish an existing electrical sub-station in creating the proposed new attraction. Details of each individual building have been provided to accompany the planning application. Each animal building has been designed with the specific needs of each species in mind and the storage/visitor viewing buildings have been designed to be of the smallest size necessary, with no one building being taller than 4.2m to the ridge of its roof. Each building has been designed to fit into the theme of 'African Village'.
- 4.5 Given their location within the Safari Park and their appropriateness to the attraction they would serve it is considered that the proposed design of the buildings are acceptable in this location and that they would not appear incongruous in this setting. Existing pathways are proposed to be upgraded and re-covered to provide a safe pedestrian route through this attraction. No groundworks would be carried out as all new materials would be laid on top of existing. Consultation with the District Council's Arboricultural Officer has confirmed that this is acceptable as it would not cause harm to any protected trees on site.

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- 4.6 The site is covered by numerous trees, many of which are covered by Tree Preservation Orders, some of which are relevant to trees which would be affected by this development. The District Council's Arboricultural Officer has visited the site to assess the likely impact of the development on existing trees and has commented as detailed under paragraph 3.2 of this report. It is considered that the loss of the trees identified by the applicants is justifiable and, in some cases, necessary and such removal would not result in the unnecessary loss of trees of great amenity value. The proposal therefore complies with Policy D.4 of the Adopted Local Plan. The District Council's Arboricultural Officer has also considered the impact of the proposed landscaping scheme and has offered no objections in this regard. The Arboricultural Officer would, however, wish to see details of any proposed planting within the woodland area to be submitted to the local planning authority for approval. This can be controlled by condition. Based on the advice of the District Council's Arboricultural Officer, the type and amount of landscaping proposed is considered appropriate to this location and in accordance with the relevant Adopted Local Plan Policy.
- 4.7 Local Authorities are required, in accordance with PPS9, to safeguard ecological and biodiversity interests; The District Council's Countryside and Conservation Officer was consulted on this application. It was noted that the ecological survey submitted with this application identified bat species on site, and these were adequately surveyed as part of that report. Additional information was sought relating to any proposed lighting scheme for the development, which has since been provided and is considered to be acceptable. It was suggested that a number of the new buildings could serve as a potential for biodiversity enhancement were they to include gaps in their roof structures suitable for bat roosts, and it is recommended to secure this by condition.
- 4.8 One major concern of the District Council's Countryside and Conservation Officer was that the site does contain acid grassland, which is a UK Biodiversity Action Plan (BAP) protected habitat. The concern was that the scheme seemed to have the potential to intensify the levels of grazing on this land which could potentially cause further harm to the habitat. Clarification from the applicants has been provided which confirms that the levels of grazing for the application site were proposed to be reduced through the removal of several grazing species who currently occupy the site.
- 4.9 It should also be noted that the West Midlands Safari Park have, in partnership with Natural England, begun an eleven acre acid grassland restoration project on their land. The District Council's Countryside and Conservation Officer is therefore happy that the proposal would not give rise to further harm being caused to this BAP habitat and that the measures put in place by the Safari Park are a considerable ecological gain in this respect. Conditions could be applied to an approval to ensure that no harm is caused to the acid grassland as a result of this proposal through over-grazing.

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It is therefore felt that the proposed African Village would not lead to a loss or damage to any protected species or priority habitat and therefore the development is considered to accord with Policies NR.12 NC.2 NC.5 NC.7 of the adopted Wyre Forest District Local Plan.

5.0 Conclusions and Recommendations

- 5.1 The proposal satisfies the relevant policies of the Adopted Local Plan as it would represent appropriate development in this location which would not cause harm to the openness and visual amenity of the Green Belt nor would it cause harm to acknowledged biodiversity or ecological interests.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions;
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B1 (Materials)
 4. B11 (Details of Enclosure)
 5. B15 (Owl/Bat Box)
 6. C8 (Landscape Implementation)
 7. The development hereby approved shall not be brought into use until a grazing management plan, to demonstrate that the site will be grazed on a low intensity basis only, has been submitted
 8. No additional planting shall take place within the woodland area until a detailed planting schedule and landscape plan have been submitted

Reason for Approval

The proposal is considered to represent appropriate development in this Green Belt location which would not cause harm to openness or visual amenity. Adequate measures are set out to ensure that no harm is caused to acknowledged biodiversity or ecology on site. The proposal therefore accords with the Wyre Forest District Adopted Local Plan policies.

Application Reference: 10/0558/FULL **Date Received:** 23/09/2010
Ord Sheet: 383088 276871 **Expiry Date:** 23/12/2010
Case Officer: Paul Wrigglesworth **Ward:** Greenhill

Proposal: Extension of time period for implementation of Planning Permission 07/0829/FULL for a mixed re-development scheme comprising offices, bistro and 14 apartments with undercroft car parking

Site Address: CAR PARKING AREA AT END OF CHURCH STREET, KIDDERMINSTER, DY102AW

Applicant: Wilkins Kennedy

Summary of Policy	D.1, D.3, D.9, D.10, D.12, CA.1, E.10, H.2, H.5, LB.1, TR.9, TR.17 (AWFDLP) DS01, CP01, CP02, CP08, CFP12, CFP16, CP03 (WFCS) CTC.17, CTC.20 (WCSP) Design Quality SPG; Planning Obligations SPD PPS1, PPS3, PPS9; PPS23 PPS4, PPS5, PPG17
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 This site is a private car park at the end of Church Street situated just beyond and on the same side of the street as Thursfields Solicitors. The site has a boundary with Church Street and the ring road. The rear of the site lies close to the River Stour. It is located within the Church Street Conservation Area.
- 1.2 This application seeks to extend the life of planning permission 07/0829 (dated the 12th November 2007) for the erection of a building comprising undercroft car parking (8 car parking spaces) and offices at the basement level. Above this (upper ground floor/ring road level) the approved plans show a bistro, offices and 2 flats. At this level, steps and a separate ramp access are shown to connect to Church Street from a small square with a central water feature. On the first floor the approved plans show 7 flats; on the second floor 3 flats with a further 2 flats in the roofspace, making a total of 14 flats.

2.0 Planning History

- 2.1 WF.227/74 – Office development : Refused 16/7/74. Reason: Premature until the outcome of the working party's examination of the site was known.

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- 2.2 WF.866/81 – Outline application for four storey block of flats : Approved 23/2/82
- 2.3 WF.949/83 – Private car park for 26 cars : Approved 20/3/84 and renewed on a permanent basis on the 17th February 1987 but strictly for use by the doctors' practice at 26 Church Street, Kidderminster
- 2.4 06/0885/FULL – Mixed use development comprising offices, bistro and 14 apartments with undercroft car parking : Withdrawn
- 2.5 07/0829/FULL – Erection of a mixed use development building comprising offices, bistro and 14 apartments with undercroft car parking: Approved 12/11/07

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection
- 3.2 Environment Agency – Views awaited
- 3.3 British Waterways – No objection
- 3.4 Conservation Officer - I have no objection to these proposals further to my previous comments on the original application and recommend them for approval subject to conditions.
- 3.5 Worcestershire Regulatory Services (Environmental Health) – Views awaited
- 3.6 Severn Trent Water – No objection subject to condition
- 3.7 Worcestershire Wildlife Trust – Views awaited
- 3.8 Kidderminster Civic Society – Views awaited
- 3.9 Worcestershire County Council (Education) – Education contribution required.
- 3.10 Crime Risk Advisor – “*The original application was submitted in 2007 before my time in post, consequently this is the first time I have seen this application.*

If I had seen the original application I would have made comment on the security issues relating to the under croft car parking.

If not properly designed this type of parking area can lead to it becoming a haven for anti-social behaviour and drug taking, with vehicles parked in the area becoming a target for crime as can the people using the vehicles.

The 2010 edition of ‘Secured by Design’ new homes gives the following advice on this type of parking.

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Every effort must be made to prevent unauthorised access into the car park. Therefore an access control system must be applied to all pedestrian and vehicular entrances.

Inward opening automatic gates or roller grilles must be located at the building line or at the top of ramps to avoid the creation of a recess. They must be capable of being operated remotely by the driver whilst sitting in the vehicle, the operation speed of the gates or shutters shall be as quick as possible to avoid tailgating by other vehicles. This will allow easy access by a disabled driver, and will normally satisfy the requirements of the Highways Department who under normal circumstances do not permit vehicles to obstruct the pedestrian footway whilst the driver is unlocking a gate. Automatic roller shutters must be certificated to LPS 1175 SR 2 or WCL 2 BR2.

Lighting must be at the levels recommended by BS 5489-1:2003 and a certificate of compliance provided.

Walls and ceilings must have light colour finishes to maximise the effectiveness of the lighting as this will reduce the luminaires required to achieve an acceptable light level.

Any internal door that gives access to the residential floors must have an access control system and meet the physical requirements in Section 2 Clause 24. However, this will be subject to requirements for means of escape.'

From the drawings I have seen there is unrestricted access into the parking area.

The door giving access from the parking area to the shops and flats is vulnerable; I have not seen any specifications for the door, at the very least it should meet the specifications of BS PAS 24. It also requires an access control system is to be fitted to it.

It appears to me that security issues have not been taken into account for this development.

I am of the opinion that the parking area has the potential to create problems with crime and disorder and for this reason I object to this application".

- 3.11 English Heritage – We do not wish to offer any comments
- 3.12 Worcestershire Regulatory Services (Environmental Health) – Recommend the same conditions as previously
- 3.13 Worcestershire County Council (Historic Environment and Archaeology Service) – Views awaited

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3.14 Neighbour/Site Notice/Advertisement - One letter of objection received:

“While it is believed that the proposed development fulfils the minimum car parking requirements for one of it’s size, it is far from adequate for the number of business and accommodation units planned for. As the only means of access to the site is via another private car park it will bring conflict into an area already short of car parking space and which suffers from problems of illegal parking.

As the only point of access is via the adjacent private car park measures must be put in place to maintain full access to that car park for existing businesses and that there should be no expected use of the adjacent car park for plant, vehicles or materials”.

4.0 Officer Comments

4.1 Applications for the renewal of planning permission such as this should be approved unless there is a material change in the application site circumstances or a material change in planning policy of sufficient weight to justify otherwise. In this case, the site and the environment around it has changed little and the Core Strategy policies do not adversely affect the consideration of this renewal application. However, for the sake of completeness all of the considerations are addressed and updated where appropriate.

4.2 The main issues relating to the determination of this application are considered to be:

1. Land use policy issues
2. The design of the proposal and the impact of the development on the Church Street Conservation Area
3. The physical impact on neighbouring property
4. The effect on car parking in the area and highway issues
5. The impact of the Ring road on future occupiers of the building
6. Access issues
7. Crime risk issues
8. Flood Risk /contamination issues
9. Section 106 contributions.

LAND USE

4.3 The site lies within an area allocated for general town centre uses where Policy TC.2 applies. This policy, inter alia, allows Business B1(a) uses with residential uses on upper floors. Although a bistro is included in the development it is only a small element of this scheme and this activity was actively encouraged at the time of the last application in order to present a much needed public frontage and to enhance the vitality of the new square. The proposed mix of uses is still considered to be consistent with the reasoned justification and aims of this particular policy.

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The new PPS4 (Planning for Sustainable Economic Growth) generally encourages mixed use developments in town centre locations and there is no material advice or future policy in the Core Strategy that detracts from the stance that permission should in principle be granted.

DESIGN AND IMPACT ON THE CONSERVATION AREA

- 4.4 The applicant's agent at the time of the last application described the elevational treatment as follows:

"The elevational treatment will be of a conventional factory using an imperial brick with narrow line mortar joints and recessed fenestration to mirror the windows of the similar buildings of the area. The roofing material will be a natural slate and the dormers will have deep overhangs and will articulate the roof. That together with well detailed balconies, entrances to the River Stour elevation, the canopies, the colonnade to the ring road will provide a striking building to this special site."

- 4.5 As previously stated, the site lies within a Conservation Area. The Council's Conservation Officer has no objection to this application and his comments make reference to his previous comments which were:

"The site lies within the Church Street Conservation Area, and adjacent to the ring road. Whilst St. Mary's Church forms a visual backdrop for the Conservation Area, this is now largely separated both visually and physically from the Conservation Area by virtue of the ring road. It is my opinion that this development will create a formal focal point at the end of the area, not competing with the Church, but complementing it. It is also my opinion that the design proposals will relate to much of the surrounding architecture, through the pastiche approach combined with a more contemporary design.

The site at present is also one which is considered as being a negative site, and one which would benefit from enhancement. It is my opinion that the proposals will bring considerable benefit to the site creating a better use, and appearance, together with a more solid link, and thus finishing what is in effect a visual 'corridor' leading to St. Mary's Church. It is my opinion that the application thus complies with policies set out within the Adopted Local Plan and in particularly CA.1".

- 4.6 I would concur with this view and add that there is no conflict with Government advice contained within PPS5 (Planning and the Historic Environment). The new building will be prominent from quite a number of vantage points and particularly from the end of Church Street and the ring road. From these viewpoints the building will be a much more attractive feature than the current car parking area. In addition, the proposed steps from Church Street leading to a square and bistro will provide a much more meaningful point of arrival and resolution to this historic street.

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THE PHYSICAL IMPACT ON NEIGHBOURING PROPERTY

- 4.7 The proposed building, being adjacent to the ring road and with a base situated at a lower level than properties situated on the opposite side of Church Street, exerts the most impact on Thursfield Solicitors situated adjacent and on the structure known as the 'Community Trade Union' building located to the rear of the site on the opposite side of the River Stour. Neither of these properties have residential usage and, as commercial properties, the advisory 45 degree code is not applicable. Nevertheless, the inter-relationship between the proposed building and these buildings has been considered in the context of its town centre location and judged to be satisfactory.
- 4.8 Since the previous permission there has been no change to the site or material change to neighbouring properties to justify a different recommendation to the current application.

THE EFFECT OF THE DEVELOPMENT ON CAR PARKING IN THE AREA AND HIGHWAY ISSUES

- 4.9 The site is used at the present time as a private car park and it is no doubt of benefit to occupiers of properties on Church Street. Unlike some sites in Kidderminster town centre however, this site is not allocated in the Local Plan for car parking purposes and there are consequently no key policy grounds for defending its retention as a car park. It should also be noted that as this is a private car park the applicants would be at liberty to close the car park, subject maybe to private agreements, whenever they wished.
- 4.10 The planning history reveals that in 1987 an application (WF.949/83) was approved for this car park, but it was conditioned to be used solely in association with the doctors' practice which was then located at 24 Church Street, Kidderminster. The reason for this condition was ' To ensure that the car park does not become a public car park which would be contrary to Council policy.'
- 4.11 The Highway Authority has been consulted on this application in terms of car parking provision and the use of Church Street and taking account of the fact that this is a town centre location no objection has been raised against the development.

THE EFFECT OF THE RING ROAD ON FUTURE OCCUPIERS

- 4.12 The only external environmental impact of any significance on future users is the noise from the adjacent ring road. A Noise Assessment report was submitted with the previous scheme which was assessed by the then Council's Environmental Health and Licensing Section. They were satisfied with the report and raised no objection on these grounds provided that the report recommendations are implemented (see recommended condition 14 below). The views of the Worcestershire Regulatory Services (Environmental Health) are awaited.

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ACCESS ISSUES

- 4.13 The Council’s Access Officer vetted the last application in terms of ‘access for all’ and with a few revisions, including the provision of two sets of handrails on the steps leading up from Church Street, the application was judged to be satisfactory.

CRIME RISK ISSUES

- 4.14 As can be seen, the Crime Risk Advisor has objected to the current application. The applicant has been informed of these views and at the time of writing the applicant’s response is awaited but it is anticipated that agreement will be reached with respect to suitable conditions to overcome these concerns.

FLOOD RISK/CONTAMINATION ISSUES

- 4.15 The views of the Environment Agency are still awaited, however no objections were received to the previously approved scheme. Worcestershire Regulatory Services have no objections to the proposal in terms of land contamination subject to the same conditions as previously recommended and applied.

SECTION 106 CONTRIBUTIONS

- 4.16 The following table shows the areas where the Applicant needs to enter into a Section 106 agreement to secure monetary and other provisions in accordance with the adopted Planning Obligations SPD.

<u>S106 Requirement</u>	<u>Offered Provision</u>	<u>Required by SPD</u>
Educational Facilities	£7,408 based on 8No 2 bed flats at £926 each	✓
Open Space	Off site contribution of £2,397.60 has been paid to the Council when the 106 Agreement relating to 07/0829 was signed. No further payment required.	✓
Public Realm	The provision of a small square with a water feature as a central element	✓
Biodiversity	An off site contribution towards improvements to the River Stour corridor amounting to £3000 has been paid to the Council when the 106 Agreement relating to application 07/0829 was signed.	✓

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5.0 Conclusions and Recommendations

5.1 The development is acceptable in principle and it is considered that it will enhance the Conservation Area in which it is positioned. There are no material change in circumstances and accordingly, it is recommended that **delegated APPROVAL** be given subject to:

- a) the signing of a **Section 106 Agreement** relating to:
- £7,408 towards educational provision;
 - Public Realm provision for a small square and water feature;
 - the updating of Biodiversity enhancement and Open Space provision measures.
- b) the following conditions:-
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. No development shall take place within the area indicated (this would be the area of the application) until the applicant has secured a programme of archaeological work in accordance with a written statement of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
 4. B1 (Samples/details of materials)
 5. B2 (Sample brick panel)
 6. B9 (Details of windows and doors)
 7. B10 (Window details)
 8. Landscaping
 9. Details of rainwater goods/ flues/svp and other pipework to be submitted and approved in writing before work on site commences.
 10. Paving and water feature details to be agreed
 11. Environment Agency conditions regarding floor levels, access to gauging station, drainage, no buildings or structures within 6m of top of bank of River Stour, contamination, foundation design, storage of chemicals.
 12. Severn Trent Water conditions
 13. D2 (Landfill Gas Investigation)
 14. Sound insulation measures
 15. H13 (Access, turning and parking)
 16. H27 (Parking of site operatives)
 17. Measures to be put in place to improve the security of the undercroft car parking area.

Notes

- A HN1 (Mud on highway)
B HN4 (No laying of private apparatus)
C HN5 (No highway works permitted)
D Environment Agency

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E Maintenance of full access to adjacent private car park

Reason for Approval

This area is allocated for General Town Centre Uses and the mix of uses to be created is considered to be appropriate for this central location. The development is attractive in terms of design and is considered to enhance the appearance of the Church Street Conservation Area in which it is situated. The scheme has been considered in terms of impact on adjacent property and is judged to be acceptable. With respect to the traffic noise from the adjacent dual carriageway this is within acceptable tolerances subject to appropriate sound insulation measures. The development will remove car parking spaces (and generate the need for car parking spaces) however this land is not allocated as a car parking area, it is in private ownership and the application is not opposed by the Highway Authority.

Similarly the Highway Authority is satisfied that Church Street can sustain any additional traffic that may be generated by the development. There are no objections to the development subject to certain conditions from other statutory consultees including English Heritage, County Council's Historic Environment and Archaeological Service, the Environment Agency and Severn Trent Water. For these, and other reasons, including the provision of Open Space contributions, a contribution to the public realm in the form of a small square with water feature and improvements to biodiversity adjacent to the River Stour all to be facilitated by way of a Section 106 agreement, the application is considered to be acceptable and compliant with the policies referred to above.

Agenda Item No. 5

Application Reference: 10/0575/FULL and 10/0576/CAC **Date Received:** 29/09/2010
Ord Sheet: 381438 271448 **Expiry Date:** 29/12/2010
Case Officer: Paul Round **Ward:** Mitton

Proposal: Demolition of existing buildings and erection of building to form 12 No. one bed flats, new access, parking, bin stores etc.
(Reference: 10/0575/FULL)

Demolish and clear all existing buildings and structures
(Reference: 10/0576/CAC)

Site Address: LAND ADJACENT TO 29 MITTON STREET, STOURPORT-ON-SEVERN, DY139AG

Applicant: C & L Harris

Summary of Policy	H.2, D.1, D.3, D.9, D.10, D.11, NR.1, NR.7, NR.8, NR.11, CA.1, CA.2, TR.9, TR.19 (AWFDLP) DS01, CP05, CP12 (WCSP) D.5, CTC.19, CTC.20 (WCSP) PPS1, PPS3, PPS5 Gilgal Conservation Area Appraisal
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms a rectangle that measures approximately 1,350 square metres in area. The site was originally occupied as a builder's yard, latterly as a storage yard and has lain vacant for some time.
- 1.2 The site lies adjacent to the Steps Public House, a Grade II Listed Building and opposite Old Anglo House, which has been included within the Local List. It falls within the Gilgal Conservation Area, being identified as a neutral site within the Conservation Area Appraisal.
- 1.3 Planning permission was given in 2005 for 12No. one bedroom flats; the current applications seek to renew the planning permission and Conservation Area Consent as previously granted.

2.0 Planning History

- 2.1 WF.991/89/OUTL - Seven two bedroom houses : Approved 5/11/89

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- 2.2 WF.679/94 - Change of Use to Storage and Maintenance : Approved
12/12/94
- 2.3 WF.353/05 & WF.437/05 – Demolition of existing buildings and construction
of 12 one-bedroom apartments : Refused 13/6/05; Appeal Allowed 28/11/05

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Views awaited
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Environment Agency – Views awaited
- 3.4 British Waterways – Views awaited
- 3.5 Worcestershire County Council (Historic Environment and Archaeology
Service) – Views awaited
- 3.6 Conservation Officer - In view of the impact that the proposed development
will have on the area and in view of the current appearance of the site, I feel
that these proposals will have a positive impact on the area and should be
recommended for approval.
- 3.7 Crime Risk Advisor - As far as security is concerned I have no comments to
make regarding the basic design of this building.
- 3.8 Worcestershire Regulatory Services (Environmental Health) – Views awaited
- 3.9 Severn Trent Water - No objection subject to conditions
- 3.10 Stourport on Severn Civic Society – View awaited
- 3.11 Neighbour/Site Notice : 1 letter received -

“We have no objection to the proposals but the only comment that we would
make is that the applicant should be aware that his site adjoins a public house
which has been established since 1760 and sometimes there may be some
noise from outside tables. This has not caused a problem with any of our
current neighbours but we thought that we should point it out.”

4.0 Officer Comments

- 4.1 The applications as submitted are identical in form to those considered in
2005. Members will see from the Planning History, as set out under
paragraph 2.3, that the original applications were initially refused, for the
following reason:

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Notwithstanding the parking standards of the Adopted Wyre Forest District Local Plan 2004 (which requires 1 space per 1 bed dwelling), it is considered that the proposed development constitutes over-development of the site by virtue of no additional parking for visitors or deliveries, at a location where on-street parking is not available. As such, it is likely that the proposed development would be detrimental to highway safety contrary to Policy TR.9 of the Adopted Wyre Forest District Local Plan.

4.2 In allowing the subsequent appeal the Inspector stated:

“The site is within walking distance of a good range of facilities and public transport. I accept that the off-street parking proposed within the site would be at a premium, due to the limited number of spaces proposed and the lack of alternative on-street provision in Mitton Street. For this very reason, I consider the proposed development would not be attractive to occupiers mainly reliant on the private car as a mode of transport and would positively discourage the use of the private car by future occupiers. As such, I consider the development would not only enhance the character and appearance of the Conservation Area but also would accord with Government Guidance. I do not accept therefore that any resultant increase in traffic would unduly prejudice highway safety.”

4.3 In now considering this renewal, it is considered to be of benefit to set out the changes in policy and circumstances in respect of this site. In physical terms the only changes since the previous permissions has been the inclusion of Old Anglo House on the Local List along with its change of use to offices and the approval of the two permissions of the former Carpets of Worth site, the remaining material circumstances are unaltered from the previous.

4.4 The changes in the physical circumstances make little difference to the consideration of the development, which is still viewed by the Conservation Officer as being an important development to enhance the visual appearance and character of the Conservation Area and the setting of the Statutory and Non-Statutory Listed structures. The developments at the Carpets of Worth site will have a negligible effect on this site; similarly the use of Old Anglo House as offices does not affect this development, as it was taken into account when the permission was given.

4.5 In policy terms there have been a number of changes that are represented in the table below, which provides a comparison between the prevailing policy documents that provide the framework for decision-making and those in 2005. For clarity, the changes are indicated in bold text.

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2005 Permissions	Current Applications
Adopted Wyre Forest District Local Plan.	Adopted Wyre Forest District Local Plan.
Design Quality SPG (2004)	Design Quality SPG (2004)
-	Supplementary Planning Document – Planning Obligations (2007)
Worcestershire County Structure Plan	Worcestershire County Structure Plan
-	County Highway Design Guide (2010)
Planning Policy Statement 1 – Delivering Sustainable Development (2005)	Planning Policy Statement 1 – Delivering Sustainable Development (2005)
Planning Policy Guidance Note 3 – Housing (2000)	Planning Policy Statement 3 – Housing (2010)
Planning Policy Guidance Note 13 – Transport (2001)	Planning Policy Guidance Note 13 – Transport (2001)
Planning Policy Guidance Note 15 – Planning and the Historic Environment (1995)	Planning Policy Statement 5 - Planning for the Historic Environment (2010)

- 4.6 The highlighted policy guidance notes above are those that are new or revised and must be given consideration as part of the determination. Whilst Government guidance has changed this year in respect of housing and the historic environment neither of these documents change the policy emphasis as previously considered in respect of this site. The use of a brownfield site which positively enhances the Conservation Area is still actively encouraged.
- 4.7 In respect of the Council’s own Supplementary Planning Document on Planning Obligations adopted in 2007, as the scheme proposes all one-bedroom apartments, no contributions are required.
- 4.8 It will be noted that the County Council have this year issued a revised version of the Highway Design Guide. Whilst dealing with parking and access issues it does not alter the amount of parking provision of the development. However, the visibility splays are required to be updated, which the Highway Authority have sought to address through an appropriately worded condition, and the number of cycle spaces are required to be doubled from 12 to 24, which has been achieved through a revised plan from the Applicant’s Agent.
- 4.9 In all respects the scheme remains acceptable and compliant with prevailing planning policy.

10/0575/FULL and 10/0576/CAC

5.0 Conclusions and Recommendations

5.1 In summary, the proposal in respect of design and layout remains an acceptable development within an area of important heritage assets, which will positively enhance the Conservation Area, Grade II Listed Building and Locally Listed Building. Highway access and parking provision is acceptable and will not result in harm being cause to highway safety is this location. The material circumstances and policy framework changes since the previous approval have been considered and it is concluded that there are no circumstances that would warrant resisting this renewal.

5.2 I therefore recommend **APPROVAL** to **10/0575/FULL** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/Details of materials)
4. B9 (Details of Windows and Doors)
5. B13 (Level details)
6. E2 (Foul and surface water)
7. C6 (Landscaping – small scheme)
8. C8 (Landscape Implementation)
9. F5 (Construction Site noise/vibration)
10. Noise Assessment
- 11-17 Contaminated Land
- 18-20 Highway

5.3 I also recommend **APPROVAL** to **10/0576/CAC** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved Plans)
3. No demolition until the programme of implementation of 10/0575/FULL has been approved. Demolition of property only in conjunction with development approved under reference 10/0575/FULL

Reason for Approval

The proposal in respect of design and layout remains an acceptable development within an area of important heritage assets, which will positively enhance the Conservation Area, Grade II Listed Building and Locally Listed Building. Highway access and parking provision is acceptable and will not result in harm being cause to highway safety is this location. The material circumstances and policy framework changes since the previous approval have been considered and it is concluded that there are no circumstances that would warrant resisting this renewal. For these reasons the proposal complies with the policies and guidance listed above.