

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

08/02/2011

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
10/0617/FULL	YEW TREE COTTAGE GREY GREEN LANE BEWDLEY	APPROVAL	17
10/0633/FULL	PUXTON DRIVE KIDDERMINSTER	DELEGATED APPROVAL	24
10/0635/FULL	FIVE ACRES HEIGHTINGTON ROAD BLISS GATE KIDDERMINSTER	APPROVAL	39
10/0720/FULL	WEST MIDLAND SAFARI PARK SPRING GROVE BEWDLEY	APPROVAL	45
10/0745/FULL	2 QUEENS ROAD STOURPORT-ON-SEVERN	APPROVAL	50

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
10/0663/FULL	26 BLACKWELL STREET KIDDERMINSTER	APPROVAL	57
10/0731/FULL	13 NEW STREET STOURPORT-ON-SEVERN	APPROVAL	60
10/0751/FULL	FORMER NATIONAL STANDARD LAND AT CORNER OF STOURPORT ROAD AND WALTER NASH ROAD WEST KIDDERMINSTER	DELEGATED APPROVAL	63
10/0752/FULL	ROSE COTTAGE CLATTERCUT LANE CHADDESLEY CORBETT KIDDERMINSTER	DELEGATED APPROVAL	68
11/0009/FULL	MARKS & SPENCER PLC UNIT 18-19 WEAVERS WHARF KIDDERMINSTER	APPROVAL	72

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
8TH FEBRUARY 2011

PART A

Application Reference:	10/0617/FULL	Date Received:	14/10/2010
Ord Sheet:	379099 275643	Expiry Date:	09/12/2010
Case Officer:	Stuart Allum	Ward:	Wribbenhall

Proposal: Single storey side extension and store building

Site Address: YEW TREE COTTAGE, GREY GREEN LANE, BEWDLEY, DY121LR

Applicant: Mr & Mrs Hadley

Summary of Policy	D17 (AWFDLP) CP11 (WFCS)
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Yew Tree Cottage is a detached dwelling located in an allocated residential area to the north east of Bewdley town centre.
- 1.2 The site is flanked to the north by three detached dwellings at a slightly higher level, with a fourth positioned further away from the immediate boundary.
- 1.3 To the south, the site is bounded by three properties at a lower level, which are accessed from a spur off Kidderminster Road.
- 1.4 Grey Green Lane is very narrow, and the dwelling is accessed by way of a steep driveway leading from the highway which has no pedestrian footpath in this location.
- 1.5 The proposal involves the erection of a ground floor extension on the north facing side of the dwelling together with a small ground floor storage extension to the existing car port, and adjacent to the southern boundary of the site.

2.0 Planning History

- 2.1 WF/0811/86 – Extension and alterations : Approved

10/0617/FULL

3.0 Consultations and Representations

3.1 Bewdley Town Council – No objection to the proposal and recommend approval.

3.2 Neighbour/Site Notice – 3 letters of objection and one of ‘observation’ were originally received, which raised the following issues.

Main points summarised:-

- It appears that what exists now complies with WF/0811/86. The footprint and volume of the house has therefore been more than doubled from the original, and the car port increases the footprint to some 185% over the original.
- Proposal fails the test of Policy D.17 as it is:
 - i) Not subservient to the original building
 - ii) Not in keeping with the architectural characteristics of the original building. The roof over the dining room does not harmonise with the main roof of the house.
 - iii) Not in accordance with the suggestion that ‘flat roofed extensions will not be allowed’. The extension features a flat roof over the study and utility, and also features uPVC windows which we do not consider to be in keeping with the area.
 - iv) Not in accordance with the requirement to harmonise with the existing townscape. The proposal will represent overdevelopment of the plot when judged against the locality. The plot is too small for what is proposed. Furthermore it will be necessary to remove the established hedge on the northern boundary, therefore trees will be affected (‘NO’ ticked on application form) and trees not shown on plans.
 - v) Not in compliance with the requirements to preserve the residential amenity of neighbouring properties. The side extension will be clearly seen from principal lounge, breakfast/sitting room and bedroom windows.

Furthermore, the proposal to add windows to the first floor on the existing north elevation reinforces such an infringement. Preliminary works on these windows has already been undertaken.

10/0617/FULL

- Parking is very limited at this property and in Grey Green Lane generally. We can only foresee that future needs will increase if the cottage is extended. With regard to health and safety, in particular vehicular access on to a narrow lane, either reversing on/off with numerous young children using the lane to and from school with no footpath or lighting is far from ideal. Grey Green Lane is very narrow and without a pavement at the entrance of this property. School children pass the entrance in the morning and afternoon. There is nowhere for vehicles involved with the building process to park near the property, without causing serious obstruction, doing so would force pedestrians to walk in the road on a corner of the lane that is blind to traffic from both directions. This would cause a serious health and safety risk. During previous recent building works serious obstruction was caused to vehicles passing by the property. We would like to see the measures that would be taken to avoid such health and safety risks and obstruction, before this application is taken any further.
- We note that there is no general notice regarding this proposal warning other regular users of Grey Green Lane of the plans.

Subsequent to the preparation of the Officer's report, copies of a further 3 letters as addressed to a local Ward Councillor have been received which re-emphasise the above points, as well as a letter from a planning consultant representing one of the objectors which calls into question the interpretation of Policy D.17 of the adopted Local Plan in terms of the 'original dwelling' and, in this case, the previous extensions to the property. Further commentary is made in respect of the proposed extension roof design and proposals to retain an existing hedge along the northern boundary of the property.

4.0 Officer Comments

4.1 Proposals involving the extension or alteration to an existing residential property, including curtilage buildings and previous extensions, must be considered in the context of Policy D.17 of the Adopted Wyre Forest District Local Plan, which seeks to ensure that extensions:

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

10/0617/FULL

4.2 In this case, reference to the 1986 planning permission reveals that the two storey original building was of very diminutive proportions indeed. Available evidence appears to indicate that the building was certainly in use for living accommodation at that point even in its diminutive form, but suggests that the extension approved at that time transformed what had been an extremely rudimentary living unit into a larger and more sustainable dwelling.

4.3 The fact remains that the dwelling as extended following the 1986 permission is not the original building, which would have been the previously referred to rather diminutive building, calculated to have been approximately 31 square metres footprint with a total floorspace at ground and first floor of approximately 57.65 square metres. Paragraph 5.79 of the adopted Local Plan states that:

“as a general principle ... extensions should be subservient to and reflect the scale and architectural character of the original building. Extensions both in themselves and when taken together with previous works should not dominate the original building”.

4.4 Consideration of the previously approved extensions to the original property pre-date the current adopted Local Plan and thereby Policy D.17. Those extensions resulted in the original dwelling having been more than doubled in size, and whilst the frontage and general character of the original building were to an extent unaffected, the extensions as approved, and constructed, could in no way be viewed in numerical as being subservient to the original dwelling.

4.5 The proposal as part of this application proposes an additional 30 square metres floor area in the form of a single storey extension, and would result in a dwelling of approximately 136 square metres in total habitable floorspace (excluding the carport and store).

4.6 Whilst planning policies guide to regulate development, it is always the case that each proposal should be judged on its merits and that if material circumstances dictate, a differing conclusion can be reached. This is such the situation and the following circumstances are considered to be of relevance

1. The resulting dwelling footprint would be approximately 100 square metres. This sits in the context of surrounding dwellings that are between 80 square metres and over 130 square metres. In this context the dwelling would not appear out of character or excessively large.
2. The original dwelling was excessively small, the resulting dwelling would not result in an over large dwelling, in the context of the area of the plot.

10/0617/FULL

3. The proposed extension is single storey in nature and does not visually compete with the main elevation of the original dwelling which is still dominant, despite the amount of previous and proposed extensions.

On this basis it is considered that no harm would arise to the area through the overriding of the policy on this occasion, and due to these particularly unique circumstances such an approach will not be easily replicated elsewhere.

- 4.7 The proposed single storey side extension consists of a dining room, study and utility room and features a flat roof over half of its length. Whilst this design solution is not perfect, the use of a flat roof is not vetoed absolutely by policy, which seeks primarily to prevent such features from appearing on two storey extensions. The inclusion of a flat roof in these circumstances would, therefore, not be in conflict with paragraph (i) of Policy D.17.
- 4.8 Regarding the size of the plot, or domestic curtilage, this is small, but not so small that the proposal would represent an overdevelopment, as suggested in the objection letters received. A reasonable amount of amenity space would exist even after the erection of the extensions, particularly at the front of the property where the private garden is elevation above Grey Green Lane.
- 4.9 Turning now to issues associated with neighbour amenity, the rights enjoyed by the neighbouring properties under the Provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 have been balanced against the scope and scale of the proposal in that context. Following careful consideration of all the objections, including site visit appraisal of the application site from the dwellings in Gerlensta Court to the north, no breach has been identified. This is also the view in relation to the appropriate planning policies.
- 4.10 To clarify matters, the applicant intends to retain the existing boundary conifer hedge (approximate height 3 metres) although this is not indicated on the plans as proposed. A suitable condition is justified to ensure its retention. Even if this were not the case, the orientation and design of the proposed side extension is not judged to seriously impede upon the amenity, privacy and outlook of the neighbours, as has been suggested in the correspondence. In addition, the first floor bathroom window already installed on the southern elevation, in addition to another planned, are not changes which would attract a planning application in their own right.
- 4.11 The other matters raised, including proportionality and local character have been addressed, and the remaining issue of road safety highway parking and the risk of obstruction are substantially 'non-material' issues which are subject to other legislative enforcement.

10/0617/FULL

5.0 Conclusions and Recommendations

5.1 Though this is an unusual case, and a degree of interpretation has been necessary in relation to the appropriate policies, the weight of evidence is with the applicant on this occasion, and, therefore, **APPROVAL** is recommended subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved Plans)
3. B6 (External materials – approved plan)
4. Hedge retention

Reason for Approval

With reference to the special circumstances of the case, the proposed extensions are considered to be of an appropriate size, scale and design in relation to the dwelling curtilage as defined, and will have no perceptible impact upon the local streetscene. The impact of the extensions upon neighbouring properties has been carefully assessed and it is considered that no undue loss of privacy or amenity would occur as a result of the development. Accordingly, the proposal is considered to be in compliance with Policy CP11 of the Adopted Wyre Forest Core Strategy, notwithstanding the conflict with Policy D.17 of the Adopted Wyre Forest District Local Plan.

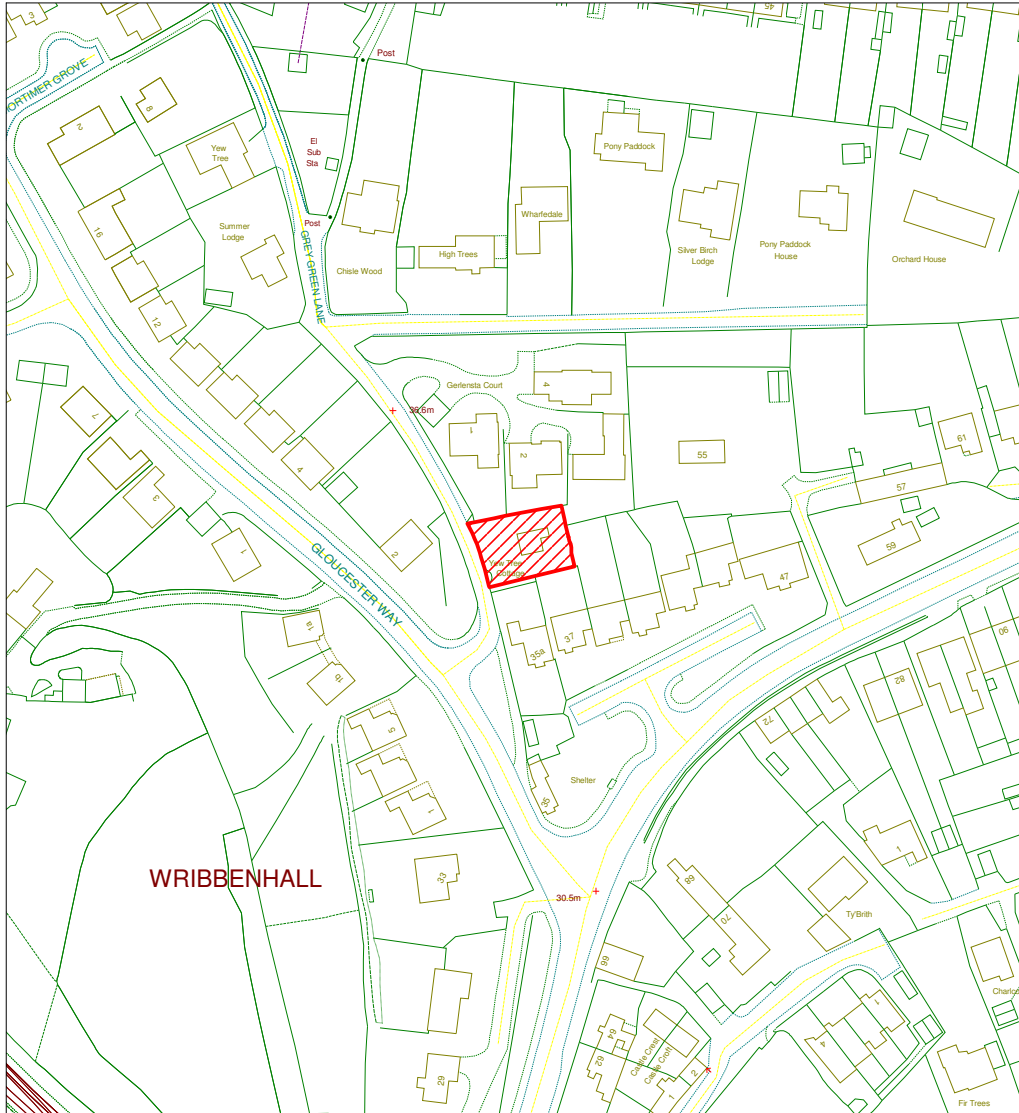
Date:- 26 January 2011

OS sheet:- SO7975NW

Scale:- 1:1250

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office copyright (C).

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number 100018317.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Yewtree Cottage
Grey Green Lane
Bewdley DY12 1LR**

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



Application Reference:	10/0633/FULL	Date Received:	22/10/2010
Ord Sheet:	382946 278022	Expiry Date:	21/01/2011
Case Officer:	Paul Round	Ward:	Wolverley

Proposal: Erection of 71 dwellings and associated roadworks

Site Address: PUXTON DRIVE, KIDDERMINSTER, DY115DR

Applicant: Bellway Homes West Midlands Ltd and
Wyre Forest Community Housing Group

Summary of Policy	D.4, D.10, D.11, TR.17 (AWFDLP) DS01, CP01, CP02, CP03, CP04, CP05, CP07, CP11, CP12, CP13, CP14, CP15 (WFCS) CF2, CF5, QE1, QE3, QE4, QE7, QE9, T2 (WMRSS) PPS1, PPS3, PPS9, PPS25 Design Quality SPG; Planning Obligations SPD
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site forms a 1.63 ha. piece of land situated on the south east side of the Marlpool Gardens estate. The site constitutes a rectangular shaped piece of ground that wraps around the estate behind properties in Brooklands Drive and Puxton Drive. Access is gained from Brooklands Drive and Hawkstone Close. To the south lies to the Puxton Marsh SSSI and the Stour Valley.
- 1.2 The site is allocated for residential purposes within the Local Plan, and washed over by the Landscape Protection Area. The site has been previously raised and, as such, falls outside the modelled levels for Flood Zones 2 and 3.
- 1.3 An application for 73 residential units was approved in 2009. The site is now owned by Wyre Forest Community Housing. The application is submitted in conjunction with Bellway Homes and seeks for 71 dwellings and associated roadways.

2.0 Planning History

- 2.1 WF.243/75 – Residential development : Refused 20.05.75

10/0633/FULL

- 2.2 WF.833/95 (Outline) – Residential development erection of 46 dwellings, construction of new access roads with works to and management of adjoining open space : Approved 29.9.98
- 2.3 WF.159/00 – Variation of condition 1 (b) and (c) of planning permission WF.833/95 to allow a further 3 years for submission of reserved matters and to allow development to begun no later than 7 years from the date of outline permission : Approved 14.3.00
- 2.4 WF.569/04 – Variation of condition 1 (b) and (c) of planning permission WF.833/95 and WF.159/00 to allow a further 3 years for submission of reserved matters and to allow development to begun no later than 10 years from the date of outline : Withdrawn
- 2.5 WF.64/04 – Reserved Matters: Access and siting of 46 dwellings and associated engineering works to regrade land : Approved 27.7.04
- 2.6 WF.975/04 – Reserved Matters: External appearance, design and landscaping following outline approval (WF.833/95 and WF.159/00) and reserved matters – approval for siting and access (WF.64/04) ON land off Puxton Drive, Wolverley Park, Kidderminster : Approved 12.10.04
- 2.7 WF.50/05 – Engineering works for surface water sewer to link to existing main sewer : Approved 12.08.2005
- 2.8 06/0547/CETE – Certificate of lawfulness for existing development to confirm that the ground works and erection of the retaining wall undertaken on the land constitute implementation of planning permission reference Nos. WF833/95, WF159/00, WF 64/04 and WF 857/04 which remain extant : Approved 07.07.06
- 2.9 08/0651/FULL – Residential development of 73 dwellings with associated internal roads, access, car parking & landscaping : Refused 19.12.08; Appeal Withdrawn
- 2.10 09/066/FULL – Residential development of 73 dwellings with associated internal roads, access, car parking & landscaping : Approved 14.07.09
- 2.11 10/0007/FULL – Amendment to Planning Permission 09/0066/FULL to include minor alterations to house types, site layout, and number of dwellings : Approved 25.03.10

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council (parish boundary adjoins the site) – Recommend Refusal; on flood plain
- 3.2 Highway Authority – No objections subject to conditions

10/0633/FULL

- 3.3 Environment Agency – We have no objections, in principle, to the proposed development but have the following comments to make and recommend that if planning permission is granted, conditions are imposed.

Flood Risk

The Flood Risk Assessment (FRA) titled '024354 Wolverley Park, Kidderminster', Revision 1, by Buro Happold (dated January 2009) submitted with the previous approved application has also been provided with this application. In addition an addendum to the FRA by Travis Baker has been submitted with this application.

The FRA details a 1% flood level of 35.92m AOD and a 1% plus climate change flood level of 36.07m AOD for the River Stour in this location.

The layout for this application shows the access road is situated further away from the 1% plus climate flood extent than in the previous application. The topographic survey and proposed cover levels for the sewer system along the access roads show that a dry access is available during a 1% plus climate change event. Some of the lower gardens (plots 21-30) backing onto the boundary adjacent Puxton Marsh site of special scientific interest (SSSI) may be affected by low levels of flooding during this event. Similar to the previous application the applicant is proposing to raise a small area of the site. However, there would be no significant increase in flood risk to third parties as a result of the proposed development.

We note that the finished floor levels of the proposed dwellings will be set at a minimum of 37.0m AOD, as shown on the Travis Baker Drawing No. 10057 rev a. This level is more than 900mm above the 1% flood level providing an allowance for climate change and freeboard / model error, as well as giving added protection from extreme flooding events.

We would advise that the sewage pumping station is also designed with the 1% plus climate change flood level in mind. We would suggest that any flood susceptible electric's/other parts within the pumping station are designed to be sited at least 600mm above the 1% plus climate change flood level (of 36.07m AOD), or flood-proofed to that level, in order to prevent flood risk and associated pollution risk, and that the wet well does not become flooded from fluvial floodwater.

Surface Water Runoff

The addendum to the FRA provides an updated surface water drainage scheme for the site. We note that surface water attenuation has been assessed for the 100 year plus climate change (30% allowance) event with discharge to greenfield runoff rate, in line with Planning Policy Statement (PPS) 25 'Development and Flood Risk'.

10/0633/FULL

We note that a new network of surface water sewers is proposed for the surface water drainage, which will discharge into the public surface water sewer to the west of the site. We would recommend that the adopting water authority is consulted on the proposals. They should be satisfied with the calculations submitted and that a connection to mains is acceptable in this location. It should be noted that during some rainfall events the outfall may be surcharged when the adjacent flood reservoir is utilised. Whilst the cover levels for the manhole covers are significantly above the anticipated flood levels, the proposed sewer system should be analysed with a surcharged outfall to consider this scenario.

Biodiversity

We note that Section 4.11 of the Planning Statement states that the dwellings on the revised layout are not positioned any closer to the SSSI than in the previously agreed scheme. However, the revised housing layout shows a number of proposed houses will back onto the boundary of Puxton Marsh SSSI. Boundary or garden fences directly adjoining natural areas or watercourses can be vulnerable to activities such as fly-tipping and disposal of garden waste. We note that you have consulted with Natural England and there have been discussions regarding the site boundary treatment adjacent to the SSSI.

3.4 Countryside and Conservation Officer - Recommend refusal in respect of layout and lack of protected species.

3.5 Natural England - Recommend refusal and offer the following comments:

1. Puxton Marshes SSSI

(i) Housing layout – Natural England objects to the current housing layout whereby the rear boundaries of back gardens directly abut the SSSI boundary. We are of the firm view that this layout will result in the deterioration of the SSSI through fly-tipping and as such is unacceptable. We would be willing to withdraw this objection if a 2-3 metre buffer between the SSSI boundary and the rear gardens was included in consented development. We anticipate that this outcome would need to be secured (and any associated detail agreed) via either an amended planning application or a planning condition.

(ii) Clean water provision for the SSSI – Natural England welcomes this proposal in principle. It is however unclear whether or not a successful scheme (in terms of the SSSI's vegetation and hydrology requirements) could be designed and implemented. We propose that provision of such a scheme should form part of a planning condition attached to planning permission (if granted). This approach would facilitate information gathering and agreement to be reached over feasibility and implementation.

10/0633/FULL

2. Protected Species

(i) The ecological survey report submitted by Ecology Solutions does not provide adequate information on reptiles and amphibians. In the absence of this information we wish to lodge a holding objection until such time as appropriate information is submitted. Despite the absence of Great crested newt records we propose suitable surveys are warranted on this site. The survey effort in respect of reptiles is insufficient in terms of the number of visits carried out and sub-optimal in terms of the timing of the one survey visit conducted.

(ii) Any planning permission should ensure a suitable scheme to safeguard protected species is incorporated. Issues such as lighting on the development would need to feature in this scheme so as to avoid indirect impacts on e.g. bats.

3.6 Watercourse Officer – No objection

3.7 British Waterways – BW is disappointed that the revised design now shows the proposed layout of the scheme and orientation of the dwellings with their backs to the river and canal and behind a 1.4m close boarded fence. BW requests that this aspect of the development is revised. This is in accordance with Local Plan Policy D3 which requires new development to be sympathetic to its locality. The appearance of this scheme raised from the level of the canal will be visible at eyelevel for boaters and walkers and form an unattractive barrier.

BW wish a further revision to the scheme to ensure all development overlooking the waterway is orientated towards the water to both take advantage of the waterway scene and to create a secure and attractive waterway environment.

Impact on the Waterway

The additional information includes the 1:100 year flood contour and revised highway and retaining wall levels. Though this site is some distance from the canal it is interconnected with the river and the flood control mechanisms. We note that the height of the site is to be raised to fit within the revised EA flood level predictions (2010).

The revisions to the scheme indicate the sensitivity of the site in relation to the local watercourses and the adjacent SSSI which is a marsh. British Waterways stance remains that pollution of the waterway and surrounding ecology is not acceptable and should be avoided. Development should not result in contamination of the waterway and ground water from wind blow, seepage or spillage at the site during remediation, construction and operation.

10/0633/FULL

The locality experienced a breach of the canal in 2001 and the canal is all within flood zone 2. BW records indicate the canal overtops in the 1 in 100 flood event. It is imperative that the drainage plans for the Puxton site are cleared with BW prior to the commencement of development to ensure there is no exacerbation of potential flooding in the area. BW would wish to be party to the discharge of any drainage conditions.

After due consideration of the application details, British Waterways has no objections to the proposed development.

- 3.8 Crime Risk Advisor – No objection. Various crime prevention measures discussed.
- 3.9 Severn Trent Water – No objection subject to condition
- 3.10 Neighbour/Site Notice – A total of 78 letters were sent out to those residents of the Marlpool Estate and Wolverley who had previously commented on this site. In addition site notices and a press notice have also be utilised.

3 letters of objection have been received which cover the following issues:

- Density of the proposal
- Highway Infrastructure cannot cope with additional traffic movements which will impact on the community
- Need to finish building of houses/flats in Kidderminster and leave green open spaces
- The application is not supported by local people
- The housing development is inappropriate, unacceptable and hostile to the environment
- The houses would be built on the flood plain
- The site does not drain well, other properties suffer from surface water flooding
- The development is contrary to protection of wildlife, flora and fauna and the Puxton Nature Reserve

4.0 Officer Comments

- 4.1 Members will no doubt recall the previous applications on this site and in particular the approval on this site for 73 dwellings and the subsequent amendments by Wyre Forest Community Housing. The current application is submitted by Bellway Homes who are seeking to develop the site in conjunction with Wyre Forest Community Housing for 71 dwellings.

10/0633/FULL

- 4.2 The two previous extant permissions on the site have established the principle of development in this location. Whilst I appreciate that concerns have been expressed by residents in respect of flooding, it is clear that the site is not within the modelled floodplain and has been earmarked as a development site within the Strategic Flood Risk Assessment work carried out for the Council that informed the Local Development Framework process. As such the Council have been consistent that this is a site that can be developed.
- 4.3 This application therefore falls to be determined on matters of detail, primarily in respect of the layout of dwellings.
- 4.4 The extant approvals are similar in layout providing roadways to the north-eastern boundary that borders Puxton Marshes. This achieved an appearance of dwellings fronting onto the marshes, with only three blocks siding on to this boundary. The boundary was to be demarked with low fencing and requisite highway furniture.
- 4.5 Bellway Homes having considered the extant permission and consider that in construction terms the extant layout raise a number of difficulties which have been highlighted by their engineer. The key elements raised are as follows:
- There is less developable land than was assumed on the planning layouts.
 - Concerns over the stability of earth bunds and retaining walls, and whether a roadway could be supported.
 - The layout was not suitable to provide a re-wetting scheme for the Marshes
 - Concern over the stability of the bank to northern boundary.
 - An adopted Severn Trent rising main runs across the south west corner, which was not accounted for on the original layout.
 - To achieve approved floor levels would require reconstruction of large sections of existing retaining walls.
- 4.6 In order to achieve a construction orientated layout it is proposed to provide a more traditional layout which results in 29 dwellings backing on to Puxton Marshes. The unfortunate consequence of this layout is that the rear boundary treatment will be exposed to view across the marsh area from a number of vantage points in the medium and short distance.
- 4.7 In order to mitigate against this impact, the developers are proposing to have a uniform close board fence boundary with a hedge providing a buffer between the rear boundaries and the SSSI. In addition a management strategy has been submitted to show the long term maintenance of the hedgerow to ensure establishment and future retention.

10/0633/FULL

- 4.8 Members will note that the Environment Agency and British Waterways have expressed concern at this layout. Natural England and the Council's Countryside and Conservation Officer object to the layout due to the impact on the SSSI. The concerns are not only borne out through the desire to achieve a suitable interface between the SSSI and the development but through the perceived harm created through fly-tipping from the rear gardens onto the SSSI which is managed by the District Council. Natural England would wish to see a 3 metre buffer between the SSSI and the development. In direct response to this wish, the Applicant's ecologist states:

This site has been identified for residential development for many years. Indeed the site is already subject to a planning consent. The issue of a buffer/boundary treatment is, by its nature, one of design not one of principle. So long as any buffer/boundary provides clear demarcation between the residential development and the adjacent SSSI, and this boundary cannot be altered or 'punched' through then it appears to me that either the existing proposal of a wall is acceptable or the matter could be left to be dealt with through an appropriately worded condition.

- 4.9 Whilst the solution is not ideal an on balance consideration must be given. The hedgerow provides a buffer and whilst the requested 2-3m buffer zone is not provided I do not consider that this will make a marked difference. Subject to the boundary treatment being fully agreed with the Local Planning Authority and Natural England I am satisfied that the fear of fly-tipping can be designed out without the need for a buffer zone. Additional cross-sections are needed to ensure the development is compliant visually with the SSSI. On this basis I am satisfied that the objections from Natural England can be overcome.
- 4.10 Highway access is provided in a similar way to the extant approvals providing access from Brooklands Drive and Hawkstone Close. The highway authority is satisfied that the substantive roadways are acceptable for adoption with a few areas of private drives. The numbers are less than previously approved and as such there are no capacity issues for the surrounding road network. Parking is provided at levels which are accepted through the County Council's Highway Design Guide, in all cases providing sufficient off street parking.
- 4.11 The external appearance of the dwellings are typical of modern estate design but are of a style that will merge with the architectural characteristics of the area whilst maintaining a difference between the new and the old parts of the estate. A range of styles, sizes and materials are proposed for the dwellings which provide variety across the development.

10/0633/FULL

- 4.12 A full drainage strategy has been provided including the provision an adopted pumping station and creation of a system that will link to the existing system at Hawkstone Close. In addition it is proposed to store and release clean surface water into the SSSI as part of a re-wetting strategy which is supported by Natural England. The Council's Watercourse Officer has been fully involved in this process and has no objections to the scheme. Discussions with Severn Trent Water are on going; however a suitably worded condition will require further submission of details prior to development commencing.
- 4.13 The impact on neighbouring properties remains the same as the extant permission with adequate garden lengths being provided to achieve acceptable separation distances.
- 4.14 The objections that have submitted to not raise anything specific about the proposed layout, but merely revisit the concerns over the principle of development on this site which has been dealt with during the previous applications.
- 4.15 In February 2007 the Council adopted a SPD on Planning Obligations. This sets out the Council's position on the type and level of contributions that would be required for certain types of development. The following table sets out the requirements set out in that document, to which the Applicant is willing to contribute.

<u>Requirement</u>	<u>Offered Provision</u>	<u>Required by SPD</u>
Open Space	No Additional Monies Offered £106,435 already paid	✓
Education Facilities	£38,224	✓
Affordable Housing	25 Units	✓
Highway Authority	£20,000 towards bus shelters	

- 4.16 In respect of Affordable Housing Members will note that 25 units are being offered for affordable housing, 11 being shared ownership and 14 being rented. The following table shows the difference in affordable housing provision of the previous extant planning permissions:

Application Number	Total Number of Units	Number of Affordable Units	% of Affordable Units
WF.833/95	46	0	0%
09/0066/FULL	73	14	19%
10/0007/FULL (amendment)	69	14	20%
10/0633/FULL	71	25	35%

10/0633/FULL

- 4.17 The level of Affordable Housing provision is clearly over and above the required level of 30% set in the Council's Core Strategy DPD.
- 4.18 Members will also note that there are outstanding concerns about protected species surveys, particularly in respect of reptiles. Case law and guidance is clear that Local Planning Authorities should not be approving applications without the full picture of ecology and biodiversity being presented before the decision maker. The applicant's ecologist comments as follows

I am obviously aware of the position of Natural England and also what is contained within the Good Practice Guide on PPS9 and the accompanying circular, and in most cases I would agree that planning permission should not be given when material considerations (such as protected species), have not been adequately surveyed and information is therefore lacking. Paul is quite correct that this is backed by the Cornwall case. However, to my mind, there is still some confusion as to the requirements of policy and the law. Whilst these two processes run in parallel and often overlap they are clearly separate. For example, central government advice is that planning authorities should not seek conditions such as preparing and submitting a detailed mitigation scheme as these matters are dealt with by statute and any applicant would need to deal with the provisions set out in law, whether or not a planning condition was attached to any permission.

This site already has planning permission. Under that planning permission (subject to the law), the site can be cleared, levelled and all vegetation and ecology removed. Despite the advice from Natural England, and I understand their position, I believe it to be wrong as a matter of law and process. Their argument stems from the fact that no surveys have ever been undertaken but that is irrelevant as the site has planning permission.

Bellway have a duty to comply with statute, and therefore appropriate surveys will need to be undertaken and mitigation measures agreed and provided for should those surveys demonstrate that protected species are present. It follows that there is no reason why, in exercising their responsibilities, the Planning Authority should withhold consent in this case in relation to policy regarding protected species. The Cornwall case was entirely different, the site was not subject to an existing consent. An Environmental Statement had been deemed necessary, the legislation for which requires all significant impacts to be considered and evaluated. What the courts found in that case was that it was not for the Planning Authority and applicant to side step that process by simply making these matters a condition on a planning permission in the full knowledge that protected species were present (the mine shafts contained extensive hibernacula roosts for several bat species). It is apparent that the baseline and the premise behind the courts decision are completely and utterly different from the facts in this case.

10/0633/FULL

Indeed, it could be argued that in light of the existing consent if the Planning Authority were to resist granting a new consent as a result of the potential for protected species, then the existing consent was granted in clear contravention of the Local Authority's duty of care since the same tests must have applied at that time if they are to apply today.

It is also worthwhile the Planning Authority asking itself the question 'if reptiles and Great Crested Newts were found to be present would that negate a consent being issued?' Clearly if reptiles are present there is no licensing procedure, the reptiles can be translocated to a new site without either the Planning Authority or Natural England's consent. The test in law is whether reptiles would be killed or injured, and as long as this was not contravened and, of course, a translocation exercise would not contravene it, then reptiles are not a constraint to development per se. If Great Crested Newts were present then there is nothing on the application site which is not better represented for this species on the SSSI and, subject to licensing, a temporary exclusion fence could be erected along the site boundary and any Newts translocated back into the SSSI before works commenced. It is therefore clear that there are straight forward, practical solutions which would not contravene policy or the provisions set out in law. Given the sites existing consent the baseline position and the clear way forward if such species were found to be present should not be seen as a bar to granting a new consent.

- 4.19 The legislation places a duty of care of protected species on the Local Planning Authority as a decision maker. Whilst I appreciate the points made by the ecologist, the previous approvals were given with the full endorsement of Natural England; this current application does not carry the same degree of favour. Whilst I have concluded contrary to Natural England advice in respect of the buffer zone, I do feel that the surveys are an important element that cannot be conditioned. However I would not wish to refuse the application purely on this basis. Given the period of time until the recognised seasonal survey period and the fact that a Section 106 Agreement is required to be signed, I consider that it would be prudent to await the outstanding surveys prior to issuing any decision.
- 4.20 Members will be aware of the Government's agenda for seeking energy efficient developments and that Policy CP01 of the Core Strategy DPD gives a structure for decision making in this context. In this regard the developer is keen for the Council to understand the financial constraints of the site and the numbers of affordable housing that will provided, however the developer has stated the following:

"The Dwellings

The Houses will be developed incorporating items such as low energy light bulbs, highly efficient condensing boilers, high performance glazing systems and the external envelope of the houses will be designed to achieve insulation levels consistent with the emerging building regulation requirements.

10/0633/FULL

This will ensure that all dwellings are provided with excellent insulation to minimise any heat loss. In addition the nature of the proposal provides for benefits in energy usage in reducing the amount of development having direct access to an outside wall, by a build form of terrace and semi detached blocks which can significantly impact upon the energy required for heating.

The Affordable Housing will be Lifetime home complainant because of concerns about how inaccessible and inconvenient many homes can be for large sections of the population. The principles of Lifetime Homes will support the growing demand for choice, flexibility and independence among disabled people of all ages, as well as promoting high quality and thoughtful housing design for the general population. These homes will be all about flexibility and adaptability; they are thoughtfully designed to create and encourage better living environments for everyone. From raising small children to coping with illness or dealing with reduced mobility in later life. In this context, it is therefore deemed to provide sustainable communities underpinned by essential accessible elements aimed at meeting current and future needs, including homes, facilities, goods and services the design of which will contribute to the long term viability of the community. The accessibility, flexibility and adaptability of a Lifetime Home all help to ensure long term demand for, and desirability of the dwelling. While sustainability is dependent on a range of factors, dwellings that offer this degree of accessibility and flexibility are likely to remain popular over time, for both existing and new households, and can therefore contribute to the creation of stable and popular neighbourhoods and communities.

In terms of the construction process all materials which can be recycled will be segregated and stored on site further to their recycling in due course. It is intended, where possible, to utilise locally sourced materials (Midlands) which will minimise transport costs and Local contractors (Midlands) will be used to construct the development.

The Development

Sustainable features are intrinsic to the layout in its design features, these features include:

- Water run off rates for the development will be restricted to the previously agreed Greenfield rainwater run off which is generated by the site in its current form, thus ensuring that there will be no increase in rate over what is being discharged currently. This will be achieved through the use of appropriately designed on site attenuation devices to comply with current guidance on establishing sustainable drainage systems.*
- During preliminary discussions with the EA and subsequent submission of a Flood Risk Assessment, we have outlined our intention to employ sustainable measures through our drainage design. Permeable paving will be used on each drive space which will increase the quality of water run off from the development through treatment by detention and filtration within the materials used in the construction of the drives.*

10/0633/FULL

We will also be utilising water butts to each dwelling which will help attenuate run off from the site and aid water conservation through the use of stored water for gardening purposes over the use of hose pipes fed directly from the water mains.

- *In addition to these features we are exploring the request of third parties to aid the rewetting of the northern part of Puxton Marsh adjacent to the site which appears to be drying out. This will in turn aid the bio-diversity of the marsh through the increase of the quality of habitat for various species in the area affected. This proposal, subject to assessment of impact on the species, will also reduce the volume of water run off from the development and provide a clean and sustainable addition to the water associated with the marsh”.*

On this basis it is considered that consideration has been given to the sustainability agenda.

5.0 Conclusions and Recommendations

5.1 The proposed development is considered to be acceptable in respect of design, layout and density providing affordable housing at an appropriate level. The proposed traffic generation can be accommodated on the exiting road network without compromising highway safety, and neighbouring properties will not be adversely affected by the proposal. The impact of the development on the SSSI and future flooding have been fully considered and is felt no adverse harm will be caused to the SSSI or put future residents or other areas at increased risk of flooding.

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

- i. the signing of a **Section106 Agreement** to secure the following matters:
 - a. 25 Affordable Housing Units
 - b. £38,224 towards educational facilities
 - c. £20,000 towards bus shelters
- ii. the submission of satisfactory ecological surveys and a no objection response from Natural England to the submission, and
- iii. the following conditions:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples/details of materials)
 4. B11 (Details of enclosure)
 5. C2 (Retention of existing trees)
 6. C7 (Landscaping – large scheme)
 7. C8 (Landscape implementation)

10/0633/FULL

8. C12 (Details of earthworks)
9. J1 (Removal of permitted development – residential)
10. Drainage
11. Environment Agency
12. Driveway construction
13. Access, turning and parking
14. Highway improvements / offsite works
15. Wheel washing
16. Parking for site operatives
17. Travel Plan
18. Lighting scheme
19. Bat roosts
20. Further survey if commencement not within 12 months

Notes

- A SN2 (Section 106 Agreement)
- B SN3 (Protection of species)
- C Mud on highway
- D Section 278 Agreement
- E Section 38 Agreement Details
- F Drainage Details for Section 38
- G No drainage to discharge to highway
- H Design of Street Lighting for Section 278
- I Works adjoining highway
- J Direction sign
- K Long Term Management of SSSI
- L Natural England - Run-Off
- M Contact British Waterways

Reason for Approval

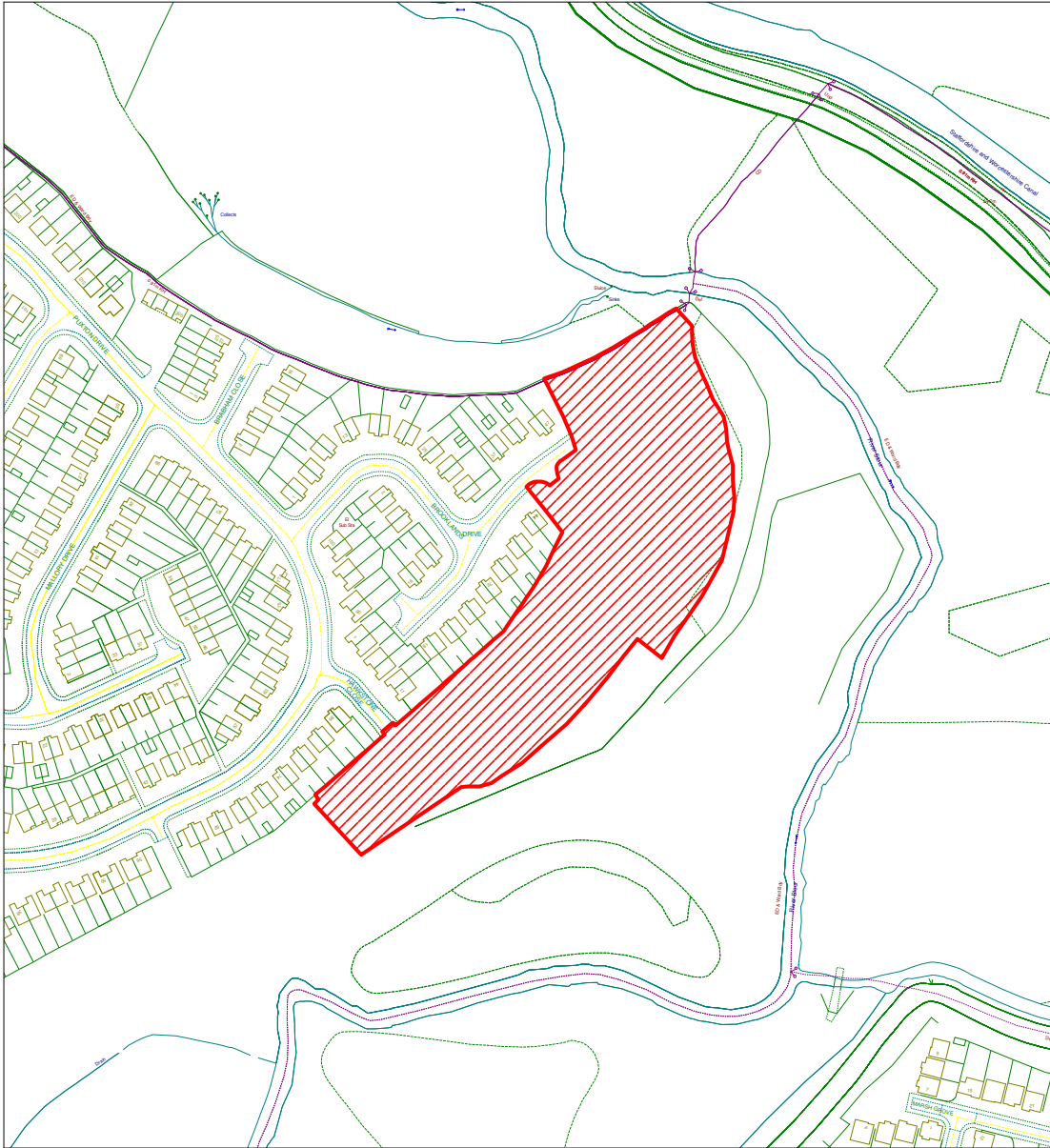
The proposed development is considered to be acceptable in respect of design, layout and density providing affordable housing at an appropriate level. The proposed traffic generation can be accommodated on the exiting road network without compromising highway safety, and neighbouring properties will not be adversely affected by the proposal. The impact of the development on the SSSI and future flooding have been fully considered and is felt no adverse harm will be caused to the SSSI or put future residents or other areas at increased risk of flooding.

Date:- 26 January 2011

OS sheet:- SO8278SE

Scale:- 1:2500

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright (C).
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number 100018317.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Puxton Drive
Kidderminster
DY11 5DR**

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



Application Reference: 10/0635/FULL **Date Received:** 25/10/2010
Ord Sheet: 375201 272284 **Expiry Date:** 20/12/2010
Case Officer: Paul Round **Ward:** Rock

Proposal: Replacement storage and agricultural machinery workshop building

Site Address: FIVE ACRES, HEIGHTINGTON ROAD, BLISS GATE, KIDDERMINSTER, DY149SX

Applicant: Willmor Hire

Summary of Policy	TR.17, LR.8 (AWFDLP) DS04, CP08, CP11 (AWFCS) RST03 (WCSP) QE3 (WMRSS) PPS1, PPS7
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 11 JANUARY 2011 PLANNING COMMITTEE MEETING FOR MORE INFORMATION REGARDING HOURS OF OPERATION (included at Paragraph 4.12)

1.0 Site Location and Description

- 1.1 Five Acres is located on the Heightington Road between the settlements of Bliss Gate and Heightington. The application site forms a 0.1 ha piece of land, which has a certificate of lawfulness for the storage of plant hire equipment and use for agricultural engineering.
- 1.2 Residential properties lie close to the site to the north-west and south-west. The site is located within the Landscape Protection Area and is identified by the County Council Landscape Character Assessment as falling within the Timbered Plateau Farmlands Landscape Character Type.
- 1.3 The proposal seeks approval for the replacement of existing buildings on the site with a single building. A dedicated external storage area also forms part of the proposal.

2.0 Planning History

- 2.1 09/0216/CERTE – Certificate of Lawfulness – Storage of two caravans; Machinery and equipment in association with plant hire; and Agricultural Engineering : Approved 16.09.09

10/0635/FULL

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection - recommend Approval
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Ramblers Association – We see that Bridleway Rock 722 has been taken into account in the planning application and that it will be re-instated on its correct line. Provided this is reiterated in the planning conditions then we have no objection to the proposal.
- 3.4 Worcestershire County Council (Public Path Orders Officer) - In this instance, we will be willing to accept a 3 metres width as an absolute minimum, provided it is a *clear* width (i.e. not encroached by hedge overgrowth, building footings etc).

The applicant should also note that by enclosing the bridleway, the landowner takes on additional maintenance responsibilities that are normally carried out by the Highway Authority, such as surface maintenance and overgrowth clearance.

- 3.5 Neighbour/Site Notice – 1 letter of response raising the following concerns:
- The proposed building is not a like for like replacement. There is a proposed 187% increase in business area.
 - Whilst the certificate is acknowledged, this is an expansion of a non-conforming use within an unsustainable location.
 - Repairs have been proposed, this is not part of the certificate.
 - The incorporation of the shed and stable/hay store within the size of the new building for commercial purposes does not conform to the certificate and confirms expansion.
 - The proposal is not farm diversification.
 - The removal of the stable will require another building in the landscape.

4.0 Officer Comments

- 4.1 Part of the site has lawful approval for the storage of plant hire machinery and equipment and for agricultural engineering, by way of a Certificate of Lawfulness approved in September 2009. The certificate allows both internal storage (within part of the existing building on site) and external storage subject to restrictions on the number of vehicles and pieces of equipment.
- 4.2 The proposal is to consolidate the usage of the site through a new building and formal storage area to allow the business to continue in a formalised manner.

10/0635/FULL

- 4.3 The existing building measures 15 metres x 6 metres giving an overall area of 90 sq. metres and includes a storage area, workshop and stable and hay store. On the basis that only two-thirds of the area was permitted by the Certificate of Lawfulness, this gives a commercial area of approximately 60 sq. metres (although this area may be slightly greater). The proposal seeks approval for the whole of the new building to be used for commercial operations. The proposed building measures 18.1 metres x 7.5 metres, giving a total area of 135.75 sq metres, a 50% increase over the existing building. The objector highlights that this also increases the commercial area, which on your Officer's calculations results in a 126% increase internally in commercial floor area.
- 4.4 The policy framework within the Core Strategy DPD, along with Government Advice in PPS4 and PPS7, encourages economic rural development in the rural areas, especially the re-use and replacement of existing buildings. I am satisfied that the policy framework exists to support this proposal. Whilst I agree that this is a non-conforming use, I disagree with the objectors that this cannot be allowed to expand. Any expansion must be judged against the policy framework and, any material considerations.
- 4.5 The enlarged building and the intensification of use has the following three main considerations which will form the basis of the consideration of this application.
- Impact on the Landscape
 - Impact on neighbouring properties and amenity
 - Impact on highway safety

IMPACT ON THE LANDSCAPE

- 4.6 The building whilst being larger is roughly on the same footprint as the original building. It is of design and scale that would not have a significant greater impact on the surrounding landscape than the existing building. In addition, it is proposed to remove an existing shed that blocks the existing public right of way and restore and protect the public right of way along the side of the site. As advised by the Landscape Character Assessment hedges are to be planted along the open boundaries to re-enforce the hedged character of this locality. Historically the storage of equipment and vehicles has been hit and miss across the site; therefore, through the identification of an area where storage can take place, which is well screened, there is an overall betterment to the visual appearance of the landscape. On the basis of these considerations, I do not consider that undue harm will ensue to the character of the Landscape Protection Area.

IMPACT ON NEIGHBOURING PROPERTIES AND AMENITY

- 4.7 The proposed replacement building is well screened from residential properties. Whilst there is an increase in internal storage, I do not consider that matters of noise of vehicle movements will rise to a point where it can be considered that significant loss of amenity will occur over and above the existing situation.

10/0635/FULL

IMPACT ON HIGHWAY SAFETY

- 4.8 A significant access exists, which has been improved over the years. The Highway Authority does not have any objections over the proposal notwithstanding the increase in storage capacity. I would agree with this view that the proposal does not significantly alter the usage of the site from a highway perspective that would result in harm to highway safety.

OTHER ISSUES

- 4.9 The re-instatement of the footpath and the removal of the shed will offer significant benefits to the surrounding area, both visually and in respect of attractive recreational routes.
- 4.10 I note the comments made in respect of the loss of the stables; however, the erection of stables is acceptable within the landscape subject to their location. The replacement building cannot be resisted on this basis.
- 4.11 The applicants have offered to install a bat box in order to enhance biodiversity on the site which, when considered with the proposed hedges, are acceptable from a biodiversity perspective.

HOURS OF USE

- 4.12 Following deferral from last month's Planning Committee, discussions have taken place with the applicant with regard to hours of use of the site. It is clear that the business operates at present unfettered from any restrictive hours conditions. The applicant would wish to retain this flexibility, especially in view of his claims to need to operate his business on a 24 hours basis in order to accommodate emergency repairs, both in respect of agricultural engineering and plant hire. It is the applicant's firm belief that any imposition of conditions would seriously jeopardise his business, preventing him from continuing the operation.
- 4.13 It is a fact that the business has had no restrictions on hours for a number of years, a fact confirmed by the Certificate of Lawfulness. The imposition of any additional conditions must be proportionate with the proposal. In respect of potential hours of use restriction, bearing in mind the conclusion under Paragraph 4.7 where it is considered that no adverse impact will occur to neighbours, following discussions with the applicant, it is not considered appropriate on this occasion to impose hours of use conditions.

5.0 Conclusions and Recommendations

- 5.1 It is considered that the replacement building for storage and agricultural engineering and the designation of a storage area within the site offer substantial benefits to the area through the re-instatement of the public right of way and the removal of existing buildings. The new building and the increased storage area will not have a significant adverse impact on the character of the landscape, neighbouring properties, amenity or highway safety over and above the established use.

10/0635/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)
4. Building to be used for storage of plant hire and use as agricultural engineering as specified on the approved plan.
5. No external storage other than in the area specified on the approved plan
6. J1 (Removal of Permitted Development – Residential)
7. C6 (Landscaping – small scheme)
8. C8 (Landscape implementation)
9. Footpath to be laid out prior to first use of the building
10. B15 (Bat Box)

Note

Public Right of Way

Reason for Approval

The replacement building for storage and agricultural engineering and the designation of a storage area offer substantial benefits to area through the re-instatement of the public right of way and the removal of existing buildings. The new building and the increase storage area will not adversely impact on the character of the landscape, neighbouring properties, amenity or highway safety.

Date:- 06 January 2011

OS sheet:- S07572SW

Scale:- 1:1250

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright (C).
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number 100018317.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

Five Acres
Heightington Road
Bliss Gate DY14 9SX



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

Application Reference:	10/0720/FULL	Date Received:	07/12/2010
Ord Sheet:	380548 275695	Expiry Date:	01/02/2011
Case Officer:	Paul Round	Ward:	Wribbenhall

Proposal: Proposed tented cover picnic area, adjacent to toilet block

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

Applicant: WEST MIDLAND SAFARI PARK

Summary of Policy	GB1, GB2, GB3, GB6, NR11 (AWFDLP) CP10, CP11, CP12 (AWFCS) D39 (WCSP) QE6 (WMRSS) PPS1, PPG2, PPS7, Good Practice Guide on Planning for Tourism
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The West Midlands Safari Park is the one of the District's major tourist attractions located on the Kidderminster Road between the towns of Kidderminster and Bewdley, falling with the parish boundaries of Bewdley Town Council. The park has been in existence since the 1970's and developed over the last 30 years to its position today.
- 1.2 The site is located within the West Midlands Green Belt and Landscape Protection Area.
- 1.3 The application relates to part of the site used generally for car parking and specifically to an area to the east of the existing toilet block which sits on an island of grass in amongst the car parking area.
- 1.4 The area is currently used for siting picnic tables and it is proposed to create a levelled area for the tables and provide a green canvas tarpaulin cover for protection against the elements.

10/0720/FULL

2.0 Planning History

2.1 Various – none of direct relevance.

3.0 Consultations and Representations

3.1 Bewdley Town Council – No objections and recommend approval

3.2 Highway Authority – No objection

3.3 Worcestershire Regulatory Services (Environmental Health) – No objections

3.4 Neighbour/Site Notice – Two letters received, raising the following comments:

- We feel the proposal for a covered picnic area is unacceptable for the potential noise it will create as we have witnessed in the last few months with loud music and many firework displays which we do not feel is acceptable.
- The area could be used as an entertainments area for private functions, similar to the 'Tree Tops Pavilion'.
- The site is 450 metres from residential properties in Whitehill Road.
- Concern that there are ulterior motives for the proposal, this has already happened at 'Tree Tops' where a covered picnic area was proposed.
- If approved conditions should be imposed to restrict its use.

4.0 Officer Comments

4.1 The proposal is to create a formal, level, covered picnic area for groups adjacent to the coach park and the toilet block, on an area of grass already used as a picnic area.

4.2 The levelled area will create two 12 metres x 12 metres picnic areas occupied by 32 picnic tables. These areas will be covered by green canvas a tarpaulin tent-like structure to provide shelter and shade throughout the year. The structure will be a maximum of 3.6 metres at the highest point. The development will be sited within the existing grassed area and, as such, will not reduce car parking.

10/0720/FULL

4.3 Whilst the site is within the West Midlands Green Belt, PPG2 and Policy GB.1 allow ancillary structures to uses of land that preserve the openness of the Green Belt or those that are essential for outdoor recreation. The use of the area as a picnic area already occurs and the structure will be of lightweight design, of minimal height and dug into the site. However, some loss of openness will occur and I do not consider that such a facility can be classed as essential; as such, I conclude that the proposal constitutes inappropriate development in the Green Belt, which creates harm purely by definition.

4.4 It now turns to consider the circumstances put forward by the Applicant to support this case. The Applicant has stated that:

'Currently there is no shelter provided for the existing picnic area adjacent to the toilet block, which is where the majority of schools eat their lunches, leaving them open to the weather elements all year round. Although large groups can use Treetops Pavilion, it is regularly noted from visitor feedback (in particular the younger groups) that an area is required in closer proximity to the current coach parking bays. This will allow access for organised groups and school parties to disembark directly adjacent to the area, eat lunches in all weathers and reload their belongings onto their vehicles before exploring the remainder of the park. For young groups it is also important to have adequate number of toilets in close proximity to the lunch area for use before exploring the rest of the Park.'

We are not creating a new area, just amending an existing one to provide UV protection in the summer and shelter from the rain and snow in the winter. The park intends this area to be only used for schools and groups to eat their lunches and make use of the toilet facilities.

Treetops Pavilion will continue to be used for educational talks and groups but over the last two seasons it has proved impractical for schools to troop down to the pavilion, with their belongings, eat their lunches and then troop back to unload their bags and then continue with their visit.'

4.5 I have some sympathy for the Safari Park in trying to make practical and efficient facilities for their guests. Notwithstanding the provision at Tree Tops which will always exist as an alternative provision, I do feel that there is a need for such a facility as that proposed and that it will enhance the park as a venue for groups and visitors. This approach is supported by Policy CP10 of the Core Strategy DPD and the Government's Good Practice Guide on Tourism. On the basis that this is a unique set of circumstances that carries a clear amount of weight I am satisfied that the weight afforded to these circumstances clearly outweighs the harm created by virtue of inappropriateness.

10/0720/FULL

- 4.6 The nature of the structure is temporary and as such, a permanent permission would be nonsensical. A temporary permission for a three year period would allow the Council to re-consider the materials and structure at regular intervals and avoid the establishment of a permanent structure in this open part of the park.
- 4.7 I note the residents' concerns over noise and the perception of what this area could be used for, however the proposal before Members is that of a covered picnic area. In order to define the permission conditions can be imposed that refer to the use of the area and structure as picnic area only. In addition to the temporary permission, I consider that adequate controls can be placed on the structure so as not to result in loss of amenity to residential properties in the vicinity.

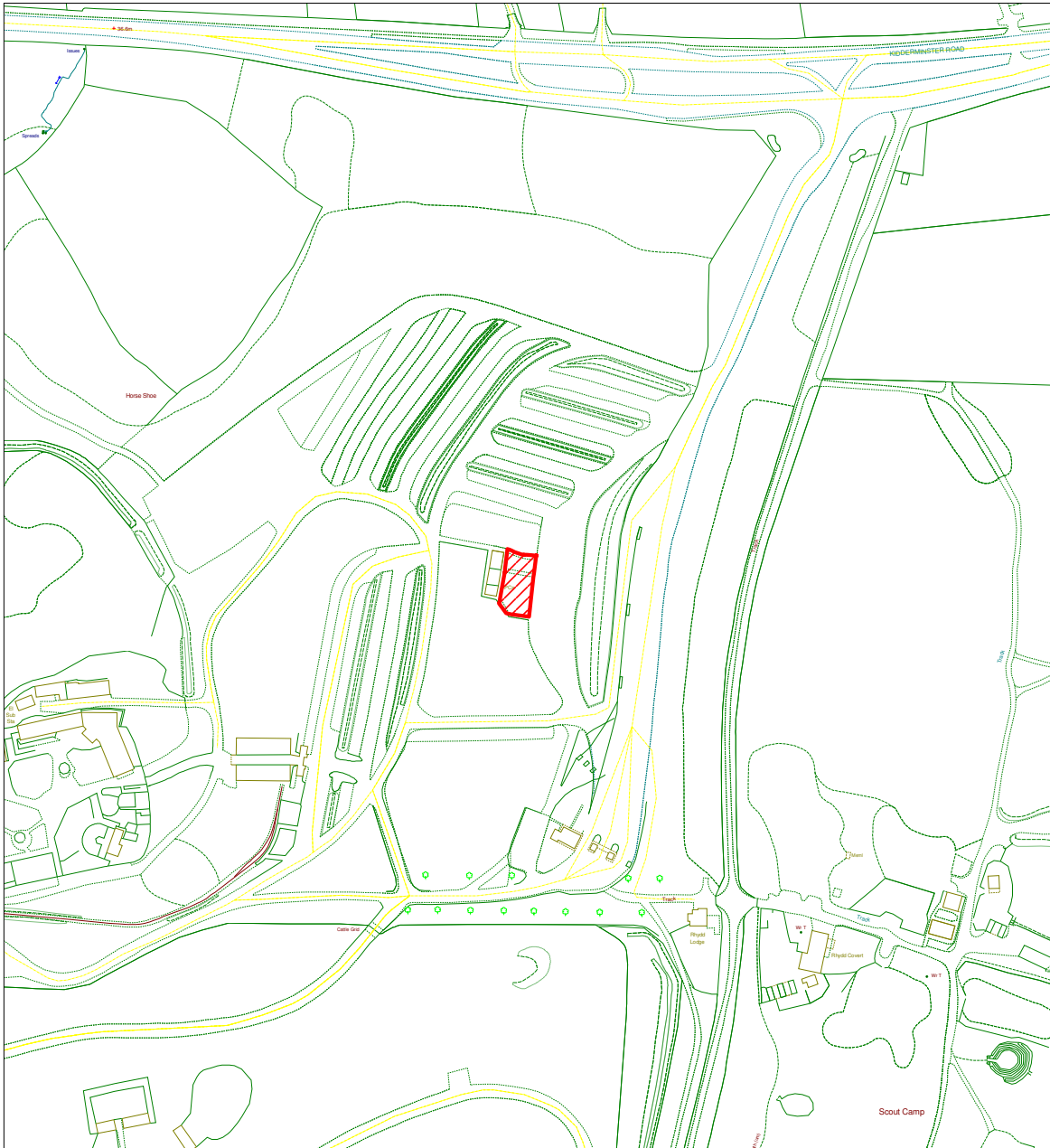
5.0 Conclusions and Recommendations

- 5.1 Although within the West Midlands Green Belt and constituting inappropriate development, it considered that sufficient material considerations exist that support the proposal as to outweigh the in principle harm created by the development. The design and appearance of the structure are considered to be acceptable within the context of the landscape for a temporary period of time. It is considered that residential properties will not be adversely affected by the proposal, with the suggested condition restricting the use to that of picnicking only.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions:
1. A8 (Temporary Permission – Buildings) <3 years>
 2. A11 (Full with no reserved matters)
 3. B6 (External Details – Approved Plan)
 4. The land and structure hereby approved shall be used for picnicking purposes only in accordance with the details as submitted for consideration and at no time throughout the lifetime of the development should the land and structure be used for outdoor entertainment or the playing of live or recorded music.

Reason for Approval

Although within the West Midlands Green Belt and constituting inappropriate development, it is considered that sufficient material considerations exist that support the proposal so as to outweigh the in principle harm created by the development. The design and appearance of the structure are considered to be acceptable within the context of the landscape for a temporary period of time. Residential properties will not be adversely affected by the proposal. The application is therefore considered to be in accordance with the policies listed above.

Date:- 26 January 2011 OS sheet:- SO8075NE Scale:- 1:2500
Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright (C).
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number 100018317.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**West Midland Safari Park
Spring Grove
Bewdley DY12 1LF**

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



Application Reference: 10/0745/FULL **Date Received:** 20/12/2010
Ord Sheet: 380676 270155 **Expiry Date:** 14/02/2011
Case Officer: Stuart Allum **Ward:** Areley Kings

Proposal: Full change of use at ground floor from A1 (Retail) to A5 (Hot food Takeaway) (resubmission of application 10/0610/FULL)

Site Address: 2 QUEENS ROAD, STOURPORT-ON-SEVERN, DY130BH

Applicant: Mr S Gogna

Summary of Policy	RT.6, RT.13, D.18, NR.10, NR.11, TR.17 (AWFDLP) CP03, CP09, CP11 (WFCS) QE.1, QE.3 (WMRSS)
Reason for Referral to Committee	Third Party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 2 Queens Road is a ground floor shop located at the extreme eastern end of a group of retail businesses, which include a small supermarket (closing time 8.30 pm). The area is identified in the Adopted Wyre Forest District Local Plan as a ‘group of small shops’ and the surrounding area is allocated for residential use. The shops are located to the south of Stourport on Severn town centre, on the ‘Walshes Estate’.
- 1.2 The shops were provided originally to service the local Walshes Estate, but a tendency more recently has been for one or more of the units to remain vacant for long periods of time, and such is the case with No. 2, which is currently empty and shuttered. A florist was the last known occupier.
- 1.3 The two upper floors of the three storey block are occupied as flats, including that above No. 2. As the application site effectively forms part of the gable end of the building, the proposed extraction flue is shown to be routed upwards and secured to the upper parts of the gable wall, which are outside the applicant’s control.
- 1.4 The proposal is to provide a hot food takeaway facility (Use Class A5) and initially fish and chips and southern fried chicken takeaway is proposed with associated car parking to the side and rear of the premises. The existing shop front would also be reconfigured to feature an offset doorway with plate glass windows, instead of an inset, more centralised door as at present. The present rear yard servicing area is proposed to remain unchanged in form and function. Opening hours are indicated to be 12.00 noon – 23.00 Monday – Saturday inclusive, closed on Sundays.

10/0745/FULL

2.0 Planning History

- 2.1 10/0610/FULL – Change of use at ground floor from A1 (Retail) to A5 (Hot Food Takeaway) : Withdrawn 6/12/10

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Views awaited
- 3.2 Highway Authority – No objections subject to condition.
- 3.3 Worcestershire Regulatory Services (Environmental Health) – [with reference to the previous, withdrawn application] – There is no material change to the mechanics of the extraction system in essence. Therefore, there are no grounds for objection as the previous application was satisfactory. The cladding/enclosure of the flue would improve acoustic and dispersion performance. No opening times condition stipulated.
- 3.4 Forward Planning and Regeneration - This application is a resubmission of a previous application (10/0610/FULL). The main changes appear to be related to highways and the design of the duct. Therefore the original comments regarding the principle of the development still remain valid but with slight alterations with regard to the proposal for the duct.

The proposal seeks a change of use of an existing shop unit from A1 to A5 use. Given the location of the unit, *Policy RT.6: Local Centres and Other Groups of Shops* of the Adopted Local Plan, is considered most pertinent. Policy RT.6 identifies that a change of use at ground floor to other retail uses (A2 and A3*) will be considered on their merits, but will be resisted where this would result in no convenience (food) outlet within 500 metres. In this case, there is already an existing convenience store within this group of shops and therefore the proposal can be considered on its individual merit. It is considered that in principle that the location is suitable for this proposed type of use but other factors, as identified below, also need to be taken into account.

Given the proposed use of the unit, to an A5 hot food takeaway, the proposal also needs to take into account *Policy RT.13: Food and Drink*. This policy provides the criteria for assessing proposals for shops selling food and drink. The policy identifies a number of criteria that need to be considered when deciding applications for new food premises. Point (ii) of RT.13 outlines a number of criteria to consider which are: the affects on the amenity of the local area; the impact on highway safety; and the details regarding extraction and flue systems. Therefore, these criteria will need to be met prior to any approval being granted. It is also important that the proposal does not have an adverse impact in terms of crime and disorder.

10/0745/FULL

The proposed brick facia on the outside duct, to match the existing brick work, is considered to be a much better solution in design terms than the previously submitted plans. Furthermore, the reduction to one outside duct (rather than two) and the change in its location to the centre of the property is also considered to be more desirable.

*It is worth noting that the Use Classes Order was updated in 2005, after the adoption of the Local Plan. References to an A3 use class are therefore considered to encompass the 'new' A4 and A5 uses for the purposes of Local Plan policies that pre-dated the change in the Order.

3.5 Crime Risk Advisor - Views awaited

3.6 Neighbour/Site Notice – The applicant has submitted, as part of the application, a 147 name petition in support of the proposal.

5 individual letters of support received, which make the following observations:

- For many years we have tried to get a fast food shop opened in the Walshes area.
- Application an excellent idea.
- Neighbourhood really needs it, why has it taken so long?
- Saves us having to go to get our supper from the main town centre – some residents do not have a means of transport.

10 individual letters of objection received – Main points summarised:-

- Similar application turned down before so why consider it now?
- Noise – already a problem with youngsters hanging around the shops until 8.30 pm (convenience store closing time), creating noise and litter. This would be extended to 11.00 pm or later. Residents would get only an average of 5 hours sleep before papers are delivered to convenience store at 4.00 am. Layout of shop fronts amplifies sound. Bedrooms of flats face the street. Will create disturbance up and down the street and also to the rear.
- Parking – where are the 8 parking spaces? Flats above park there in the evening. Believe the additional parking provision will not solve the issue of on street parking – residents cars are frequently damaged. Traffic flow will increase in Queens Road – parking to side of building will hinder access to garages to the rear of properties.
- Odour – Usual fish and chip odours despite extraction fans and pipe, especially in summer – would detract from pleasure of using gardens.
- Unsocial 'yob' behaviour – Takeaways act as 'honey pots' for people coming home from the pub usually the worse for wear.
- Litter – Extra litter from papers and containers – already a litter problem locally.

10/0745/FULL

- Need – Takeaway service provided by Londis Store on estate – do we really need another one? Area does not require a fast food outlet as Stourport has a great variety to offer with free home delivery services – will not create any further employment.
- Consultation – Insufficient neighbour consultation made by the applicant. Queens Road not included in applicant’s petition. Applicant has no consent letter from us.

36 individually signed identical copy letter of objection, on the grounds of:

- Great opportunity for teenagers to congregate around the shops and houses – could escalate into vandalism and litter and noise up to 8 later than the 23.00 hours closing time.
- Extraction units is an eyesore and we believe it will create unpleasant smells.
- Do not believe that the area requires a fast food outlet as Stourport has a great variety to offer with free home delivery services.

194 name petition of objection which states:

“We feel this could have a negative effect on existing business in and around the Stourport area as businesses in Stourport town centre are already suffering and resulting in a number of empty units. This will only add to the difficulties for them. This will also affect the elderly in the surrounding area as the shop will attract teenagers to congregate around these, this will create an intimidating environment.”

4.0 Officer Comments

4.1 As highlighted in the response from the Policy and Regeneration Manager, under paragraph 3.4 of the report, Policy RT6 of the Adopted Wyre Forest District Local Plan provides some flexibility to consider, in their own merits, proposals for hot food outlets in established groups of shops, such as that in Queens Road, Stourport on Severn.

4.2 Policy RT13 also provides criteria for the determination of such proposals. These can be summarised as:

- (i) the effects of such a use on the amenity of the local area;
- (ii) the impact on highway safety; and
- (iii) how the extraction and flue systems relate to the surroundings and neighbouring properties in design and performance terms.

10/0745/FULL

- 4.3 Referring specifically to issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act have been balanced against the scope and scale of proposed in that context.
- 4.4 It is, perhaps, difficult to be totally objective about the frequently articulated objections made by residential neighbours about this type of application. Fear of crime is a serious consideration, none the less, and the views of the West Mercia Police Crime Risk Advisor were awaited at the time of preparing this report. His views will be made known to Members prior to or at the Committee meeting.
- 4.5 The physical aspects of the proposal have been reviewed by the applicant following the withdrawal of the earlier application at the end of 2010. The design of the extraction duct has been rationalised and improved by the adoption of cladding, but retaining the high quality specification of the extraction system.
- 4.6 The application documents which accompany the planning application include a signed statement which appears to have been provided by the occupier of the flat directly above the shop unit, expressly supporting the application and attachment of the extraction ducting to the side gable end wall which is in his ownership. However, the provenance of this letter of support has subsequently been disputed by the joint occupiers, and since called into question by a local Ward Councillor. Officers are attempting to establish the origin of this letter and have sought to contact the applicant accordingly. Any comments received in response will be reported to Members via the Addenda and Corrections Sheet.
- 4.7 Again, following the previous withdrawal, negotiations have been on-going between the applicant and the Highway Authority in an attempt to overcome the perceived shortfall in car parking spaces to serve the development. This has resulted in an agreement with Wyre Forest Community Housing to create a car parking area for 4 vehicles, at the applicant's expense, in the area between the gable end of the building and the access drive to the rear of the site. Approval in principle has also been obtained from Wyre Forest Community Housing for customers visiting the proposed fish and chip shop to use the garage site to the rear of the shop for parking.
- 4.8 Some of the neighbour objections refer to a similar type of application made in 2000, relating to the end shop unit at the western end of the block, which was refused, for the following reason:-

“The change of use from Class A1 to Class A3 in the location proposed would have a material adverse effect on the residential amenity of nearby properties by virtue of unacceptable odour emission; and increased noise levels from customers and additional traffic at unsocial hours.”

10/0745/FULL

- 4.9 The difference between the 2000 application and the current submission is based on the commitment of the applicant on this occasion to install a high specification extraction system, which has effectively nullified the previous objections from Environmental Health.
- 4.10 Some degree of noise from customers and vehicles is an inevitable consequence of any shop which operates into the evening. However, given the evidence of co-operation offered by the applicant to identify and overcome obstacles thus far, it would be reasonable for the Council to respond by supporting the proposal in its final form.

5.0 Conclusions and Recommendations

- 5.1 As is usual in applications for hot food takeaways in residential areas, this case has generated a significant response from the local area and beyond. However, and in comparison to many poorly conceived and presented proposals at various sites across the district in the past, this attempt has more credibility than most. It is considered that there are no robust reasons to warrant refusal.
- 5.2 In that context, and in consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, it is recommended that this application be **APPROVED** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. Fume Extraction Scheme to be implemented in accordance with technical details submitted prior to the first use.
 4. Parking provision to be available prior to first use.

Reason for Approval

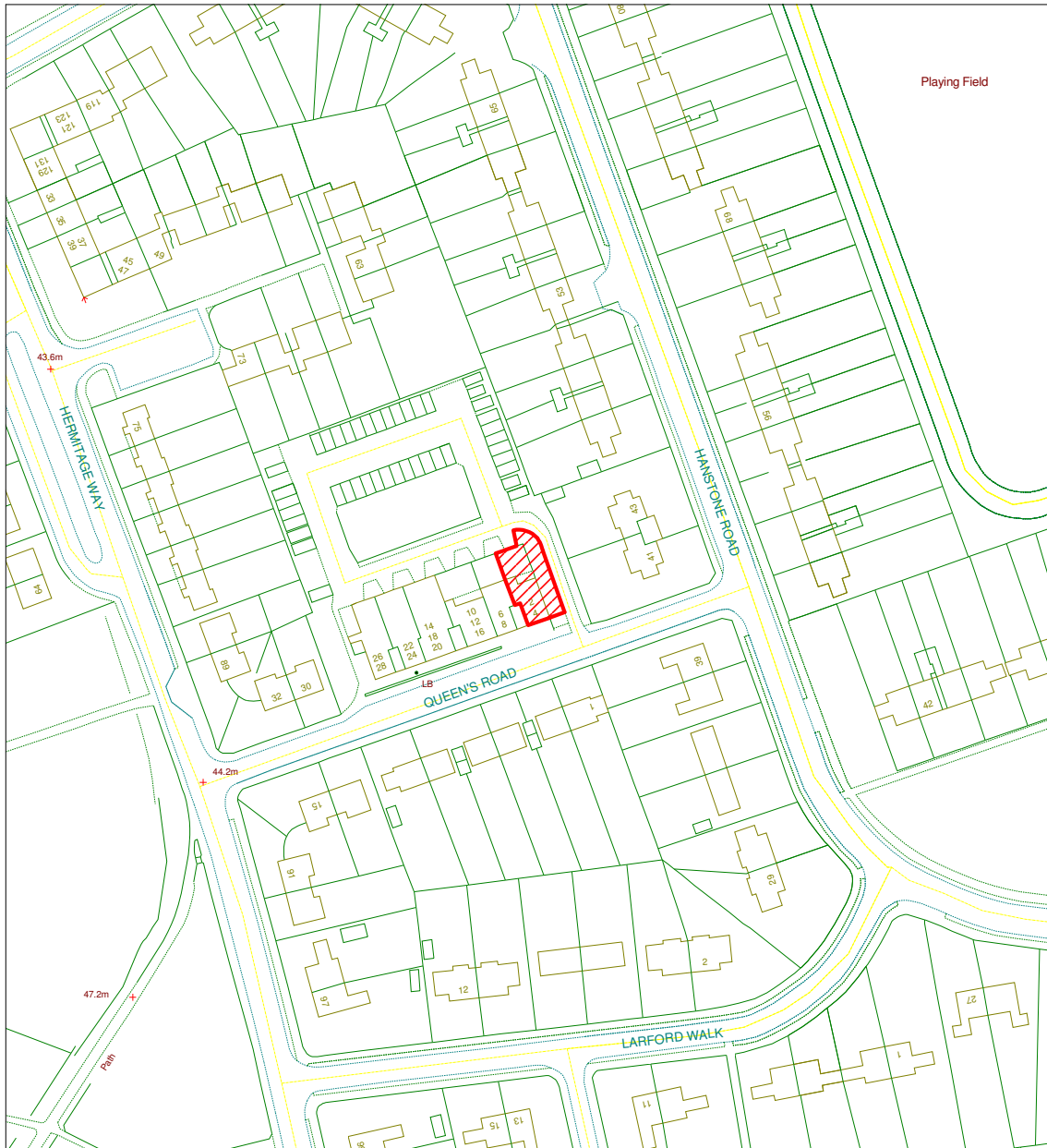
The proposed change of use and alterations would be compatible with the existing retail uses in this group of local shops, which includes a convenience (food) outlet. The proposal would not be seriously harmful to local amenity, particularly that enjoyed by flat dwellers above and adjacent to the site. Accordingly, the proposal is considered to be in compliance with the policies listed above.

Date:- 26 January 2011

OS sheet:- SO8070SE

Scale:- 1:1250

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright (C).
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number 100018317.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**2 Queens Road
Stourport
DY13 0BH**

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



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

8TH FEBRUARY 2011

PART B

Application Reference: 10/0663/FULL **Date Received:** 05/11/2010
Ord Sheet: 383253 276925 **Expiry Date:** 31/12/2010
Case Officer: James Houghton **Ward:** Greenhill

Proposal: Conversion and modification of first and second floors to form 2No. self contained one bedroom flats

Site Address: 26 BLACKWELL STREET, KIDDERMINSTER, DY102DU

Applicant: Mr D Cox

Summary of Policy	H.7, RT.4, TC.2, TR.17 (AWFDLP) PPS.1
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a three story, brick built, pitch roofed building, the ground floor of which most recently has been used as bar (A4 use).
- 1.2 The site is within Kidderminster Town Centre and is within the designated Secondary Shopping Area.

2.0 Planning History

- 2.1 None relevant.

3.0 Consultations and Representations

- 3.1 Highway Authority - Recommends that the permission be refused for the following reasons:-

The applicant has failed to provide the minimum level of car parking required by Worcestershire County Council's adopted design guide.

10/0663/FULL

The application doubles the car parking requirement for the site when the present situation does not provide any parking provision. Blackwell Street has no ability to provide on street parking as it is a busy through road and is heavily congested, therefore this application will result in the additional car being displaced on to nearby roads which are remote from the applications site, and this will create an obstruction to the carriageway, reduce existing parking capacity and cause local inconvenience. It should also be refused as the application fails to provide the necessary cycle parking provision. The site therefore does not promote sustainable access by not allowing for an alternative means of access.

This application will adversely impact on highway safety and the free flow of traffic by not providing off street car parking and the site fails to provide the minimum cycle parking which does not encourage sustainable access.

3.2 Severn Trent Water – No comments received.

3.3 Worcestershire Regulatory Services (Environmental Health) – No adverse comments.

3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The applicant seeks approval for the conversion of the upper two storeys of the building to form two, one bedroom flats.

4.2 The creation of residential development within the town centre is encouraged through Policy TC.2 which states that within the Town Centre Inset areas, residential (C3) development will be allowed above retail and business premises.

4.3 The proposed flats would require no significant external alterations to the property and as such the development would offer no detriment to the character of the building or to the street scene.

4.4 Objections and a recommendation for refusal have been received from the Highway Authority, as set out in full under paragraph 3.1 above.

4.5 Paragraph 3.53 of the Adopted Wyre Forest District Local Plan forms part of the reasoned justification behind Policy H.7, which deals with the subdivision of properties, and states:

“Generally, adequate parking provision should be provided in an environmentally acceptable form within the dwelling curtilage, in accordance with Policy TR.17. Within Town Centres, parking and amenity space standards will be relaxed where it is not possible or desirable, to provided on site provision.”

10/0663/FULL

- 4.6 Policy TR.17 of the Adopted Wyre Forest District Local Plan (2004) states that parking standards are regarded as a maximum and should not be exceeded. Members are, however, advised that following a Ministerial announcement made in January 2011, the Government has changed some of the text of PPG13 – Transport, removing the requirement to express maximum parking standards. Policy TR.17 also states that in town centres and other locations highly accessible by other modes of transport, levels of car parking provision below these maxima may be necessary. The application site is within 1000m of Kidderminster railway station and 600m of Kidderminster bus station.
- 4.7 The Highway Authority also recommend that the application should be refused as the application fails to provide the necessary cycle parking provision, stating that the site does not promote sustainable access by not allowing for an alternative means of access. It is considered that a condition could be added requiring that cycle storage is provided.

5.0 Conclusions and Recommendations

- 5.1 Notwithstanding the objections raised by the Highway Authority, it is considered that the proposed conversion would offer no detriment to the character of the application property or to the character of the area. Whilst it is acknowledged that no parking would be provided by the development it is considered that the town centre location of the site and the proximity of public transport would minimise the need for parking
- 5.2 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Provision of cycle storage.

Reason for Approval

The proposed conversion would offer no detriment to the character of the application property or to the character of the area. Whilst it is acknowledged that no parking would be provided by the development it is considered that the town centre location of the site and the proximity of public transport would minimise the need for parking. The proposal accords with the requirements of Policies H.7, RT.4, TC.2 and TR.17 of the Adopted Wyre Forest District Local Plan (2004).

Application Reference:	10/0731/FULL	Date Received:	14/12/2010
Ord Sheet:	380928 271315	Expiry Date:	08/02/2011
Case Officer:	James Houghton	Ward:	Mitton

Proposal: Change of use on first and second floor from office space to two bedroom self-contained flat

Site Address: 13 NEW STREET, STOURPORT-ON-SEVERN, DY138UW

Applicant: Mr Thurstfield

Summary of Policy	H.7, TC.2, TR.17 (AWFDLP) DS03, CP05 (WFCS) PPS.1
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a three story, brick built, pitch roofed, Grade II Listed Building within the Stourport No. 1 Conservation Area. The ground floor is currently occupied by a Chiropodist and the first and second floors were most recently utilised by a firm of accountants.
- 1.2 The site is within an area designated for General Town Centre Uses within the Adopted Local Plan.

2.0 Planning History

- 2.1 None relevant.

3.0 Consultations and Representations

- 3.1 Stourport on Severn Town Council – No comments received.
- 3.2 Highway Authority – Recommends that the permission be refused for the following reasons:-

The application will result in a residential vehicle being displaced onto the Public Highway due to an absence of off-street parking. The office presently can be accessed using sustainable means and the on street short stay parking complements this.

10/0731/FULL

However, a residential unit will result in a longer duration stay for cars on street or in the public car park which will utilise capacity which will displace vehicles elsewhere on the network, creating obstruction. This application does not provide car-parking provision in accordance with the Highway Authority's standards, which will have an adverse impact on the highway network.

3.3 Environment Agency – No comments received.

3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The applicant seeks approval for the conversion of the two upper storeys of the building to form a two bedroom flat.

4.2 The creation of residential development within the town centre is encouraged through Policy TC.2 of the Local Plan, which states that within the Town Centre Inset areas, residential (C3) development will be allowed above retail and business premises.

4.3 The proposed flat would require no significant external alterations to the property and as such, the development would offer no detriment to the character of the building or to the street scene.

4.4 Objections have been received from the Highway Authority, as set out in full under paragraph 3.2 above.

4.5 Paragraph 3.53 of the Adopted Local Plan forms part of the reasoned justification behind Policy H.7, which deals with the subdivision of properties and states:

“Generally, adequate parking provision should be provided in an environmentally acceptable form within the dwelling curtilage, in accordance with Policy TR.17. Within Town Centres, parking and amenity space standards will be relaxed where it is not possible or desirable to provide on-site provision.”

4.6 Policy TR.17 of the Adopted Wyre Forest District Local Plan (2004) states that parking standards are regarded as a maximum and should not be exceeded. Members are, however, advised that following a Ministerial announcement made in January 2011, the Government has changed some of the text of PPG13 – Transport, removing the requirement to express maximum parking standards. Policy TR.17 also states that in town centres and other locations highly accessible by other modes of transport, levels of car parking provision may be necessary. The application site is within 100 metres of the primary bus routes through Stourport on Severn town centre. Provision is also to be made for cycle storage to the rear of the property.

10/0731/FULL

5.0 Conclusions and Recommendations

- 5.1 Notwithstanding the objections made by the Highway Authority, it is considered that the proposed conversion would offer no detriment to the character of the application property or to the character of the area. Whilst it is acknowledged that no parking would be provided by the development, it is considered that the town centre location of the site and the proximity of public transport would minimise the need for parking.
- 5.2 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)

Reason for Approval

The proposed conversion would offer no detriment to the character of the application property or to the character of the area. Whilst it is acknowledged that no parking would be provided by the development, it is considered that the town centre location of the site and the proximity of public transport would minimise the need for parking. The proposal accords with the requirements of Policies H.7, RT.4, TC.2 and TR.17 of the Adopted Wyre Forest District Local Plan (2004).

Application Reference: 10/0751/FULL **Date Received:** 29/12/2010
Ord Sheet: 381731 273704 **Expiry Date:** 30/03/2011
Case Officer: Paul Round **Ward:** Oldington and
 Foley Park

Proposal: Change of use of site and construction of a new two storey car showroom building, single storey valet unit, associated refuse enclosures and fencing, plus hard and soft landscaping to a brownfield site

Site Address: FORMER NATIONAL STANDARD, LAND AT CORNER OF STOURPORT ROAD AND, WALTER NASH ROAD WEST, KIDDERMINSTER, DY117PZ

Applicant: CMS Kidderminster

Summary of Policy	D.4, D.11, NR.2, TR.17 (AWFDLP) DS01, CP01, CP03, CP08, CP11 (WFCS) D.25 (WCSP) PA1, QE3 (WMRSS) PPS1, PPS1 Supplement on Climate Change, PPS4
Reason for Referral to Committee	'Major' Planning Application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The site constitutes part of the former National Standard site last occupied by Romwire, situated on the corner of Walter Nash Road West and Stourport Road. The site is vacant and previous buildings have been cleared.
- 1.2 The area is allocated for employment uses within the Adopted Wyre Forest District Local Plan. There are trees situated on the corner of the site which are subject to a tree preservation order.
- 1.3 It is proposed to construct a new car dealership premises along with associated repair garage, car storage area and valet building.

2.0 Planning History

- 2.1 None of relevance

10/0751/FULL

3.0 Consultations and Representations

3.1 Highway Authority – Defer to enable further discussions on car parking numbers

3.2 Policy and Regeneration – Views awaited

3.3 Arboricultural Officer - I fully understand the situation with this application and the necessity for the forecourt to be clearly visible. I also understand that having trees on the forecourt could have implications for the cars parked beneath them. I am therefore prepared to compromise and allow trees to be removed.

I am happy with the number of replacement trees proposed, but I am not satisfied with the size of the replacements and would be looking for 30/35 girth and I would also be looking for at least 4 *Platanus x hispanica*.

The site for the replacements will have compacted poor quality soils and there will need to be substantial site preparation prior to any trees being planting.

3.4 Worcestershire Regulatory Services (Environmental Health) – Views awaited

3.5 Crime Risk Advisor - It is intended to use palisade fencing to secure the vehicle compounds, whilst this offers an adequate level of security there are better security fencing products available. There are some well know ways of breaching a palisade fence and these methods have been used on several occasions to gain entry to other facilities in the Kidderminster area.

I would have preferred the fencing to be constructed of Expamet, this is a 'Secure by Design' product and offers a much higher level of security, however there is a cost implication.

Paladin fencing could be used as an alternative, not as effective as Expamet, it still offers good protection providing the correct grade is used. I am not aware of any incidents in the Wyre Forest area where this type of fencing has been breached.

The most vulnerable area will be the cars for sale at the front of the premises. Whilst it does front a busy main road, the distance from the road means that natural surveillance is reduced; to compensate for this I suggest that at the very least the front of the premises should be covered by a CCTV system.

3.6 Severn Trent Water – No objection subject to condition.

3.7 Neighbour/Site Notice – No representations received.

10/0751/FULL

4.0 Officer Comments

- 4.1 It is accepted through the previous policies of the Adopted Wyre Forest District Local Plan and the new policy CP08 of the Core Strategy DPD that car showrooms and the maintenance of vehicles is an accepted use within allocated employment areas. As such the principle of development is acceptable especially in this location along the Stourport Road corridor which is the focus for business activity as set out in the ReWyre prospectus.
- 4.2 The building will be situated to the front of the site maximising the use of the corner. The modern design will help provide a vibrant frontage and approach to Kidderminster, along which two storey nature of the building which will provide a visual statement without being dominant in the street scene. The valet building although of a more industrial design will be situated on the north eastern boundary and will not be readily visible from outside the site; any views that can be gained will be in the context of the industrial buildings to the rear and beyond.
- 4.3 The main perspective of the site is given over to car parking and storage, and whilst this provides large amounts of hard surfacing, this has to be seen in the industrial context in which it sits. A full landscape proposal has been submitted to provide enhanced planting across the whole site which will soften any large open hard-surfaced areas and any fencing that is proposed. On the basis that any industrial use provides large amounts of hard surfaced areas, I consider that this use of the land is acceptable and any impact has been reduced through effective landscape provision. I take the point of the Crime Risk Advisor in respect of palisade fencing not only in respect of security but also in respect of the visual appearance. Paladin style fencing has been used to great effect on the Finepoint estate and should be used here. This can be secured through conditions.
- 4.4 The Highway Authority has been in discussions with the Applicants over the number of car parking spaces provided for visitors and staff. There is now 55 in total car parking spaces (including 5 disabled spaces) provided for visitors and staff; this is acceptable to the Highway Authority. The Highway Authority has not raised any objections to the proposed new access situated on Walter Nash Road East or any capacity issues at the signal controlled junction.
- 4.5 In order to create the prominent car sales frontage that is key to this use, the five protected trees that occupy the corner of the site will have to be removed along with the hedging along the boundary. The Arboricultural Officer's comments are clear that he is willing allow the trees to be removed subject to a satisfactory compensatory landscaping plan. The Applicant's have considered all possibilities to try and incorporate trees into their design, however it is clear that to operate an effective car display area it is impossible to accommodate trees due to the inherent difficulties that the combination of cars and trees brings about. They have offered a full compensatory landscaping scheme that enhances and replaces the trees along the remaining boundaries of their site and the remainder of the Romwire site.

10/0751/FULL

I have a great deal of sympathy with both cases and it is never a satisfactory solution when protected trees have to be removed, however when it is considered that the balance of one tree against the positive regeneration of this area and the re-use of a redundant site I have to conclude that that scheme should succeed subject to the size and special requirements of the Arboricultural Officer in respect of replacement trees. The proposed landscaping scheme will certainly enhance and 'green up' the remainder of the site and the adjacent parcel of land. Subject to satisfactory conditions the Arboricultural Officer is content with the scheme.

- 4.6 As with all sites of this nature contamination is a weighty matter that requires resolution. A full contamination land survey and remediation plan has been submitted with the application, which is being assessed by Worcestershire Regulatory Services, at the time of writing no comments have been received. I am confident that a satisfactory resolution can be achieved, and as such delegated authority is requested subject to the conclusion of this process within the timescales of the application.
- 4.7 Members will be aware of the Government's agenda for seeking energy efficient developments and that Policy CP01 of the Core Strategy DPD gives a structure for decision making in this context. To support this aim the applicant has produced an energy statement and commits the Applicant to looking at reducing CO2 levels, reducing energy uses through direct and passive usage. A number of technologies have been considered for the site and further investigations are required. However it is concluded that at the planning stage a photovoltaic system can be offered along with a biogas heating system. The statement has taken the responsibilities seriously a have looked at a number of aspects to achieve minimal energy usage and reduced carbon footprints. Whilst further work can be achieved, for the purposes of the planning stage I consider that the applicant have fulfilled their obligations. I feel that a suitability worded condition will help home the technologies to be included and ensure these are retained throughout the life of the development.

5.0 Conclusions and Recommendations

- 5.1 The use of the site is considered to be acceptable in this allocated employment area. The design of the buildings is compatible with the surrounding area and will provide an attractive frontage to the area. Despite the loss of protected trees it is considered that the regeneration of this site and the compensatory landscaping proposed is sufficient to outweigh the harm that would be created through the loss of trees. There are no highway issues that will result in harm to highway safety.

10/0751/FULL

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

- i. the satisfactory conclusion of consultation with Worcestershire Regulatory Services on contaminated land and a no objection response being received; and
- ii. the following conditions:
 1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B6 (External Details – Approved Plan)
 4. Full specification of tree replacement and maintenance plan
 5. C8 (Landscape Implementation)
 6. Highway
 7. Notwithstanding approved plans submission of fencing details to include paladin fencing in place of the palisade.
 8. Submission of details of sustainability measures including photovoltaics
 9. Any Contamination remediation conditions recommended by Worcestershire Regulatory Services
 10. E2 (Foul and Surface Water)

Notes

- A. Highways
- B. No consent given for adverts

Reason for Approval

The use of the site is considered to be acceptable in this allocated employment area. The design of the buildings is compatible with the surrounding area and will provide an attractive frontage to the area. Despite the loss of protected trees it is considered that the regeneration of this site and the compensatory landscaping proposed is sufficient to outweigh the harm that would be created through the loss of trees. There are no highway issues that will result in harm to highway safety.

5.3 In the event that a satisfactory outcome cannot be achieved in respect of contamination by 30 March 2011, it is also recommended that delegated authority be given to REFUSE the application for the following reason:

1. Insufficient and inadequate information has been provided to demonstrate to the Local Planning Authority that a contamination of the site can be satisfactorily remediated to allow safe use of the site for the use proposed. To allow the development in these circumstances would be contrary to Policy NR.2 of the Adopted Wyre Forest District Local Plan.

Application Reference:	10/0752/FULL	Date Received:	30/12/2010
Ord Sheet:	389918 272686	Expiry Date:	24/02/2011
Case Officer:	Paul Round	Ward:	Blakedown and Chaddesley

Proposal: Replacement dwelling with attached annexe for disabled dependant

Site Address: ROSE COTTAGE, CLATTERCUT LANE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104QT

Applicant: Mr R Latham

Summary of Policy	H.9, H.18, GB.1, GB.2, GB.6, TR.9 (AWFDLP) CP01, CP02, CP11, CP12 (WFCS) D.39 (WCSP) QE3, QE6 (RSS) PPS1, PPS1 Supplement on Climate Change, PPG2, PPS3, PPS4, PPS7
Reason for Referral to Committee	Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL Subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 Rose Cottage is a detached dwelling built in the 1970's and has been heavily extended in the past. It is an isolated property being located on the corner of Clattercut Lane and Bromsgrove Road
- 1.2 The site is in the Green Belt and open countryside, being defined within the Landscape Character Assessment as within the Principal Timbered Farmlands Landscape Character Type.
- 1.3 Permission was approved under the scheme of delegation for a replacement dwelling on the site in December last year. This application is a re-submission and seeks for the re-siting of the replacement dwelling.

2.0 Planning History

- 2.1 KR.215/70 – Dwelling : Approved
- 2.2 KR.239/72 – Extension : Approved

10/0752/FULL

- 2.3 WF946/82 – Extension : Approved
- 2.4 WF.551/00 – Implements Shed : Approved
- 2.5 10/0278/FULL – Extension for Granny Annex : Withdrawn
- 2.6 10/0653/FULL - Replacement dwelling with annex for disabled relative : Approved

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Views awaited
- 3.2 Highway Authority – No objections
- 3.3 Severn Trent Water – Views awaited
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The previous approval was judged against Green Belt and housing policy. It was considered that in visual terms, whilst being of a differing design to the existing, the proposed replacement would be of the same overall form and proportions. There were slight increases to the existing footprint to the rear which resulted in a 17% increase and to the height by 0.1m; however these were not considered to be material in the context of the improved design or resulted in a reduction in the openness or visual appearance of the Green Belt.
- 4.2 The previous application sought for a replacement on the same footprint. However since the approval, it has come to light that due to the age and mobility of the Applicant's relatives, it will not be possible to move them into temporary accommodation. As such, the current proposal is to position the new dwelling approximately 10m back from the front of the existing dwelling. This will permit the construction of the new dwelling whilst allowing the current occupiers to remain in residence. Upon completion of the new dwelling, the existing property is to be removed.
- 4.3 In Green Belt and landscape terms setting the dwelling back would have the effect of reducing its impact on the area by reducing the public perception of the building. Such an approach is acceptable under Policies GB.1 and H.9 of the Adopted Wyre Forest District Local Plan. As such, the current proposal is considered to be acceptable

10/0752/FULL

- 4.4 In accordance with Policy CP01 of the Core Strategy DPD the Applicant's Agent has submitted a sustainability statement to support the application. In this statement he confirms that *"the new dwelling will include water efficiency measures to a minimum of 105 litres per person per day (equivalent to Code for Sustainable Homes Level 3/4 for water consumption). Provision for waste recycling is made in the utilities where there is sufficient space to store materials for recycling. The existing house was constructed in the 1970's when building fabric was not designed for energy efficiency. By constructing a new home, there will be significant lifetime cost savings through implementing energy efficient fabric in the design (to satisfy current building regulations)."* On this basis I am satisfied that sustainability measures and climate change have been considered as part of this application.
- 4.5 In order to ensure, in a robust way, that the existing dwelling is demolished upon completion of the new property, it is considered that a Section 106 Agreement will be required to prevent implementation of the previous approval and to require demolition of the existing dwelling within 3 months of occupation of the new dwelling.
- 4.6 There are no other outstanding matters in this case.

5.0 Conclusions and Recommendations

- 5.1 The proposal represents appropriate development in the Green Belt. It has been well designed to conform to this countryside location. The impact of the proposed dwelling on adjoining residential properties has been assessed and it is concluded that no undue harm will arise. There are no highway safety issues in this case.
- 5.2 I therefore recommend **delegated APPROVAL** subject to:
- a) the signing of a **Section 106 Agreement** to
 - i) prevent implementation of 10/0653/FULL;
 - ii) and require demolition of the existing dwelling within 3 months of occupation of the replacement dwelling, and
 - b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B1 (Samples/details of materials)
 - 4. J1 (Removal of permitted development – residential)

10/0752/FULL

5. The annex accommodation shall not be occupied at any time other than by relatives or dependants of the occupiers of the main dwelling known as Rose Cottage, Clattercut Lane. At no time shall the annex be sold, let or otherwise severed from the main dwelling.

Reason for Approval

The proposal represents appropriate development in the Green Belt. It has been well designed to conform to this countryside location. The impact of the proposed dwelling on adjoining residential properties has been assessed and it is concluded that no undue harm will arise. There are no highway safety issues in this case. The application is therefore considered to be in accordance with the policies listed above.

Application Reference: 11/0009/FULL **Date Received:** 04/01/2011
Ord Sheet: 383040 276665 **Expiry Date:** 05/04/2011
Case Officer: Paul Wrigglesworth **Ward:** Habberley and Blakebook

Proposal: Extension to existing mezzanine & installation of associated emergency exit

Site Address: MARKS & SPENCER PLC, UNIT 18-19, WEAVERS WHARF, KIDDERMINSTER, DY101AA

Applicant: Marks & Spencer plc

Summary of Policy	RT.1, TC.1, TC.2, KTC.1, D.1, NC.5, IMP.1 (AWFDLP) DS02 CP09 (WFCS) D.31 (WCSP) PA11 (WMRSS) PPS1, PPS4
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 This application relates to the Marks and Spencer premises in Weavers Wharf, which has entrances facing the Weavers Wharf car park area on one side and Blackhorse Lane/Crown Lane on the other. 'Next' retail outlet is situated adjacent and to the rear in the service area.
- 1.2 At the present time there is a mezzanine area used for office and storage uses. It is proposed to increase the size of the mezzanine area to cover the whole of the store. The proposed mezzanine measures 1,177 sq. metres and will be used for retail purposes. The existing mezzanine area will remain in its current form for 'back of house' uses.
- 1.3 Access to the new mezzanine will be via stairs, a new lift and new escalators.

2.0 Planning History

- 2.1 WF.450/96 – Outline planning permission for the Weavers Wharf development : Approved 15/10/96

11/009/FULL

- 2.2 WF.45/01 – Reserved matters application for the Weavers Wharf development : Approved 24/9/01
- 2.3 08/0045 – Extension to existing mezzanine and installation of associated emergency exit : Approved 21.4.08
- 2.4 Other minor applications to Marks and Spencer’s store, none of which are particularly relevant.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection
- 3.2 Environment Agency – Views awaited
- 3.3 Cultural Services Manager – Suggest contribution of up to £5,000 towards Public Art scheme, Weavers Wharf, e.g. Heritage Trail
- 3.4 British Waterways – No objections
- 3.5 Severn Trent Water – Views awaited
- 3.6 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 This application seeks to renew planning permission for an identical scheme approved in April 2008 (08/0045)
- 4.2 The Agents, acting for Marks and Spencer have provided the following explanation of the development:

“The Marks & Spencer store at Weavers Wharf currently trades very strongly, however, the store gets congested and this adversely affects the customer retail experience within the store. The limited space within the store also restricts the number of product lines and the depth of stock that can be held at the store, which also impacts negatively upon customers.”

11/009/FULL

- 4.3 In order to increase the amount of space within the store to increase the range of goods, improve access and improve customer facilities, Marks & Spencer propose to undertake the following alterations to the existing store:
- Increase the mezzanine level within the store from its current circa 30% coverage to a full cover mezzanine level, providing an increase in floor space of 1,177 sq m (12,673 sq ft).
 - Refurbish the store to include new interior decoration and sales floor equipment.
 - Install new escalators, a new lift and a public staircase / escape to provide access from the ground floor to the first floor.
 - Other internal proposals include the provision of a new coffee shop area to the first floor, new customer toilets, new fitting rooms and additional till points.
- 4.4 In addition to the internal alterations proposed at this store Marks & Spencer also seek to install a fire escape door to the front elevation of the building that will provide direct access outside from the new internal stairwell’.
- 4.5 The main issues in considering this application are as follows:
- Policy issues
 - Other issues
 - Planning obligation

POLICY ISSUES

- 4.6 The site lies within an area covered by KTC1 policies (Kidderminster town Centre Redevelopment Area) in the Adopted Wyre Forest District Local Plan. There is also an indicative arrow on the proposals map suggesting that the area also forms part of the principal shopping area. This is reinforced by the Wyre Forest District Council’s Retail Monitoring Report (April 2008) which includes a plan in Appendix M which clearly shows the Weavers Wharf units falling within a primary shopping area. The Wyre Forest Retail and Leisure Study Update (February 2010) also includes ‘Weavers Wharf in the description of Primary Frontages within Kidderminster town centre (Paragraph 5.3.5). For all intents and purposes it would be consistent with these documents to determine an application on the basis that it falls within a primary shopping area where retail development is encouraged and where there is no requirement to demonstrate need for a retail impact assessment.

11/009/FULL

- 4.7 It should also be noted that the Adopted Wyre Forest Core Strategy seeks to enhance retail development within the centre of Kidderminster in both Policy DS02 and CP09 and that one of the main objectives of PPS4 (Planning and Sustainable Growth) is to promote vitality and encourage the economic growth and development of main town centre uses.

OTHER ISSUES

- 4.8 There are no implications for the external appearance of the building other than an inconsequential additional emergency door. The site is served by a large car park and the highway authority has raised no objections to the scheme. The arrangements that will be put in place for disabled people are the same as the previous application and were considered to be acceptable.

PLANNING OBLIGATION

- 4.9 Under the terms of the Supplementary Planning Document – Planning Obligations, an application of this kind is required to make a contribution to the Public Realm. In this case the applicants have paid a contribution of £5000 towards the public realm under the terms of the 106 agreement relating to the previous 2008 planning permission and a further contribution is consequently not considered to be necessary.

5.0 Conclusions and Recommendations

- 5.1 Renewal applications should be approved if there are no material changes in circumstances or policies that indicate otherwise and this is the case with respect to this application. The proposal will make a positive contribution to the retail experience at Weavers Wharf and accordingly it is recommended that planning permission be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Define use to ensure that the mezzanine is used for retail purposes (including cafeteria) in association with the existing store.

Reason for Approval

The proposal is considered to be acceptable in this location in terms of the principle of allowing the development, design, car parking and access for disabled people. To approve the application is in accordance with the above mentioned policies of the Development Plan.