

Open

Planning Committee

Agenda

6 pm
Tuesday, 11th October 2011
The Earl Baldwin Suite
Duke House
Clensmore Street
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor S J Williams	
Vice-Chairman: Councillor G C Yarranton	
Councillor J Aston	Councillor G W Ballinger
Councillor D R Godwin	Councillor I Hardiman
Councillor M J Hart	Councillor H J Martin
Councillor C D Nicholls	Councillor F M Oborski
Councillor M Price	Councillor M A Salter

Information for Members of the Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Susan Saunders, , Civic Centre, Stourport-on-Severn. Telephone: 01562 732733 or email susan.saunders@wyreforestdc.gov.uk

DECLARATIONS OF INTEREST - GUIDANCE NOTE

Code of Conduct

Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

Section 106 of the Local Government Finance Act 1992

If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Director of Legal and Corporate Services or Director of Planning & Regulatory Services before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director of Planning & Regulatory Services.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, “background papers” in accordance with Section 110D will always include the case Officer’s written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 11th October 2011

The Earl Baldwin Suite, Duke House, Clensmore Street, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Legal & Corporate Services, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interest In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered. Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992. (See guidance note on cover.)	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 13 th September 2011.	6
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	17
6.	Applications Pending Decision To receive a schedule of planning and related applications which are pending.	180

7.	<p>Planning and Related Appeals</p> <p>To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.</p>	204
8.	<p>Monthly Progress Report on performance against NI157 targets for determining planning applications</p> <p>To consider a report from the Director of Planning & Regulatory Services that provides Members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).</p>	209
9.	<p>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
10.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

11.	<p>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

THE EARL BALDWIN SUITE, DUKE HOUSE, KIDDERMINSTER

13TH SEPTEMBER 2011 6 PM

Present:

Councillors: S J Williams (Chairman), G C Yarranton (Vice-Chairman), G W Ballinger, D R Godwin, I Hardiman, M J Hart, H J Martin, C D Nicholls, F M Oborski, M Price, M A Salter.

Observers:

There were no members present as observers.

PL.47 Apologies for Absence

Apologies for absence were received from Councillor: J Aston.

PL.48 Appointment of Substitutes

No substitutes were appointed.

PL.49 Declaration of Interests

- Councillor G Yarranton declared a prejudicial interest in application number 11/0390/FULL as a Board Member of Community Housing.
- Councillor I Hardiman declared a prejudicial interest in application number 11/0390/FULL as a Board Member of Community Housing.
- Councillor H Martin declared that he was ward member for items 11/0163/FULL, 11/0533/CAC ,11/0390/FULL and had been contacted but he came to the meeting with an open mind and prejudicial interest as a Board Member of the NHS Trust in item 11/0483/FULL.
- Councillor F Oborski declared a personal interest in items 11/0163/FULL and 11/0533/CAC as a Member of the Horsefair and Greenhill Partnership.
- Councillor M. Hart declared a personal interest in item 11/0483/FULL as a Governor on the NHS Trust appointed by the County Council.

PL.50 Minutes

Decision: The minutes of the meeting held on 9th August 2011 be confirmed as a correct record and signed by the Chairman.

PL.51 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 489 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 489 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL.52 Applications Pending Decision

The Committee received a schedule of planning and related applications that were pending decision.

Decision: The schedule be noted.

PL.53 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

Decision: The details be noted.

PL.54 Monthly Progress Report on performance against NI157 targets for determining planning applications

The Committee received a report from the Director of Planning and Regulatory Services. The purpose of the report was to provide Members with a monthly progress report on performance against national indicators (NI157, formerly BV109).

Decision: The report be noted.

The meeting ended at 21.15.

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE**13TH September 2011 Schedule 489 Development Control

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

PART A**Application Reference:** 11/0427/FULL**Site Address:** 73 CASTLE ROAD, COOKLEY, KIDDERMINSTER, DY10 3TD**Decision:** The item be deferred to allow the Committee to carry out a site visit.**Application Reference:** 11/0437/LIST**Site Address:** ELLIOT HOUSE, WOLVERLEY VILLAGE, WOLVERLEY, KIDDERMINSTER, DY11 5XE**APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. Details of closing mechanism
5. Details of fixings to wall

Notes: (1) It should be noted that the planting of a hedge or trees in this location would require no planning permission. Works to or the removal of trees within the Conservation Area requires the submission of an application for tree works under the Town and Country Planning Act 1990. No such works should take place without the written permission of the Local Planning Authority.

(2) This consent relates to Listed Building Consent only, and does not give any permission under the Town and Country Planning Act 1990. The applicant is advised that as the proposed gate is within the curtilage of a Listed Building formal planning permission will also be required. No works can take place until such permission has been granted.

Reason for Approval The proposed gates and guide wires are considered appropriate in terms of scale, design and appearance and would not detract from the character, appearance or setting of the adjacent Grade II* and Grade II listed buildings and structures, as such the development would accord with the requirements of Policies LB.2, LB.3 of the Adopted Wyre Forest District Local Plan

Councillor Martin left the room during consideration of the following item.

Application Reference: 11/0483/FULL
Site Address: KIDDERMINSTER GENERAL HOSPITAL, BEWDLEY ROAD, KIDDERMINSTER, DY11 6RJ
APPROVAL subject to the following conditions: <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. C3 (Tree protection during construction) 4. C6 (Landscaping – small scheme; 3 spaces in Zone 5) 5. C8 (Landscape implementation) 6. Zone 3 – Landscaping to implemented prior to first use 7. Details of restoration works to locally listed building 8. G2 (Protection of existing building) 9. Zone 3 – Only used as staff parking 10. Prior to the commencement of development a scheme for disabled parking across the whole site shall be submitted and approved in writing by the Local Planning Authority. The parking spaces shown within each shall be provided prior to completion of works to that zone. <p><u>Reason for Approval.</u> There is a justifiable need for additional parking at Kidderminster Hospital. The additional spaces have been provided in a way that will not result in harm being caused to the visual amenities of the area or neighbours amenity. The proposed works to the locally listed building will enhance its appearance, and additional parking in close proximity will not result in harm. The proposed landscaping is considered to be of a quality that will enhance the visual appearance of the site as a whole. For these reasons the proposal is in accordance with the policies listed as follows TR.17, CY.3, LB.1. D.4 (Adopted Wyre Forest District Local Plan) CTC.19, T.4 (Worcestershire County Structure Plan), QE5, T7 (West Midlands Regional Spatial Strategy), PPS1, PPS5, PPG13 County Council Highway Design Guide (annexed to LTP3)</p>

Application Reference: 11/0109/FULL
Site Address: CONVEYOR UNITS LTD, SANDY LANE, TITTON, STOURPORT-ON-SEVERN, DY13 9PT
APPROVED subject to the following conditions: <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. Details of materials to be submitted 4. Floor levels in accordance with approved drawing 5. Restriction of development hereby approved to B8 use only 6. Access, turning area and parking facilities to be consolidated, surfaced and drained in accordance with details to be agreed 7. All site clearance works to be undertaken in the presence of a suitably qualified ecologist <p>Note: Footpath No. 573</p>

Reason for Approval. The application site is located in an area allocated for industrial purposes. The principle is therefore acceptable. The impact upon highways, biodiversity, flooding and the amenity enjoyed by adjacent residential occupiers has been considered along with the requirement for adequate parking, and it has been concluded that the proposed scheme complies with planning policy. The obstruction of footpath No. 573 has also been taken into account and it is also considered that its proposed extinguishment is appropriate in this instance. For these reasons the proposal is considered to comply with the policies listed as follows D.10, D.18, NR.2, NR.11, NR.12, NC.1, NC.2, NC.7, TR.17 (Adopted Wyre Forest District Local Plan) DS01, CP01, CP02, CP08, CP11, CP13, CP14 (Adopted Wyre Forest District Local Plan), T4, D25, CTC8 (Worcestershire County Structure Plan)T7, PA1, PA5, PA6, QE9 (West Midlands Regional Spatial Strategy), PPG1, PPS4, PPS7, PPG24, PPS9

APPROVAL to be given to application W/11/00868/PN made to Wychavon District Council **subject to the conditions listed above.**

Application Reference: 11/0163/FULL / 11/0533/CAC

Site Address: CHURCHFIELDS BUSINESS PARK, CLENSMORE STREET, KIDDERMINSTER, DY10 2JY

Delegated APPROVAL subject to:

- 1) No objections from Community and Partnership Services Directorate;
- 2) No objections from British Waterways;
- 3) No objections to the latest plans from neighbours with respect to the amendments to the design of plots 209 and 210 during the current reconsultation period;
- 4) The signing of a **Section 106 Agreement** for the following;
 - i. Affordable housing 22% (49 units – 17 shared ownership / 32 social rented)
 - ii. Education - £150 000
 - iii. AQMA - £29 000 (towards appropriate traffic management scheme to reduce emissions)
 - iv. Sustainable Transport - £35 000 (towards refurbishing Limekiln bridge)
 - v. Highway Improvements - £284 000 (as indicated in Churchfields Masterplan including but not limited to improving bus services 9/9a)
 - vi. Open Space £200 000; and
- 5) The conditions listed below, which may be amended or added to as a result of the outstanding consultation responses
 1. Prior to commencement details of current and proposed levels across the site
 2. Prior to commencement details of materials
 3. Prior to commencement large scale details of windows facing the Canal Conservation Area
 4. Notwithstanding plans submitted prior to commencement details all boundary treatment
 5. Retention of the canal boundary wall
 6. Demolition outside of bird nesting season (March to July) otherwise suitably qualified ecologist to undertake checks
 7. Mitigation measures made in section 5 of the ecological survey
 8. Landscaping to be undertaken in accordance with approved plans

9. Prior to commencement of development details of a timescale for the implementation of the approved landscaping and the maintenance thereafter shall be agreed
10. Any trees which die within the first five years of planting to be replaced
11. Prior to the commencement of development details of all lighting (including details of foundations) that minimises light spillage onto the canal corridor to be agreed
12. The finished floor levels of the dwellings shall be as shown on drawing Figure 6 which forms part of the Flood Risk Assessment unless otherwise agreed in writing.
13. Prior to the commencement of development details of a scheme to prevent runoff from any materials generated or stored on site through the demolition / site clearance / re-levelling and subsequent construction phases polluting the canal corridor and Puxton Marsh SSSI shall be submitted to be agreed in writing
14. Prior to commencement of development details of bat bricks and bat and bird nesting boxes shall be submitted to and agreed. The agreed details shall be implemented prior to the occupation of the first dwelling unless otherwise agreed in writing.
15. Full recording of the Corn Mill building prior to its demolition
16. Prior to the commencement of development details of how the canal boundary wall is to be reduced in height and repaired shall be submitted to and agreed. Such details shall include all materials to be used plus their colour with particular regard to the proposing capping material.
17. Any building still on site by 1st March 2012 shall be re-surveyed for the presence of bats. Should evidence of bats be found details of appropriate mitigation measures including a timescale of implementation shall be submitted to and agreed in writing.
18. Prior to the any works of demolition on site an additional survey for otter shall be undertaken with the results submitted. Should evidence of otter be found details of appropriate mitigation measures including a timescale of implementation shall be submitted to and agreed in writing.
19. Prior to the commencement of development a method statement detailing how the existing Japanese knotweed is to proposed to be removed from site and disposed shall be submitted to and agreed in writing. Such details shall include a timescale of implementation and resurveys once the initial works of removal have been undertaken to ensure that it has been removed in its entirety.
20. Notwithstanding the details submitted prior to the commencement of development details of foul and surface water drainage including SuDS to be submitted.
21. Prior to the commencement of development details of a scheme to deal with the risks associated with contamination of the site (parts 1, 2, 3, 4).
22. Details of remediation to deal with contamination not previously identified.
23. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning.
24. Prior to the commencement of development details of the proximity and method of foundation construction for those units fronting the canal to be submitted.
25. Prior to the commencement of development full details of any and all excavations and earth removal to be submitted to and agreed

26. Prior to the commencement of development details of all measures to prevent the ingress of construction of materials into the waterway during the course of construction shall be agreed.
27. A programme of archaeological works to be carried out to fully record the areas of surviving remains.
28. Removal of permitted development allowances to retain open plan frontages
29. Visibility splays
30. Driveway gradient
31. Access turning and parking
32. Cycle parking
33. On site roads submission of details
34. On site roads phasing
35. Parking for site operatives
36. Welcome pack for residents promoting sustainable travel
37. Dedicated secure store for materials
38. Dedicated waste and storage space
39. Notwithstanding the details submitted no development prior to the agreement relating to the interface between the canal and the application site.

Notes

- A Badger licence is required from Natural England to close the sett on site
- B Bats
- C Otters
- D Environment Agency comments on the Geo-environmental Assessment Report (Ref 09032/1, August 2009)
- E British Waterways Third party works permission
- F British Waterways Access
- G British Waterways Encroachment
- H British Waterways Right of Support
- I Highways

Reason for Approval. Whilst the proposed use of the site for residential purposes is contrary to the Adopted Local Plan the principle of developing the site for housing is compliant with the adopted Core Strategy and the emerging policy of the draft Site Allocations and Policies and the draft KCAAP DPD's which are material together with the Churchfields Masterplan which is anticipated to be adopted as a DPD shortly and is therefore given significant weight.

The proposed layout indicating a total of 223 dwellings is considered to meet the design policies of the Adopted and emerging plans by addressing the canal, enhancing its green infrastructure and contributing to its nature conservation value. The proposed scheme is considered to pay due regard to the Canal Conservation Area and provides sufficient open space and parking for future residents. The highway and flooding implications have been assessed together with the impact upon privacy and outlook for neighbours and it is considered that the proposal is acceptable.

Delegated APPROVAL of the application for conservation area consent Reference 11/0533/CAC subject to:

- 1) No objections during the remaining consultation period,
- 2) the submission of additional information to provide greater detail of the proposed level of the wall to the satisfaction of the Conservation Officer; and
- 3) the following conditions:
 1. Notwithstanding any indication on the drawings prior to the first demolition or reduction in the height of the wall samples of materials to be agreed
 2. Prior to first demolition or reduction in the height of the wall details of repair to be agreed

Reason for Approval. It is considered that there is sufficient justification for the proposed reduction in the boundary wall to the canal to allow the regeneration of the Churchfields North site for housing whilst the proposed impact upon the appearance and character of the Canal Conservation Area is acceptable.

Councillors Yarranton and Hardiman left the meeting during consideration of the following item

Application Reference: 11/0390/FULL

Site Address: CORNER OF HURCOTT ROAD AND, STOURBRIDGE ROAD, KIDDERMINSTER, DY10 2PJ

Delegated authority to APPROVE the application be given, subject to:

- i) the signing of a **Section 106 Agreement** to secure a contribution (figure to be confirmed) towards Air quality Monitoring in the vicinity of the site; and,
- ii) the following conditions and notes:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved Plans)
 3. B1 (Samples of materials)
 4. B13 (Levels details)
 5. C3 (Tree protection during construction)
 6. C8 (Landscape Implementation)
 7. C14 (Landscape Maintenance)
 8. 100% Affordable Housing only
 9. E2 (Foul and Surface water)
 10. F5 (Construction Site/Noise Vibration)
 11. Construction Method Statement – Construction hours and parking.
 12. F12 (No burning of materials)
 13. F13 (Control of Dust)
 14. Construction traffic – wheel wash
 15. H3 (visibility splays)
 16. H9 (Driveway gradient)
 17. H13 (Access, Turning and Parking)
 18. Road Layout details to be submitted
 19. J1 (Removal of Permitted Development – Residential)
 20. Method statement required in the event of previously unidentified

- contaminated land being found
- 21. Development carried out in accordance with approved Flood Risk Assessment
- 22. Cycle parking provision.
- 23. Lighting details.
- 24. Security measures – lockable access gates
- 25. Residents welcome pack

Notes:

- A. SN2 (Section 106 Agreement)
- B. SN1 (Removal of Permitted Development Rights)
- C. HN1 (Mud on Highway)
- D. HN4 (No Laying of Private Apparatus)
- E. HN7 (Section 278 Agreement)
- F. Section 38 Agreement
- G. Protection of visibility splays
- H. Design of street lighting

Reason for Approval. The proposed development has been assessed against relevant national, regional and local guidance. The application site constitutes previously developed land, based upon the definition given in Annex B of PPS3 – Housing and as such the in principle development of the site for residential purpose is supported by Policy H.2 of the adopted Wyre Forest District Local Plan and Policy DS01 of the adopted Wyre Forest Core strategy. The site is identified within the emerging Kidderminster Central Area Action Plan DPD and Churchfields Masterplan SPD as being suitable for residential development in the form proposed and is recognised as the first phase of the wider redevelopment and regeneration aspirations for the Churchfields area. There is a clear and demonstrable need for affordable housing within Kidderminster and the proposed development would provide a 100% affordable housing development with a net increase of 40% over and above the current level of provision on the site. The development itself has been assessed in terms of the potential impact upon neighbouring properties and other properties within the vicinity of the site, particularly in terms of the design and height of the proposed scheme, in particular the apartment block. In these regards it is considered that there will be no adverse impact caused by the development. The impact upon the existing highway network has been assessed and no adverse impact has been identified. The density of the development has been carefully assessed, with particular reference to Local Plan policy and PPS3, and it is considered that the proposed development makes an efficient and effective use of the land available and thereby is in accordance with the aims and aspirations of PPS3. Adequate provision has been made for foul and surface water drainage. In light of the above, and being mindful of all other relevant considerations it is considered that the application is compliant with the above Policies and H.2, D.4, D.10, D.11, D.15, NR.2, NR.11, (Adopted Wyre Forest District Local Plan) DS01, DS02, CP01, CP02, CP03, CP04, CP05, CP07, CP11 (AWFCS) KCAAP Preferred Options, Draft Churchfields SPD, Planning Obligations SPD Design Quality SPG, PPS1, PPS3, PPG13, PPS23. QE.3, T.3,T.7 (West Midlands Regional Spatial Strategy)

Application Reference: 11/0398/FULL
Site Address: 7 LICKHILL MEADOW, MOOR HALL LANE, STOURPORT-ON-SEVERN, DY13 8RD
REFUSED , for the following reason: Insufficient information has been submitted for an assessment of flood risk to be made. However, based on the flood information available, the site is not shown to be safe during a 1% plus climate change event. The intensification of use for 11 months (majority of the year) would lead to more risk of occupants being isolated in times of flood. This has the potential to place an additional burden on the emergency services given the extent, duration and frequency of flooding that may be experienced in this location. The proposal is therefore contrary to Policy CP02 of the Adopted Wyre Forest Core Strategy and guidance in PPS25.

Application Reference: 11/0403/FULL
Site Address: 16 BROOKSIDE WAY, BLAKEDOWN, KIDDERMINSTER, DY10 3NE
APPROVED subject to the following conditions: <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B3 (Finishing materials to match) 4. Notwithstanding the approved plans, no first floor windows shall be permitted unless otherwise agreed in writing by the Local Planning Authority <p><u>Reason for Approval.</u> The extensions are considered appropriate in terms of scale and design. The development offers no detriment to the character of the area or the street scene and the impact on the amenity currently enjoyed by the occupants of neighbouring properties is minimal. The extension would accord with the provisions of Policy D.17 of the Adopted Wyre Forest District Local Plan (2004) and Policy CP11 of the Adopted Core Strategy (2010), QE3 (West Midlands Regional Spatial Strategy) Design Quality Supplementary Planning Guidance, PPG13.</p>

Application Reference: 11/0404/FULL
Site Address: SUNNYSIDE, POUND GREEN, ARLEY, BEWDLEY, DY12 3LB
APPROVED , subject to the following conditions:- <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B6 (External materials as approved plan) <p><u>Reason for Approval.</u> The proposed extension is considered to be of an appropriate scale and design in relation to the original dwelling and will present an acceptable appearance in the lane side scene. No adverse impact would be created relative to neighbour amenity/privacy or the quality of the local landscape. Accordingly, this proposal is considered to be in compliance with Policy D.17 of the Adopted Wyre Forest District Local Plan and Policies CP11 and CP12 of the Adopted Wyre Forest Core Strategy, PPS1, PPS7.</p>

Application Reference: 11/0422/FULL

Site Address: 17-20, NEW ROAD, KIDDERMINSTER, DY10 1AF

Delegated APPROVAL subject to the satisfactory conclusion of the consultation process and the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 Finishing materials to match)
4. B9 (Details of windows and doors)
5. Retention of existing shop front
6. Scheme for extraction of fumes and odours to be submitted
7. Pedestrian access only from the public car park

Note Neighbours' rights

Reason for Approval. The application has been carefully assessed with regards to the principle of allowing the development, the design and compatibility with the general area, the impact on neighbouring property, highway safety issues including the effect on the Council car park and the application is judged to be acceptable and compliant with the above mentioned policies in the Development Plan subject to policies D.1, D.3, D.9, D.18, TC.2, RT.4, RT.13, TR.9, TR.17, CA.6, NR.5, NR.10, NR.11 (Adopted Wyre Forest District Local Plan), QE.1, QE.3 (West Midlands Regional Spatial Strategy) Design Quality Supplementary Planning Guidance PPS1, PPS4

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

11/10/2011

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
08/1044/FULL	FORMER VICTORIA SPORTS FIELD SPENNELLS VALLEY ROAD KIDDERMINSTER	DELEGATED APPROVAL	19
10/0659/RESE	SITE ADJACENT TO ROWBERRYS NURSERIES LOWER CHADDESLEY KIDDERMINSTER	APPROVAL	58
11/0110/FULL	LAND OPPOSITE THE GATEHOUSE NELSON ROAD SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN	REFUSAL	71
11/0177/FULL	LAND BETWEEN 3 & 4 PINTA DRIVE STOURPORT-ON-SEVERN	DELEGATED APPROVAL	99
11/0252/FULL	HOPLEYS CAMPING AND CARAVAN SITE DODDINGTREE CLEOBURY ROAD BEWDLEY	DELEGATED APPROVAL	107
11/0427/FULL	73 CASTLE ROAD COOKLEY KIDDERMINSTER	APPROVAL	116
11/0467/FULL	LAND AT POWER STATION ROAD STOURPORT-ON-SEVERN	REFUSAL	123
11/0468/FULL	LAND ADJACENT TO POWER STATION ROAD AND WORCESTER ROAD STOURPORT-ON- SEVERN	DELEGATED APPROVAL	133

PART B

Reports

Ref.	Address of Site	Recommendation	Page No.
11/0296/FULL	THE DOWER COTTAGE BROOME STOURBRIDGE	APPROVAL	146
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- 1.2 The site was previously laid out as a cricket pitch with an associated pavilion. It has, however, been disused since autumn 2003 when Victoria Carpets facilitated the merger of its social cricket club with the Kidderminster Cricket Club. The playing pitches have not been used since this merger and the pavilion has been demolished.
- 1.3 The site accommodates a number of protected trees located primarily along the south-east, the south and western boundaries which were protected by Tree Preservation Order No.280 in 2004.
- 1.4 The application has been submitted by the landowners Victoria Carpets.
- 1.5 The application proposes three elements as follows:
 - a bowling club comprising a six rink indoor bowling facility with ancillary accommodation including changing rooms and toilets, bar, lounge, games area and office space together with the provision of two outdoor greens. The bowling club would provide new premises for the Chester Road Bowling Club who are proposing to relocate to the application site. This move is to be part funded by the sale of their existing site for housing. As Members will be aware an application for 26 affordable homes was reported to Committee and subsequently refused in October 2010. An appeal, made to the Planning Inspectorate was allowed in August 2011.
 - a 53 bedroom budget hotel; and
 - a pub/restaurant including manager's accommodation at first floor together with a paved area for external drinking and children's play area.
- 1.6 The site access would be accessed via a new entrance off Spennells Valley Road. A new pedestrian route is also shown from Chester Road South. A total of 177 parking spaces are proposed including 10 disabled spaces.
- 1.7 The current application has been submitted together with the following supporting documents:
 - Supporting Planning Statement
 - Addendum to Supporting Planning Statement in respect of PPS4
 - Environmental Noise Report
 - Surface Water Drainage Strategy
 - Revised Transport Assessment
 - Report on Floodlighting to Bowling Club Outside Greens
 - Flood Risk Assessment
 - Phase 1 Habitat Survey and Protected Species Survey Assessment
 - Additional Environmental Noise Report
 - Design and Access Statement (Proposed New Bowling Centre)
 - Design and Access Statement (Proposed Hotel Development)
 - Design and Access Statement (Proposed New Public House/Restaurant)
 - Travel Plan Framework
 - Chester Road Bowling Club Business Development Plan

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2.0 Planning History

- 2.1 WF.0154/05 – Full: Erection of 50 bedroom hotel with integral restaurant together with associated access, car parking and landscaping works: Withdrawn.
- 2.2 07/1165/FULL – Erection of hotel (C1), public house/restaurant (A3), indoor/outdoor bowling facility (D2), access, car parking, landscaping and associated works : Withdrawn.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections subject to conditions regarding:
- Visibility splays.
 - Secure parking for 20 cycles.
 - Implementation of parking spaces for 177 cars and the loading and unloading of commercial vehicles.
 - Scheme to be submitted and agreed regarding areas for the manoeuvring, parking, loading and unloading of vehicles.
 - Details of right turning facility to be submitted and agreed.
 - Details of wheel cleaning apparatus to be submitted and agreed.
 - Means of vehicular access to be from Spennells Valley Road only.
 - Details of parking for site operatives and visitors.
 - Development to be implemented in accordance with submitted Travel Plan.
- 3.2 Environment Agency – The majority of the site is located within Flood Zone 3 based on our 'indicative' Flood Zone Map. As part of the planning application, a Flood Risk Assessment (FRA) was undertaken. Whilst PPG25 has been superseded by PPS25 in general we were satisfied with the contents of the FRA which included consideration of the impacts of climate change.

In the absence of flood level data the FRA has undertaken an assessment of flood risk for the Hoo Brook using a HEC-RAS model and given consideration to the presence of structures and the possible blockage of culverts during a flood event. The FRA provides a 1% flood level of 31.6m AOD and a 1% plus climate change (20% allowance) flood level of 31.8m AOD. The FRA details the siting of the proposed public house and restaurant/hotel building on the site at an existing elevation of approx. 31.7m/31.8m AOD, with the area for the indoor bowling facility at an elevation of about 32.0m AOD. The FRA therefore confirms that the proposed buildings are situated on the edge of the 1% plus climate change floodplain.

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Consideration has been given to safe development requirements and the FRA identifies a safe pedestrian access route onto the A449 at a level of 33.8m AOD. The FRA also commits to setting finished floor levels of the proposed buildings no lower than 32.4m AOD, which is 600mm above the 1% plus climate change level of 31.8m AOD. We would recommend a condition to secure that the finished floor levels be set no lower than 32.4m AOD.

Level 2 Strategic Flood Risk Assessment (SFRA):

Since our original response to the planning application your Council's Level 2 Strategic Flood Risk Assessment (SFRA) has been completed (March 2010). As part of the Level 1 SFRA it was identified that there were misalignments in the Hoo Brook Flood Zones. Therefore additional analysis was undertaken as part of the Level 2 SFRA by Royal Haskoning to identify more accurately the flood risk along the watercourse. Updated flood extents based on an ISIS model constructed by Royal Haskoning shows that the site is located outside of the 1% (100 year) and 0.1% (1000 year) flood extents. The Level 2 SFRA therefore identifies the site as being located within Flood Zone 1, where there is a low probability of flooding.

Surface water Runoff:

We would refer to the comments made in our original response regarding the Surface Water Drainage Strategy submitted with the planning application. The strategy makes a commitment to utilising Sustainable Drainage Systems (SuDS) in attenuating up to the 1% plus climate change flood event and designing for exceedence within the car parking area. As mentioned in our previous response any flow to the Hoo Brook should be controlled to Greenfield runoff rates with storage to accommodate the 1% plus climate change flood event. To secure the above we would recommend the following updated condition which requires a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems, as detailed within the Flood Risk Assessment and Surface Water Drainage Strategy. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site. We would also recommend that you consult with your Land Drainage Officer.

- 3.3 Watercourse Officer – The fact that both a Flood Risk Assessment and a Surface Water Drainage Strategy were submitted with this planning application, demonstrate that the applicant is willing to prevent any increase in flood risk, both on the site itself and further downstream.

I am happy to see that there will be no discharge from the site to either the Hoobrook or the public surface water sewer. The proposal is to discharge surface water runoff up to 1:30 entirely to underground soakaways, while the balance of flows between the 1:30 and 1:100 plus climate change event will be stored above ground on car parking surfaces.

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The supplied documents give direction, but aren't detailed designs. A soakaway has not been carried out yet, much to my surprise. This test would prove that the site is indeed suitable for soakaways and test results would allow a detailed design to be made.

Like the Environment Agency states, a detailed surface water regulation scheme including the use of SUDS should be submitted and approved. During the detailed design it should be tested if the proposed drainage system creates enough capacity to discharge the surface runoff quick enough to the centralised soakaway / above surface storage.

Additional if possible, I would like to see some kind of statement about the long term maintenance of the SUDS, to ensure the future infiltration capacity. This is even more important since the long 150mm pipes might be relatively prone to blocking.

Depending of the depth of the volume of water in the above ground flood storage area, an emergency plan has to be constructed. (Hotel) guests might not be in the direct vicinity to move their cars away, especially since localised heavy rainfall is normally not well predictable and therefore there might not be much advanced warning.

3.4 Severn Trent Water – No objections subject to condition.

3.5 Worcestershire Wildlife Trust – *(Response to original habitat survey submitted with current planning application)*. We note the contents of the ecological survey and we are pleased to support the recommendations within it. We also note that the bird and bat boxes are shown on the landscaping plan and we would suggest that these are covered in an appropriate condition. We would further recommend that you append an informative note to any permission you may be minded to grant reminding the applicants of their responsibilities with respect to protected species and especially great crested newts. *(Officer Comments - No additional comments have been received with respect to the updated survey.)*

3.6 Countryside and Conservation Officer

Bats - the ecological survey presents the case that the site currently has a low potential for bats currently using the site to roost or hibernate, however the site has good potential for enhancement in this area as it is well connected to open countryside. The report recommends that bat and bird boxes be erected to provide this enhancement under PPS9. The drawing showing this enhancement falls short of the recommendations in their report, as all the boxes are mounted on trees and does not include bat tiles, bricks and building mounted boxes as recommended. Their report highlights the significance of appropriate lighting for bats and no evidence of how the development proposes to tackle this has been given. I am now happy that there will be no impact to bat roosts as part of this development. However the report states the entire site does support forage for bats.

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No qualification of the importance of this was given as no surveying of this nature was undertaken. Therefore it is difficult to quantify if the recommended bat box related mitigation is sufficient or if it would be required to implement landscaping. In their 2009 ecological report it states strong lighting should be avoided. Hence I believe that the lighting and the proposed floodlighting of the site has not been relayed to the ecologist for them to comment on the related likely impact on bats.

Have they now determined their chosen method of dealing with surface water run off? Discharge into the Hoo might be ecologically interesting; some flooding and environmental biodiversity data here will be needed. A proper SuDS scheme on site would certainly help with biodiversity mitigation.

Great crested newts - there is a pool within 10m of the development, this may have the potential to support great crested newts. No surveying of this pool has been done as it is not in the ownership of the developer. It should be requested that this pool be surveyed to estimate its potential for great crested newts. If the pool is surveyed and it is determined there is not or a very unlikely potential of great crested newts then all is fine. If the pool is surveyed and there are great crested newts then mitigation must be put in place prior to granting planning permission (if great crested newts are using the development site the application would be unlawful unless the developer can provide suitable mitigation).

If it is impossible to gain access to the pool then the application will need to be conditioned to have an ecologist present to check for the presence or absence of newts during the site clearance phase of the development. Provision should be made for some hand searches of the most likely terrestrial newt habitats (the ecological report indicates that the work force be given an identification sheet of what great crested newts look like. This is a bit weak given that the site clearance will no doubt be done mechanically). If during this phase great crested newts are found then the development will need to be halted whilst a mitigation strategy and a Natural England licence is put into place to mitigate against any losses. This may have a significant impact on the proposed development.

Birds - works to the trees need to be conditioned not to impact of nesting birds. Secondly the proposed inclusion of bird boxes is a very limited action as the boxes intended will target blue tits and do little for other potential species. The inclusion of swift boxes on the buildings as recommended by their ecological report would remedy this.

- 3.7 Natural England – We welcome the re-submission of this application with an updated ecological assessment and commend the Council's decision to uphold our previous objection on grounds of non-compliance with PPS9. As our main concern regarding this application has now been dealt with we do not object to the proposed development subject to the inclusion of appropriate conditions as follows:

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- There is a pond on the adjacent golf course approximately 10 metres from the site's boundary. As common toad and frog are known to be in this area it is conceivable that other amphibians including great crested newts may be using the pond. Great crested newts are protected under Conservation (Natural Habitats, and etc.) Regulations 1994 and the Wildlife and Countryside Act 1981 (as amended). Legal protection covers newts and elements of their habitats. The applicant and workforce should be aware of this legal protection. The phase One Habitat Survey recommendation to conduct a habitat suitability index assessment on this and any other ponds within 500 metres of the site should be secured through a planning condition, to be discharged prior to the commencement of works on the site, including clearance. In the event of great crested newts being encountered during development, work must be halted immediately, Natural England contacted and specialist advice sought from a suitably qualified and licensed Herpetologist. As recommended in the submitted habitat survey, the workforce should be provided with an identification guide to enable them to recognise any newts that are encountered. The applicant and developers should be aware that if great crested newts are found to be present, a licence from the Wildlife Licensing Unit at Natural England would be required in order to allow prohibited activities before any work can be overtaken.
- Any works impacting vegetation should be carried out outside the bird nesting season, i.e. early March to September, in order to ensure compliance with the law. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). If works are to be undertaken during these months, then a suitably qualified Ecologist must be engaged prior to any work commencing to check for nesting birds and advise accordingly on the most appropriate way to proceed. This should be secured through an appropriately worded planning condition.
- As recommended in the submitted Habitat Survey, in the extremely unlikely event that any badgers are found to have occupied any part of the site during the course of the proposed works, works should be immediately halted and Natural England informed and allowed time to advise on the best way to proceed.
- During construction, any open trenches should be covered at the end of the working day and a 45 degree exit ramp of soil or wood should be installed to enable any animal that may fall into the excavation to escape. This should be secured through an appropriately worded planning condition.
- All trees to be retained must be protected during construction in accordance with BS 5837/2005. This includes the use of exclusion fencing to prevent root compaction and exclusion extends to the storage of materials. This should be secured through an appropriately worded planning condition.
- The inclusion of bird and bat boxes should be secured through an appropriately worded condition.

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- Lighting near to existing and new ecological features must be low powered, downward pointing and preferably at ground level, in order to minimise the disturbance of wildlife. This should be secured through an appropriately worded planning condition.

We are disappointed that our recommendations regarding drainage and energy have not been taken onboard. We would like to reiterate that this development should be built of high sustainability standards, including energy efficiency and renewable energy. The drainage of the site afforded an opportunity to help re-wet Wilden Marsh and Meadows SSSI, and it is regrettable that this opportunity has not been taken.

3.8 Worcestershire Regulatory Services (Food / Health & Safety) - Ensure that there is adequate toilet provision and that the layout and design meets the requirements of the Health and Safety at Work Act 1974, and the Workplace, Health, Safety and Welfare Regulations 1992. Ensure that the plan includes kitchen/food preparation areas. The premises will need to register with us as the application includes food premises and there should be details of the internal layout.

3.9 Worcestershire Regulatory Services (Pollution Control) – With regard to the most recent RPS report on noise I confirm that the content is comprehensive and addresses all of the noise elements associated with a development of this kind.

I would therefore recommend that the findings and recommendations of this report relating to glazing and the assumption made on noise emissions from external plant should be applied which will maintain noise levels at existing dwellings within current BS 8233 :1999 - WHO guidelines.

In relation to the flood lighting report completed by RPS Gregory I would make the following comments.

It appears that the report has been written for assessing the suitability of the lighting scheme for the intended sports activity and has been subsequently adapted for the purposes of showing light spillage/impact on the surrounding environment.

The lighting schematic calculates light distribution on the horizontal plane with no account for vertical light projection which is required for subjective assessment of the impact of the light amenity of the area.

In addition to this I gather from the report that the actual horizontal light spillage is greater than that reported in the report summary and this can be seen from the modelled light distribution which suggests that light will vary between 1-2 lux at 18m and worst case 4-5 lux at 18m contrary to the value submitted in the conclusions of 1 lux at 14m beyond the sports area.

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There is also an assumption in the report that the trees on the boundary will provide a natural screen to the flood lighting, and I am sure that this will be the case, however this is unlikely to be the case during winter months.

With the above in mind, I would suggest that the report does not address light pollution issues in relation to the local residents, therefore I cannot properly determine the likely impact of the development.

3.10 West Mercia Police (Crime Risk Advisor) – There are no objections to this application. There are a number of observations.

1. The site would benefit from some form of perimeter fencing. This should be visibly permeable and not easily climbed. This will reduce the number of access points to the parking area and so reduce the risk of theft from vehicles.
2. The installation of a CCTV system would reduce the fear of crime and increase the chances of offenders being apprehended.
3. The lighting for the 60 parking spaces for the bowling centre must be balanced between security, reducing fear of crime and not impacting on local residents.
4. The security of the site would be greatly enhanced if it was constructed to secured by design standards.

3.11 Community and Partnership Services (Original comments) - The proposed development falls within a protected open space and therefore any development within this area will require compensation for the loss of public open space. Additionally, the area is a recognised sporting facility for the community, albeit in a neglected condition at present. Any permitted development will require the need to provide new replacement sporting facilities or a financial contribution to the value of such a provision. The current provision includes changing facilities, pavilion, associated off-street parking and adequate drainage and playing surfaces to meet the needs of cricket in line with Sport England guidance for construction of such facilities. The exact location of such a provision and future management of the facility will need to be agreed by the Council as a condition of the approval but will be in accordance with PPG17 at a location where new provision will have a catchment area that encompasses the proposed development. Are the proposed bowling facilities on site to be provided by the developer or Chester Road Bowling Club? If the latter then the developer has not made any financial contribution to sporting facilities? *(Additional Comments)* – We would like to invest the contribution of £100,000 at White Wickets and / or King Charles 1st School. At White Wickets the funds would be spent on improving the existing sports provision such as by upgrading the changing rooms, the bowling green plus building, drainage works and the maintenance of the access track. There is also the possibility of the putting the contribution towards an artificial pitch at King Charles First School however this is dependent on funding from the Football Association.

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Previous negotiations centred on upgrading the pitches at Spennells however these pitches are unplayable and £100,000 would not make them playable nor would it provide the costs to pay for their maintenance so that is a non starter. White Wickets are the nearest Council outdoor sports pitch facilities which have a catchment extending beyond the application site.

3.12 Environmental Maintenance Manager - We consider the provision of a hotel and licensed premises will add to the requirements for street cleansing and the management of litter in the area and on surrounding highways, would seek a contribution towards the cleansing activities which is calculated to be in the form of commuted sum of £15,000.

3.13 Sport England – Sport England has reassessed the planning application in relation to our Planning Policy Statement ‘*A Sporting Future for the Playing Fields of England*’. We have set out below how Sport England has considered the proposal against each exception. A brief summary of these policy exceptions are set out below.

	Sport England Policy (PPG17 Criteria)
	Summary of Exception
E1	An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport
E2	The Development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches
E3	The Development only affects land incapable of forming part of a playing pitch and the would lead to no loss of ability to use/size of playing pitch
E4	Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility
E5	The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field

I note that the proposed development is for the erection of a hotel (C1); public house/restaurant (A4); indoor and outdoor bowling facility (D2), access, car parking, landscaping and associated works. I note that there is a loss of approximately 2.2 Hectares of playing field area. It is my view that this application is not a statutory planning application for Sport England as the playing fields have not been used for over 5 years. Notwithstanding this, the loss of the playing pitch area has been assessed against Sport England’s five policy exceptions.

There is no current robust local authority assessment, the one carried out in 2002 is considered to be out of date. It is therefore considered that our planning policy E1 does not apply. The proposal is not for an ancillary use to the playing fields therefore Policy E2 does not apply. The area has been used as a cricket pitch so Policy E3 does not apply. The applicants are not proposing to replace the area which is to be lost therefore E4 does not apply.

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The application is in part, for an indoor and outdoor sports facility so Policy E5 could apply. It is the applicant's implied contention within their conclusions that the provision of an indoor bowling facility with outdoor rinks meets the E5 criteria in their Supporting Planning Statement. This is echoed in section 4 of The Sport England Briefing Note 2006.

As I mentioned previously, I set out a number of concerns regarding the financial sustainability of the project and the justification for re-locating to this site, these issues have not been addressed yet. I would also like to reiterate, that I am concerned about the club's security of tenure with moving from a freehold site to one which is leasehold.

Notwithstanding this, I am convinced as I have stated above, that there is a need for an indoor bowling rink in this geographic location. The designs of the new sports facilities, in my opinion are very good, but it would have been better to have had the design reviewed by MADE. I note that the English Indoor Bowling Association is supportive of the scheme; however it is not clear if they are in support of the financial case.

Turning to the non-sport element of the application; hotel and public house/restaurant and access, associated landscaping and car parking, the applicants are presenting this as enabling work to support the bowling. Sport England does not have a policy allowing enabling work, therefore despite the proven need for the bowling element of the application, there is no justification for the hotel and public house.

I have considered all the facts and merits of the planning application before me and have concluded that Sport England objects to the granting of planning permission for the erection of a hotel (C1); public house/restaurant (A4); indoor and outdoor bowling facility (D2), access, car parking, landscaping and associated works. (*Officer Comment - For clarification it is considered that according to the Town and Country Planning (Development Management Procedure) (England) Order 2010, Article 16, Schedule 5, paragraph (za) (bb) that Sport England is a Statutory Consultee as the application site is allocated as a playing field in the Adopted Wyre Forest District Local Plan, however the application does not need to be referred to the Government Office as the site has not been used for in excess of 5 years prior to the submission of the current application. Therefore Sport England have submitted a non-statutory objection*).

- 3.14 Arboricultural Officer –The site has a number of trees around its perimeter, many of which are protected within TPO 280 (2004). The location of the trees and the size of the site results in very few losses to facilitate the development. The tree survey submitted as part of the application is very impressive and covers all the necessary points to ensure that the development does not have a detrimental effect on the trees to be retained. Overall the application is acceptable and there are only minor losses to facilitate the proposed development. The majority of the proposed landscaping is acceptable, however there are a few issues with plan 4 of 5, that I would like to see resolved

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1. I am not happy with the choice of 2 x *Acer saccharinum* and 1 *Acer platanoides*. I would prefer to see native trees.
2. The size of the new oak to be planted by the entrance from Spennells Road is currently 10-12 cm and I would like to see a much bigger tree planted there. The species choice is fine, but 16-18 cm would give instant impact.

The planting specification is acceptable; however there isn't any information on maintenance, which will need to take place for the next 5 years. This will need to include weeding, watering, replanting vandalised trees or trees that die and the removal of stakes and ties when necessary.

Recommendations:

I have no objection to the proposed development and landscaping, however there will need to be conditions to address the points I've raised above.

1. Protection of the retained trees will need to be in accordance with the submitted tree survey and BS5837:2005. This will include using no-dig methods of construction for the new pedestrian accesses.
 2. Native alternatives for the 2 *Acer saccharinum* and 1 *Acer platanoides* should be submitted.
 3. The new oak at the proposed access from Spennells Valley Road should be larger and I would like to see the girth to be 16-18cm.
 4. Details for the maintenance for the first 5 years need to be submitted.
- 3.15 Head of Economic Development & Regeneration – North Worcestershire – Comments awaited.
- 3.16 English Indoor Bowling Association – Offer support. The Family of Bowls – i.e. flat Green (English Indoor Bowling Association Limited; Bowls England; English Bowling Federation); Crown Green; Shortmat are working actively together as part of our partnership with Sport England to both increase and retain participants in our Sport. As such we are supportive of their quest to improve the indoor and outdoor bowling facilities in the Kidderminster area. We are working closely with the Bowling Club Committee together with key members of the local bowling community. We naturally look forward to working with everybody over the coming months, for what is an exciting period in the development of our sport in your region.

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- 3.17 Neighbour/Site Notice – A total of 13 letters of objection have been received. A summary of the concerns follows:

Retail Policy

- In my opinion this application does not sufficiently meet the requirements of PPS6: Planning for Town Centres to be approved. PPS6 states that the town centre should be the focus for developments including hotels and leisure facilities.

(Officer Comment - PPS6 has since been revoked and replaced by the new PPS4).

- Comments regarding the original sequential test:
 - The KTC3 site – this site has already been identified for a hotel, and will become available in a reasonable time period. It is clearly suitable for the proposed hotel element of the development. It is ideally located in the town centre, is a large site with ample room, is closer to the railway station, closer to the Safari Park, is far more accessible by non-car modes, and is right by a large car park. It is clearly suitable. Finally, this site is also a genuine and viable trading position. In fact a visit to the Travelodge website identifies that *"Our standalone developments are almost all in roadside locations, although these are not our current preference, as ideally we are seeking town & city centres and well located suburban opportunities"*. The hotel operator itself also has a preference for town centre sites which are therefore clearly viable. In fact 40 of their existing hotels have no car parking whatsoever.
 - Slingfield Mill - A planning application was approved for a hotel to be developed on the upper floors of the mill. This is not mentioned here because it would automatically mean this development fails the sequential test. It will clearly become available in a reasonable time period - this simply cannot be argued otherwise. It is clearly suitable for the proposed hotel element of the development. It is ideally located in the town centre, is a large site with ample room, is closer to the railway station, closer to the Safari Park, is far more accessible by non-car modes, and is right by a large car park. In addition, Henderson Global Investors are unlikely to have spent £4.5m on refitting the mill if it were unsuitable for a hotel. It is clearly suitable. Finally, this site is also a genuine and viable trading position.
 - The application states that: "While a number of sites have the potential to accommodate part of the application proposals there remains a lack of certainty in respect of their deliverability. The application site is the most readily developable site capable of being brought forward in the near future." As shown above, this is patently NOT the case. There are sites available on a similar time frame to the current development site which accord with planning policy. This application site seemingly does not.

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- Whilst there are two sites under development in the town centre, KTC3 and Slingfield Mill, which include plans for hotels, this application cannot be said to have deprived the town centre of a hotel until these are filled by operators. The last thing the town needs is for tourism visitors (attracting whom is a key aim of the area) to be placed out of town opposite an industrial estate next to a large viaduct and nearby the 2 largest blocks of flats in the town. It is unwelcoming, unhelpful and against planning policy to have visitors in such an out of town location.
- It would clearly harm the town centre if the sites at Slingfield Mill and KTC3 are developed without operators to fill them, an easy to develop out of town site being done first.
- The bowling club inclusion is welcome for sports provision but this cannot be used as a counter balance to the significant arguments regarding PPS6 and the failure of this application to address them. The uses of such a Travelodge may not be constrained to city centres, but in a small town like Kidderminster they should be located there first.
- The need and economic viability for such a complex should be questioned when there will be a similar and better positioned complex being proposed for the centre of Kidderminster.

Loss of Open Space

- The site is defined in the Wyre Forest Local Plan (Adopted 2004) as "Urban Open Space: Playing Fields and Sports Pitches". Local Plan Policy LR.1 and LR.14 aim to ensure that such areas are only developed in exceptional circumstances". The LDF has not developed to a stage where it would supersede this policy. The opportunity for Travelodge and Marstons to profit from easily developing a Greenfield site seemingly against planning policy and the Local Plan is not what I would call an exceptional circumstance. The dictionary describes exceptional as being "uncommon; well above average; deviating widely from the norm".
- Further development will takeaway openness and beauty of the area for visitors.
- The sports field should remain open space in its entirety. There is a shortage of sports fields in this area and indeed a shortage of open spaces. With the 2012 Olympics being staged in this country, sports field should be encourage to remain open not closed.
- The duty of any council is to protect the small number of Greenfield sites within the district in line with its own planning guidelines.
- Surely the sites should be retained for sporting use for the benefit of the whole community rather than pander to the short term profit interests of Victoria Carpets who no doubt seek to gain a massive increase in valuation if the land is to be used for building a hotel and public house. It will beg the question as to who might have a vested interest in turning a blind eye to the council's policies if the proposal does ahead.

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- Such a precedent could in theory be applied to virtually every greenfield site in the town.
- Our Greenfield sites would be sacrificed with no justification whatsoever.
- The sports field can be retained as what it is now - a sports field for use by local teams of cricketers and footballers, etc. Then we keep two separate facilities and local residents get to keep a beautiful piece of open space in a town beset by ugly developments (the multi-storey car park, the empty shops, the awful warehousing on the A449).

Impact upon Residential Amenity

- A lighting report of the proposed hotel, public house / restaurant and associated car parking areas is essential prior to consideration of the planning application.
- I request that lighting of the hotel, public house and restaurant be of a low level, preferably by the use of bollards.
- 8 x 10m high floodlights must also be a source of aggravation and nuisance to residents.
- The change of use will result in late night functions, car doors banging, engines revving, shouting, drunkenness litter light pollution and delivery vehicles calling all times of the day and night.

Highways

- Every week day morning traffic is at a standstill from Worcester Road Island backing up along Chester Road South and Spennells Valley Road. Putting another 170 cars plus into this already congested area is idiotic and an increased danger to children trying to cross the road to King Charles 1st school.
- During my 31 years living in Chester Road South I have observed the aftermath of a number of vehicle incidents where cars have ended up embedded in the fence surrounding the site of in the adjacent brook.
- Speeding cars doing well over 70 to 80 mph have been recorded.
- At certain times of the day traffic is at a standstill with tail backs on all routes.
- It can often take more than 20 minutes to turn out of the Spennells development.
- I also suspect that the notable recent trend to use Barnetts Lane as a rat run will significantly increase. This is wholly undesirable given the number of school children who use this narrow lane. There seems to have been no proper assessment of peak traffic flows which is totally unacceptable.

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Flooding

- Victoria Sports ground has always flooded as a field although land drains have been installed. This flooding also affects the main road by the island; obviously the storm drainage system is almost working to capacity. The surface water created is going to cause more frequent flooding on a larger scale. The proposal of land drains will not be possible because the ground is not suitable. The problems will be passed downstream.
- The water table is high in this location at the moment at least it can soakaway on the natural surface. The government has realised that part of the present problem is due to the amount of land that has been paved over and recently made it necessary to require planning permission to have driveways.
- Rainwater from the large area of the site which is already low-lying will cause additional volumetric burden to the local stream and increase the potential for flooding.
- The Golf Club had to install expensive drainage to overcome quagmire conditions in wet weather. Why should the cricket ground be any different?

Landscaping and Ecology

- I would suggest a 30 – 40m tree planting zone on the boundaries of the public highways.
- There are some very large and attractive long-established trees, (all vital for wildlife including deer recently seen). Whilst the plans appear to suggest the Council is protecting existing trees, the access for bulldozers etc is not shown and access at present I suspect would involve removing some of the trees.
- Spennells Valley is partly a nature reserve with a wide range of wildlife, by removing this area it will have an adverse effect on the immediate vicinity and its surrounds.
- The proposed buildings with noise and light pollution will put further pressure on and disrupt the conduit of the local natural movement of wild species from Wilden Marshes through to the Spennells Nature Reserve and beyond. As a consequence Spennells Nature Reserve will become sterile and devoid of the current bird life such as nuthatches, tree creepers, green and spotted woodpeckers.

Other

- There is no demand for these facilities in this area.
- Jobs will only be created by the closing of other local premises.
- To replace this visual amenity with a cheapo looking development would be urban vandalism. The A449 is one of the 'gateways' to this town but what an approach we have now with the monstrous buildings opposite Hoo Farm Industrial estate, the multi storey flats and now this development.
- Its about Victoria Carpets and the developer making money.

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- Security issues associated with people clambering out of the pub on late nights?
- There are, on my last count 4 public houses already a stones throw away from my home, surely there can't be that many alcoholics in the area? There is already 3 hotels in my area not more than half a mile away, surely there can't be that much demand to visit Kidderminster?
- I understand that the application will be joint with the bowling green, what happens if the bowling green doesn't get built? I take it the pub/hotel will still be erected?
- The facility will have a devastating economic effect upon the two existing public houses, newsagent/shop and fish and chip shop within 150 metres of the proposal with the inevitable of closure which cause local degradation of land and buildings and social well being.
- Where is the evidence that business men do not come to Kidderminster because of the lack of a budget hotel. In my experience business people will always find accommodation whatever the cost.
- The provision of a cheap budget hotel will inevitably result in business being lost by existing hotels, with the consequent dunning down of hotels in Kidderminster, not to mention possible closure of some longstanding premises which have served the community well for many years.
- Surely Kidderminster should be striving to attract more upmarket organisations.
- There is the inevitable risk of stray golf balls damaging vehicles, and more importantly injuring members of the public.
- The club building itself appears in the plans to be another immensely ugly structure more akin to more warehousing than a building in a beautiful part of Kidderminster.
- Has anyone identified a need for these facilities? There is a Travel Lodge further up the A449 and there are already hotels by the railway station. There are already so many pubs in Kidderminster doing the '2 for 1' thing; surely we don't need any more. Hotels and pubs do not in the main supply jobs with high salaries; Kidderminster needs quality developments and decent jobs not more minimum wage positions in cheap eateries.

4.0 Officer Comments

4.1 The application site is a greenfield site in an out-of-centre location. It is considered that the key planning considerations are as follows:

- Loss of open space and playing pitches
- PPS4 considerations
- Design and layout
- Landscaping
- Highways

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- Flood risk and drainage
- Ecology
- Noise
- Lighting
- Section 106 Agreement

LOSS OF OPEN SPACE AND PLAYING PITCHES

- 4.2 The application site lies on land designated under Policy LR.1 – Parks, public open spaces and other open spaces and LR.9 – Outdoor sports pitches and playing fields within the Adopted Wyre Forest District Local Plan.
- 4.3 Policy LR.1 states that “*proposals for development which would lead to the loss or reduction of parks, public open spaces or other open space areas will not be allowed, except in exceptional circumstances when equivalent or improved compensatory provision is made in a suitable alternative location.*” The reasoned justification explains that the Council has identified public open spaces and other important urban open spaces which will be provided with long term protection from development. Therefore, there must be exceptional circumstances for development to be approved at this site.
- 4.4 Moreover, Policy LR.9 states that private playing fields together with sports pitches situated within educational establishments will be safeguarded to protect their contribution to sports pitch provision in the District and as valuable urban amenity open spaces. The Policy explains that proposals which would result in the reduction or loss of these playing fields will not be allowed except where the proposal is for minor developments or alternative or improved provision of at least equivalent community benefit is made available.
- 4.5 Policy CP07 of the Adopted Core Strategy also seeks to safeguard open space and sport and recreation facilities within the District.
- 4.6 Both of the Adopted Local Plan policies refer to PPG17: Planning for Opens Space, Sport and Recreation (2002). The planning objectives of this national guidance include the promotion of social inclusion and community cohesion through open spaces and good quality recreational facilities. The objective states that such facilities can act as a focal point for community activities, bring together deprived communities and provide opportunities for people for social interaction. Healthy living is also encouraged as is ensuring that open spaces, sports and recreational facilities are located in sustainable locations.
- 4.7 PPG17 advises that Local Authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities. In order to adhere to this guidance and to inform the Local Development Framework and the Core Strategy the Council appointed external consultants to undertake an Open Space, Sport and Recreation Assessment. This was commissioned in 2007 and completed in October 2008.

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- 4.8 As part of the assessment the District was divided into a number of areas based on ward boundaries – Kidderminster West, Kidderminster East, Bewdley, Stourport, Rural East and Rural West. The application site lies in an area labelled as Kidderminster East which covers Broadwaters, Greenhill, Offmore, Comberton and Aggborough and Spennells. Within the area there are 2 bowling greens, 2 tennis courts, 13 grass pitches, 1 golf course and 3 other facilities and the highest level of satisfaction with the existing facilities within the district. The assessment also indicates a deficiency in Kidderminster East of 27.24 hectares of outdoor sports facilities in 2008, although the commentary acknowledges that the key area of deficiency is within Kidderminster Town Centre with pockets of deficiency within the Hoobrook and Greenhill areas. Notwithstanding this deficiency accessibility mapping showed that residents were able to access grass pitches within the recommended travel times. The Assessment also highlights private facilities as being a valuable resource in this locality. It also states that there is a need to prioritise the provision of grass pitches within this area.
- 4.9 Across the District the provision of bowling greens is higher in Stourport and Kidderminster West, although there are some that are of poor quality. Chester Road Bowling Club is highlighted as being the highest quality sports facility in Kidderminster East. The Assessment states that there is a need to enhance the quality of bowling greens within the District. It also highlights the need for an indoor bowling facility and that a new facility should be considered.
- 4.10 In summary, whilst deficiencies exist in the quantity of the provision of outdoor sports facilities across the District, and particularly in Kidderminster East, it is recommended that additional provision should be on a demand basis. The key theme of the Assessment is increasing the quality of the provision.
- 4.11 In the knowledge that Policies LR1 and LR9 of the Adopted Local Plan and Policy CP07 of the Adopted Core Strategy seek to retain the application site as an outdoor sporting facility, the Agent has indicated that in support of the application:
- i. the site is currently in private ownership with no right of access for the general public;
 - ii. it has not been used since the merger of the Victoria Carpets Cricket Club and Kidderminster Cricket Club in 2003 and therefore does not contribute to playing pitch provision in the area;
 - iii. there is no current indoor bowls centre within the Wyre Forest district and the demand for such a facility is therefore not currently being met. The site provides an opportunity for the Chester Road Bowling Club to relocate to a larger purpose-built facility with two outdoor greens and an indoor bowls centre with six bowling rinks;

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- iv. the applicant is prepared to offer a financial contribution of £100 000 towards the provision and improvement of sports facilities within Wyre Forest; and
 - v. the applicant is willing to sponsor the Kidderminster Victoria Cricket Club for 10 years and Worcestershire Bowling League for 5 years.
- 4.12 As additional explanation the Agent has advised that from Victoria Carpets' perspective, the land is redundant and as things stand will not be brought into recreational or sporting use again. The sale of the land will be sub-divided and sold directly to the public house operator, the hotel operator and Chester Road Bowling Club. There is to be no developer's margin.
- 4.13 Supporting information submitted to accompany the application states that the development would bring benefit to one of the town's major employers. *"Victoria Carpets has been resident in Kidderminster since the early 1900's and is still today one of the UK's most successful carpet manufacturing businesses. Unlike others in the industry Victoria Carpets is and has remained fully committed to manufacturing here in Kidderminster and not moving to developing areas or low labour countries. The company has relocated onto one consolidated manufacturing site in Worcester Road in Kidderminster and has over the past 10 years invested almost £11 million in creating one of the most modern carpet manufacturing plants in Europe... The income that would flow from a successful planning application and the ultimate sale would be fully used and invested in the business here in Kidderminster. The money would be used as part of the company's plans to introduce further new Tufted machinery which would be used to create products of difference that our competitors in the UK and on the Continent could not easily replicate. This would create some additional jobs, but more importantly underpin the Company's competitive position and the jobs of the 700 people we already employ."*
- 4.14 It has been advised that the receipts will be invested in the Kidderminster business which is responsible for the employment of just over 200 people (in total over 700 people worldwide depend on the wellbeing of the company in Kidderminster for their livelihood). The development would bring in much needed financial support for Victoria Carpets which will enable the company to prosper and preserve jobs in Kidderminster. Any compensatory payment or financial contribution will be deducted from this investment.

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- 4.15 The site was previously used in connection with Victoria Carpets' Cricket Club which was affiliated to the Victoria Carpets' business on a limited basis. However, according to the applicants due to inadequate employee support or interest, and in order to sustain a viable cricket offer, Victoria Carpets facilitated the merger of its cricket club with that of Kidderminster Cricket Club which equally was struggling to sustain a viable cricket club. The amalgamation of both cricket clubs in 2003, along with the donation of facilities from the Victoria Cricket Club site, and ongoing partnership, has enabled Kidderminster Cricket Club to continue to operate at their present home on a much more viable basis in both financial and cricketing terms. The application site has meanwhile become a redundant asset that, "*..will not be used for sport again. The site has fallen into disrepair and has become an eyesore.*" It is reported that the site has suffered from vagrants and travellers breaking into the site and the old pavilion was burnt down and cost the company money to safely demolish it.
- 4.16 The Agent has also stated that the development will provide a much needed bowling facility. Chester Road Bowling Club has indicated that there is no provision for indoor bowling within the Wyre Forest and surrounding areas of the Black Country. It has been acknowledged that there are four outdoor flat green clubs with a large number of public house greens and the municipal park greens hosting a large number of teams, however with outdoor bowls play is limited to the summer months of May to September only, weather permitting.
- 4.17 In support of an indoor bowling facility, the Chester Road Bowling Club Company Secretary has indicated that indoor bowls provides an all year round sport involving players of all ages and abilities and it remains one of the small number of sports in which able and less able people may compete on an equal basis. Furthermore, mature people who are used to exercising another sport when younger are more able to move into the sport with ease as well as those who look for a less strenuous way of keeping fit. The creation of a new organisation and club utilising the knowledge and experience of the players from the many clubs in the area will enhance the sport and increase the involvement of people in the activity.
- 4.18 The Chester Road Bowling Club has submitted a business plan which predicts income and expenditure to demonstrate that the proposed relocation from Chester Road is financially viable should approval be granted. Confirmation that the figures submitted previously are still valid is anticipated prior to the meeting.
- 4.19 The redevelopment of the remainder of the site for commercial uses, the Agent advises, will facilitate the provision of the new bowling facility for the Chester Road Bowling Club, in part sharing the costs associated with the opening up of the site.

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4.20 The second part of the proposal is a two-storey 53 bed budget hotel. The Agent, as part of his supporting information, has previously provided details of a visitor survey undertaken within the District in 2004. The survey revealed that approximately 1.6 million visitors came to the District in 2004, of whom 200,000 stayed overnight in the area. Whilst it is acknowledged that this survey is now dated, it serves to illustrate that visitors make an important contribution to the local economy. There are however only a limited number of hotels in the area and these cater exclusively for the mid-higher end of the market (3/4 star hotels). The table below indicates the location of these hotels:

Name of Hotel	Type	No of Rooms
Gainsborough House Hotel	Hotel (3 Star)	42
Ramada Hotel and Resort	Hotel (3 Star)	44
Brokencote Hall	Hotel (3 Star)	17
Stone Manor Hotel	Hotel (4 Star)	57
Menzies Stourport Manor Hotel	Hotel (4 Star)	68
Granary Hotel and Restaurant	Hotel (3 star)	18

246 Total

- 4.21 There is however, despite the down-turn in the economy, an expected growth in the budget hotel market as this looks increasingly for accommodation which provides value for money. Travelodge, one of the main providers of budget hotel accommodation previously had an aspiration to increase its hotel network from 20,000 rooms to 70,000 across the United Kingdom by 2020.
- 4.22 The table above indicates that the six hotels in the area provide a total of 246 rooms. A further 76 rooms are provided by fourteen guest houses/bed and breakfasts. The accommodation offered by budget hotels is targeted at people who require good quality, but affordable accommodation within easy reach of their destination or on route to more distant locations.
- 4.23 The existing available accommodation within the district, the Agent considers, caters for a different market and the existing demand is therefore not being met. The nearest budget hotel (Travelodge) currently available is located outside of the district on the A449 south of Stourport on Severn.
- 4.24 The Agent has already submitted a comparison of hotel provision in existing towns with broadly similar populations (Burton upon Trent, Stafford, Shrewsbury, Redditch, Hinckley/Nuneaton and Tamworth) concluding that the comparison demonstrates there is a clear need for additional hotel accommodation in Kidderminster. The comparison the Agent has undertaken indicates that a town of comparative size to Kidderminster has an average of 464 hotel rooms plus 218 budget hotel rooms.

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4.25 When the application was reported previously in October 2010 the Agent acknowledged that approval had been granted in May 2008 for a Premier Inn hotel as part of the town centre Slingfield Mill development (application reference 08/0164/FULL). This development of 70 bedrooms with an additional 53 beds at the application site would increase the total provision of hotel bedrooms in Kidderminster to 369 which was still significantly below the average hotel provision for comparative towns. The Agent, at that time, emphasised the point that should operators develop both the Slingfield Mill site together with the Victoria Sports Field site there would still potentially be demand for more hotel accommodation including scope for more than one budget hotel in Kidderminster.

4.26 Since October 2010 a subsequent application for an application for a 51 bed hotel by Travelodge to be sited on land adjacent to the Watermill Public House has been approved (Ref. 10/0523/FULL). Construction has recently commenced. The number of budget hotel rooms taking the two approved budget hotels plus the proposed hotel would provide a total of 174 rooms. This would still be below firstly the average number of total hotel rooms and secondly the average number of budget hotel rooms that exist at towns with a comparable population to Kidderminster (the average total is 464 with an average of 218 budget rooms as explained at paragraph 4.24 above).

4.27 It is anticipated that the agent will provide updated information relating to the need for a third budget hotel prior to Committee and this will be included on the Addenda and Corrections sheet.

PPS4 CONSIDERATIONS

4.28 PPS4, published in December 2009 sets out the Government's planning policies for economic development. The general policies apply to all three of the proposed uses, the bowling facility, the hotel and the public house/restaurant. The town centre policies also apply to the hotel and the public house/restaurant where the former PPS6 'needs' test has been removed and proposals are now to be assessed against the compliance with the sequential test and a number of impact tests.

4.29 PPS4 indicates that when determining planning applications for economic development, five impact considerations as set out under Policy EC.10 should be taken into account. The first impact refers to climate change. In response, the Agent states that the proposal will eliminate the impact on climate change as all buildings are planned to meet and where possible exceed the current standards set out in Part L of the Building Regulations (thermal insulation). Furthermore, the buildings will internally utilise energy efficient equipment where it is cost efficient to do so to ensure that energy needs are minimised. Finally, a potential surface water drainage strategy has also been prepared that could reduce the potential for increased flooding of site.

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- 4.30 The second impact refers to the accessibility of the site by a choice of means of transport. The Agent advises that the site is located within walking and cycling distance of Kidderminster town centre and whilst this point could be disputed, it is acknowledged that there are existing bus stops located in Chester Road and Spennells Valley Road within a 400m walking distance of the proposed development. Two bus services offer an hourly and a two hourly day time service respectively.
- 4.31 The third consideration refers to whether the proposal secures a high quality and inclusive design which will improve the character and quality of the area. The Agent states that the layout and design responds to its context and surrounding area. The layout proposes suitable pedestrian routes through the site to the three facilities and an adequate total of disabled parking spaces.
- 4.32 The fourth consideration refers to the impact on the physical and economic regeneration in the area including the impact on deprived areas and social inclusion objectives. The Agent advises that the development would have positive impacts on the physical and economic regeneration of Kidderminster providing investment in the town with particular improvement of tourism, sports and leisure facilities. It is also the Agent's opinion that the ability to provide and enhance the bowling facilities will contribute to social inclusion objectives whilst there would be increased employment opportunities within the District.
- 4.33 The fifth and final consideration is the impact upon local employment, and to reiterate the point made in the above paragraph, the public house/restaurant, the hotel together with the bowling club would all offer employment opportunities.
- 4.34 Policy EC.11 of PPS4 refers to applications for economic development other than main town centre uses. In this case it is relevant to the proposed bowling club facility. It requires Local Authorities to first weigh up the market and other information; secondly, take account of longer term benefits and cost; and thirdly consider the wider benefits of the development. In response the Agent indicates that the existing Chester Road Bowling Club comprises one green and a club house which they have occupied since 1902. The club building is a permanent but ageing brick built structure which is need of constant maintenance and currently prevents the club adequately catering for disabled bowlers and visitors.
- 4.35 A briefing note supplied by the applicant indicates that few opportunities exist in the immediate area for indoor bowling. The nearest facility is at Bromsgrove which lies at a distance of approximately 14 miles. This facility has been fully subscribed since the conversion of the nearest indoor club in Worcester to ten pin bowling. Furthermore, the next closest indoor club in Malvern, about 20 miles away, is also fully subscribed. The bowling club would provide a facility able to be used by four times the current membership of the existing bowling club at Chester Road North. Club members would also be able to play twelve months of the year as opposed to the restricted summer season at present.

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4.36 Policy EC.15 of PPS4 reaffirms the requirement of the sequential test to establish whether there are any alternative sites in, or at the edge of, Kidderminster town centre which could accommodate the proposed development. The table below sets out the alternative sites that were assessed together with a summary of the reasons why they were not chosen:

Name of Site	Summary of Reasons Why Site Discounted
Former Magistrates Court, Worcester Street	The Council has prepared a development brief for KTC.3 including the former Magistrates Court. A development partner was selected in September 2006 through a tender competition. We anticipate that the site will not come forward for development in the near future
Childema Mill (Boucher Building) Green Street	Although this locally listed building is currently available, it would not provide a suitable or viable proposition for a budget hotel as it is too small to be converted into a hotel of an appropriate size which meets Travelodge's business requirements
Elgar House, Green Street	Due to the site's unavailability and potential for residential conversion, the site does not provide a suitable development option
Council Depot, Green Street	Unlikely to come forward for redevelopment within a reasonable period of time
Crown House, Bull Ring	Constrained access and the lack of car parking compromise its suitability as a development opportunity. Despite its availability in recent years, the building has not been pursued by budget hotel operators on grounds of viability and overall attractiveness.
Gas Conversion Centre, Chester Road South	The site is in use as a car salesroom and garage and is therefore unlikely to come forward for redevelopment in the foreseeable future. More importantly, the site lies outside the town centre and would therefore not be any more sequentially preferable than the application site.
Former Telephone Exchange, Blackwell Street	The site has an extant permission for a residential-led mixed-use development scheme. Due to the site's unavailability and residential land values, it is not considered to be a viable option to accommodate the proposed development.
Slingfield Mill, Weavers Wharf	Planning permission for the change of use of the upper floors to a hotel has been granted. Although the site would be suitable, it is less attractive to a budget hotel operator with a lack of dedicated car parking. Moreover, Travelodge consider that converting this listed building into a budget hotel is not currently financially viable.

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<p>Rock Works, Park Lane</p>	<p>The site is likely to be contaminated due to its former industrial use and redeveloping this site would therefore entail high development costs. It is being marketed for residential uses. It therefore does not present a viable option for the proposed use as a budget hotel.</p>
<p>Timber Yard, Park Lane</p>	<p>It is unlikely to become available for redevelopment within a reasonable period of time. In addition, the site is allocated for housing in the Local Plan and is being promoted for residential uses in the emerging Kidderminster Central Area Action Plan. It therefore does not present a viable option for the proposed use as a budget hot.</p>
<p>GT Cheshire and Sons, Coventry Street</p>	<p>The site is being marketed for commercial and residential purposes. The asking price is not affordable to the operators and developers. There is a two year temporary letting. It is therefore not a viable or available option.</p>
<p>Littlewoods/Woolworths, Worcester Street</p>	<p>It is likely that the Council would like the site to be re-used or redeveloped for retail uses, at least on the ground floor. This location is less attractive to a budget hotel operator due to the lack of dedicated car parking. Due to the uncertainty over the site's future, its location within the Primary Shopping Area of Kidderminster, conversion costs and the lack of dedicated car parking, this site is unlikely to provide an appropriate and viable option for the proposed budget hotel. (<i>Officer comment – Littlewoods is now occupied by Hooty's</i>)</p>
<p>Brintons, Exchange Street</p>	<p>Planning permission has been granted for an extra care home and 4 retail units involving part demolition, part extension and alterations to the Brintons building. The sympathetic conversion of this building into a hotel is unlikely to provide a viable option for a budget hotel. Due to the site's unavailability and the cost of converting this Grade II Listed Building, it would not provide an appropriate option for the proposed hotel.</p>
<p>Piano Building, Weavers Wharf</p>	<p>There are a number of extant planning permissions for this site, none of which include a hotel. The building was converted in 2007. We are not aware that the owners are pursuing a new future for this building as a hotel which, in any event, would compete directly with adjoining Slingfield Mill (within the same ownership).</p>

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<p>Land adjacent Watermill Public House, Park Lane</p>	<p>The rear part of the site has been considered for a budget hotel but due to physical constraints including the need to relocate an electricity sub-station, this was not further pursued. The Kidderminster Area Action Plan is considering a number of options for the redevelopment of this site. A hotel is being considered as part of a mixed use development, but the site may also come forward entirely for residential uses. <i>(Officer comment – application ref. 10/0523/FULL for a 51 bed hotel was approved in May 2011. This is currently being implemented. Therefore the site is no longer available)</i></p>
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- 4.37 Additional sites have been identified through the Draft Kidderminster Central Area Action Plan (KCAAP) DPD. These are as follows:
- i. Churchfields Business Park
 - ii. Bromsgrove Street (part of the Eastern Gateway)
 - iii. Lion Street (part of the Eastern Gateway)
 - iv. Comberton Hill / Place
 - v. New Road / Dixon Street (part of the Heritage Procession)
- 4.38 It is considered that these additional sites are not available and that the application site is the most readily developable site capable of being brought forward in the future. Additional comments from the Head of Economic Development & Regeneration – North Worcestershire with respect to the KCAAP sites listed above will be provided on the Addenda and Corrections sheet.
- 4.39 Policy EC.16 requires the submission of an impact assessment for planning applications for main town centre uses that are not in a town centre and not in accordance with the up-to-date development plan. The Agent previously advised that the submission of such an impact assessment was not necessary as it is only required if the development would be likely to have a significant impact on a centre. There was however such an assessment carried out under the now superseded PPS6 guidance. In summary, the Agent has previously advised that there would be no impact on the spatial planning strategy for the area or for the town centre as there is the demand for more hotel accommodation in Kidderminster. Therefore, the proposal would be unlikely to deprive Kidderminster of a town centre hotel. Moreover, due to the shortage of hotel provision, it is considered that there would not be any detrimental impact on future public or private investment in the town centre whilst it was considered that the proposal would add to its vitality and viability as it would bring increased numbers of visitors into the area adding to the economic strength of the town. In addition, the Agent stated that the proposed public house/restaurant will serve hotel guests as well as residents from a local catchment and the development will provide a much needed facility to residents at Hoobrook. It would not draw trade away from the town centre.

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- 4.40 It was also indicated that by attracting more overnight visitors to Kidderminster the proposed development could increase the usage of shops and services thereby leading to a reduction in the number of vacant properties which would improve the attractiveness and character of the town centre. The report concluded that the proposed development has no realistic potential to harm the vitality or viability of Kidderminster town centre. Whilst these comments were made last year it is considered that in essence they still hold true.
- 4.41 Under Policy EC.17 of PPS4 where significant impacts have been identified planning applications should take account of the positive and negative impacts on the five considerations as previously referred to under paragraphs 4.29 to 4.33 of this report together with the likely cumulative effect of recent permissions, developments under construction or completed. The Agent advised previously that there are significant positive benefits to providing not only the bowling facility but the needed hotel provision together with the public house/restaurant facility at this location.
- 4.42 The submitted sequential test only refers to accommodating a hotel and not the associated pub / restaurant. PPS4 Policy EC.15 advises that under the sequential approach operators should ensure that they have demonstrated flexibility including the scope for disaggregating specific parts of a development onto sequentially preferable sites. The Agent explains that the proposed hotel does not include any integral refreshment or dining facilities and would solely rely on the adjoining public house to provide these services. *“Without the adjoining pub/restaurant, hotel guests would have to search around Kidderminster to have breakfast for example; this is inconvenient, may result in increased trips and is unlikely to lead to good reviews, recommendations or repeat visits. The pub/restaurant is therefore an essential component of the development as it provides hotel guests with a hot food and drink option, which is part of the brand offer and makes the hotel more attractive to the market. Integrating the pub/restaurant with hotel would not be viable as a 53 bedroom hotel would not provide enough customers. To achieve a critical mass of patrons, the pub/restaurant needs to be provided in a separate building, be open to the general public and be seen to be operated independently from the hotel. Therefore, from a commercial point of view, it is necessary for the hotel and pub/restaurant to be located on the same site but in separate buildings”.* In support of this approach PPS4 acknowledges that Local Planning Authorities should not seek arbitrary sub-division of proposals.

DESIGN AND LAYOUT

- 4.43 The proposed site layout indicates the siting of the public house/restaurant at the front of the site nearest to the roundabout, with the proposed hotel in the centre of the site and the bowling club to the rear.

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- 4.44 The scale and massing of the proposed public house/restaurant relates to the existing residential development on the opposite side of Chester Road South. The design shows a series of individual single and two storey elements which are linked to reduce the overall mass of the building fronting each elevation. At its highest point the ridge of the roof reaches approximately 10 metres. The materials show a glazed entrance canopy together with brick and render elevations, and a tiled roof. The proposed entrance faces the internal spine road whilst the external drinking area fronts the Spennells Valley Road measuring approximately 12 metres x 5.50 metres in area. The proposed design of the building allows active frontages to all four elevations and avoids a 'front and back' approach. It is considered that the design of this building is appropriate to its setting and is acceptable in terms of its scale, massing and materials.
- 4.45 The proposed 53 bed budget hotel accommodation lies within the central part of the site and measures approximately 51.5 metres in length with a depth of 14 metres at its widest point. The building would be two storeys in height measuring 10 metres at its highest point. The proposed linear plan form has a dual aspect which overlooks the bowling green to the rear and Spennells Valley Road to the south. The proposed orientation of the building avoids overlooking the residential properties on Chester Road South whilst creating an active frontage to the Spennells Valley Road. The roof at each end of the building has been set down to reduce its overall massing whilst render and timber infill panels are shown to the front and rear elevations to provide some articulation. Juliette balconies have also been provided to the hotel elevation overlooking the Spennells Valley Road, to provide further interest. Arched roof gables at either end of the front elevation make reference to the design of the adjacent bowling club.
- 4.46 It is considered that the proposed design is acceptable and will sit well within the centre of the site.
- 4.47 The final element to the proposed scheme is the indoor bowling centre which would provide a six lane rink together with snooker room, restaurant and bar, associated preparation and changing rooms. At its widest points it would measure approximately 54 metres in length by approximately 35.5 metres in depth. The elevation facing west shows the provision of a pergola to allow people to sit outside and look over the outdoor bowling greens. Whilst the bowling club has a footprint area of 2,170 square metres its massing has been reduced by the use of an arched roof with an overall height of approximately 6.4 metres with an eaves height of approximately 3 metres at the front and 4.4 metres to the rear. In terms of materials a brick plinth is proposed with horizontal stained timber and steel cladding to the elevations with curved coloured roofing panels. It is acknowledged that due to the size of the building the proposed choice of materials has been challenging. It is however considered that the chosen materials, particularly with the timber boarding, have softened the appearance of the building which originally was considered would have appeared quite industrial.

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PROPOSED LANDSCAPING

- 4.48 Detailed landscaping plans have been submitted as part of the application. They indicate that the majority of trees to the boundaries fronting Chester Road South, Spennells Valley Road together with the eastern boundary fronting part of the golf course are to be retained whilst seven trees bordering the golf course to the north are to be removed to allow the siting of the outdoor bowling greens. Replacement trees are proposed. A total of 23 trees, 5 of which are protected are to be removed, however 46 replacements are proposed to be replanted. It is considered that this level of retention and replacement is acceptable, and this is supported by the Council's Arboricultural Officer.

HIGHWAYS

- 4.49 A Transport Assessment has been submitted which considered the proposed access arrangements, the impact of traffic generated by the proposals and the quality of existing public transport provision, pedestrian and cycle linkages with the surrounding areas to reduce the reliance on the private car. The report advises that traffic survey data and accident records show that the highway network in the vicinity of the site operates in a safe manner and is not congested at peak times. It is considered that the main impact of the development in terms of traffic generation will occur in the weekday evening peak between 5pm and 6pm. The report evaluates the impact of traffic flows from the three elements of the development and concludes that it can safely be accommodated at the proposed access and the existing A449/Spennells Valley Road roundabout and will have no prejudicial impact on the operation of the local highway network.
- 4.50 The report also notes that existing bus stops are located on Chester Road South and Spennells Valley Road within 400m walking distance of the proposed development. The assessment advises that the application site is within walking distance of the town centre as the distance is less than 2 km which PPG13 advises is acceptable. Whilst it is not considered to be an easy walk to the town centre, it is acknowledged that the site will offer pedestrian access from both Spennells Valley Road and Chester Road South. A new 2m wide footway will be provided on the north side of Spennells Valley Road to link the site access to the proposed pedestrian crossing facility and to the existing footway adjacent to the A449/Spennells Valley Road roundabout. Furthermore, the proposed development is also considered to lie within easy cycling distance of Kidderminster town centre.
- 4.51 As part of the scheme the Applicant is proposing to widen Spennells Valley Road to accommodate a right-hand lane turn into the site from Spennells Valley Road. This would be secured through a Section 278 Agreement. A splitter island also located on Spennells Valley Road would provide a pedestrian crossing facility.

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4.52 The Applicant has also submitted a Travel Plan to promote public transport, cycling and car sharing.

4.53 The Highway Authority raises no objection to the current scheme.

FLOOD RISK AND DRAINAGE

4.54 A Flood Risk Assessment has been submitted showing that the site is not at risk of flooding and generally lies at a level above the 100 year flood level plus the allowance for climate change. A Surface Water Drainage Strategy has been developed which indicates the possible use of a soakaway system underneath porous paved car parking areas. However the exact soakaway potential is still to be determined as the submission is a drainage strategy not a detailed design of the proposed surface water system. The Environment Agency and Severn Trent Water have however raised no objections subject to conditions.

ECOLOGY

4.55 As part of the current application, a Phase One Habitat Survey and a Protected Species Survey Assessment has been submitted. It concludes that the majority of the site is of low ecological interest apart from supplying habitat for invertebrates and/or foraging areas for birds. The plant species are common, widespread and typical of such sites. The report goes on to advise that there are no obvious or immediate implications for slow worms, common lizards or grass snakes, badgers, white clawed crayfish, water voles, otters or dormice. The report notes that there should not be any implications for great crested newts unless there is a breeding pond within 500 metres of the site. There is however an existing pond which lies within the golf course approximately 10 metres from the common boundary with the application site. Whether it is a breeding pond is impossible to determine without further dedicated surveys on the golf course which is outside the ownership of the applicants. If possible a Habitability Suitability Index (HIS) Assessment should be undertaken on this and any other pond within 500 metres of the site. Great crested newts are a protected species and if any are found to be present, then mitigation measures would need to be approved via a European Protected Species Licence, which would be achieved by Natural England prior to the commencement of any works on site.

4.56 The report also advises that the existing shrubs and trees provide nesting opportunities for a number of birds and care should be taken to ensure that no nesting wild birds are disturbed during clearance work if this takes place between early March and late August of any given year. Whilst very few trees are deemed suitable to support bats, it is advised that they offer suitable flight lines and the habitat within the site will support invertebrate prey for foraging bats. The report indicates that a biodiversity gain could be achieved by the provision of artificial bat boxes, bat bricks and modified ridgelines which could be incorporated on new buildings or bat boxes placed on existing trees.

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NOISE

- 4.57 There is concern with respect to the noise from the proposed public house on the amenity currently enjoyed by residential properties on the opposite side of Chester Road South. Notably the public house is proposed to have an outdoor area for the consumption of food and drink. Furthermore a children's play area is proposed. The distance between the designated outdoor seating area and the nearest dwelling is approximately 40 metres, however the report advises that should patrons with raised voices be seated in the designated outdoor area the anticipated noise impact on the nearest dwelling would be considerably lower than the average noise level at the site boundary. It is therefore considered that the relatively high noise levels generated from road traffic on Chester Road South even during night-time periods will provide adequate masking noise against outdoor activities associated with the public house.
- 4.58 The report also advises a glazing specification for the hotel bedrooms.
- 4.59 It is acknowledged that in addition to the outdoor areas to the public house, there are two outdoor bowling greens for which no estimates of the potential noise impacts have been submitted. Worcestershire Regulatory Services however raise no objections.

LIGHTING

- 4.60 It is proposed to provide 10 metre high columns located at the four corners of the two bowling greens as part of a proposed scheme. In terms of light spillage, a report has been submitted which states that light spillage is restricted 1 lux at a distance of approximately 14 metres from the columns adjacent to Chester Road South, and at this level there would be no significant effect on adjacent residential properties.
- 4.61 It is envisaged that the floodlights will be used between approximately 8.45 p.m. and 9.30 p.m. in the summer months, when required to complete matches. There may also be up to four occasions where floodlit matches are held.
- 4.62 The report also advises that the existing trees fronting Chester Road South also provide screening and would reduce light spillage levels.
- 4.63 Whilst the submitted lighting report provides some details the comments from Worcestershire Regulatory Services indicate that it does not provide adequate explanation of the vertical light spillage projection which is required for a subjective assessment of the impact on the amenity of the surrounding area including the amenity of residential occupiers. Furthermore as highlighted by the Council's Countryside and Conservation Officer there is no information about how the lighting could affect the ecology of the area. It is considered that these issues need to be addressed prior to determination of the application.

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SECTION 106 AGREEMENT

- 4.64 According to the Wyre Forest District Local Plan Framework – Supplementary Planning Document on Planning Obligations, the development may trigger a planning obligation towards the following:
- Biodiversity
 - Sustainable Transport
 - Travel Plans
 - Public Realm
- 4.65 First, in terms of biodiversity it is considered that this will be enhanced by the provision of bird boxes and bat boxes on site. Secondly, the location of the site is such that a sustainable transport contribution is not considered to be reasonable. Thirdly, a Travel Plan has been submitted and it is considered that a suitably worded condition could ensure that it is implemented. Finally, with respect to public realm it is considered to be provided by the buildings together with the landscaping proposals on site.
- 4.66 There are however Planning Obligations which are considered reasonable and necessary for the application to be viewed favourably. These are as follows:
- i. The phasing of development;
 - ii. Contribution of a £100,000 to Wyre Forest District Council to enhance sporting provision;
 - iii. £10,000 to Worcestershire County Council towards sustainable cycle routes;
 - iv. Sponsorship of Kidderminster Victoria Cricket Club providing £3,500 per annum for 10 years;
 - v. Sponsorship of Worcestershire Bowling League of £1,500 per annum for 5 years; and
 - vi. The implementation of a Community Engagement Plan. This is included as part of the Bowling Club's Business Plan and sets out how the Club intends to involve and attract people including children to the sport.

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THE PHASING OF DEVELOPMENT

- 4.67 Of prime importance to the acceptability of this application in terms of meeting an exceptional circumstance for the loss of the sports pitch and open space is that the development provides a new bowling club facility. In order to ensure that it is provided, it is considered necessary that the Section 106 Agreement requires that it is built and operational prior to the commencement of the hotel and public house/restaurant. This would provide the Council with some comfort that it would not be left with a situation whereby the bowling club does not come to fruition and the site simply accommodates the two commercial elements. The Agents advise that, *“they would not be able to go as far as getting the club built and operated prior to commencement of works on the pub and hotel. For one we are likely to embark on a combined access and groundworks contract to cover all three buildings. To achieve this, the sites will need to be sold and purchasers would not wish for their investment to lie idle for a period of time after purchase and groundworks expenditure before they can continue. However, we might possibly consider not occupying the pub and hotel prior to completion of the club’s building works”*.

The agent later confirmed, *“For the avoidance of doubt I do not expect the purchasers of the commercial sites to be able to comply with your requests.”* Again to reiterate unfortunately allowing all three elements of the scheme to be built at the same time does not provide the Council with sufficient comfort that the bowling club will be completed and open for use thus providing the exceptional circumstance required to justify the loss of the sports pitch and open space provision and the construction of the two commercial elements. The deliverability of the proposed new bowling club is required to comply with PPG17, Policies LR1 and LR9 of the Adopted Local Plan and Policy CP07 of the Adopted Core Strategy.

£100,000 TO WYRE FOREST DISTRICT COUNCIL

- 4.68 The £100,000 would be put towards improving sports provision at White Wickets and / or a synthetic sports pitch at King Charles 1st School as a compensatory measure for the loss of the sports pitch / open space.

£10,000 TO WORCESTERSHIRE COUNTY COUNCIL

- 4.69 The £10,000 to Worcestershire County Council would be spent on sustainable cycle routes in and around the town centre to accord with Policy CP03 of the Adopted Core Strategy, Policy 14 of the Draft Site Allocations and Policies DPD and PPG13.

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5.0 Conclusions and Recommendations

- 5.1 In conclusion the proposed development would result in the loss of a sports pitch and open space which is contrary to the policy advice in PPG17 together with Policies LR.1 and LR.9 of the Adopted Local Plan and Policy CP07 of the Adopted Core Strategy except in exceptional circumstances when equivalent or improved compensatory provision is made in a suitable alternative location. Sport England, as a statutory consultee has submitted a non statutory objection as it does not consider that the compensatory provision in the form of selling the ground to the bowling club and providing investment to improve sporting facilities at an alternative location (i.e. £100,000 to be spent at White Wickets / King Charles 1st School) is adequate. Therefore an assessment of whether there are any other material considerations to outweigh the policy should be undertaken.
- 5.2 The first material consideration is that the application site is currently redundant. It has not been in sporting use since 2003. There is currently no public access and it is very unlikely that the site will be brought back into use. Therefore while it is allocated as a sports pitch in the Adopted Local Plan in reality this is not its current use or its likely future use.
- 5.3 Secondly the development would provide a centre of excellence for bowling within the district, a much needed facility as there is no indoor bowling facility within the district. The closest indoor bowling club is at Bromsgrove. Such a club would provide a community use which is able to accommodate four times the number of members than the existing Chester Road club and its provision would meet the aspirations of the Council's Open Space, Sport and Recreation Assessment. However it should also be acknowledged that its financial survival cannot be guaranteed. The clubs financial sustainability based on the figures submitted in the business plan has been raised as an issue by Sport England, particularly as the Bowling Club are moving from a site where it is a freeholder to a site where it would be a leaseholder.
- 5.4 Thirdly the applicants are providing sponsorship of the Kidderminster Victoria Cricket Club for 10 years, Worcestershire Bowling League for 5 years and contributing towards local sustainable cycle routes which will support the aims of Policy CP03 of the Adopted Core Strategy, Policy 14 of the Draft Site Allocations and Policies DPD and PPG13.
- 5.5 Finally the receipt from the sale of land is proposed by the applicants to be re-invested back into Victoria Carpets to improve production facilities which will, states the Agent, *"safeguard the future of its employees and of carpet manufacturing in the town"*. The applicants have advised that, *"It is important to underline that Victoria Carpets have no other surplus assets for disposal (the proceeds from which could theoretically be reinvested in its business). It is important to appreciate that the return from any commercial enterprise on the site could be used to lever additional investment into the business (as opposed to simply being used in capital projects)."* It is acknowledged that this is a worthy intention however there has been no offer of securing the re-investment via a Section 106 Agreement.

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- 5.6 Members are advised that consideration of the proposed development has certainly been a balancing exercise for officers. The objection from Sport England appears to be based on a quantitative assessment of sports pitch provision which requires a like for like quantitative replacement rather than what is proposed by virtue of the new bowling club and improvements elsewhere within the District which is a qualitative improvement. Furthermore, the fact that the previous sporting use of the site ceased some years ago and the site has remained unused since does not appear to have been given great weight by Sport England. However after weighing up the material considerations together with their possible pitfalls it is considered that whilst there may not be equivalent or improved compensatory sporting or open space provision on its own cumulatively taking the proposed compensatory provision together with the other material considerations there exist sufficient reasons which weigh favourably against compliance with Adopted Local Policies LR.1 and LR.9 and Adopted Core Strategy Policy CP07.
- 5.7 Furthermore whilst the location of the site is out of centre it is considered that the proposed development meets the guidance of PPS4 and would not have a negative impact upon the town centre.
- 5.8 The proposed design of the three elements is considered to be acceptable and would retain a sufficient number of trees to maintain the existing tree lined character of the site complemented by a suitable number of replacements.
- 5.9 The Highways Authority have raised no objections with regards to the safety of the access or the capacity of the highway network, whilst Worcestershire Regulatory Services have raised no concerns regarding the impact of noise upon residential amenity.
- 5.10 There are, however, outstanding matters which need to be resolved prior to determination. The recommendation is therefore **delegated** authority to **APPROVE** subject to the submission of:
- i) amendments to the landscaping as suggested by Arboricultural Officer;
 - ii) an additional lighting strategy for the bowling green undertaken by suitable qualified person indicating vertical light spillage and the impact of the proposed lighting upon ecology with no objections raised by Worcestershire Wildlife Trust, Natural England and the Council's Countryside and Conservation Officer; and thereafter
 - iii) confirmation that the figures quoted in the Chester Road Bowling Club Business Development Plan are up to date and therefore valid;
 - iv) the signing of a **Section 106 Agreement** for the items listed under paragraph 4.66; and thereafter
 - v) subject to the following conditions:

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1. Three year time limit
2. In accordance with approved plans
3. Details of boundary treatment
4. Retention of parking
5. Bowling club to be used only for that purpose and no other
6. Sample of materials
7. Visibility splays
8. Secure parking for 20 cycles
9. Implementation of parking spaces for 177 cars and the loading and unloading of commercial vehicles
10. Scheme to be submitted and agreed regarding areas for the manoeuvring, parking, loading and unloading of vehicles
11. Details of right turning facility to be submitted and agreed
12. Details of wheel cleaning apparatus to be submitted and agreed
13. Means of vehicular access to be from Spennells Valley Road only
14. Details of parking for site operatives and visitors
15. Development to be implemented in accordance with submitted Travel Plan.
16. Finished floor levels no lower than 32.4m AOD
17. Provision and implementation of a surface water regulation system including the use of SuDS
18. Details of foul drainage
19. Details of design of bird and bat boxes
20. Agreed design of bird and bat boxes to be installed in locations shown on approved plan prior to first use of bowling club
21. Ecologist present during site clearance
22. Works to trees outside nesting season (March to September unless ecologist present)
23. Additional bird / bat enhancement measures on buildings
24. Habitat suitability index assessment of adjacent pond on golf course with suitable mitigation measures if necessary
25. Tree retention in accordance with plans
26. Tree protection in accordance with BS5837/2005
27. Lighting in accordance with details to be agreed
28. Glazing in accordance with Environmental Noise Report recommendations
29. Planting in accordance with approved plans, timescale to be agreed
30. Details of landscaping maintenance
31. Play area within area shown on layout only

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Reason for Approval

The proposed development would result in the loss of sports pitches / open space, which are protected by virtue of Policies LR1 and LR6 of the Adopted Wyre Forest District Local Plan and Policy CP07 of the Adopted Wyre Forest Core Strategy. It is however considered that cumulatively, there are sufficient reasons which would justify supporting the proposed development. These reasons being that the site has not been in sporting use for 7 years; the development would provide a centre of excellence for bowling within the district; its provision would meet the aspirations of the Council's Open Space, Sport and Recreation Assessment; financial contributions would be made towards supporting and improving existing sporting provision in the district; and the proposed development would enable the landowner to reinvest and therefore safeguard jobs in Kidderminster. It is considered that the proposed design, layout, impact upon highways, flooding, drainage and neighbouring amenity is acceptable subject to conditions. Therefore the proposed development should, taking the policies at the beginning of the report into account, be approved.

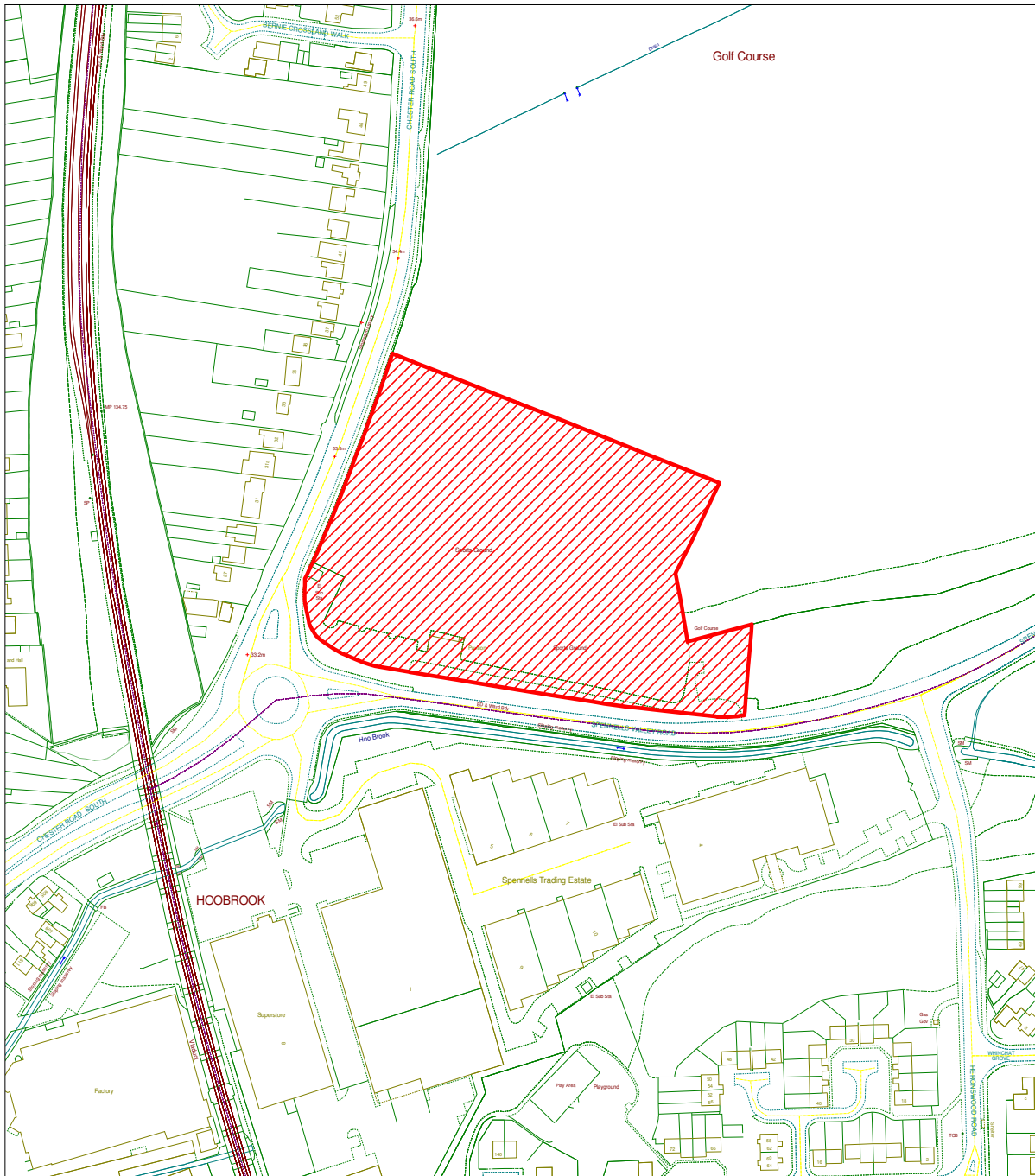
Date:- 24 September 2010

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Former Victoria Sports Field
Spennells Valley Road
Kidderminster**



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

Agenda Item No. 5

Application Reference: 10/0659/RESE **Date Received:** 04/11/2010
Ord Sheet: 389273 273073 **Expiry Date:** 03/02/2011
Case Officer: John Baggott **Ward:** Blakedown and Chaddesley

Proposal: Erection of a new primary school, together with caretakers accommodation, swimming pool, car parking, creation of new access off A448, landscaping and associated highway and infrastructure works (Reserved Matters following Outline Consent 07/0482/OUTL)

Site Address: SITE ADJACENT TO ROWBERRYS NURSERIES, LOWER CHADDESLEY, KIDDERMINSTER,

Applicant: The Trustees of Chaddesley Corbett Primary School

Summary of Policy	H.9, D.4, D.10, D.11, D.15, NR.11, NR.12, GB.1, GB.2, GB.3, GB.6, NC.7, TR.17, LR.8, LR.9 (AWFDLP) DS04, CP01, CP02, CP03, CP07, CP11, CP12, CP14(AWFCS) D.12, D.38, D.39, T3, T.4, RST.1, RST.3 (WCSP) RR1, RR2, RR4, CF3, QE1, QE3, QE6, QE7, EN2, T2, T3, T7 (WMRSS) PPS1, PPG2, PPS7, PPS9, PPG13, PPG17, PPS25 Design Quality Supplementary Planning Guidance
Reason for Referral to Committee	Major Planning Application Third party has registered to speak
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 This application relates to part of an arable field which is located to the east of Rowberrys Nurseries on the outskirts of Chaddesley Corbett. To the south east of the site is a residential property known as Shutters Cottage whose garden area extends in a north westerly direction to include land along the highway frontage of the application site. To the north, east and opposite side of the road (south) are open fields.
- 1.2 The site is agricultural land within an area designated as part of the West Midlands Green Belt. There is an existing agricultural access located between the site and Rowberrys Nurseries. However, that access is not within the application site boundary. Access to the site is proposed via a new access formed off the A448, which links Bromsgrove and Kidderminster, outside the 30mph restricted area.

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- 1.3 The village of Chaddesley Corbett has an existing First School known as the Chaddesley Corbett Endowed First School. It is understood that the First School at Chaddesley Corbett will amalgamate with Stone First School to form a new Primary School with additional pupils.
- 1.4 This is a Reserved Matters application following the granting of Outline planning permission in 2008 (Ref: 07/0482/OUTL) for the erection of a new school (with capacity of 210 pupils) together with caretaker's accommodation, playing fields, car parking and the new access. That Outline permission also incorporated the provision of other facilities which are present on the existing school site, including a swimming pool and nursery. The Outline permission, whilst establishing the principle for the development, also granted consent for the layout and scale of the development. It also granted consent for the proposed new access to the development from the A448.
- 1.5 The outstanding Reserved Matters to be considered at this stage relate to the all important appearance of the new school building and associated structures, and landscaping. The details provided as part of the current submission in turn address a number of previously imposed conditions.

2.0 Planning History

- 2.1 07/0482/OUTL - Erection of new primary school and associated works including creation of a new access off the A448 : Approved (24/01/08).
- 2.2 07/0534/FULL - Creation of a new vehicular access to serve Rowberrys Nurseries : Refused (10/07/07).
- 2.3 07/1039/FULL - New vehicular access with visibility slays and closure of existing vehicular access : Approved (04/12/07).
- 2.4 09/0073/FULL - Variation of conditions 6 & 29 of Outline Planning permission 07/0482/OUTL to enable provision of separate cycle way and footway : Approved (17/04/09).

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – No objection to the proposal and recommend approval.
- 3.2 Rushock Parish Council – No objection to the proposal and recommend approval, with additional comments relating to:
 - concern regarding potential impact of lighting of the school and the impact upon the rural environment;
 - concern regarding existing occasional flooding and impact upon the school;

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- concern that the school might set a precedent for further building in the Green Belt;
- welcome the proposed design and the incorporation of a sedum roof.

3.3 Bromsgrove District Council – No comments received.

3.4 Highway Authority – Objection and recommends that the application be refused for the following reasons:-

There are limited proposals developed as part of the application to reduce dependency on the car. The parking provision is excessive and encourages car trips, this fails to address the need to reduce dependency on the car. The parking numbers should reflect 1 space per member of staff which totals 27 spaces, however it is suggested that a modest visitor provision to be also used to supplement this. Also cycle parking to a ratio of 1 space to 10 children which equates to a need of 21 cycle spaces and supplemental provision for the caretakers property of 4 spaces. The site must also provide 2 coach spaces and their ability to manoeuvre within the site. Presently the application indicates 62 spaces, an area allocated as "occasional parking", a 40 space overflow car park and capacity for approximately 10 cycle spaces is provided, no coach facilities are provided. The site also proposes a dedicated drop off zone as part of the proposals which is also unacceptable as it encourages parents to drive to the proposed school rather than walking from the local community. The high car parking provision encourages children to arrive by car, this application directly conflicts with the principles expressed in the County Councils LTP3 document of how it is critical to increase the numbers of movements by foot and cycle and reduce car demand.

The applicant has failed to address sustainable access by significantly over providing car parking spaces, under providing cycle provision and makes no allowance for school coaches. Therefore this application should be refused as the development does not promote sustainable access and will result in a car dominated development.

3.5 Environment Agency – Initial and revised comments have been provided and following the submission of additional information by the applicant, it is envisaged that all outstanding matters relating to the SUDs scheme and flooding potential have now been addressed.

Formal confirmation is awaited and a full update will be reported via the Corrections and Addenda Sheet.

3.6 The Ramblers - Having previously objected on two occasions and having seen the officer's advice for rejection ignored we believe that the proposal is in fact a *fait accompli*.

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We are writing more in sorrow than in anger as we believe that an excellent chance has been lost to encourage walking and cycling to school by an unwillingness of Councillors to even think of anything other than the motor car as a means of transport for 5 to 11 year olds. As you are obviously aware there is a traffic free network of field paths and tracks that could have been used quite safely by children to access the proposed school and it should have been possible, given the political will, for some (or even just one) of these to be upgraded to bridleways in order to accommodate cycling.

You will be aware that no development should be allowed to obstruct public rights of way - either during or after development; this, of course, includes fencing, either temporary or permanent, across any public right of way, which in this case are Chaddesley FPs 651/2/3. Please ensure that the applicants are also aware of their responsibilities.

- 3.7 Severn Trent Water - No objection subject to the imposition of an appropriate condition.
- 3.8 Countryside and Conservation Officer - This application is a little thin in the manner it addresses biodiversity, particularly protected species. At outline stage an ecological report was submitted which concluded that there was very little ecological value to the site with harm on the site itself being confined to the loss of some hedging and some species poor grassland. These losses are relatively slight and are more than adequately made up for by the creative use of the SUD's scheme, the tree planting and the meadow areas. A planting and habitat management plan will need to be confirmed to insure that what is proposed is to be managed in manner that is appropriate to foster a wildlife gain and act as mitigation.

However, my concern lies in the fact the protected species survey was carried out well out of season in January 2007 and the site is immediately adjacent to a pool which has the potential for Great Crested Newts. The 2007 survey dismissed the potential threat to newts (and reptiles) but this conclusion is not as far as I can see based on any real data. There are records of Great Crested Newts nearby and hearsay evidence from an adjoining property.

In any event, the 2007 survey is now out of date so I feel we need to request they re-survey at an appropriate time of year to better evaluate the threat the development may pose to Great Crested Newts and reptiles. In addition, given the survey's age and how prone our area is to badger it would be amiss if any re-survey did not include a precautionary walk over survey for evidence of badgers.

There is no real threat to bats posed to developing the actual site. The only issues re: bats would occur if the proposal was going to light the northern pool. So, a little clarity that this was not going to be the case will be needed. The path to Chaddesley Corbett is to be lit but the low level bollards on timers are an excellent compromise.

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(Officer Comment – Revised protected species surveys have been undertaken and their findings have been forwarded to the Countryside and Conservation Officer for comment. In addition, the applicant's agent has confirmed that no lighting is proposed in the proximity of the northern pool.)

3.9 Crime Risk Advisor – No objections.

3.10 Arboricultural Officer – No objections to the proposed landscaping. It is all very impressive, however I would normally ask for 5 year maintenance on the standard trees not just the 3 years that is stated and I didn't see a commitment to keep the bases of the trees weed free or to water during the summer months, which is important for the successful establishment of the trees.

3.11 Conservation Officer – No objections. As the site is considerably at some distance away from the Conservation Area, it is my view that the proposals themselves will have little impact on the Area, its character or setting. Considering the style of building, and the materials proposed, in particular the roofing, it is also my view that the proposals will not have a detrimental impact on views out of the Conservation Area.

Through the relocation of the existing school, which is currently in the heart of the Conservation Area, it is my view that considerable benefits to the area will be produced, including the issues over traffic and car-parking within the village, which do have a detrimental impact on the character, appearance and setting of both the Conservation Area, and many of the Listed Buildings within the Area. However, this is not to be taken as a comment on the traffic infrastructure, but purely as an observation of the impact of traffic arising from the (existing) school on the Conservation Area, and the Listed Buildings.

3.12 Worcestershire County Council (Public Footpaths) – Objection. Concerned that part of footpath 652 is proposed to be reduced to an unsatisfactory width of 1m, enclosed with fencing, the surface altered, a new bridge installed and solar bollards installed. I am also concerned that the proposals may contravene Policy RST3 of the Worcestershire County Structure Plan which aims to ensure that development does not reduce the utility, convenience, recreational value, attractiveness and historic significance of the public rights of way.

(Officer Comment: Revised plans have been submitted which appear to indicate that footpath 652 will no longer be reduced in width and altered. The County Council have been consulted and their comments in this regard are awaited.)

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3.13 Watercourse Officer - An assessment still needs to be submitted to demonstrate that the proposed storage volumes are sufficient for 1:100 rainfall + 30 %. This assessment will hopefully also clarify the maximum storage depth, which as was stated should not be more than 600 mm for safety reasons. It is not clear to me where the SuDS system enters the culverted watercourse. On page 5 of the Suds design statement it is stated that water from the Final Wetland basin enters the culverted watercourse beyond the point where the watercourse currently flows into the culvert. From earlier conversation I know that there was the intention to discharge into a manhole in the verge of the A448, but I did not see anything detailed in the plans provided. The EA have included in their earlier comments that they would recommend that WFDC is satisfied with the maintenance and management of SuDS features for the lifetime of the development. I found details regarding this in the revised Schedule of landscape and SuDS planting. This includes standard landscape techniques like litter collection and grass cutting, additional requirements to monthly check inlets, outlets and control devices and twice-yearly vacuum sweeping of the permeable paving. I would like two issues clarified:

- Are grass cuttings raked off (stated on page 7) or left in situ (stated on page 22)? I would recommend that all cuttings should be removed to reduce organic matter from entering the SuDS (this will affect water quality) and to reduce the likelihood of downstream blockages.
- On page 19 it is stated that Open Glade Wetland basin and Final Wetland basin are both approx 300 m² - this is not in line with details provided in Suds design statement (378 and 769 m² respectively).

5.2 Neighbour/Site Notice – The application has been the subject of widespread direct neighbour notification, including all those who made representations at the time of the Outline application. In addition, 3 site notices have been posted at suitable locations in the vicinity of the site and a notice has been posted in the local press.

In total, 8 representations have been received, 4 in support of the application, and 4 against the proposals. These representations are summarised as follows:

Letters of support:

- The village of Chaddesley Corbett is straining at the seams with the amount of extra traffic and parking since the old school became a Primary (School).
- This purpose built modern school will be a wonderful opportunity for the children of the area to be well educated and have lots more room for them to enjoy outside activities, which has been so cramped with mobile classrooms taking up more than half their playground (at the current school site).

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- The relocation of the school to this new site will end the traffic chaos in the village which is a danger to pupils, parents and residents and is ruining this lovely village and conservation area.
- The propose design and layout appears eminently suitable for this type of school; the site is by far the best available option and the positioning of the buildings as discreet as possible in the circumstances.
- New building is necessary for the future of the school.

Letters against:

- Relocation of school will have an adverse impact upon the village traders.
- Existing school already has permission for an extension which would provide the same level of accommodation as that proposed.
- Parking concerns along the A448 and the heavy nature of traffic along this stretch of highway.
- Insufficient facilities to enable children and parents to walk safely to school.
- Inappropriate highway junction with no provision for vehicles exiting and wishing to turn right, particularly at peak times.
- Detrimental impact on highway safety.
- Detrimental impact of moving school out of the village upon the historic and traditional character of Chaddesley Corbett.
- Inappropriate location of play areas adjacent to intensively farmed areas.
- Impact of visibility splays and landscaping not considered in terms of the relationship with the access to Rowberry's Nurseries shop.
- Adverse impact of pedestrian and cycle routes upon farming activity.
- Impact on adjoining property during construction phase.
- Inadequate provisions made for storm water drainage.

4.0 Officer Comments

- 4.1 As previously stated, Outline planning permission was granted in 2008 for the development of the new school on the application site, with matters related to layout, scale and access all submitted and approved at that stage. This being the case, notwithstanding the location of the site within the Green Belt and the associated issues such as the access arrangements and height of the development in this location, the principle of the development has previously been accepted and approved.
- 4.2 On this basis, it is both unnecessary and inappropriate to revisit those matters previously considered and approved by Planning Committee at this reserved matters stage, whereby the remaining issues to be considered are restricted to appearance and landscaping. However, these matters are of critical importance given the site's location within an open area of the Green Belt on the approach to Chaddesley Corbett.

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- 4.3 At the outline stage, the layout and siting of the proposed school building and associated structures was established. However, in the intervening years the floorspace to be provided has reduced somewhat, as the detailed design of the school has been developed. Even so, the siting remains in the same location as that previously approved, albeit on a reduced overall footprint. In this regard, Officers are satisfied that the siting and general layout are in accordance with the outline permission.
- 4.4 As stated above, the overall floorspace to be created has reduced as the design and internal layout as evolved. Whilst the now proposed design still incorporates a multi-use hall, nursery and music room, the gross floorspace has reduced from the 3,200 sq.m originally proposed, to a figure of 1,750 sq.m. This does not include the proposed caretakers house and swimming pool which remain virtually identical in terms of the footprint. Whilst on the face of it the reduced footprint may appear as a significant reduction, in reality the detailed layout has made better use of the space available and avoided some “wasted space” which was notionally indicated at the outline stage.
- 4.5 Located, as previously, towards the rear of the site the proposed school buildings would be accessed via a new access driveway direct from the A448, as previously approved. The school approach would be landscaped on either side, with trees supplementing the proposed swales and pools which form part of the proposed SUDs scheme to serve the site. The ground levels would be partially excavated to allow the new buildings to sit comfortably within the surrounding open landscape.
- 4.6 In considering the merits of this application, there are a number of specific issues which warrant specific mention, and these are addressed, in turn, within the following paragraphs of this report.

DESIGN OF THE SCHOOL BUILDINGS

- 4.7 As previously stated, the design has evolved since the Outline permission was granted culminating in the current proposals. Fundamentally, the design has sought to make the most of the topography of the land, aided by some excavation and remodelling works, so that bulk of the school is not readily visible from surrounding locations. That said, there would be elements of the building which would remain visible, in particularly the proposed hall which features a greater height than the main body of the school. In this regard, it is worth noting that at the outline stage the heights of the proposed buildings were restricted to no higher than those indicated at that stage. The table below indicates how the maximum levels agreed at the outline stage compare with those now proposed at this Reserved Matters stage.

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	Maximum Height set by Outline Application	Proposed Height at Reserved Matters
Main School Building	7 metres	5.4 metres
School Hall	10.4 metres	8.6 metres
Swimming Pool & Caretakers House	7.4 metres	6.6 metres

As the table clearly demonstrates, the proposed heights sit comfortably below those previously set at the outline stage, thereby reducing further the potential visual impact upon the surrounding area. The proposed excavation works, which would remove a “wedge-shaped” section of earth up to a maximum of 2 metres in depth would further assist in reducing the overall visual impact of the buildings proposed.

- 4.8 The proposed School Hall features a shallow pitched roof complete with a central row of wind-catchers to assist with natural ventilation, whilst the classrooms either side of the central building feature mono-pitched sedum roofs. The same sedum roofs will feature on the caretaker’s house and swimming pool. All external walls will be of a lime based rendered finish over clay block external walls, which will allow the building to “breathe”. Glazing opportunities are optimised, both within the external walls but also with the central building roof to maximise natural light. Timber window frames are proposed, with zinc roofs also in use to provide not only a robust solution but also to provide some variety. All in all, a simple palette of materials is proposed, to be both durable and to age gracefully in the landscape.

LANDSCAPING AND EXTERNAL SPACES

- 4.9 At the outline stage it was recognised that in granting permission, there would be a need for a high quality, appropriate, level of landscaping. In developing the scheme, it is clear that the applicants have understood this requirement and taken the opportunity to present a high quality landscaping proposal, with a key feature of the design being the proposed SUDs scheme, which features a series of pools and swales which are not only functional but also provide opportunities for an educational experience for the children.
- 4.10 Significant tree planting is proposed on either side of the main entrance to the school, along with boundary planting to the north-east and north-west. Further planting is proposed throughout the site. Some localised mounding is proposed, utilising the excavated materials, to provide some variation in levels, but not to such an extent as to make the site appear alien within its surroundings. A sensory meadow trail and forest school is proposed, as too is an allotment/garden zone, all of which not only provide a setting for the school but also offer additional educational opportunities for children to learn outdoors.

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- 4.14 Of course, landscaping is not just about trees and shrubs, or “soft” landscaping, but also encompasses the “hard” landscaping also, the potential impact of which, given the location of the site, should not be overlooked . In this regard, as one would expect for such a use as this, there will be significant areas of hard landscaping to create parking and play areas, as well as an amphitheatre to the rear of the site, utilising the level changes proposed. In this regard, significant use of tarmac is proposed, particularly in respect of the access road, parking and play areas, but this is supplemented by a whole palette of different “hard” surfaces, to include block paving; rolled stones; and, grasscrete. The quality of what is proposed in terms of paving is good, and is of particular importance to the applicants who wish to utilise the external spaces to the maximum in terms of teaching opportunities. In this regard, as well as the aforementioned amphitheatre, teaching courtyards are indicated.
- 4.12 Officers are of the opinion that whilst significant levels of hard landscaping is proposed, this is off-set by the quality of the soft landscaping proposed, which will, over time, serve to act as an effective and natural screen to the surface materials proposed.

CAR PARKING

- 4.13 At the outline stage, a condition was imposed requiring the provision of 27 parking spaces along with an on-site drop-off zone (with an unspecified number of spaces) to serve the school. The reserved matters application indicates a staff car park providing 32 parking spaces, with a drop-off parking area providing 34 spaces, all contained within the school site. Added to which, there is an area indicated as being “occasional parking”, which is also understood to be available for coaches to set-down and pick-up from. Potential overflow parking for 40 cars is also indicated in the form of the level games court.
- 1.1 This amount of car parking is way in excess of what might reasonably be expected to serve a school of this size, and this is very much reflected in the comments received from County Highways, as set out under paragraph 3.12 of this report, who raise an objection to the proposal. However, in considering the level of parking proposed Officers are particularly mindful of the location of the site out of the village centre and the busy nature of the A448. In this location, on-street parking is simply not an option. Added to which, the intake of pupils at the school goes beyond the immediate Chaddesley Corbett area, with pupils also originating from Kidderminster, most of who are brought to and from the existing school by private car.
- 4.15 In light of the above circumstances, which are if not unique then certainly exceptional, and being respectful of the objections raised by County Highways, it is considered that in this instance such an over provision of car parking within the proposed school site is both warranted and essential.

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SUSTAINABILITY CREDENTIALS

- 4.16 As has been hinted at earlier in this report, the applicants have taken issues of sustainability to heart. The use of the functional and attractive SUDs system for storm drainage has already been mentioned, and stands-out when viewing the proposed landscaping and layout plans. The proposed materials to be used during the construction and the finishes, to include lime based render and sedum roofs have also been highlighted. Added to these laudable credentials the, the proposed school development goes further. The angle of the roofs is designed so as to maximise sunlight penetration during the winter months to aid with lighting and heating. The wind-catchers will assist with natural ventilation, with the brise soleil assisting with solar shading.
- 4.17 A renewable energy source is proposed, via the use of a woodchip biomass boiler housed within the energy centre next to the swimming pool. Cellulose (recycled) materials are proposed for insulation and the use of thick walls provide year around thermal stability. Added to which, the design provides the opportunity for the future installation of photovoltaic cells. All in all, and particularly mindful of the financial constraints in pace in delivering the school on budget, Officers consider this to be an impressive set of sustainable credentials.

OTHER ISSUES

- 4.18 Members will have noted that the County Council have raised an objection regarding impact upon the public footpath to the rear of the site. Amended plans clearly indicate that no alterations are proposed and confirmation from the County council that these plans are acceptable is awaited. Similarly, final confirmation that the proposed SUDs drainage system is acceptable are awaited from the Environment Agency and the Council's Watercourse Officer. The outstanding matters relate to clarification of capacity rather than any fundamental objection to the scheme. Officers have been advised by the Environment agency, albeit only verbally, that previous concerns have now been satisfactorily addressed.
- 4.19 Members will have noted from the summary of objections that concerns have been expressed regarding the highway impact of the development. However, as mentioned earlier in this report, the proposed access from the A448 has already been accepted and approved at the outline stage. Concerns regarding potential on-street parking have been addressed via the over-provision of on-site parking the acceptability of which has previously been commented upon.
- 4.20 Other objections relating to the impact upon the adjoining working farm/nurseries are noted, but the layout of the school and location of play areas are such that it is not envisaged that these will in any way impact upon the viability of the adjoining agricultural land and operations. Concerns expressed regarding the use of the existing public footpaths are noted, but as the title implies, these are public and available for use all year round. Comments regarding the cycle path are not relevant, as Members may recall that the application to omit the cycle path provision was approved by Planning Committee under application 09/0073/FULL and is no longer proposed.

10/0659/RESE

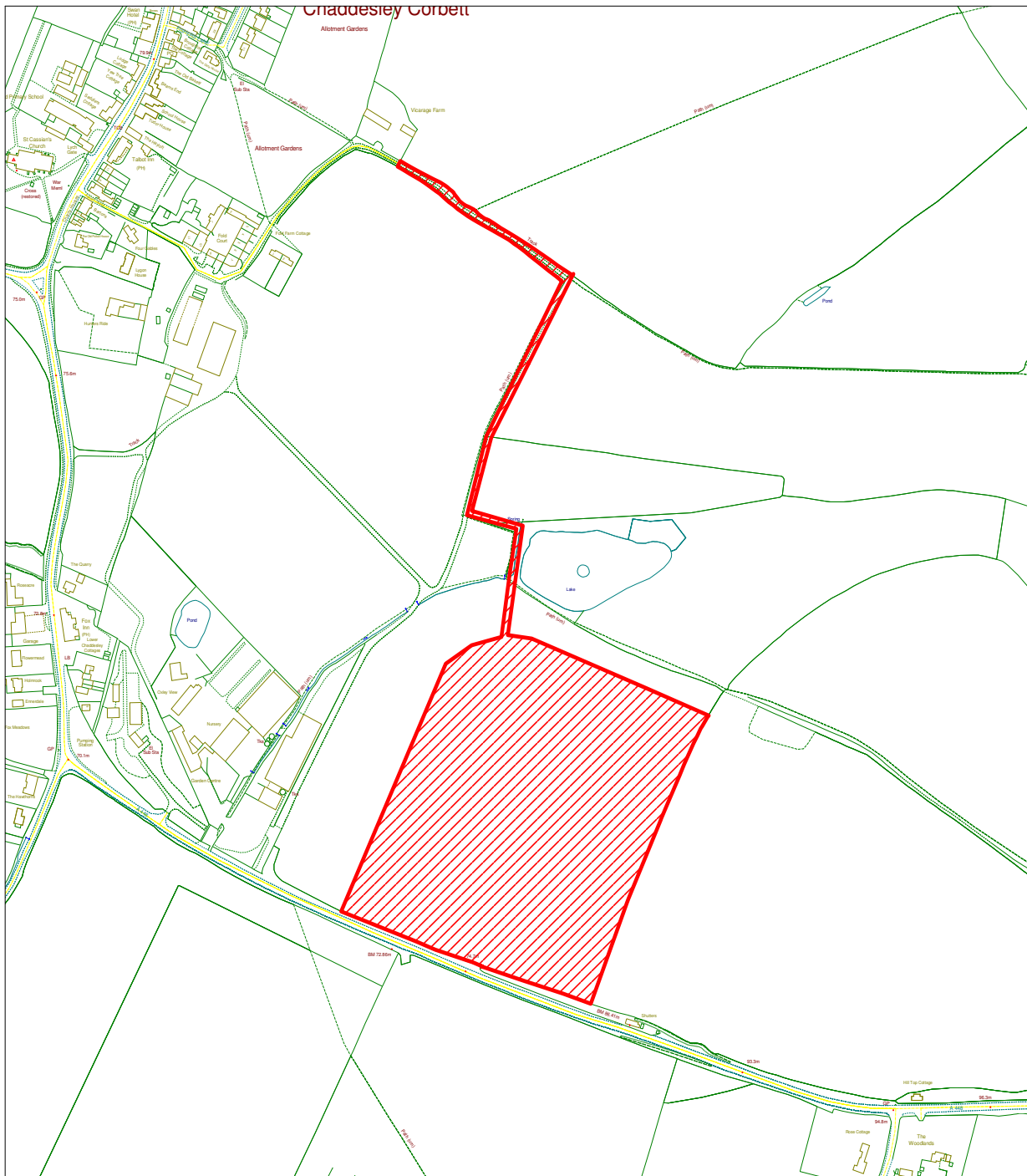
5.0 Conclusions and Recommendations

- 5.1 The proposed development, and in particularly the appearance and landscaping, has been the culmination of a long and at time frustrating process for the applicants. Throughout this period, the proposed design and external appearance of the school buildings has evolved to those which now are proposed. Notwithstanding the time taken, Officers are of the opinion that this time has been well spent in fine-tuning the design.
- 1.1 Whilst the principle of the development had previously been accepted, it was essential that the proposed design, and associated landscaping, delivered a contemporary and robust design which would sit well within the surroundings, given the Green Belt nature of the area. In this regard, Officers consider that the proposed design is appropriate to the surroundings and that every reasonable effort has been made to reduce potential visual impact.
- 5.3 The over-provision of parking on site is considered entirely appropriate in this instance, and the sustainability credentials of the development are noteworthy and to be welcomed.
- 5.4 It is recommended that the application be **APPROVED**, subject to the following conditions:
1. A4 (Reserved matters only)
 2. A11 (Approved plans)
 3. B1 (Samples of materials)
 4. E2 (Foul and surface water)
 5. Access, turning and parking

Reason for Approval

The principle of developing the site for a new primary school and associated buildings and works has been agreed previously at the outline stage by virtue of planning application 07/0482/OUTL. The means of access to the site together with the layout and scale of the development has also been agreed at the outline stage.

The proposed development has been carefully assessed in terms of its design and appearance, and the proposed landscaping, with due consideration given to the potential visual impact of the development on the Green Belt. The design of the school buildings and the choice of materials are considered to be acceptable and appropriate in this location. The hard and soft landscaping proposed has also been fully assessed and is considered to be acceptable and appropriate to this location. The impact of the development has been assessed in terms of the adjoining land uses and has been found to be acceptable. For these reasons it is considered that the development accords with the above policies



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Site adjacent to Rowberrys Nurseries
Lower Chaddesley**



Application Reference: 11/0110/FULL	Date Received: 28/02/2011
Ord Sheet: 381766 270124	Expiry Date: 25/04/2011
Case Officer: Julia Mellor	Ward: Mitton

Proposal: Change of use to Gypsy Caravan Park with 8 pitches and amenity block for temporary two year period

Site Address: LAND OPPOSITE THE GATEHOUSE, NELSON ROAD, SANDY LANE INDUSTRIAL ESTATE, STOURPORT-ON-SEVERN, DY139QB

Applicant: Mr & Mrs J Jones

Summary of Policy	H.2, H.9, H.14, D.10, NR.2, NR.11, NR.12 (AWFDLP) DS01, DS03, CP03, CP06, CP08 (AWFCS) CF2, CF3, CF4, CF5 (WMRSS) 1, 7, 14, 15, 25, 26 (Draft Site Allocations and Policies DPD) PPS1, PPS3, PPS4, PPG24, PPS25; Circular 01/06; Draft PPS 'Planning For Traveller Sites'
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The site is located within the Sandy Lane Industrial Estate in Stourport on Severn, at the junction of Sandy Lane and Nelson Road.
- 1.2 Sandy Lane lies to the north, Nelson Road to the west, a Severn Trent pumping station to the south and an existing travellers' site known as Nunns Corner lies to the east.
- 1.3 The site was previously used for the storage of heavy goods vehicles. It is understood from the previous site owner that this use ceased in 2008 and subsequently the site was advertised for sale. The site was sold to the current applicants in October 2010.
- 1.4 The site is enclosed by a 2.3 metre high palisade fence which was supplemented in November 2010 by a 2 metre close-boarded fence. By the end of January 2011 foul drainage had been installed on site, additional internal fencing had been constructed to sub-divide the site into individual plots and three static caravans had been brought onto the site, although it was not clear at that time whether the caravans were being used for residential purposes.

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- 1.5 A fourth caravan arrived in April 2011 whilst an additional three empty caravans and a further two trucks arrived on site in June 2011. It is understood that all 8 pitches have caravans of which seven are occupied.

2.0 Planning History

- 2.1 WF/0270/87 – Road Transport Depot and Operating Centre at the corner of Sandy Lane/Nelson Road : Approved 31.5.87.
- 2.2 WF/0616/89 - (1) Continuation of use of temporary portacabin; (2) Removal of working hours restriction save Sunday : Approved 8.8.89.
- 2.3 WF/1300/89 – Removal of restriction on working hours at Road Transport Depot and Operating Centre : Approved 11/2/90.
- 2.4 Officers served a Temporary Stop Notice which took effect on 24 January 2011 after which the current part retrospective planning application was received.

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Awaiting comments.
- 3.2 Highway Authority – No objection.
- 3.3 Environment Agency (*Summary of original response*) – The site and its access is within Flood Zone 3. During a 1% flood event, the site is likely to flood to a depth of 400mm. The 1% plus climate change flood level would result in a flood depth of 800mm.

In this instance as it is acknowledged that the site is brownfield within a built up industrial area, it is accepted that the site is no longer acting within the definition of functional floodplain as explained under PPS25. Based on the above, the site is completely located in Flood Zone 3a.

PPS25 identifies that a caravan site for permanent residential occupation as a 'highly vulnerable use' which should not be permitted in Flood Zone 3.

Paragraph 14 of PPS25 states that a sequential risk based approach to determining the suitability of land for development in Flood Risk areas is central to the Policy Statement and should be applied at all levels of the planning process. The aim of this sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1).

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Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the exception test if required. In this instance, given the scale and nature of the proposal, we would not make any bespoke comments on the sequential test. However, your Council would need to be satisfied on the information submitted to address this requirement; with reference to your Council's Forward Planning Policy Documents and evidence base.

Whilst information on the exception test has been submitted within a Flood Risk Assessment, PPS25 states that it should not be used to justify 'highly vulnerable' development within Flood Zone 3.

The road adjacent to the vehicular access is at 18.74 metres AOD, therefore during a 1% flood event, it would be 1 metre under water and with climate change this depth would be greater.

The proposed pedestrian access is at 19.18 metres AOD – 940mm under water during 1% flood event plus climate change.

Sandy Lane rises away from the site in an easterly direction above the 1% plus climate change flood level (after approximately 65 metres – based on a rough measurement). The Environment Agency Flood Warning System is likely to provide reasonable notice of potential flooding given the lead-in times on the River Severn. However, at the stage when flood water is just about to enter the site, the access will be under 600mm of flood water during the 1% flood event. Therefore, any site evacuation would need to be operational long before the site becomes flooded.

Our experience is that it can remain flooded for a considerable period before flood waters recede. This might place additional burden on the Emergency Services at times when they are already stretched.

The Flood Risk Assessment states that caravans would be set at least 600mm above the 1% plus climate change flood level (20.72 AOD). To achieve this, the caravans would be set 1.36 metres above the surrounding ground levels.

The proposed utility block would result in a small loss of flood storage for the site. The impact of this would be minimal.

The application is considered contrary to PPS25 and Policy CP06 of the Adopted Wyre Forest Core Strategy and may be refused on this basis.

(There follows a summary of the additional comments received following consideration of the agents reply to the above.)

If you consider that the application fails to pass the sequential test, then the application may be refused and we would support your Council at appeal.

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In providing for a safe pedestrian access, the levels provided by the applicants show that it would still experience depths of flooding to 940mm during the design flood event (1% plus climate change event). DEFRA identifies this depth of flooding as "*danger for most*".

Sandy Lane would be affected by the 1% plus climate change flood event for 65 metres from the proposed pedestrian access point. No detailed information has been provided within the Flood Risk Assessment to confirm the suitability of this pedestrian access route, e.g. flood depths, velocity, frequency, distance and any hazards along the proposed evacuation route. We would raise concerns that a safe pedestrian route is not available based on the information provided and will support a reason for refusal on this basis.

The proposed possible bunding around the edge of the site is not appropriate.

The Environment Agency's involvement with this development during an emergency would be limited to delivering flood warnings to occupants/ users if they signed up to the Flood Warning Service. We can clarify that the flood warnings issued for this area should be able to provide a reasonable amount of lead-in time for potential flooding. However, it does depend on when the decision is fixed to take action. Any flood evacuation management plan would rely on a delegated person(s) keeping up to date with the flood data to identify when they would need to consider evacuation.

As mentioned previously, the site is set above the adjacent access and therefore the access road would become flooded before the site. Any evacuation would therefore need to take place well before the site becomes flooded. It may be appropriate to evacuate people from the site but to leave the caravans and a suitable alternative site/temporary accommodation would need to be identified outside of the floodplain. Due to the nature of the floodplain in this area, our experience is that it can remain flooded for a considerable period before flood waters recede.

Vehicular access into the site would appear to flood to approximately 1.3 metres deep during a 1% plus climate change flood event.

We note that the Agent has interpreted the historic flooding shown on the photograph of the 2000 flood event provided with our previous response, in considering the evacuation of the site. It should be noted that the 2000 flood event was lower than the 1947 flood event in this area. The 1947 event was 260mm higher but still 7mm short of the modelled 1:100 year flood level at the Bewdley gauge. This would be more if consideration was given to climate change.

At this time it is unclear whether the development can be made safe, suggesting that the proposal would lead to increased flood risk in the area. From the proposals provided, there would also appear to be no flood risk improvement/betterment of this site/area over the existing situation, in considering the policy aims of PPS25.

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- 3.4 Severn Trent Water – No objections subject to condition.
- 3.5 Planning Policy – The application site is located within Sandy Lane Industrial Estate which is allocated for B1, B2 and B8 industrial uses within the current Adopted Proposals Map. Whilst there are gypsy and traveller sites already apparent within this area, this is not one of them and this parcel of land is currently identified as being suitable for employment generating uses. The current proposal is therefore not in conformity with Core Strategy Policy CP08. Policy CP08 identifies criteria to consider the loss of employment land but in this instance it is not considered that these criteria have been met.

Due to the nature of the proposal, Policy CP06 of the Core Strategy is also relevant for the determination of this application. In considering the criteria for new sites that is provided by Policy CP06, it is criteria 5 that causes greatest concern. Criteria 5 of CP06 identifies that sites should not fall within areas at higher risk of flooding. In this instance the site is within Flood Zone 3a and the proposed use is classified as being highly vulnerable. Highly vulnerable uses are not considered to be appropriate within Flood Zone 3a, as identified by National Planning Policy in the shape of PPS25 and therefore the application would be contrary to National and Local Policy.

Given that the application site is currently zoned for employment use and is within Flood Zone 3a, it needs to be understood whether or not there are other material considerations that are sufficient to allow a departure from the plan. In assessing this application one of the main material considerations is the requirement for Gypsy and Traveller pitches to be provided in line with identified need.

There is a national requirement for Local Planning Authorities to identify sufficient sites for Gypsies and Travellers in line with identified need, as outlined in Circular 01/2006. Although the Circular is still in force, the Government announced in 2010 the intention to change planning policy relating to Gypsies and Travellers. In April 2011, the Government began this process by publishing a consultation on “Planning for Traveller Sites” which proposes the introduction of a new Planning Policy Statement (PPS) to replace the current Circulars. The District Council have prepared a response to this consultation which was endorsed by Cabinet in June this year.

Despite the proposed change in policy, the Government’s objective remains for local planning authorities to meet the needs of Gypsies, Travellers and Travelling Showpeople through the identification of land for sites, with the focus of this being through locally generated policy.

Wyre Forest District Council has already started to put this into place with the adoption of the Core Strategy DPD in December 2010. The Core Strategy sets the strategic policy (CP06) for considering sites for Gypsies, Travellers and Travelling Showpeople. It also includes a commitment for the authority to ensure that sufficient sites are allocated for Gypsies, Travellers and Travelling Showpeople.

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In order to ensure that the District Council was meeting its requirement to allocate sufficient sites and due to the potential sensitivities and difficulties in identifying new sites for Gypsies, Travellers and Travelling Showpeople, consultants Baker Associates were appointed to undertake a study in 2011. The results of this study are now being used as the basis for a consultation exercise to allocate sufficient sites to meet identified need. This particular site does not form part of the short listed sites included for consultation and this therefore needs considering in light of this particular application.

It is considered that overall a balance needs to be struck between the requirement for new sites for this particular ethnic group and the other material planning considerations, which in this instance are the loss of employment land and the risk of flooding that is associated with this particular site.

- 3.6 Worcestershire Regulatory Services (Contaminated Land) – The site is part of a former depot and a contaminated land condition is required as the site is to contain residential properties (caravans) and associated services that will open up pathways.
- 3.7 Worcestershire Regulatory Services (Noise) – I write in response to the recent consultation and additional supporting information provided by Acoustic Associates.

I am satisfied that the Consultant has undertaken a comprehensive noise impact assessment based on sound acoustic principles using the approved PPG 24 methodology for noise level classification of land (NEC) for the purpose of assessing suitability for residential use of the land in question. I am also satisfied with his conclusions of category NEC A and B for night time.

However there are peculiarities to this particular assessment due to the type of intended development proposed. PPG 24 is based on WHO criteria for community noise and makes assumptions relating to the noise attenuating performance of standard construction dwellings to be in the region of 35dB (windows shut) and 13dB (windows open). Dwellings intended for use on this site do not offer this level of attenuation, therefore an alternative barrier treatment on the boundary would be required with particular emphasis on controlling noise from night time movements of vehicles on the adjacent highway. The consultant is aware of this and addresses this issue in the form of recommendations in the last paragraph of his report. It is my view that his recommendations should be formalised as a condition on the application.

In summary to his findings I must advise that the report is a snapshot and cannot be used to account for all noise that can occur at this site due to its industrial nature. In addition to this it is noted that use of the highway intensifies in winter months due to increased movements to the nearby oil depot as demand for heating oil increases over that period. This cannot be accounted for due to the timing of the application and the time frame given to the acoustics consultant.

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As a closing statement and general note, I am very concerned as to the number of residential based applications that are being made on this industrial estate. This location is designated as a B1, B2 and B8 site. There is one part B, two part (A1) processes licensed under the Pollution Prevention and Control Act 2000 both of which are COMAH regulated. As a consequence to this Sandy Lane industrial estate is probably the most environmentally hostile sites within the District, and this is borne out of the level of complaints and legal action we have taken on behalf of members of the public who have legitimised through the planning system their residential existence on this site. To date it has cost two companies to change their operations to accommodate people living cheek by jowl with industry. It also has a cost to this department in investigating these matters.

With the above in mind it is my professional view that all future proposed residential use at this industrial estate should be considered very carefully on amenity grounds due to the likely occurrence of noise, dust and odour nuisance.

- 3.8 West Mercia Police (Crime Risk Advisor) – The area in which this application is proposed has one of the highest rates of burglary in the District. Taking this into account, I question if it is a safe place to put more residential caravans, the security of which is inherently poor. Where the caravans are positioned means that they all should have a view of each other; unfortunately this layout is spoilt by the position of the amenity block which blocks natural surveillance over some of the caravans.
- 3.9 Health and Safety Executive (HSE) – There are no major hazard sites at this postcode that HSE need to be consulted over.
- 3.10 Strategic Housing Services Manager – Awaiting comments.
- 3.11 Worcestershire County Council Gypsy Liaison Officer – Awaiting comments.
- 3.12 Watercourse Officer

Policy

- PPS 25: Caravan sites intended for permanent residential use are classed as a highly vulnerable use and should not be permitted within flood zone 3.
- Wyre Forest District Council could allow development if satisfied that the Sequential Test criteria are met, which basically means that no other sites come forward at areas at a lower risk of flooding. This will follow from the assessment carried out by Baker Associates for WFDC.
- Wyre Forest District Council Core Policy CP06 'Providing accommodation for gypsies, travellers and travelling show people' states that a site should not fall within areas at higher risk of flooding.

Flood Risk

- Both site and access route are completely located within flood zone 3a (>1:100).
- The site has historically flooded (photos of 2000 event).

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- Environment Agency's flood warning system is likely to provide reasonable notice of potential flooding given the lead times on the Severn. However when the flood water is just about to enter the site the vehicle access will already be flooded.

Proposed Mitigation measures

- Bund around the site: Not acceptable since it would imply a loss of flood plain (unless compensated), would leave the defended site isolated in the flood plain and would impose significant residual risk (breaching, overtopping).
- Relocate caravans: Due to levels on site relocation needs to be carried out long before the site becomes flooded. Vehicle access to the site would flood 1300 mm in 1:100 flood event + climate change. I believe it will therefore not be reasonable to assume that the caravans can be relocated in time. Same will be true for cars parked on site.
- Elevate caravans: Caravans would need to be set at least 600 mm above 1% + climate change. This means at a level of 20.72 m AOD which is 1.36 m above ground level. I don't know how practical it is to elevate the caravans and associated devices like gas bottles etc. up to this level. Caravans need to be secured to prevent them getting swept away and smashed into each other.
- Evacuate residents: The proposed pedestrian access floods 940 mm during 1% flood and can therefore not be classed as a safe evacuation route.

Not mentioned, probably due to cost implications, are flotation devices that are on the market for static and mobile homes.

It is important that mitigation measures are also taken to prevent any floating 'debris' (transported by the river or originating from the site itself) causing damage in colliding with caravans. Also measures are needed to prevent regulators getting ripped off gas bottles.

Burden on emergency services

Even if the damage to the caravans is mitigated by raising them, residents will have to be evacuated since it is not safe for them to stay in the caravans. Residents evacuated may have to leave the site for a number of days during a flood event since it is known that the site remains flooded for a considerable period before flood waters recede. During this time residents will have to stay in alternative accommodation / rest centres.

Evacuation Plan

If the development would go ahead then an evacuation plan is needed. At Figure 7.2 of the Practical Guide to PPS25 it specifies that flood warning and evacuation plans should include:

How flood warning is to be provided, such as:

- availability of existing flood warning systems;
- rate of onset of flooding and available flood warning time; and
- how flood warning is given.

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Particular attention should be given to the communication of warnings to vulnerable people including those with impaired hearing or sight and those with restricted mobility.

What will be done to protect the development and contents, such as:

- how easily damaged items (including parked cars) will be relocated;
- the availability of staff/occupants/users to respond to a flood warning, including preparing for evacuation, deploying flood barriers across doors etc.; and
- the time taken to respond to a flood warning.

Ensuring safe occupancy and access to and from the development, such as:

- occupant awareness of the likely frequency and duration of flood events;
- safe access to and from the development;
- ability to maintain key services during an event;
- vulnerability of occupants, and whether rescue by emergency services will be necessary and feasible; and
- expected time taken to re-establish normal use following a flood event (clean-up times, time to re-establish services etc.).

Conclusions and recommendations

PPS 25 states that flood resistance and resilience measures should not be used to justify development in inappropriate locations. For a highly vulnerable use as this flood zone 3 is an inappropriate location and that is why it is stated in the Council's Core Policy CP06 that a new site should not be located in an area at a higher risk of flooding.

The only thing that could justify allowing this development is if no other sites come forward at areas at a lower risk of flooding and the need for additional pitches is thought to outweigh the risk of flooding. This I understand will partially follow from an assessment carried out by Baker Associates.

If it is decided to allow the development then the receipt of and response to the Environment Agency's Flood Warning System is an essential element in the management of the risk of flooding. It is my belief that the caravans should be elevated to prevent them from getting flooded and residents should evacuate the site. When flood water is just about to enter the site both the vehicle and pedestrian access/exit will already be flooded, making it impractical to relocate caravans and cars and complicating the evacuation process sincerely. This means that it is even more important that a decent Flood Evacuation Plan should be comprised. PPS 25 states that the local authority's emergency planning officer should be able to provide advice to developers producing an evacuation plan. I don't think that all the detailed information needed to comprise a thorough Flood Evacuation Plan is yet provided.

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Based on the information provided I would recommend that the development is refused. However, if permission is granted then a condition should in my opinion be attached that a Flood Evacuation Plan should be comprised by the developer and approved by the Council before the site gets occupied further, using the guidance presented in Chapter 7 of the aforementioned PPS 25 Practical Guide. The Flood Evacuation Plan needs to include how this plan gets updated and how potential occupants are made aware of the likely frequency and duration of flood events, the potential impacts and the information included in the Flood Evacuation Plan.

A condition should in my opinion also be attached regarding the elevation of the caravans above the 1% flood level allowing for climate change (20.72 m AOD; 1.36 m above ground level).

3.13 Neighbour/Site Notice - A total of 9 written objections have been received (4 submitted anonymously). A summary of the concerns are as follows:

- The site is within a flood zone so why would you allow this to happen?
- There is a visual impact on the aesthetics of the estate which has recently had a great deal of money spent trying to improve health and safety and the image of the estate.
- The area is well known for flooding.
- Great health and safety issues with children playing in the road and riding bikes.
- The access is on a bend; it is dangerous to enter and it is a route where heavy lorries go up and down day and night.
- The existing wooden fencing restricts the view and there is concern regarding the conflict between caravans and wide loads.
- The extended residential area will encourage a greater degree of traffic outside of the standard business hours making it difficult for law enforcement.
- There is not one business in favour.
- If there are more traveller sites within the industrial estate the site as an industrial estate will become no more.
- From the response from our customers we are certain it will have a detrimental effect on our business.
- The proposal will limit economic development within the estate leading to more businesses closing.
- It will deprive the estate of valuable space for further investment and will lead to the loss of convenient industrial land.
- Sandy Lane Industrial Estate needs to remain as an industrial estate not a gypsy caravan site with occasional industry.
- Residential areas will impact upon the operating hours of any surrounding businesses both discouraging further investment and possibly leading to the closure of current businesses.
- I feel that Stourport is providing more than its fair share of providing accommodation for gypsies and travellers.

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- As I am aware there are already seven permitted and tolerated sites within the Sandy Lane/Broach Road/Watery Lane area, in an area with an approximate radius of 1-2 miles.
- I cannot see any reason for this site at all as the Council has one just around the corner.
- Why is the application temporary? So they can get a foot in the door?
- Why do we need another site?
- If approved, I see no reason to prevent others in the future.
- The application states that the site has been vacant for two years – I remember lorry backs parked there since 2010.
- Led to believe that pipes and tanks that used to contain fuel are or were located on the site and these have been removed without permission.
- The application is retrospective.
- Who will monitor that the new residents of this proposed site are in fact from the travelling community?
- Has any consultation been carried out to establish a need for the new gypsy caravan park?
- Has consideration been given to the health and safety implications for families on this plot?
- In my limited experience of the traveller community I have always known them to be very proud of their caravans and not generally prepared to live in statics provided by others. Are the existing static caravans intended for the traveller community?
- I also note that only one communal toilet and amenity block is planned. Again, in my experience, I believe the travellers prefer their own private amenity blocks as per those on the County Council sites and the recent development of Broach Road.

A petition has also been submitted in support of the application with 7 signatures. It states the following:

“I have no objections to the redevelopment of the land at Nelson Road to house a permanently residential privately run gypsy caravan site with a maximum of 8 pitches”.

4.0 Officer Comments

GYPSY STATUS

- 4.1 The application which has been submitted is for a gypsy caravan park. Paragraph 15 of Circular 01/2006 defines gypsies and travellers as,

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s dependents educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.”

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4.2 A letter of support from the County Council Gypsy Liaison Officer has been forwarded. It confirms that the applicants have been known to the County Council Officer, *“for a considerable number of years both as a couple and, prior to their marriage, as individuals. They were both born and raised in Stourport on Severn with their family history of residency stretching back generations ... They are also highly regarded within their community and would prove to be fair minded site owners with absolutely no hesitancy in managing an orderly and quiet site”*. There is little doubt that the application is for a genuine gypsy and traveller site.

4.3 It is considered that the key areas of planning policy to consider are:

- Current Site Allocation in Development Plan
- Flooding
- Highways
- Other material considerations
- Circular 01/2006 & a temporary permission
- Human rights

CURRENT SITE ALLOCATION IN DEVELOPMENT PLAN

4.4 The application site is located within the Sandy Lane Industrial Estate which, according to the Adopted Wyre Forest District Local Plan, is allocated for B1, B2 and B8 industrial uses. Whilst there are gypsy and traveller sites within the Sandy Lane Industrial Estate safeguarded by Adopted Local Plan and emerging LDF Policy, including Nunns Corner which lies immediately to the east, this particular site is clearly allocated for employment uses.

4.5 The proposed use for gypsy and traveller accommodation is therefore contrary to Policy CP08 of the Adopted Wyre Forest Core Strategy which seeks to safeguard existing employment areas. The Policy states that development which would result in the loss of employment land will only be acceptable where it can be demonstrated that it meets a list of four criteria which are as follows:

- 4) *the site is identified in an up-to-date employment land review as being suitable to be considered for alternative uses;*

The Council undertook an Employment Land Review in 2007-8 which concluded that Sandy Lane constituted one of the best existing employment areas. No sites were considered for release from industrial uses and Sandy Lane was recommended to be retained for employment uses.

- 2) *the continued use of the buildings, or their redevelopment for an employment use, is not viable (in physical, operational or commercial terms) and this is supported by robust evidence, such as the marketing for the site and evidence that the site is unviable to be developed for employment use;*

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There is no evidence to suggest that the site is unviable for employment use.

- 3) *the proposed new use would be compatible with neighbouring uses and would not prejudice the amenity, viability or future development of other businesses;*

The application has been submitted together with a Noise Assessment. It reports that a continuous noise survey was carried out on 23rd to 25th February 2011. It was found that the dominant noise source was traffic passing on Sandy Lane, particularly HGV's entering Nelson Road and generally travelling relatively slowly. According to the national guidance of PPG24 'Planning and Noise' the noise experienced during the survey was unlikely to be a determining factor during the day but there may be call for mitigation measures to make the development acceptable for the night time period, or specifically from 4am onwards. It acknowledges that levels surveyed during the early hours (5am to 7am) contained events that would require either the windows to be closed or that the fence be retained to absorb sound. The assessment concludes that, "*By positioning the noise sensitive windows (bedrooms) away from the main road and ensuring the fences are tall enough for the mobile home windows to be well behind the fence, this should be achievable*".

- 4) *when considering alternative uses, preference will be given to mixed use development prior to any single use development.*

- 4.6 This final part of the Policy notably does not exclude single use developments.
- 4.7 There is clear conflict with parts 1 and 2 of Policy CP08. Firstly the land has not been identified for alternative uses and no evidence has been submitted to demonstrate that it is unviable for future employment use. Furthermore objections have been received indicating the concern at the loss of industrial land within the industrial estate. It has however to be acknowledged that the Employment Land Review indicated that the Estate remains the largest employment area in Stourport. There are several existing vacant premises within the Sandy Lane Industrial Estate and vacant industrial land within the Stourport area on the market and therefore available to be leased or bought. Therefore it is not considered that the loss of this employment site would provide a robust reason for refusal.
- 4.8 There is also the separate matter of the compatibility of the proposed residential use with the surrounding industrial uses, again a matter raised by objectors. Whilst it is considered that this matter is more finely balanced the noise assessment advises that any significant noise could be mitigated. In the absence of an objection from Worcestershire Regulatory Services it is considered that again there is not a robust reason for refusal.

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4.9 As the proposal would provide additional accommodation for gypsies and travellers CP06 of the Adopted Core Strategy is also relevant. Whilst it acknowledges that the Site Allocations and Policies Development Plan Document (DPD) will identify specific sites in the future, it provides criteria for the allocation of these new sites. It is considered relevant to assess the site at Nelson Road against these 9 criteria as follows:

1. *For a publicly managed site, it is large enough to accommodate 15-25 pitches;*

As the application site would be privately managed and therefore the above is not relevant.

2. *Privately managed sites should be smaller in size and generally be capable of accommodating up to 10 pitches;*

There is no conflict with the above.

3. *If the site is to meet the identified needs of travelling show people, it should be large enough to be suitable for the storage of mobile equipment and accord with Circular 04/07;*

As the proposed development is not for travelling show people this is not applicable.

9. *Local community services and facilities should be within easy access from the site by a variety of modes of transport;*

The site offers a location close to Stourport and is considered to have adequate accessibility to services and facilities. There is a bus service via the Worcester Road, although this only amounts to 2 buses on Tuesdays and Thursdays. There is however a more regular bus service to the Power Station estate.

5. *The site should not fall within areas at higher risk of flooding such as Flood Zones 2 and 3 and its exact location should take account of the strategic flood risk assessment;*

The site lies within Flood Zone 3 and the proposals fail to comply with this part of the Policy. Further explanation is given below under the 'Flooding' heading.

6. *Neighbouring uses should be complementary to the amenities of the proposed site;*

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As stated previously the application has been submitted with a noise assessment and objectors have raised concern at the incompatibility of the proposed residential use with the existing industrial uses. Whilst this is an issue which is considered to be finely balanced the noise assessment advises that any significant noise could be mitigated. In the absence of an objection from Worcestershire Regulatory Services it is considered that there is not a robust reason for refusal.

7. *The development of the site should not negatively impact on biodiversity or green infrastructure and should be capable of integration with the landscape character of the area;*

It is considered this brownfield hard surfaced site raises no significant concerns.

8. *The site is capable of providing adequate on-site services for water supply, power, drainage, sewage and waste disposal facilities;*

The agent, on behalf of the applicant has advised that mains electricity and water services have already been installed and the caravans have been connected to the foul water drainage system.

1. *There is safe and convenient vehicular and pedestrian access and that the site can be easily accessed by towing caravans.*

Whilst concern has been raised with respect to the safety of the entrance which lies on the bend in the road and at a junction there is no objection from the Highways Authority.

- 4.10 To summarise the comments made above, the site falls within flood zone 3 and therefore its location conflicts with part 5 of Policy CP06. The impact of flooding is described in greater detail below.

FLOODING

- 4.11 The site lies in flood zone 3 where there is a 'high probability' of flooding from the River Severn or where there is a 1 in 100 or greater annual probability of river flooding. The Environment Agency (EA) have submitted photographs of the industrial estate when it flooded in November 2000 which also show the majority if not all of the application site under water.
- 4.12 The site is however accepted as no longer acting as part of the functional floodplain where water has to flow or be stored in times of flood. This is on the basis that it is a brownfield site within a built up industrial area. The site therefore lies in flood zone 3a.

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4.13 The approach to flood risk proposed by the national guidance of PPS25 and supported by the Environment Agency is to appraise, manage and reduce it. In other words identify land at risk; frame policies for the location of development which avoid flood risk to people and property where possible; and reduce flood risk to and from new development through location, layout and design. Within PPS25 there is a 'Flood Risk Vulnerability Classification' which is a table which categorises the vulnerability of all different types of proposed land uses. This ranges from Essential Infrastructure (e.g. power stations) to Highly Vulnerable (e.g. police stations, basement dwellings) to More Vulnerable (e.g. hospitals, dwelling houses, educational establishments) to Less Vulnerable (e.g. shops, offices, general industry). The proposed use as a residential caravan site falls within the Highly Vulnerable classification. PPS25 explains that, "*The instability of such structures places their occupants at special risk and they are likely to be occupied during periods when flood risk is likely to be higher.*"

1.1 PPS25 advises that Local Planning Authorities should in determining planning applications:

- i. seek to ensure that they are supported by site-specific flood risk assessments (FRAs);
- ii. apply the sequential approach to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching the vulnerability of the land use to flood risk;
- iii. give priority to sustainable urban drainage systems (SuDS); and
- iv. ensure all new development in flood risk areas is appropriately flood resilient and resistant including safe access and escape routes where required.

4.15 The site levels as shown on the submitted drawing are indicated as ranging from 19.30 to 19.36m AOD. The EA has indicated during a 1% flood event the site is likely to flood to a depth of 400mm and would be likely to flood to a level of 800mm during a 1% plus climate change event. To reiterate the EA has indicated that the site lies in Flood Zone 3a and in accordance with PPS25 a FRA has been submitted. In summary it states the following:

- the caravans will generally be sited with a floor level of between 19.83m and 19.95m;
- during a flood event they will be raised on jacks to 20.72m AOD (600mm above the 1% plus climate change flood event level) to allow flood water to pass below the caravans unimpeded (*to achieve a level of 20.72m AOD the caravans would be raised approximately 1.36m off the ground*);
- a dry pedestrian access can be provided at the north east corner of the site, adjacent to Nunns Corner;
- there is a 440mm difference between the vehicular access and the pedestrian access;
- the floods of 2007 would not have affected the site;
- the flooding by the River Severn is relatively easy to predict and there is more than enough time to raise the caravans;

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- all the pitches will be registered with the EA Floodline warnings and occupiers will receive warnings 24 hours a day by telephone, mobile, fax or pager as well as through other media outlets to be in a position to vacate the site without placing a burden upon the emergency services or the Local Authority;
 - the photographs of the flood in November 2000 show a dry access at the proposed pedestrian exit adjacent to Nunns Corner and show lorry beds again supporting that the caravans could be raised above the flood level.
 - the photographs also show that it is possible to relocate the mobile homes, Worcester Caravans managed to relocate 40 caravans during the flood to a site outside of the flood plain.
- 4.16 The agent, on behalf of the applicants has also submitted additional supporting information advising that the applicants own another site in Stourport where there is sufficient land available to store the eight caravans on a temporary basis whilst the flood waters recede.
- 4.17 Next in accordance with PPS25 Officers have applied the sequential approach also often referred to as the sequential test. As the EA states in their advice, *“The aim of this sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the exception test if required”*. In this case the proposed use is classified in PPS25 as a ‘highly vulnerable’ use and according to the national guidance this type of development is not appropriate within Flood Zone 3a.
- 4.18 In cases such as this where the development is not appropriate to its flood zone PPS25 refers to the need to pass a subsequent test called the Exception Test. For this to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh the flood risk. However of note PPS25 states that the Exception Test, *“should not be used to justify ‘highly vulnerable’ development in Flood Zone 3a”*. Therefore the Exception Test is not considered to be relevant.
- 4.19 According to the agent any new alternative sequentially preferable sites will not be available until late 2012. This reference is in respect to the report entitled ‘Assessment of Potential Sites for Gypsies, Travellers and Travelling Showpeople’ undertaken on behalf of the Council by Baker Associates and presented to Members last month. This point will be discussed in greater detail later in the report under the heading Other Material Considerations.
- 4.20 Therefore it is considered that the site lies in Flood Zone 3a and that the proposed use is not appropriate at this location. As the EA acknowledges consideration of the sequential test should be undertaken prior to the consideration of any proposed flood risk mitigation, however with respect to this latter point their comments can be summarised as follows:

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- The road adjacent to the vehicular access is at 18.74m AOD, therefore during a 1% flood event it would be 1m under water and with climate change this would be approximately 1.3m;
- The proposed pedestrian access adjacent to Nunns Corner would be 940mm under water during a 1% flood event plus climate change - DEFRA identifies this depth of flooding as “*danger for most*”;
- Whilst Sandy Lane rises away from the site, a rough measurement suggests that it is affected by the 1% flood event plus climate change flood event for approximately 65m from the pedestrian access point;
- We would raise concerns that a safe pedestrian access route is not available, based on the information provided, and would support a refusal on this basis;
- We can clarify that the flood warnings issued for this area should be able to provide a reasonable amount of lead-in time for potential flooding. However, it does depend on when the decision is fixed to take action;
- Any evacuation would therefore need to take place well before the site becomes flooded. It may be appropriate to evacuate people from the site but to leave the caravans and a suitable alternative site/temporary accommodation would need to be identified outside of the floodplain;
- Referring to the photographs of the November 2000 flood event it should be noted that it was lower than the 1947 flood event in this area. The 1947 event was 260mm higher but still 7mm short of the modelled 1:100 year flood level at the Bewdley gauge. This would be more if consideration was given to climate change;
- At this time it is unclear whether the development can be made safe, suggesting that the proposal would lead to increased flood risk in the area.

4.21 To conclude on the matter of flooding, the proposed highly vulnerable use is considered to be inappropriate at this Flood Zone 3a location and insufficient evidence has been submitted to demonstrate that there is a safe dry access for pedestrians in times of flooding. It is however considered necessary to deliberate the matter of alternative sites in greater detail and this is done so under the heading of Other Material Considerations.

HIGHWAYS

4.22 Concerns have been raised with respect to the safety of the entrance on a bend at the junction of Sandy Lane and Nelson Road, however no objections have been received from the Highways Authority and therefore it is considered that there is no robust reason for refusal.

OTHER MATERIAL CONSIDERATIONS

4.23 The application is for a gypsy and traveller site, therefore ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites is particularly important. Its main intentions are:

- a) to create and support sustainable, respectful and inclusive communities where gypsies have fair access to suitable accommodation, education, health and welfare provision;
- b) to reduce the number of unauthorised encampments;

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- c) to increase significantly the number of gypsy sites in appropriate locations with planning permission in order to address under provision over the next 3 – 5 years;
- d) to recognise, protect and facilitate the traditional travelling way of life of gypsies whilst respecting the interest of the settled community;
- e) to underline the importance of assessing needs at a regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- f) to identify and make provision for resultant land and accommodation requirements;
- g) to ensure that local development framework development plan documents include fair, realistic and inclusive policies and to ensure that identified need is dealt with fairly and effectively;
- h) to promote more private gypsy site provision in appropriate locations through the planning system whilst recognising that there will always be those who cannot provide their own sites; and
- i) to help avoid gypsies becoming homeless through eviction from unauthorised sites without an alternative to move to.

- 4.24 Although the Circular is still in force, the Government announced in 2010 the intention to change planning policy relating to Gypsies, Travellers and Travelling Showpeople. In April 2011, the Government began this process by publishing a consultation on “Planning for Traveller Sites” which proposes the introduction of a new Planning Policy Statement (PPS) to replace the current Circular.
- 4.25 Despite the anticipated revised guidance, the Government’s objective remains for local planning authorities to identify sites to meet the needs of Gypsies and Travellers. The proposed Planning Policy Statement is identical in many ways to the provisions in the 2006 Circular and it will reinforce this ambition and require Local Planning Authorities to use a robust evidence base to establish need; set pitch and plot targets to address accommodation needs; identify specific sites in their Development Plan that will enable the continuous delivery of sites for at least 15 years from the date of adoption; and identify sufficient specific deliverable sites to meet the need in the first five years of the adoption of the relevant DPD policy.
- 4.26 Policy CF5 of the Regional Spatial Strategy, adopted in 2004 also states that development plans should ensure that adequate provision is made for suitable sites to accommodate gypsies.

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- 4.27 The Council has already started to put this into place with the adoption of the Core Strategy DPD in December 2010. As discussed earlier in the report Core Strategy Policy CP06 sets out the criteria for allocating new sites within the District and it also includes a commitment by the Council to ensure that sufficient sites are allocated. The Core Strategy used evidence prepared in the 2008 Gypsy and Traveller Accommodation Assessment to ascertain the need for future pitch provision. The findings of this study, which are included in the Core Strategy, were for a total of 30 pitches to be allocated within Wyre Forest District by 2013.
- 4.28 Through Phase 3 of the Regional Spatial Strategy revision process the District Council has supported the provision of 35 pitches until 2017 with a further 15 to be allocated between 2017 and 2022. A total of 7 Gypsy pitches have been given permission at Broach Road which means that the allocation requirement until 2013 has dropped to 23.
- 4.29 These figures were presented to the Overview and Scrutiny and Cabinet Members at meetings held on the 19th and 20th September 2011 together with a list of potential sites informed by a report entitled 'Assessment of Potential Sites for Gypsies, Travellers and Travelling Showpeople' undertaken on behalf of the Council by Baker Associates.
- 4.30 It was resolved by Members of the Cabinet that the Council will go forward with a total of seven sites for public consultation. This process will be undertaken for 6 weeks, starting in October 2011.
- 4.31 The seven sites which were chosen are as follows:

	Site Location	Potential Number of Pitches	Flood Zone
1	Stourport Road, Bewdley	15	2
2	Former Sion Hill School site, Kidderminster	10	1
3	Lea Castle Hospital site, Cookley	15 (from 2018)	1
4	Land adjacent to Nunn's Corner, Stourport	4	3
5	Saiwen, Stourport	3	2
6	The Gables Yard, Stourport	3	2
7	Farm at St John's Road, Stourport	15 (from 2023)	1

- 4.32 It is anticipated that a final list of sites will be included in the next stage of the Site Allocation and Policies DPD. This next stage, known as the Publication Draft will go out for consultation in early in 2012.

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- 4.33 Circular 01/2006 states that a Planning Inspector considering any appeal will take into account all material considerations which should have been addressed at the application stage including the existing planned provision of and need for sites in the area. It is acknowledged that there is an unmet national, regional and local need for additional gypsy and traveller sites within the District, however the Council is in the process of allocating sites as required to do by the soon to be revoked RSS, Circular 01/06 and draft consultation PPS.
- 4.34 The agent has questioned the availability of the alternative identified sites however the Baker Associates report acknowledges that "*Availability has been identified through this Assessment as a key criterion*". Therefore it is considered that there are available sites located in areas which are sequentially preferable in terms of flood risk. Notably one of the sites going forward for consultation is the adjacent site at Nunns Corner, again in Flood Zone 3. The determination of the current application at the Gatehouse should not prejudice the formal determination of the current application at Nunns Corner which proposes to retain all eight caravans on site; six of which are tolerated or lawful and safeguarded by Adopted Local Plan Policy.
- 4.35 It should also be noted whilst only a total of seven sites listed in the table above are to go out to public consultation 15 sites have been acknowledged by the Council as potentially being suitable. Furthermore the forthcoming consultation process on the chosen sites does not preclude additional non-identified sites being put forward for consideration by private landowners. For example the Stourport site put forward by the agent for use as a temporary site in times of flooding. This alternative site is located flood zone 2 and is therefore sequentially preferable and as it is owned by the applicants it is also presumably available.
- 4.36 The location of the proposed site within Flood Zone 3 is considered to conflict with the development plan as it is an inappropriate highly vulnerable use of land within Flood Zone 3a. There are considered to be sequentially preferable sites in terms of flood risk, and whilst the unmet need for additional pitches has been considered it is felt that this does not outweigh the flood risk considerations.

CIRCULAR 01/2006 AND A TEMPORARY PERMISSION

- 4.37 Notably the current application seeks consent for a temporary 2 year period. Circular 01/06 advises that it is necessary to seriously consider such a temporary consent.
- 4.38 The circular is quite clear that the unmet need with no available sites scenario is one that should be considered very seriously, and prior to refusing a gypsy site Council's are expected to demonstrate that they have considered the following information:
- Incidents of unauthorised encampments;
 - The numbers and outcomes of planning applications and appeals;

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- Levels of occupancy, plot turnover and waiting lists for public authorised sites;
 - The status of existing authorised private sites.
 - The twice yearly caravan count giving a picture of number and historic trends.
- 4.39 As Members will be aware there have only been two cases of unauthorised encampments within the district since 2003. The first was at Cursley Lane where the encampment was allowed at appeal for a temporary period until the end of November 2012 (Ref. 06/1062/FULL). There is a current application to remove the temporary time period permitted by the Inspector to allow permanent occupation. This application reference 11/0545/FULL is awaiting determination.
- 4.40 The second unauthorised encampment was at Rocky Lane Churchill where travellers came onto the site in 2009. Whilst the enforcement notice was upheld the Inspector granted the occupiers a 9 month period of compliance which expired on 31st July 2011. The travellers have since moved on.
- 4.41 There are three other current planning applications for gypsy and traveller sites;
- Saiwen, Sandy Lane Industrial Estate – Change of use of land to the rear for a gypsy caravan site; for the siting of five static caravans, one mobile home, two touring caravan pitches, the erection of an amenity block and retention of existing dwelling for residential use (10/0056/FULL) : Awaiting determination.
 - Nunns Corner, Sandy Lane Industrial Estate - Change of use to allow extension to existing tolerated gypsy caravan park to create 2 additional pitches (part retrospective)(11/0195/FULL) : Awaiting determination.
 - The Hollies Trimpley Lane Shatterford - Change of use of land to site one static caravan for one gypsy family (11/0498/FULL) : Awaiting determination (the report is later on this agenda).
- 4.42 In terms of the level of occupancy of existing sites previous comments from the County Council's Gypsy Liaison Officer advised that there are 9 permanent sites maintained by the County within Worcestershire which are all consistently full. In January 2011 it was confirmed at that time there was in excess of 100 families awaiting accommodation and a quarter of those were waiting for plots within Wyre Forest.
- 4.43 The twice yearly caravan count also indicates that there is little movement on the existing authorised and unauthorised sites.
- Lower Heath County Caravan Site, Watery Lane Stourport (County Council site).

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Date of Caravan Count	Total No. of Pitches Occupied	Total No. of Vacant Pitches	Total Caravan Capacity	Total No. of caravans
Jan 2010	21	0	42	37
July 2010	21	0	44	36
Jan 2011	22	0	44	37
July 2011	22	0	44	37

- Broach Road County Caravan Site, Stourport (County Council site)

Date of Caravan Count	Total No. of Pitches Occupied	Total No. of Vacant Pitches	Total Caravan Capacity	Total No. of caravans
Jan 2010	9	0	18	11
July 2010	9	0	18	14
Jan 2011	9	0	18	14
July 2011	9	0	18	12

<u>Meadow Caravan Park, Broach Road</u> (Private Site – Planning consent granted 09.06.09 Ref. 09/0266/FULL)	
Date of Caravan Count	Total No. of caravans
Jan 2010	1
July 2010	7
Jan 2011	7
July 2011	7

<u>Nunns Corner, Sandy Lane</u> (Private Site – Current planning application)	
Date of Caravan Count	Total No. of caravans
Jan 2010	6
July 2010	7
Jan 2011	9
July 2011	9

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<u>Cursley Lane, Shenstone</u> (Temporary permission granted current application for permanent occupation Ref. 11/0545/FULL)	
Date of Caravan Count	Total No. of caravans
Jan 2010	2
July 2010	2
Jan 2011	2
July 2011	2

<u>Saiwen</u> (Current application for 8 caravans ref. 10/0056/FULL)	
Date of Caravan Count	Total No. of caravans
Jan 2010	4
July 2010	3
Jan 2011	6
July 2011	5

<u>Stakenbridge / Rocky Lane, Churchill</u> (travellers now moved on)	
Date of Caravan Count	Total No. of caravans
Jan 2010	4
July 2010	2
Jan 2011	0
July 2011	0

<u>The Gables Yard, Broad Road</u> (Planning approval for 7 caravans Ref. WF956/87)	
Date of Caravan Count	Total No. of caravans
Jan 2010	4
July 2010	1
Jan 2011	3
July 2011	3

4.44 To reiterate there is a definite need for additional pitches within the district and this could be a factor which an Inspector gives considerable weight to at any appeal.

4.45 It is against this background that Circular 01/2006 advises,

“Where there is an unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.

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Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocation DPD [Development Plan Document]. In such circumstances, local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site”.

4.46 As stated previously Inspectors gave weight to Circular 01/06 when they granted temporary permissions for traveller sites at Cursley Lane and Rocky Lane. It is considered relevant to examine whether circumstances surrounding the current application are similar to the previous appeal to justify granting a temporary consent as requested by the applicants.

4.47 In November 2007 an Inspector allowed a temporary two year consent for the traveller site in Cursley Lane appeal. In her deliberation she concluded that:

- i. the existing unmet need for gypsy sites in the area;
- ii. the inadequacies of the current development plan site provision policies;
- iii. the present lack of a suitable alternative site;
- iv. the personal needs and circumstances of this particular gypsy family; and
- v. the prospect of substantial progress being made over the temporary period as regards a site allocation DPD that would be likely to assist the family to find an alternative site;

would, taken together, clearly outweigh the harm that would result to the Green Belt.

4.48 The current application site is notably not within the Green Belt and therefore there are no openness, visual amenity or harmful by definition considerations to take into account. Whilst there is still the recognised unmet need for gypsy sites within the area it is now considered that;

- the adopted and emerging LDF policies provide adequate site provision policies;
- there are suitable alternative sites;
- there are no personal circumstances which suggest that the existing and/or future occupiers need to be located at the application site; and
- significant progress is being made through the LDF process to assist the provision of an alternative site.

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- 4.49 In the case at Rocky Lane the Inspector gave weight to the education of the appellant's son. He advised that whilst there were no material considerations strong enough to justify a temporary permission for this site in the Green Belt, a 9 month compliance period with the Enforcement Notice was given to allow their child to complete his first year at school. No such circumstances have been submitted with respect to the existing or future occupiers of the current application site.
- 4.50 It is considered that whilst there is still an unmet need for gypsy and traveller sites and the LDF has moved forwards such that temporary two year consent as requested by the applicants is not justified.

HUMAN RIGHTS

- 4.51 The refusal of the current application may result in the current occupiers being required to vacate this site thereby interfering with their right for a private and family life and home under Article 8 of the European Convention on Human Rights. It would also interfere with Article 1 which provides that a person is entitled to the peaceful enjoyment of his possessions. It is therefore necessary to consider whether it would be proportionate to refuse permission. In this case, when balancing the rights of the occupiers against the wider public interest and the need for a precautionary approach with respect to flooding to be applied, such a decision is considered to be proportionate.
- 4.52 It should be acknowledged that the applicant allowed residential occupiers to move on to the site in the full knowledge that planning permission was needed and may not be forthcoming. In addition the information submitted to date does not give details of whether efforts have been made to find any other accommodation or why it is necessary for the existing occupiers to live at this particular location rather than another. As Circular 01/2006 states,
- “The obligation on public authorities to act compatibly with Convention rights does not give gypsies and travellers a right to establish sites in contravention of planning control.”*
- 4.53 Due regard has also been given to the Race Relations Act 1976 which prohibits racial discrimination by planning authorities in carrying out their planning functions. However whilst local authorities have a duty to actively seek to eliminate unlawful discrimination this does not give gypsies and travellers a right to establish sites in contravention of planning control.

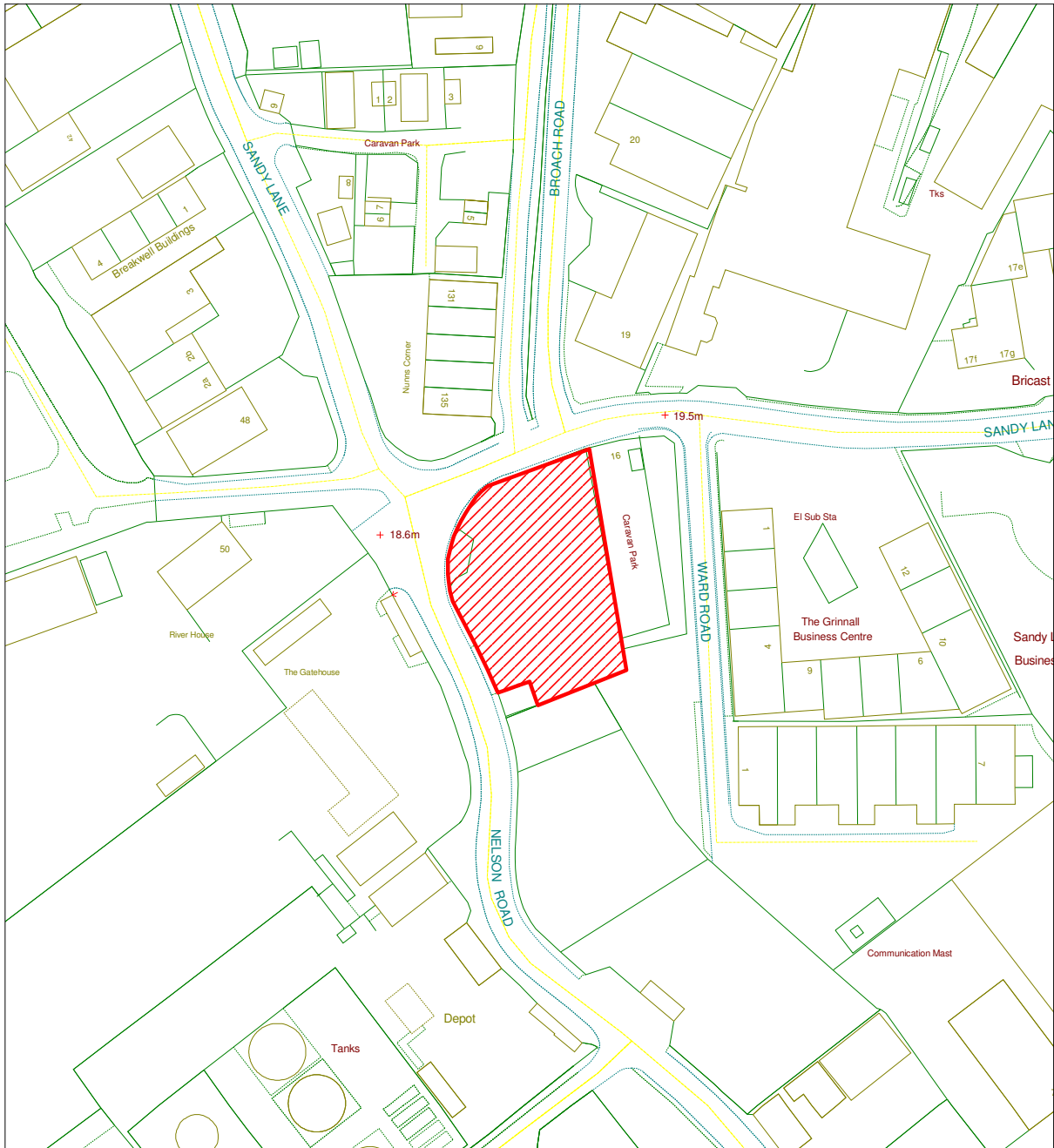
5.0 Conclusions and Recommendations

- 5.1 This is a decision which requires all the material considerations to be carefully balanced.

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- 5.2 In favour of the applicants is the need for additional pitches within the District. In some respects it can be argued that this is possibly an ideal site; it is a brownfield site where the visual implications are not significant and there are no Green Belt considerations. It is located adjacent to the existing travelling community where family members live within the vicinity and close to health and educational facilities. Furthermore the acceptance of this site would leave the Council in a stronger position to refuse other current and/or future applications for sites in more rural locations which may be considered to be more desirable and contentious.
- 5.3 There is however the flood risk. The agent considers that the risk to residents and their properties can be managed by making good use of the EA's flood warning system which would allow:
- residents to leave the site unassisted either by the existing vehicular entrance or via the pedestrian access which lies on slightly higher land; and
 - the caravans to be jacked up or relocated to another site within Stourport.
- 5.4 The agent considers that the need for additional pitches outweighs the flood risk, and obviously the applicants are willing to take on the risk of flooding and its possible consequences for their homes and possessions.
- 5.5 However PPS25 makes it quite clear that the proposed use is inappropriate within Flood Zone 3a. The location of the site in an area at high risk of flooding is also contrary to Policy CP06 of the Adopted Core Strategy and Policies CP02. The Council is following correct procedure by recognising sites through the LDP process and it is at a stage where other more sequentially preferable sites, in terms of flooding have, albeit not been adopted as part of the forthcoming DPD but have been identified.
- 5.6 Therefore after considering all the material considerations it is recommended that the application be **REFUSED** for the following reason:

The site lies in Flood Zone 3a, in an area that has flooded previously. According to PPS25 and its precautionary approach the proposed 'highly vulnerable' use is inappropriate at this location and the application fails to satisfactorily demonstrate that there are no other sequentially preferable sites. As PPS25 indicates consideration of the sequential test should be undertaken prior to the consideration of any flood risk mitigation, resistance and resilience measures which should not be used to justify development in inappropriate locations. On this basis to approve the development would be contrary to part 5 of Policy CP06 and Policy CP02 of the Adopted Core Strategy and the guidance of PPS25.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Land opposite The Gatehouse
Nelson Road, Sandy Lane
Stourport**



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

Application Reference:	11/0177/FULL	Date Received:	22/03/2011
Ord Sheet:	381506 271100	Expiry Date:	17/05/2011
Case Officer:	Paul Round	Ward:	Mitton

Proposal: Change of use from play area to residential development comprising 2 No. detached dwellings, parking and associated access

Site Address: LAND BETWEEN 3 & 4 PINTA DRIVE, STOURPORT-ON-SEVERN, DY13 9RY

Applicant: Taylor Wimpey North Midlands

Summary of Policy	H2, LR1, TR17 (AWFDLP) DS01, DS03, CP01, CP03, CP11 (AWFCS) QE3 (WSRSS) PPS1, PPS3, PPS25; PPG17
Reason for Referral to Committee	Planning application represents departure from the Development Plan Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The site lies between Nos. 3 and 4 Pinta Drive which forms part of the Power Station Site to south east of Stourport-on-Severn Town Centre. A footpath to the north links Pinta Drive to the larger open space adjacent to the River Stour.
- 1.2 The site forms approximately a 600 sq.m. piece of land which was historically earmarked as one of three play areas for the Power Station development. The site falls within an area allocated for residential purposes within the Local Plan. Two thirds of the site falls within Flood Zone 3 with the remaining area falling within Flood Zone 2.
- 1.3 The application seeks for the removal of site as an earmarked play area and the erection of two dwellings on the site. This is one of three proposals submitted by Taylor Wimpey across the whole development.

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1.4 The application has been accompanied by the following supporting documents.

- Geo-environmental Assessment;
- Flood Risk Assessment; and
- Supporting Statement (including Design and Access Statement and Open Space Assessment)

2.0 Planning History

2.1 None since the original residential approvals.

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – The Town Council considers that the land should remain designated for use as a play area and developed in accordance with such designation.

3.2 Highway Authority – No objection subject to conditions.

3.3 Environment Agency – Site is less than 1ha within Flood Zone 2. Please refer to Flood Risk Standing Advice.

3.4 Countryside and Conservation Officer – No major concerns from a biodiversity point of view. It is worthy of note that Tesco recently evicted the badgers off their land to this side of the river and enticed them to an artificial sett less than 100m from this development. Whilst it is hoped the badgers will be happy with their new home they may decide to look for a new abode, or badgers could have spread by the time the development commence. A condition should be imposed to take a precautionary check for badgers just prior to development commencing. If badgers are found there is a requirement to apply to Natural England for a licence.

3.5 Worcestershire County Council (Historic Environment and Archaeology Service) – Features identified on the Hartlebury enclosure map dated 1821 have been interpreted to be a relict watercourse and a possible former basin associated with the 17th century or later works to improve the navigation of the River Stour. The relict watercourse appears as a curvilinear feature to the north of a field called Deborah's Ditch and has archaeological potential in that the alluvial sediments may contain well preserved environmental remains. The possible former basin appears as a rectangular feature on the 1821 plan lying to the south of the relict watercourse. Location has been estimated and needs confirmation.

Consequently, as a condition of planning consent I advise that a programme of archaeological works be carried out prior to development.

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- 3.6 Parks and Green Spaces Manager – Site previously had play equipment installed but had to be removed due to vandalism. The land has never been taken over by the Council and is excluded from areas that are to be taken on in the future. The proposal does result in the loss of an area that was originally intended for a play area and as such in line with PPG17 adequate compensation is required, which should form a financial contribution towards existing play areas.
- 3.7 Worcestershire Regulatory Services (Environmental Health) – No adverse comments.
- 3.8 Severn Trent Water – No objections subject to condition.
- 3.9 Neighbour/Site Notice – Three letters of objection received. One objection to the all three developments by Taylor Wimpey, but is not specific to this application, the other two are specific and raise the following points.
- Part of selling point was nice play areas. We were informed that these could not be built on and were to be adopted by the Council.
 - Maybe breach of covenants if approved as residents have the right to *“pass and repass with or without vehicles or on foot only as appropriate over and along the roads footpaths verges and driveways intended to be taken over by the Local Authority now or to be constructed on the Estate.”* Having sought my own legal opinion I am “strongly” advised that they are indeed of breach. The terms in the written contract could be debated but there is huge evidence of a verbal contract existing. The contractors sold on the basis that the play area would be maintained by them and adopted by the Council. That it would not be built on. Numerous residents would be prepared to confirm that this was part of their sales pitch and as such part of a binding agreement.
 - This plot of land is the only public green area on this estate, and was originally designed as children’s play area and did, at one time, have play equipment on it. It is still used ... for ball games, particularly football.
 - There are already many cars parked on this road and this development will create a hazard to motorists, pedestrians and of course to children.

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4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT

- 4.1 The policy framework in Policy H.2 of the Local Plan and Policies DS01 and DS03 of the Core Strategy set out the strategic aim of the Council seeking to focus 30% of residential development on previously developed land within Stourport on Severn. This aim is further re-enforced by Policy 1 of the emerging Site Allocations and Policies DPD. Government advice in PPS3 (June 2010) also promotes effective use of previously developed land, seeking for Local Authorities to determine their own targets for sustainable use of land. Where an Authority has a continuous five year supply of land, it is clear that no other land needs to be sought. In the last residential land availability report prepared by the Council in its monitoring role, there was 5.9 years supply of residential land. This supply has influenced the Council's strategic aim within the Local Development Framework.
- 4.2 Consideration of the proposal in the context of this policy framework would rule out the development in principle. However, Section 54A of the Town and Country Planning Act 1990 (as amended) and its equivalent Section 38 of the Town and County Planning and Compulsory Purchase Act 2004 whilst advocating the plan led system, allow for material circumstances to indicate that an alternative decision can be taken.
- 4.3 In this case the site forms part of an area identified in the 1990's as a play area as part of the Power Station residential development. This consisted of two play areas, one at Mayflower Close which is approximately 1,500 sq. m. and the other being the application site being approximately 1,000 sq. m. In addition a 'kick about area' of approximately 2,500 sq. m. was identified to the rear of Cutty Sark Drive and fronting onto Worcester Road and a large area of approximately 5.6 ha of open space adjacent to the River Stour. These areas were safeguarded through the Section 52 (now Section 106) agreement as part of the original outline application.
- 4.4 The applicant advises that the play equipment although installed for a brief time was removed due to vandalism that took place. Despite these works being carried out on the site, the Applicant never was in a position where the entirety of the required open space or play areas was acceptable to be transferred to the Council. As such, the site has remained as a vacant green space to this date, despite lengthy negotiations over this time.
- 4.5 The applicant considers that there is an oversupply of open space associated with resulting development, which has resulted in separation of the play area at Mayflower Place and the open space being taken over by Tesco in order to bring these to a standard where they can be transferred to the Council. The remaining areas have been retained by Taylor Wimpey, although they are reluctant to maintain them indefinitely. In respect of the application site they would retain the pathway leading to large open space beyond and propose to develop 600 sq. m. of the site to provide two residential units.

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- 4.6 As the site has been earmarked for a play area, Policy LR.1 of the Local Plan allows such sites to be lost in exceptional circumstances and subject compensatory provision is made elsewhere. Following negotiations with the Parks and Green Spaces Manager, it has been confirmed that this site would not be required and that there is no desire for the land to be dedicated to the Council. A compensatory figure of £26,500 has been agreed; this would be used to provide qualitative play space within the vicinity. This will need to be secured through a Section 106 agreement.
- 4.7 PPG17 also allows for such circumstances where opportunities exist where open space can be exchanged to provide enhanced provision. This is permissible so long as the space does not provide an important local amenity for recreational and play opportunities, it is not used for informal or formal events and it is not of benefit to wildlife or biodiversity. In view of the position and size of the space it cannot be regarded to meet these criteria.
- 4.8 A decision on whether development should proceed has to be finely balanced between the policy context and the other material considerations in this case.
- 4.9 In view of the current residential land supply and policy context, the Council has been successful in defending a number of appeals on residential development on 'garden land', including sites with extant approvals. However on rare occasions this Committee has taken the decision to approve development on non-previously developed land where an obvious gap exists within an otherwise build up frontage and development would succeed in tidying up the area.
- 4.10 Whilst the land has been maintained by the developer for the last 20 years, they have confirmed that they will not continue to do so in definitely. It is clear that if this piece of land were to be left it could be potential eyesore and nuisance to residents. If the proposal is refused this will remain as a grassed area, with the threat of potential unkempt land; the owners also have the ability to fence it without the need for planning permission. They also claim an over provision of space within the residential estate and that this area is no longer required, a matter which is supported by the Parks and Green Spaces Manager. On balance, taking all matters into account it is considered that sufficient justification has been given to justify supporting the scheme.

DESIGN AND LAYOUT

- 4.11 The proposal seeks for two detached dwellings, constructed of brick and tile with a ground floor projection to the front. The design and layout of the dwellings reflects the surrounding dwellings and continues the stepped design providing a continuous row of dwellings. They are of similar plot widths to surrounding dwellings and provide at least 17m rear gardens.
- 4.12 Due to their layout and position no adjoining residential dwellings will be adversely impacted by this proposal. This is mainly due to only one residential property (no. 3 Pinta Drive) which is in close proximity and the open space exists to the rear.

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- 4.13 The frontages of the properties have sufficient space for two car parking spaces and landscaped area, providing an open feel. The original approval contained an 'open plan' condition restricting front boundary treatments. This can be replicated.

HIGHWAYS

- 4.14 As stated above two parking spaces will be provided for each of these three bedroom properties in accordance with Policy TR.17 of the Local Plan and the recent County Council Parking Standards. The number of dwellings proposed is not considered to generate the number of additional vehicle movements that would result in harm being caused to surrounding network. The Highway Authority has no objections to the proposal on car parking or capacity grounds.

DEPARTURE FROM THE LOCAL PLAN

- 4.15 It is acknowledged that to approve this application would be a departure from the Local Plan and Core Strategy, however it is felt that the circumstances set out above allow the a favourable recommendation to be put forward. In line with the provisions of the Development Management Procedure Order, the application has been advertised as a departure and the time for comments has expired. No additional comments were raised as part of this process. In line with the Council's procedures and Government Circular advice there is no requirement to neither refer the application to the Secretary of State nor defer the application for a cycle.

OTHER ISSUES

- 4.16 Residents have raised the legal matter of covenants. This matter has been referred to the Developers who have responded that residents "...were granted a standard right of way over the estate roads and the right extended to any adjoining footpaths, verges and driveways. My very firm view is that the scope of this right does not extend to rights of access over the parcels of land which are the subject of [this] planning application..." The arguments over this covenant must continue outside the realms of planning. Planning approval can be given contrary to a covenant it cannot supersede that covenant which will continue to be in force.

5.0 Conclusions and Recommendations

- 5.1 Notwithstanding the non-previously developed nature of the site and its identification within the original residential development as a play area, it is considered that substantial justification exists to allow the development and provide qualitative provision elsewhere. The play area is no longer required and alternative provision exists in the vicinity. The houses are well designed and complete the street scene. There is no undue impact on neighbouring properties and there are no highway issues in this case.

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

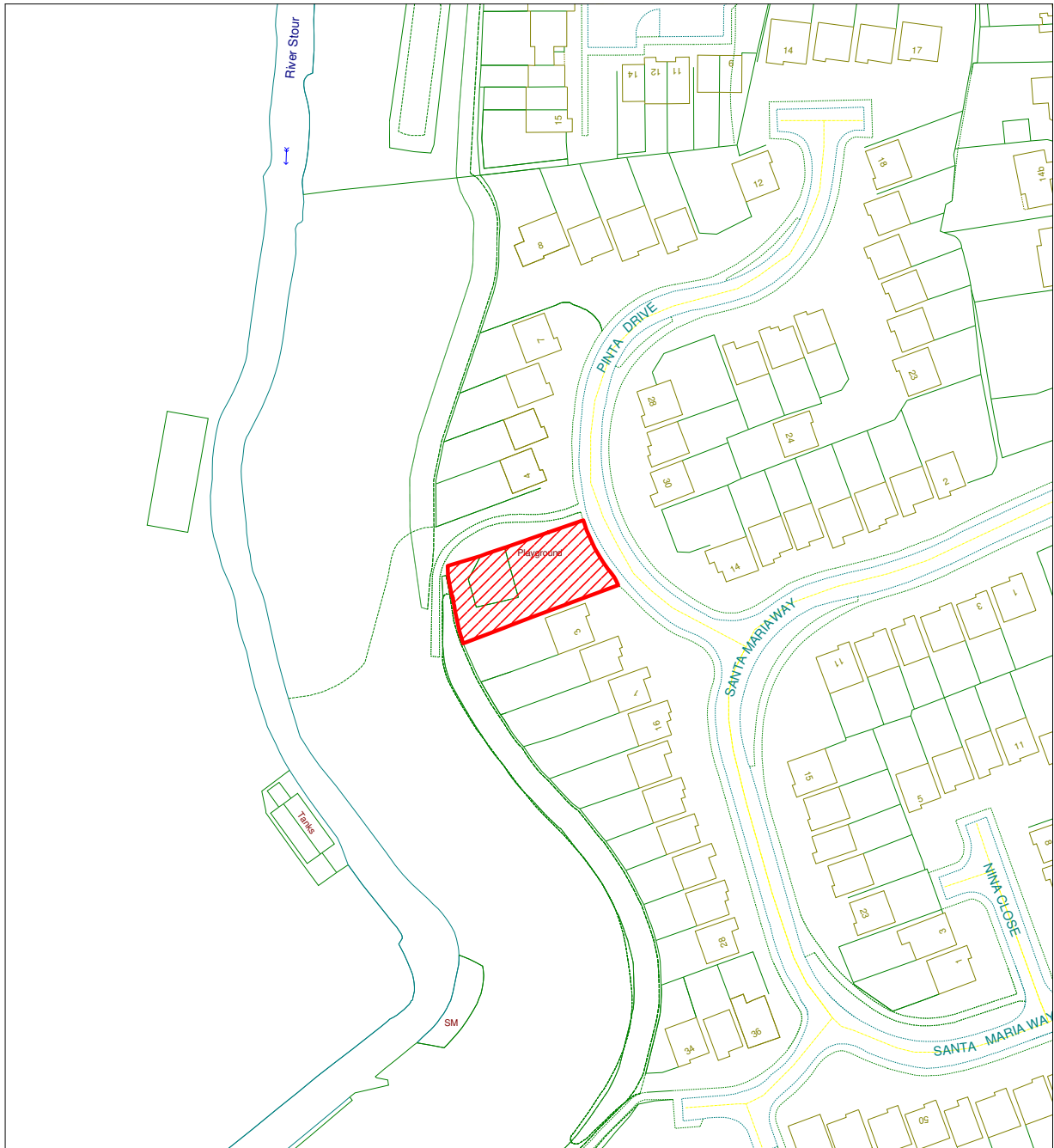
- i. the signing of a **Section 106 Agreement** to secure £26,500 for Public Open Space provision or enhancement; and
- ii. the following conditions:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples/details of materials)
 4. Levels as approved on plan
 5. Fencing as approved on plan
 6. C6 (Landscaping – small scheme)
 7. C8 (Landscape implementation)
 8. F5 (Construction site noise/vibration)
 9. Highways – Access Construction
 10. Highways – Access Turning and Parking
 11. Archaeology – Programme of Archaeological works
 12. E2 (Foul and surface water)
 13. J9 (Open plan frontages)
 14. Ecological survey prior to commencement

Notes

- A. SN2 (Section 106 Agreement)
- B. SN1 (Removal of permitted development rights)
- C. Highways
- D. Highways
- E. Archaeology

Reason for Approval

Notwithstanding the non-previously developed nature of the site and its identification within the original residential development as a play area, it is considered that substantial justification exists to allow the development and provide qualitative provision elsewhere. The play area is no longer required and alternative provision exists in the vicinity. The houses are well designed and complete the street scene. There is no undue impact on neighbouring properties and there are no highway issues in this case.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Land between 3 & 4 Pinta Drive
Stourport
DY13 9RY**



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

Agenda Item No. 5

Application Reference: 11/0252/FULL **Date Received:** 26/04/2011
Ord Sheet: 376985 274698 **Expiry Date:** 26/07/2011
Case Officer: James Houghton **Ward:** Bewdley and Arley

Proposal: Change of use of land for the provision of tent pitches and retention of 4 tepees, associated stoned access ways, minor adjustment of levels and landscaping

Site Address: HOPLEYS CAMPING AND CARAVAN SITE, DODDINGTREE, CLEOBURY ROAD, BEWDLEY, DY122QL

Applicant: Mr J Hopley

Summary of Policy	NC.2, TR.17, D.4, NR.11, NR.12 (AWFDLP) CP01, DS01, DS04, CP02, CP03, CP10, CP12, CP13, CP14 (AWFCS) Policies 13, 22,23, 25, 26, 30 Draft Site Allocations & Policies DPD PPS 1, PPS 7, PPS 9
Reason for Referral to Committee	'Major' planning application Statutory or non-statutory Consultee has objected and the application is recommended for approval Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site is a field that forms part of Hopleys Farm. The part of the site to which the application pertains is a field which slopes down from the existing caravan site and farm shop towards the north. The field is approximately 270m by 150m.
- 1.2 The farm lies north of, and is accessed from, the B4190, approximately 2 km west of Bewdley town centre.
- 5.1 Hopley's Farm already accommodates the following, which have gradually evolved since the 1980's:
- a farm shop;
 - a tea room with separate toilet block;
 - fishing pool
 - a rally field; and
 - fields used for camping and caravanning
 - field providing pitches for up to 35 touring caravans

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- 1.4 The applicant seeks approval for the use of part of the site for camping (provision for up to 138 camping pitches), re-profiling of the field and for the siting of four permanent tepee tents.
- 1.5 In order to provide these camping pitches seven drinking water taps would be provided, a fire extinguisher point and, for bank holiday weekends and other busy periods, a total of six portable w.c. units would be sited to supplement the existing facilities.
- 1.6 The proposal has been amended since its original submission; the number of pitches has been reduced from 146 to allow for the provision of an area of woodland tent pitches. The woodland area would provide an area of additional tree planting to help screen an area of 15 pitches from the adjacent residential properties fronting Cleobury Road.

2.0 Planning History

- 2.1 WF.243/90 – Extension to existing farm shop : Approved 22/05/90.
- 2.2 WF.668/92 – Existing irrigation to pool to be used for coarse fishing : Approved 22/05/90.
- 2.3 WF.296/96 – Change of use of existing pack house building as a tea room during fruit picking season only : Approved 16/07/96.
- 2.4 WF.105/97 – Construction of portaloo toilet building as a tea room from 1 April to 31 October : Approved 25/03/97.
- 2.5 WF.663.05 – Variations of conditions of WF.105/97 to allow the opening of the tea room and toilets for year round use to serve the shop, touring caravan site, fishing pool and fruit picking : Approved 16/09/05.
- 2.6 06/0390/FULL – Toilet and Shower block : Approved 31/05/06.
- 2.7 07/0743/FULL – Change of use of land for the provision of fifteen touring caravan pitches : Approved on appeal by Inspector 14/04/08.
- 2.8 10/0133/FULL – Toilet and shower block for caravan and camping site : Approved 10/05/10.
- 2.9 10/0410/FULL – Toilet and shower block for caravan and camping site (re-submission of approved application 10/0133/FULL) : Approved 10/09/10.
- 2.10 10/0375/FULL – Proposed change of use of land for the provision of 20 additional touring caravan pitches : Refused 12/08/10.

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- 2.11 10/0494/FULL – Resubmission of refused application 10/0375/FULL for the proposed change of use of land for the provision of 20 additional touring caravan pitches and improved access to site : Approved 04/02/11.
- 2.12 10/0499/FULL – Change of use of land for the provision of Tent Pitches and tepee tents : Withdrawn.

3.0 Consultations and Representations

3.1 Bewdley Town Council – Object to the proposal and recommend refusal.

- (i) Though apparently seasonal in nature, there is a degree of permanence which amounts to a form of creeping development and is an unacceptable incursion into the countryside notwithstanding attempts to minimise such effects by landscaping provision;
- (ii) The increase in patronage which could be substantial given the number of pitches proposed namely 146 will give rise to a large number of vehicle movements and therefore despite some improvements that have been made to the proposed access, there remain some concerns as to safety when accessing and exiting the property;
- (iii) given the application relates to 146 pitches which could generate 200 or more individuals it is inevitable that further toilet and shower blocks will be needed which will add to the overall effect of a built environment in what should be a valued landscape area;
- (iv) furthermore the applicant has not demonstrated to the satisfaction of the Committee that with such a large number of people there will not be substantial sanitation problems arising from the non-use of toilet facilities causing pollution to the natural drainage system or that the sewer (if that is to be used) for disposal of grey water from the official disposal point will be adequate for such numbers.

3.2 Highway Authority – No objections.

3.3 Environment Agency – No comments received.

3.4 Countryside and Conservation Officer – The application site is close to Browns Close Meadow SSSI and Wyre Forest SSSI as well as a UK biodiversity action plan habitat of wet woodland immediately adjacent and downslope of the application site. In addition there is a Special Wildlife Site within 90m of the application site. Following discussions between the Council's Countryside and Conservation Officer and the ecologists who carried out the Phase 1 Habitat Survey on behalf of the applicant, the Countryside and Conservation Officer has no objections to the scheme.

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The habitat survey makes a number of recommendations to minimise any potential impact on protected species. These recommendations should form the basis of conditions applied to any permission issued.

- 3.5 Crime Risk Advisor – No objections or comments to make in respect of this application.
- 3.6 Worcestershire Regulatory Services (Environmental Health) – There may be noise complaints due to being up to 450 people on site. The site was marked as an active landfill site, however tipping was ceased on or before 17th March 1999.
- 3.7 Planning Policy - The application is for tourism development and as such, Policy CP10 of the Adopted Core Strategy is relevant. The policy sets out specific clauses in relation to tourism development in rural areas. Consideration should be given to the extent to which the proposal meets each of these criteria.

Policy CP12: Landscape Character is also an important consideration. This policy states that where it is appropriate to the landscape character, small scale development which can reasonably be considered to meet the needs of the rural economy will be supported subject to meeting all other relevant criteria within the LDF.

Given the proximity of the site to Brown's Close Meadow SSSI, it is also important to consider policy CP14: Providing Opportunities for Local Biodiversity and Geodiversity. This policy states that development which has a detrimental impact on habitats or provision for protected species will not be permitted.

- 3.8 Natural England - The application site lies adjacent to Browns Close Meadow SSSI and is indirectly linked to both Brown's Close Meadow and the Wyre Forest SSSI by a local watercourse. Natural England has no objection to the proposed development, providing that the ecological survey being carried out does not bring any thus far unidentified impact on either SSSI to light. Natural England also emphasises that the recently adopted national standing advice for protected species forms a material consideration in the determination of planning applications.
- 3.9 Neighbour/Site Notice – A total of four letters of objection have been received. The issues raised include:
- Loss of privacy as a result of the close proximity of tents to the rear boundary of neighbouring dwellings. The ground levels to the rear of these properties exacerbate the impact of the development on the levels of privacy currently enjoyed.
 - Intensification of use, this proposal progresses the creeping development of Hopleys Farm further despoiling the landscape and visual amenity of the area.

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- Impact on landscape amenity as a result of the provision of camping pitches on the site.
- Nuisance generated by the potential users of the site in particular there are existing issues with late night noise and disturbance, minor acts of vandalism, urination in the hedges and the tipping of wheelie bins. It is envisaged that these issues would be exacerbated as a result of the development.
- The intensification of use would result in an increase in traffic at this site with increased potential for congestion and accidents on the B4190.
- Security of neighbouring dwellings.
- Visual impact of the tents on views currently enjoyed from residential properties.
- Development will have a detrimental impact on property values adjacent to the site.

4.0 Officer Comments

- 4.1 The site contains a number of uses, including a shop and tea room and consent for the siting of up to 35 touring caravan pitches.
- 4.2 The application proposes minor re-profiling works to part of the site and the provision of 138 camping pitches within the field to the north of the fields where approval has been granted for 35 caravans. Within this area four existing tepee type permanent tents are also proposed to be retained. Whilst the proposed development is for a permanent change of use of the land, during the winter months or low season (i.e. 31st October to 1st March) only the 48 camping pitches sited in the central part of the application site are proposed to be in use; the remaining 90 pitches would be in use from 2nd March to 30th October. The four tepees are proposed to be used all year round.
- 4.3 The key issues in determining this application are the principle of the development and the impact of the development on the landscape, biodiversity, the amenity enjoyed by neighbours and highway safety. These issues are addressed in detail below.

PRINCIPLE OF DEVELOPMENT

- 4.4 The key policy consideration here is Policy CP10 of the Adopted Core Strategy which supports sustainable tourism opportunities within the market towns of Stourport-on-Severn and Bewdley and within the rural settlements providing that the development:
- Does not have a detrimental effect on the character of the area;
 - Does not adversely affect the surrounding infrastructure;
 - Benefits the local community and is proportionate to the size of settlement in which it is located;
 - When feasible, involves the re-use of existing buildings or is part of farm diversification; and
 - Is consistent with other policies in the plan.

11/0252/FULL

- 4.5 The proposed change of use would be considered to fulfil these criteria. The impact upon the character of the area and the surrounding infrastructure is considered below. The camping pitches would provide accommodation for tourists and other visitors to the Bewdley area and would be of benefit to its nearby tourist attractions. The development is considered to be proportionate and would not require the erection of additional buildings. The development is considered to be further farm diversification given the previous use of this site as a fruit farm.

IMPACT ON LANDSCAPE

- 4.6 The application site is a relatively level area, set down below the level of the road and views of the site are largely screened by hedges. There are extensive views from the site over rolling countryside to the north. The Inspector, determining the 2007 application for the siting of caravans on a higher part of the site, concluded that, *"...no doubt that the proposal would be distantly visible from locations in this direction it would be below the skyline, would be seen against a backdrop of buildings lining the road and would be partly screened by the existing hedge. In these circumstances, views from the north would not be unduly harmed."*
- 4.7 It is considered however that the proposed camping area would be more visible than the caravan site from the north although the tents, being transitory in nature, would have no significant permanent impact on the landscape. The tepees are located adjacent to the existing caravan pitches although they are on land approximately 3.0m lower than the mid point of the caravan area, as such the tepees are below the skyline and seen against the backdrop of existing buildings and visiting caravans. The existing hedges and other boundary treatments on the site further reduce the visual impact of the tepees. Whilst the proposal would require the creation of stone and farm tracks, the materials would soon weather into its surroundings and would, in any event, be largely hidden from outside the site.
- 4.8 From the road, views of the camping area would be largely unaffected as the tents would be at a lower level and would be screened by the various hedges and boundary treatments already present on site.

BIODIVERSITY

- 4.9 The Habitat Survey provided by the applicant makes a number of recommendations to minimise the impact of the development on the biodiversity of the area. It is recommended that conditions are added to any permission issued relating to:
1. Drainage;
 2. measures to reduce soil erosion during the levelling or re-profiling process;
 3. the retention of features of ecological value such as mature trees;
 4. the protection of trees and hedgerows;
 5. the prevention of works taking place within the bird nesting season;
 6. the submission of a landscaping scheme;
 7. the removal of Japanese Knotweed; and

11/0252/FULL

8. the prevention of works within the area identified as a wayside vegetation (due to the potential impact upon reptiles).

4.10 The Countryside and Conservation Officer supports this view subject to conditions ensuring that biodiversity interests would not be unduly affected.

IMPACT ON AMENITY OF NEIGHBOURS

4.11 Concern has been raised regarding noise levels on this site and as such, Worcestershire Regulatory Services has been consulted, no objections have been received although the increased potential for noise complaints has been acknowledged. In addition the security of neighbouring dwellings and the potential for anti social behaviour are raised by objectors, however the Crime Risk Advisor has raised no objections or comments in relation to this application.

4.12 The loss of a view is not a material consideration in the determination of a planning application although impact on the outlook enjoyed from a dwelling should be taken into account. The visual impact of the development on the outlook currently enjoyed by the occupants of neighbouring properties is considered unlikely to be significantly affected by the development. The topography of the site in addition to the existing boundary treatments minimise the potential for the camping area to be viewed from the road and those properties to the south of the road.

4.13 The potential for the loss of privacy is most likely at the extreme western edge of the site where initial plans showed the camping pitches being positioned on the rear boundaries of Rockmere and Orchard Cottage. The amended plans show that a buffer area is to be planted with a mix of ash, field maple, silver birch, crab apple, wild cherry and rowan trees which would form the woodland camping area and would serve to protect the privacy of the occupants of those dwellings. The size of the trees is proposed to be conditioned as part of the landscaping scheme. On this basis it is not considered an adverse impact will ensue particularly given the seasonal use of this part of the site

4.14 Additional issues raised through the letters of objection include concerns that the development could have an impact on the views currently enjoyed from a neighbouring residential property and that property values may be affected. Whilst these issues are noted they do not form material considerations in the determination of this application.

HIGHWAYS

4.15 The concerns of the occupant of a neighbouring dwelling regarding an increase in traffic are noted. The Highways Authority has expressed no concerns over the current levels of parking provision or the safety of the entrance to the site. The Highway Authority has been made aware of the potential number of visitors to the site.

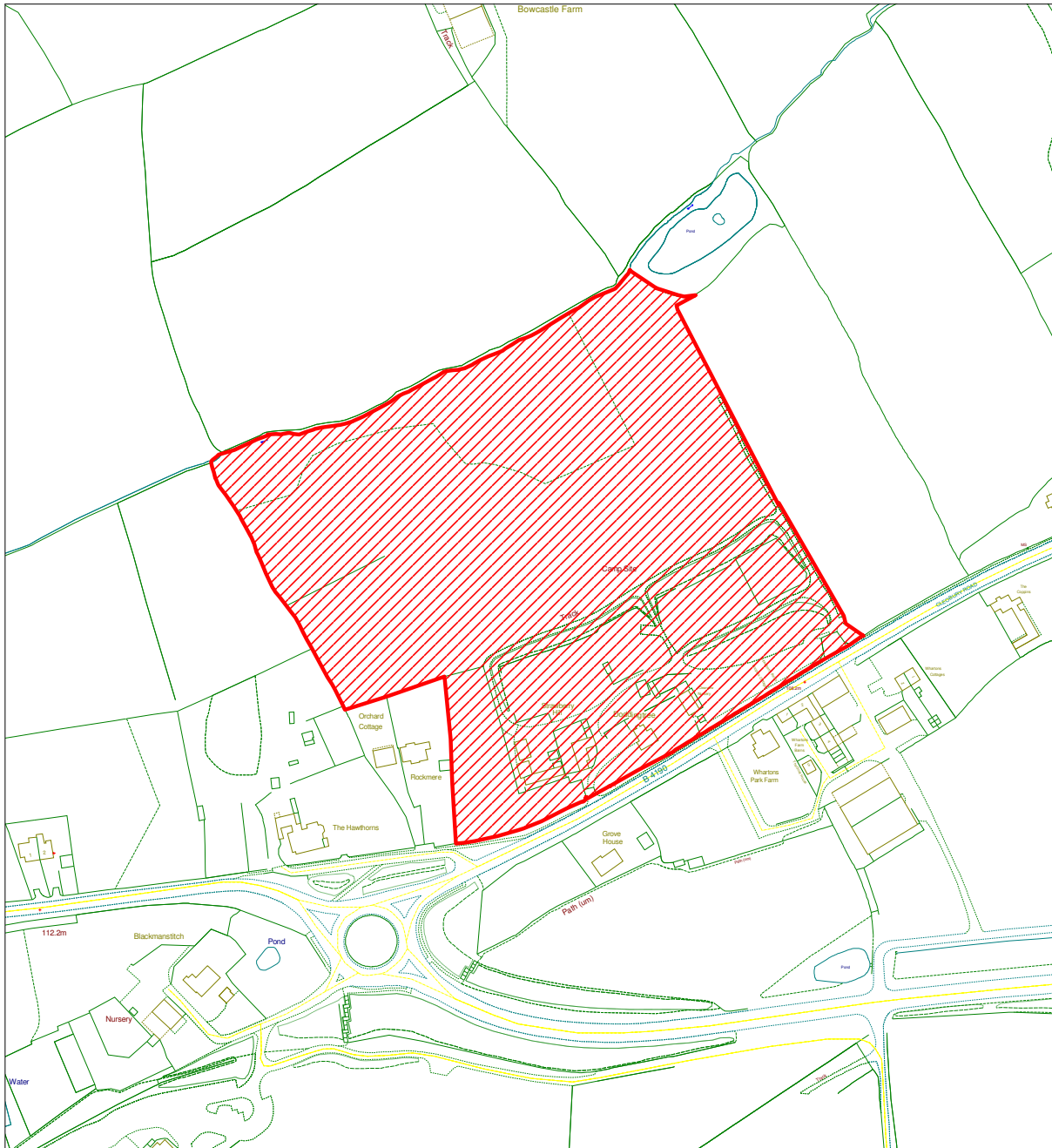
11/0252/FULL

5.0 Conclusions and Recommendations

- 5.1 It is considered that the expansion of this existing tourism use is sited at an acceptable location with no significant impact upon the character of the area or the amenity enjoyed by neighbours.
- 5.2 It is therefore recommended that the application be given **delegated** authority to **APPROVE** subject to no objection being received before the expiration of the consultation period and the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Only pitches Nos. 1 – 48 and the four tepees shall be available for use 12 months of the year. Remaining pitches shall only be available for use between 2nd March and 30th October in any one year.
 4. Additional detailed landscaping scheme in accordance with planting scheme shown on approved drawing
 5. Drainage
 6. Measures to reduce soil erosion during the levelling or re-profiling process
 7. The retention of features of ecological value such as mature trees
 8. The protection of trees and hedgerows
 9. The prevention of works taking place within the bird nesting season
 10. The submission of a landscaping scheme
 11. The removal of Japanese Knotweed
 12. The prevention of works within the area identified as a wayside vegetation (due to the potential impact upon reptiles).
 13. Holiday occupancy only

Reason for Approval

It is considered that the impact of the use of the site for the provision of camping pitches would have a minimal impact on the visual amenity of the landscape given that they would be set below the skyline and that use of the majority of the site would be seasonal. Furthermore it is considered that there would be no significant impact upon the outlook or amenity currently enjoyed by occupiers of the surrounding residential properties. The development is considered to accord with the requirements of Policies NC.2, TR.17, D.4, NR.11 and NR.12 of the Adopted Wyre Forest District Local Plan (2004) and Policies DS01, DS04, CP02, CP03, CP12 and CP13 of the Adopted Wyre Forest Core Strategy (2010).



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Hopleys Camping and Caravan Site
Doddingtree, Cleobury Road
Bewdley DY12 2QL**



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

Application Reference:	11/0427/FULL	Date Received:	18/07/2011
Ord Sheet:	384401 279919	Expiry Date:	12/09/2011
Case Officer:	Stuart Allum	Ward:	Cookley

Proposal: Retrospective application for the erection of detached building to house an historic steam roller

Site Address: 73 CASTLE ROAD, COOKLEY, KIDDERMINSTER, DY103TD

Applicant: MS PENNY WARWICK

Summary of Policy	D.17, TR.17 (AWFDLP) CP11 (AWFCS) PPS1
Reason for Referral to Committee	Third party has registered to speak at Committee. Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 13 SEPTEMBER 2011 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

- 1.1 No. 73 Castle Road is a detached dwelling located in a set back position from the highway, to the south of Cookley village. The dwelling is located in a large domestic curtilage of some 220 square metres with a set back gated vehicular access. The area leading to the building in question is laid out as hardstanding.
- 1.2 The local area is characterised by mainly detached and semi detached dwellings set in long gardens on generally regular building lines. The site is also virtually opposite the junction of Castle Road and Lionfields Road.

2.0 Planning History

- 2.1 WF.816/77 – 2 detached houses adjacent 75 Castle Road : Approved.
- 2.2 WF.400/78 – Detached dwelling : Approved.
- 2.3 WF.45/79 – Detached House adjacent 75 Castle Road : Approved.

11/0427/FULL

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Recommend refusal and request a site visit by officers of the Planning Committee. This is a very large building which has an adverse impact on neighbouring properties and is not in keeping with the street scene.

3.2 Highway Authority – No objections.

3.3 Severn Trent Water Ltd – No objections subject to condition.

3.4 Elan Valley Pipeline Authority – Views awaited.

3.5 Neighbour/Site Notice : 5 letters of objection received. The main points are summarised below:

- Building looks industrial – makes garden look like a yard. Several commercial vehicles including a low loader, steam roller and caravan also to be seen. Believe steam roller is not the applicant's property. Loss of view from bedroom windows.
- Unsightly building and not in keeping with the road or back garden. Location adjacent to two property boundaries inappropriate. 'Hobby' as it is called looks more like a business every day.
- Building is an eyesore, protruding as it does above the fence line and being in a most unnatural shade of green.
- Whilst we have no objection to the building itself, we do strongly object to the siting of it so very close to our boundary. Having spent a large sum of money creating a relaxing area at the far end of our garden, which also included us taking into account the size of our summerhouse following planning regulations, we believe that the close proximity of this metal shed is definitely contravening your planning rules.
- We believe that an outbuilding of this height and size should certainly be further away than it currently is and, had planning permission been sought before erection, then this would have been a factor and would therefore have been placed further away thus becoming less intrusive.
- The initial impression from your Enforcement Officer when he viewed it was that the size of the building and the close proximity was unacceptable. How has it suddenly gone from a negative view to, following our telephone conversation a few weeks ago, a positive in favour of the applicants?
- When the applicant moved in 4 years ago she did say that eventually she wanted to house the engine on her property, but she told me it would start as a temporary cover, then over time become permanent, indicating this would be without permission, I did not envision such a huge shed.
- Her partner who lives in Brierley Hill as had the engine for nine years, and kept it in a shed, alarmed to the police station all this time.

11/0427/FULL

- In regard to the trellising mentioned I at no point said that this would be acceptable by me. She came to see me to ask me to ignore my letter from planning and support her, I told her I was one of the people who had complained. She asked me to consider trellising or if I could suggest an alternative, my reply, out of consideration was that I would think about it.

Three letters of support has been received with the following comments:

- No objections whatsoever to the new shed at the side of my house. With long gardens it hasn't taken any light from the sky away. it is the second time there has been a construction up there. I had a large stable for two horses for many years – no-one complained. No paint and oily smells to affect me sitting in the garden.
- I support this application for the shed to house the steamroller because I think that it is important to preserve historical machinery so that they can be seen and enjoyed by future generations. Being left outside in all weathers (even when covered) is causing unnecessary damage. This shed is only just visible from the road so I fail to see why it should be a problem.
- I wish to support the application and I think every effort should be made to preserve and protect our heritage for future generations.

4.0 Officer Comments

4.1 Policy D.17 of the Adopted Wyre Forest District Local Plan makes it clear that proposals involving the extension or alteration to an existing residential property, including curtilage buildings and previous extensions, must:

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

4.2 The background to this case is somewhat unusual and the applicant has submitted a detailed statement in support of the retrospective planning application to retain the building, which in the interests of clarity is set out below:

11/0427/FULL

BACKGROUND

Before purchasing 73 Castle Road, Cookley, in January 2007, I made certain, through my solicitor and surveyor, that there would be no hindrance to the erection of an engine shed in the current position — otherwise I would not have purchased.

When I moved in, my neighbours were informed of what would be kept there, and that they could talk freely to me if they ever had any concerns. At that time No 34 Westhead Road North did not exist, No. 32 did not have the extension overlooking my property and No. 30 was, and still is, completely screened by the trees and bushes on that property.

So far, there have been no complaints about the engine. Indeed, many people in the village take an active interest in it and the rallies it attends.

Until last year, the engine spent the winter in a shed in Brierley Hill. We suffered two major blows in 2010 in that my partner was diagnosed with (a medical condition) and, while he was recovering, the shed in Brierley Hill was broken into by metal thieves. Fortunately the engine was not there, but the thought of what could have happened had it been in the shed set his recovery back badly.

As a result, we moved the engine to Cookley permanently. We bought a large tarpaulin which covered the engine for the winter, but considerable damage was done to the metalwork and paintwork and particularly the wooden canopy by condensation and extremely low temperatures. We decided that it could not suffer another winter like that, and set about getting a shed.

THE SHED

We were advised early on, by a fellow steam enthusiast who works for (a neighbouring local authority planning department) to look at “Exempt Buildings”. We asked about the maximum roof height and were told 13’ 6”. Our design constraints were, therefore, a doorway of 8’ by 11’ to accommodate the engine, a floor area less than 323 square feet but also long enough and wide enough to allow movement all around the engine, and a maximum roof height of 13’ 6”, and this was what we worked to. The building is over 1 m from my boundaries as allowed by “Exempt Buildings”. We proceeded with the building as we believed we had met all the requirements not to need planning permission.

(Officer Comment: All references made to ‘Exempt Buildings’ are actually in relation to the Building Regulations and not Planning Legislation).

11/0427/FULL

Additional Comments

I believe the colour we chose, 'Heritage Green' was the most appropriate and least intrusive choice. However, if we can find a paint of a more acceptable 'natural' colour that does not chemically interfere with the existing powder coating, we would be willing to consider repainting the engine shed.

The shed at Brierley Hill was not alarmed to the police station. The office in the yard where the shed was situated was. The thieves got greedy and broke into the office, setting off the silent alarm to the police station. Had they not, everything they had 'selected' would have been taken. Since we moved the engine to Cookley last September, the shed has been reclaimed by the owners of the yard and demolished, thus being no longer available to us.

USAGE

The building will be used to store and protect the steam roller during the winter months.

Once a year, the engine will be pulled in to the shed by a hand-operated winch, similar to that on the low-loader, which will be bolted to the floor in the shed. The engine cannot be run into the building under its own power i.e. with a fire in it. As the engine is fully restored, there will only be cleaning and routine maintenance done.

SITING

The building is sited in the only place it can be for three reasons:

- The Elan Valley pipeline crossing my land (the shed is diametrically opposite my house)*
- The need to line up the low-loader with the shed doorway to unload the engine in a straight line with the winch*
- The danger of the low-loader being on a slope while unloading the engine if the shed were any further away from my rear boundary*

MITIGATION

To reduce the visual impact of the building, I am happy to erect trellises on the sides of the building and cover them with climbing plants. This was suggested to me by my neighbour at 71 Castle Road, who has no objection whatsoever to the building, and I believe, following a conversation with her, that it would be acceptable to my neighbour at No. 73A Castle Road.

- 4.3 The footprint represented by the building (31.25 sq. metres) is no larger than an average double garage. However, it is the height of the building which, at 4.15 metres to ridge and, more importantly 3.8 metres to eaves level, sets the context for an evaluation of the proposal and its impact on the residential surroundings.

11/0427/FULL

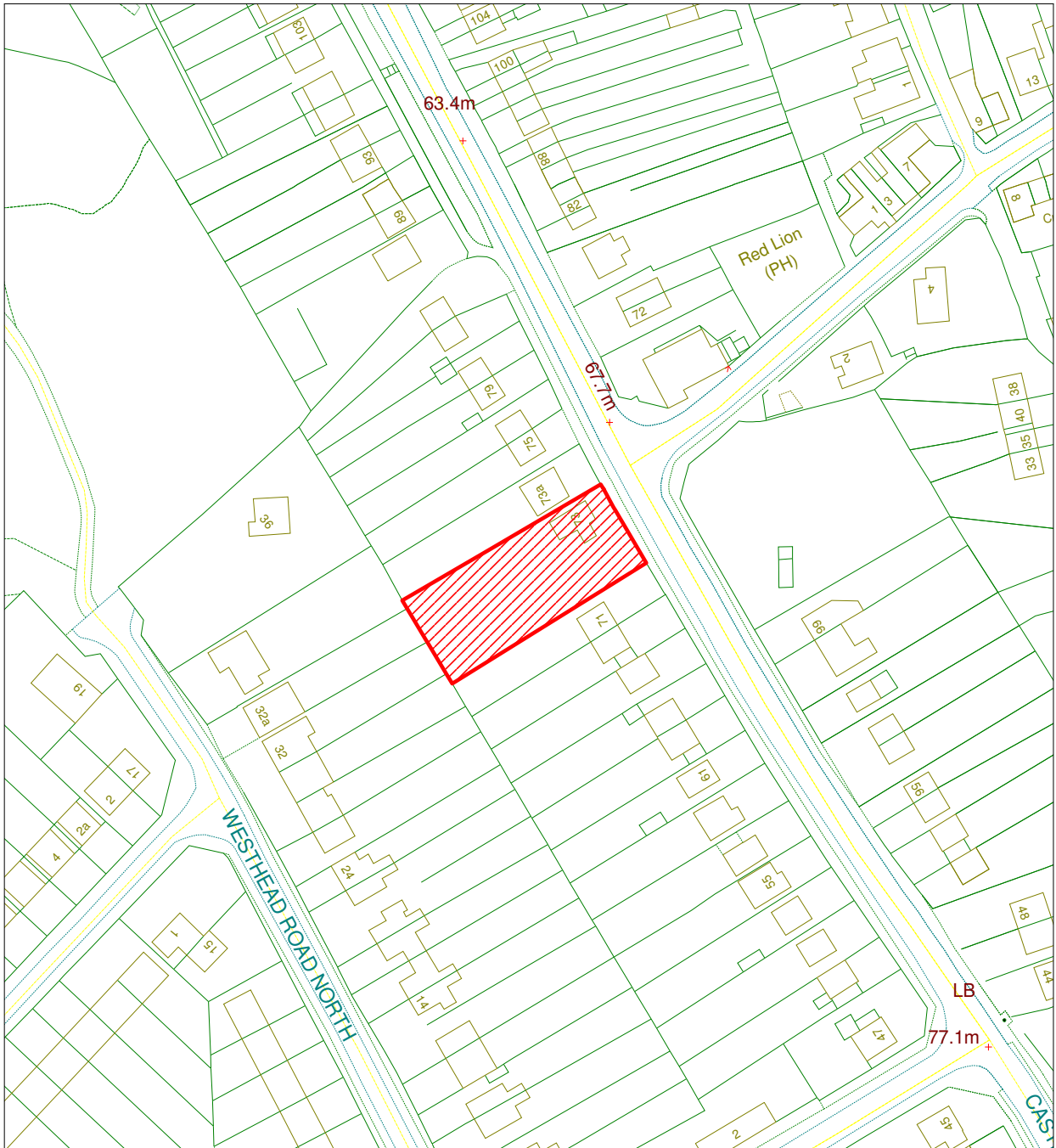
- 4.4 Neither the size, materials or location of the building detracts in any way from the form, materials, architectural characteristics or detailing of the main dwelling at 73 Castle Road.
- 4.5 With regard to issues of amenity and privacy, the rights enjoyed by the occupiers of neighbouring properties 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. No potential breach has been identified, which is also the case in relation to the appropriate planning policies.
- 4.6 The structure is, to varying degrees, visible from the neighbouring properties to each side of the site, and less so from those to the rear (in Westhead Road North). However, given the generous length of rear gardens in this area, and the generally open residential environment which this creates, the building is not considered to exert a serious loss of amenity or privacy in this context. Loss of view from bedroom windows or any other vantage point is not a material planning consideration.
- 4.7 With reference to the Parish Council's comments relative to the street scene, the extreme set back location of the building exerts minimal visual impact in this regard.
- 4.8 There is no evidence to suggest that the housing of this restored steam roller is anything other than a hobby. The other vehicles stored on site are no more intrusive than those which may be associated with any other pastime, such as the keeping and showing of horses. Under these circumstances, the Local Planning Authority is satisfied that no 'change of use' to a commercial enterprise has occurred.

5.0 Conclusions and Recommendations

- 5.1 This proposal meets the requirements of the appropriate policies and other guidance.
- 5.2 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. A11 (Approved plans)
 2. No commercial use

Reason for Approval

The building as erected does not detract from the appearance of the original main dwelling, and the surrounding residential environment. Any visual impact upon the street scene of Castle Road, Cookley is minimal. The impact of the building on neighbouring properties has been carefully assessed and it is considered that no undue loss of amenity or privacy has occurred as a result of the development. Accordingly, the retrospective proposal is considered to be in compliance with the policies listed above.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**73 Castle Road
Cookley
DY10 3TD**



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

Application Reference:	11/0467/FULL	Date Received:	29/07/2011
Ord Sheet:	381531 270655	Expiry Date:	23/09/2011
Case Officer:	Paul Round	Ward:	Mitton

Proposal: Change of use from play area to residential development comprising 9 No. dwellings with associated access and parking

Site Address: LAND AT POWER STATION ROAD, STOURPORT-ON-SEVERN, DY13 9PF

Applicant: Taylor Wimpey North Midlands

Summary of Policy	H2, H9, TR17, LB.5 (AWFDLP) DS01, DS03, DS04, CP01, CP03, CP11 (AWFCS) QE3 (WMRSS) PPS1, PPS3; PPG17
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The site forms an irregular rectangular shape piece of land falling between Power Station Road and properties in Endeavour Place on the edge of the Power Station Estate on the south-east side of Stourport on Severn.
- 1.2 Residential properties lie to the north, south and west within Green Belt land lying to the east and Public Open Space to the south west. Two Locally Listed Cottages lie to the south, along with a public right of way.
- 1.3 The land is open grassed land. It was not included within the original Power Station residential development and, as such, whilst originally being part of the Power Station site has been left as a green corridor between the Green Belt and the Open Space beyond. The site is not allocated within the Local Plan and as such is classed as "white land". The site falls within Flood Zone 2.
- 1.4 The application seeks permission for the erection of 9 dwellings on the site with access from Power Station Road. The application is one of three submitted by Taylor Wimpey.

11/0467/FULL

1.5 The application has been accompanied by the following supporting documents:

- Geo-environmental Assessment.
- Flood Risk Assessment.
- Supporting Statement (including Design and Access Statement and Open Space Assessment).
- Ecological Assessment.

2.0 Planning History

2.1 None.

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Views awaited.

3.2 Highway Authority – No objection subject to conditions.

3.3 Western Power Distribution - In this instance we do not object to the development as proposed. However we do have 11kv Network running through the site that will need to be diverted.

3.4 Natural England - This application is in close proximity to Hartlebury Common & Hillditch Coppice SSSI. However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

3.5 Severn Trent Water – No objections subject to conditions.

3.6 Planning Policy - The two applications that are for land adjacent to Power Station Road in Stourport-on-Severn are both seeking to provide a change of use to residential development. Due to the similarities in the policy principles of the two applications, the comments provided are of relevance to both proposals. These applications appear to be similar in nature to the previous applications that were submitted earlier this year. As there do not appear to be any significant changes, or reasoned justification as to why these areas are appropriate for residential use, the policy comments remain largely the same.

11/0467/FULL

The proposals both seek a change of use of existing 'play areas' (greenfield land) to residential units. The applicant has identified that these sites are 'play areas' although they would appear to be more akin to 'Open Space'. Notwithstanding this, the proposals are considered to be contrary to the Adopted Wyre Forest Core Strategy (December 2010) for a number of reasons.

Firstly, both of the proposals are for development of Greenfield sites. The Core Strategy is clear in Policy DS01: *Development Locations*, that proposals for new residential development will be focussed on Brownfield sites within Stourport-on-Severn. This is re-affirmed by Policy DS03: *Market Towns*, which identifies that the focus for new homes will be on existing Brownfield sites within the town. The two application sites clearly do not conform to this key principle of the Strategy.

The Core Strategy also identifies, in Policy CP07: *Delivering Community Wellbeing*, the importance of "*safeguarding and enhancing*" open space provision. These two sites contribute to the open space of the District and are therefore not considered to be appropriate sites for new residential development. Policy CP13 also identifies that "*new development will be required to contribute positively towards the District's Green Infrastructure Network*". It is considered that the proposals would not achieve this aim as the development would involve the removal and destruction of existing Green Infrastructure rather than positively contributing to it. These green spaces also form part of a corridor linking existing green infrastructure assets (River Stour and Hartlebury Common) and it is considered that the erosion of this would be of detriment to this particular link.

In terms of residential land availability, in line with national guidance in PPS.3, the District Council currently has a 5 year land supply. The current figure, as identified in the Residential Land Availability Report of the 1st April 2011 actually stands at 5.9 years.

Additionally, in taking a longer term, strategic view, there are also a number of other sites within the local vicinity which provide opportunities for new residential development on Previously Developed Land. These sites would conform with the Core Strategy and will help to ensure that the District meets its requirements for new residential development up to 2026. Therefore, it is considered that the development of these sites are not required to meet the needs of the District in either the short or long term, and that there are sequentially preferable and available locations which would take preference.

Taking this all into account, there do not appear to be any substantiated reasons as to why the development of these areas of land should be supported, given the local policy considerations and the presence of an available 5.9 year residential land supply.

11/0467/FULL

- 3.7 Worcestershire County Council (Historic Environment and Archaeology Service) - The proposed development may affect a site of archaeological interest. The site is believed to contain the remains of a group of eighteenth or early nineteenth century cottages. Present on the 1838 tithe map, these buildings probably represent commoners dwellings, fronting the heath, Consequently any deposits disturbed during the course of development may be of archaeological interest.
- 3.8 Water Course Officer - The site is at risk from fluvial flooding; it is located within flood zone 2. The FRA states that the finished floor levels of site C will be 1.28 m above 1:150 year modelled flood level. This is thought sufficient to mitigate the risk.

It is a Greenfield site which means that normally the runoff rates from the development would be limited to 5 l/s/ha. However, since this runoff rate would result in a small diameter orifice, prone to blockage, STW recommends limiting the maximum discharge rate to 5 l/s. Since this is a relatively small discharge this will not adversely affect the flood risk of the surrounding area.

From the plan it becomes clear that the surface water drainage will drain into the foul sewer. STW have stated that levels may necessitate this and that such a connection would reluctantly be accepted (Appendix E).

- I would recommend that the developer clarifies if it is still the intention to limit the discharge into the public foul sewer system to 5 l/s since this is not clear from the submitted drainage plan and accompanying documentation.

A very low infiltration rate was recorded in the trial hole on this site which means that surface water from the development can't be effectively discharged by soakaway drainage. Therefore on site storage will be needed to accommodate the 1:100 year event allowing +30 % for climate change. It is calculated that a storage volume of 49.8 m³ will be required.

- I would recommend that the developer clarifies how the required storage of 49.8 m³ will be incorporated in the development since this is not clear from the submitted drainage plan and accompanying documentation.

- I would recommend that the developer clarifies who will be responsible for the future maintenance of the SuDS.

The FRA states that flood flow routes should be incorporated as part of detailed engineering design (p14).

- I would recommend that the developer clarifies how the flood flow routes are incorporated in the design of the development since this is not clear from the submitted drainage plan and accompanying documentation.

11/0467/FULL

- 3.9 Worcestershire Regulatory Services (Pollution) - The land was noted to have a water pump present on it in 1884 which may indicate the presence of a well, care should be taken to ensure that should this well still exist it is de commissioned in the appropriate manner according to EA guidelines.

Land Parcel 2 has elevated levels of benzo(a)pyrene and recommendations for a blinding layer of clean imported soils in the garden areas are considered reasonable provided the depths of thickness, 600mm in rear gardens and 300mm in front gardens and amenity areas are adhered to. Validation of imported clean soils is required both post and pre emplacement together with depth of cover.

Buried concrete and hard surfaces will need to be grubbed out on this parcel of land.

Recommendations have been made in the geo environmental assessment that should be adhered to regarding this parcel of land.

- 3.10 Worcestershire County Council (Public Path Orders Officer) - No objection subject to note.
- 3.11 The Ramblers – No objection.
- 3.12 Neighbour/Site Notice – 18 letters of objection raising the following concerns:
- When buying properties there was an expectation that these areas of public open space would be given to the Council and retained indefinitely. This was a condition of the original consent. Severe mistrust of Taylor Wimpey.
 - Maintenance is not a problem residents would be prepared to carry out this function.
 - The site is non-previously developed.
 - Just because there is an oversupply of public open space does not mean that this can be reduced.
 - it is on a Greenfield open space used by people in the community (local residents) who have enjoyed legitimate use of this land for the last 21 years including sports matches, dog walking, areas of open space provide an important local amenity and offer recreational and play opportunities, the site provides a valuable recreational and visual amenity resource to ourselves and neighbours.
 - This open space is an important habitat that supports a diverse selection of local wildlife.
 - Seriously contaminated land which will adversely affect residents.
 - The accesses for the development come out on a bend, Highway safety will be compromised.
 - The properties will impact on our privacy and light. Be overbearing.

11/0467/FULL

- Damage to properties during works.
- There is no need for this type of housing in this area, Stourport has more than five years supply of housing land to meet the requirements.

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT

4.1 The policy framework in Policy H.2 of the Local Plan and Policies DS01 and DS03 of the Core Strategy set out the strategic aim of the Council seeking to focus 30% of residential development on previously developed land within Stourport on Severn. This aim is further re-enforced by Policy 1 of the Site Allocations and Policies Preferred Options Paper, which is currently out to consultation. Government advice in PPS3 (June 2010) also promotes effective use of previously developed land, seeking for Local Authorities to determine their own targets for sustainable use of land. Where an Authority has a continuous five year supply of land, it is clear that no other land needs to be sought. In the last residential land availability report prepared by the Council in its monitoring role, there was 5.9 years supply of residential land. This supply has influenced the Council's strategic aim within the Local Development Framework. Indeed as part of the Site Allocations and Policies DPD, sufficient sites are set out to meet the required need on brownfield sites until 2026. Policy 1 of this document reflects this position emphasising the need to utilise brownfield sites.

4.2 Unlike the other two sites promoted by Taylor Wimpey (11/0177/FULL and 11/0468/FULL) this site falls outside the residentially allocated area. Whilst being an area of open land, it never formed part of the open space commitment set out in the original development; in fact it was excluded from the original development. The land is 'white land' having no allocation. Whilst there are no specific policies about white land, Policy H.9 of the Local Plan deals with housing outside residentially allocated areas. The policy states:

Outside the areas defined in Policy H.2 residential development, whether new construction or change of use, will not normally be allowed except in rural areas where:

- i) it involves the re-use and adaptation of rural buildings in accordance with policies RB.1 – RB.7, or*
- ii) it is clearly needed in connection with agriculture or forestry and complies with Policy AG.2, or*
- iii) the proposal relates to the replacement of a permanent dwelling; or*
- iv) it relates to the sub-division of an existing dwelling in accordance with Policy H.7.*
- v) it relates to infilling in accordance with policy GB.1 iii) c)*

11/0467/FULL

- 4.3 It is clear that this does not allow new residential properties. The use of the phase normally in the policy does allow consideration to be given in line with Section 54A of the Town and Country Planning Act 1990 (as amended) and its equivalent Section 38 of the Town and County Planning and Compulsory Purchase Act 2004 to allow for material circumstances to indicate that alternative decisions can be taken.
- 4.4 A letter setting out the Applicant's reasoning behind the application has been received, which focuses on the negotiations and failure to achieve adoption of these spaces. In essence, the main points of the case are that there is an oversupply of open space provision across the estate, the space is no longer required by the Council and that these spaces will not be maintained in future with potential fencing to prevent use.
- 4.5 The substantial weight of this letter is directed to the areas that were to be transferred to the Council as open space and the difficulties associated with this. It is also on the basis that compensatory measures can be provided by way of a financial contribution. These arguments do not relate the application site. Whilst the Parks and Green Spaces Manager accepts that the land is not suitable for play space or formal public open space, we acknowledges that it was never part of the Public Open Space package for the development. As such it cannot be classed as the same nature of land as the other two applications promoted by Taylor Wimpey.
- 4.6 The arguments in support of the proposal do not therefore carry sufficient weight to outweigh the policy argument in this case. The Council has sufficient residential land and residential supply, and therefore does not require additional land outside allocated residential areas to be released. On this basis the development is unacceptable in principle.

VISUAL AMENITY OF THE AREA

- 4.7 The visual amenity of the area is characterised in this location by the open aspect of Green Belt, the application site and the Public Open Space beyond. The site provides an attractive visual corridor to the river valley. The development of the site would have the effect of reducing this effect. The visual amenities of the area would therefore be compromised. The site falls within the Riverside Meadows Landscape Character Type which seeks to prevent additional building within this location looking to retain open land. However I do not feel that this impact could be defended on appeal given the close proximity of the site to residential development and the edge of the urban area.

HIGHWAYS

- 4.8 Three access points will be provided off Power Station Way. Each dwelling will have two car parking spaces within its frontage. The Highway Authority accepts that the proposed vehicle movements, car parking and access points are acceptable. The comments of the neighbours are noted but it is not considered that an additional reason for refusal could be substantiated.

11/0467/FULL

DESIGN AND LAYOUT

- 4.9 The dwellings are spread out in a linear form across the site and at a rate of 26 dwellings per hectare. Sufficient space exists between the dwellings so that an argument on overdevelopment cannot be advanced.
- 4.10 The two storey brick and tile dwellings are a mixture of 3 and 4 bed dwellings which are of a design that would not particularly look out of place in this locality. Landscaping is proposed to soften the frontages.
- 4.11 Overall it is considered that the design and layout of the dwellings is acceptable.

IMPACT ON RESIDENTIAL AMENITY

- 4.12 A number of concerns have been expressed over the impact on amenity by virtue of overbearing impact and loss of light. The majority of the units are set away from residential boundaries. Where they are close there is at least 13m between the gable and windows of the properties in Endeavour Place. The 45 degree code has been examined along with this development and no breach has been discovered. It is not considered that the position of the dwellings will result in an overbearing impact to the point that a refusal reason could be substantiated.

FLOOD RISK

- 4.13 Whilst the site is within Flood Zone 2 this does not preclude development. PPS25 states that residential development (more vulnerable) is acceptable within Flood Zone 2. The Environment Agency and Watercourse Officer have no objections to the proposals. The detailed matters put forward by the Watercourse Officer have been addressed by the Applicant.

SECTION 106 CONTRIBUTIONS

- 4.14 Section 106 contributions would be required for this development had it been acceptable; the Applicant is willing to pay such requirements. However in view of the unacceptability of the scheme it will not be progressed.

5.0 Conclusions and Recommendations

- 5.1 Notwithstanding the acceptability of the scheme in all other aspects the principle of residential development in this location is unacceptable and has not been justified by the Applicant.

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5.2 It is therefore recommended that the application be **REFUSED** for the following reason:

- 1) The site constitutes non-previously developed land and falls outside an area allocated for residential development as set out in Policy H.2 of the Adopted Wyre Forest District Local Plan. To allow residential development in this location would be in direct conflict with the strategic aims of directing residential development within the urban areas of Kidderminster and Stourport on Severn on previously developed land. Justification has not been provided to support the release of the land for residential development, particularly given that the Council has a robust five year housing supply. To allow the development in these circumstances would be in direct conflict with Policies H.2 and H.9 of the Adopted Wyre Forest District Local Plan, Policies DS01, DS03 and DS04 of the Adopted Wyre Forest Core Strategy, or policies 1 or 2 of the emerging Site Allocations and Policies DPD and Government advice in PPS3.

Application Reference: 11/0468/FULL	Date Received: 29/07/2011
Ord Sheet: 381741 270885	Expiry Date: 23/09/2011
Case Officer: Paul Round	Ward: Mitton

Proposal: Change of use from play area to residential development comprising 5No dwellings with associated access and parking

Site Address: LAND ADJACENT TO POWER STATION ROAD AND, WORCESTER ROAD, STOURPORT-ON-SEVERN, DY139RP

Applicant: Taylor Wimpey North Midlands

Summary of Policy	H2, LR1, TR17, LB.5 (AWFDLP) DS01, DS03, CP01, CP03, CP11 (AWFCS) QE3 (WMRSS) PPS1, PPS3; PPG17
Reason for Referral to Committee	Planning application represents departure from the Development Plan Statutory or non-statutory Consultee has objected and the application is recommended for approval Third party has registered to speak at Committee Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The site forms a 0.27 ha. piece of land situated on the corner of Power Station Road and Worcester Road on the edge of the Power Station Estate to the south east of Stourport-on-Severn. The frontage of the site (400 sq. metres) including the access falls within the District of Wychavon. Residential properties in Cutty Sark Drive lie to the north and east of the site, the Old Rose and Crown Public House (a locally listed building) lies to the north east with the open land of Hartlebury Common SSSI lying to the east and south.
- 1.2 The site forms an area of space identified within the original development as a 'kick about' area, intended for adoption by the District Council. Whilst the area has been provided, this still remains in the ownership of the developer.
- 1.3 The application seeks for the erection of 5 dwellings on the site with access from Power Station Road. The application is one of three submitted by Taylor Wimpey.

11/0468/FULL

1.4 The application has been accompanied by the following supporting documents.

- Geoenvironmental Assessment
- Flood Risk Assessment
- Supporting Statement (including Design and Access Statement and Open Space Assessment)
- Ecological Assessment

2.0 Planning History

2.1 None since the original residential approvals.

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Views awaited.

3.2 Hartlebury Parish Council - No comments.

3.3 Wychavon District Council - No Objections subject compensatory measures for open space being provided.

3.4 Highway Authority – No objection subject to conditions.

3.5 Western Power Distribution - In this instance we do not object to the development as proposed. However we do have 11kv Network running through the site that will need to be diverted.

3.6 Natural England - This application is in close proximity to Hartlebury Common & Hillditch Coppice SSSI. However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

3.7 Severn Trent Water – No objections subject to conditions. There are pipes in the vicinity (along Power Station Road) which will need to be taken into account.

3.8 Planning Policy - The two applications that are for land adjacent to Power Station Road in Stourport-on-Severn are both seeking to provide a change of use to residential development. Due to the similarities in the policy principles of the two applications, the comments provided are of relevance to both proposals. These applications appear to be similar in nature to the previous applications that were submitted earlier this year. As there do not appear to be any significant changes, or reasoned justification as to why these areas are appropriate for residential use, the policy comments remain largely the same.

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The proposals both seek a change of use of existing 'play areas' (greenfield land) to residential units. The applicant has identified that these sites are 'play areas' although they would appear to be more akin to 'Open Space'.

Notwithstanding this, the proposals are considered to be contrary to the Adopted Wyre Forest Core Strategy (December 2010) for a number of reasons.

Firstly, both of the proposals are for development of Greenfield sites. The Core Strategy is clear in Policy DS01: *Development Locations*, that proposals for new residential development will be focussed on Brownfield sites within Stourport-on-Severn. This is re-affirmed by Policy DS03: *Market Towns*, which identifies that the focus for new homes will be on existing Brownfield sites within the town. The two application sites clearly do not conform to this key principle of the Strategy.

The Core Strategy also identifies, in Policy CP07: *Delivering Community Wellbeing*, the importance of "safeguarding and enhancing" open space provision. These two sites contribute to the open space of the District and are therefore not considered to be appropriate sites for new residential development. Policy CP13 also identifies that "new development will be required to contribute positively towards the District's Green Infrastructure Network". It is considered that the proposals would not achieve this aim as the development would involve the removal and destruction of existing Green Infrastructure rather than positively contributing to it. These green spaces also form part of a corridor linking existing green infrastructure assets (River Stour and Hartlebury Common) and it is considered that the erosion of this would be of detriment to this particular link.

In terms of residential land availability, in line with national guidance in PPS.3, the District Council currently has a 5 year land supply. The current figure, as identified in the Residential Land Availability Report of the 1st April 2011 actually stands at 5.9 years.

Additionally, in taking a longer term, strategic view, there are also a number of other sites within the local vicinity which provide opportunities for new residential development on Previously Developed Land. These sites would conform with the Core Strategy and will help to ensure that the District meets its requirements for new residential development up to 2026. Therefore, it is considered that the development of these sites are not required to meet the needs of the District in either the short or long term, and that there are sequentially preferable and available locations which would take preference.

Taking this all into account, there do not appear to be any substantiated reasons as to why the development of these areas of land should be supported, given the local policy considerations and the presence of an available 5.9 year residential land supply.

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- 3.9 Worcestershire County Council (Historic Environment and Archaeology Service) - The proposed development may affect a site of archaeological interest. The site is believed to contain the remains of a group of eighteenth or early nineteenth century cottages. Present on the 1838 tithe map, these buildings probably represent commoners dwellings, fronting the heath, Consequently any deposits disturbed during the course of development may be of archaeological interest.
- 3.10 Watercourse Officer - The site is not at risk from any type of flooding. It is a Greenfield site which means that normally the runoff rates for the development would be limited to 5 l/s/ha. However, since this runoff rate would result in a small diameter orifice, prone to blockage, STW recommends limiting the maximum discharge rate to 5 l/s. Since this is a relatively small discharge this will not adversely affect the flood risk of the surrounding area.

- I would recommend that the developer clarifies how the surface water discharge into the public surface water sewer system is going to be limited to 5 l/s since this is not clear from the submitted drainage plan and accompanying documentation.

No infiltration was recorded in the trial hole on this site which means that surface water from the development can't be effectively discharged by soakaway drainage. Therefore on site storage will be needed to accommodate the 1:100 year event allowing +30 % for climate change. It is calculated that a storage volume of 22.3 m³ will be required.

- I would recommend that the developer clarifies how the required storage of 22.3 m³ will be incorporated in the development since this is not clear from the submitted drainage plan and accompanying documentation.

- I would recommend that the developer clarifies who will be responsible for the future maintenance of the SuDS.

The FRA states that flood flow routes should be incorporated as part of detailed engineering design (p14).

- I would recommend that the developer clarifies how the flood flow routes are incorporated in the design of the development since this is not clear from the submitted drainage plan and accompanying documentation.

- 3.11 Worcestershire Regulatory Services (Contaminated Land) – No adverse comments are made in relation to this parcel of land.

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3.12 Neighbour/Site Notice – 4 individual letters of objection (1 from resident of Endeavour Place) and a 51 signature petition (which includes 29 properties from Cutty Sark Drive 76% of the properties). The following issues have been raised:

- Why buying properties there was an expectation that these areas of public open space would be given to the Council and retained indefinitely. This was a condition of the original consent. Severe mistrust of Taylor Wimpey.
- Maintenance is not a problem residents would be prepared to carry out this function.
- The site is non-previously developed.
- Just because there is an oversupply of public open space does not mean that this can be reduced.
- It is on a Greenfield open space used by people in the community (local residents) who have enjoyed legitimate use of this land for the last 21 years including sports matches, dog walking, areas of open space provide an important local amenity and offer recreational and play opportunities, the site provides a valuable recreational and visual amenity resource to ourselves and neighbours.
- This open space is an important habitat that supports a diverse selection of local wildlife.
- We have lived here for the last 21 years with this open space to the right of our property, this development will have an adverse effect on our privacy and loss of light in our back garden due to the close proximity to our border.
- Our front main bedroom will look straight into the back of one of the houses this is an infringement of our basic human rights to privacy.
- Furthermore there is no need for this type of housing in this area, Stourport has more than five years supply of housing land to meet the requirements and already has enough large houses, the only identified need is for affordable housing for residents who work locally.
- That there are mains power cables under the land where these 5 dwellings are intended to be built.
- My charges register states that I am not allowed to build anything on my land which will block natural light onto that retained land. Any dwelling or fence over 3ft high will block the natural light that comes into my north facing living room and sitting room.
- The value of our home will be greatly reduced.
- We will then have car headlights beaming straight into my living room and sitting room and causing noise by the engines and car doors slamming.
- The redevelopment proposals do not provide for any space for informal recreation.
- Applicant's statement offers a financial contribution (£93,000) towards other open space within Stourport. Whilst this approach is perfectly legitimate within planning system, this appears to present itself as a bribe for the Council's permission.

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- The Council's Strategic Housing Land Availability Assessment (SHLAA) (2009), indicates that all of the District's future housing requirements to 2026 can be met from brownfield sites. It is noted that the Council also has a robust five-year land supply without any current need to develop this greenfield site.
- It is our understanding that providing we are able to prove that the land has been used continuously for at least 20 years by residents for informal recreation that we may be able to apply for 'Village Green' status.
- Traffic movements, position of dwelling on dangerous bend. Accident waiting to happen.

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT

- 4.1 The policy framework in Policy H.2 of the Local Plan and Policies DS01 and DS03 of the Core Strategy set of the strategic aim of the Council seeking to focus 30% of residential development on previously developed land within Stourport on Severn. This aim is further re-enforced by Policy 1 of the Site Allocations and Policies Preferred Options Paper, which is currently out to consultation. Government advice in PPS3 (June 2010) also promotes effective use of previously developed land, seeking for Local Authorities to determine their own targets for sustainable use of land. Where an Authority has a continuous five year supply of land, it is clear that no other land needs to be sought. In the last residential land availability report prepared by the Council in its monitoring role, there was 5.9 years supply of residential land. This supply has influenced the Council's strategic aim within the Local Development Framework. Indeed as part of the Site Allocations and Policies DPD, sufficient sites are set out to meet the required need on brownfield sites until 2026. Policy 1 of this document reflects this position emphasising the need to utilise brownfield sites.
- 4.2 Consideration of the proposal in the context of this policy framework would rule out the development in principle. However, Section 54A of the Town and Country Planning Act 1990 (as amended) and its equivalent Section 38 of the Town and County Planning and Compulsory Purchase Act 2004 whilst advocating the plan led system, allow for material circumstances to indicate that alternative decisions can be taken.

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- 4.3 In this case the site forms part of an area identified in the 1990's as a play area as part of the Power Station residential development. This consisted of two play areas, one at Mayflower Close which is approximately 1,500 sq. m. and the other being at Pinta Drive being approximately 1000 sq. m. (subject to planning application 11/0177/FULL). In addition the application site was indentified as a 'kick about area' of approximately 2,500 sq. m. to the rear of Cutty Sark Drive and fronting onto Worcester Road and a large area of approximately 5.6 ha. of open space adjacent to the River Stour. These areas were safeguarded through the Section 52 (now Section 106) agreement as part of the original outline application.
- 4.4 The area was provided in a grassed manner and planted, reflecting the current position on site, although the landscaping has become a little large for the intended purpose. Due to various difficulties on the other areas, the Applicant never was in a position where the entirety of the required open space or play areas was acceptable to be transferred to the Council. As such the site has remained as a vacant green space to this date, despite lengthy negotiations over this time.
- 4.5 The Applicant considers that there is an oversupply of open space associated with resulting development, which has resulted in separation of the play area at Mayflower Place and the open space being taken over by Tesco in order to bring these to a standard where they can be transferred to the Council. The remaining areas have been retained by Taylor Wimpey, although they are reluctant to maintain them indefinitely. In respect of the application site they seek to develop the whole of the site for housing purposes.
- 4.6 As the site has been earmarked for open space within the original development, Policy LR.1 of the Local Plan allows such sites to be lost in exceptional circumstances and compensatory provision is made elsewhere. Following negotiations with the Parks and Green Spaces Manager, it has been confirmed that this site would not be required to be retained as open space and that there is no desire to have the land dedicated to the Council. A compensatory figure of £66, 500 has been agreed; this would be used to provide qualitative play space within the vicinity. This will need to be secured through a Section 106 Agreement.
- 4.7 PPG17 also allows for such circumstances where opportunities exist where open space can be exchanged to provide enhanced provision. This is permissible so long as the space does not provide an important local amenity for recreational and play opportunities, it is not used for informal or formal events and it is not of benefit to wildlife or biodiversity. It is interesting to note that residents believe that the space fulfils these functions, however in light of the comments from the Parks and Green Spaces Manager and Natural England, a balanced decision has to be taken. Whilst I agree the land is a useful area for residents to use I do not consider it an important piece of open space. Whilst it does have some visual amenity benefit in providing a green frontage and entrance to Power Station Road, this can be replicated within the development proposed with some high quality considered landscaping.

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- 4.8 A decision on whether development should proceed has to be finely balanced between the policy context and the other material considerations in this case.
- 4.9 In view of the current residential land supply and policy context the Council has been successful in defending a number of appeals on residential development on 'garden land', including sites with extant approvals. However, it is clear that a policy framework exists that allows situations such as this subject to compensatory measures. Similar developments have been approved in the past, most recently at Great Western Way.
- 4.10 Whilst the land has been maintained by the developer for the last 20 years, they have confirmed that they will not continue to do so indefinitely. It is clear that if this piece of land were to be left it could be a potential eyesore and nuisance to residents. If the proposal is refused this will remain as a grassed area, with the threat of potential unkempt land. The owners also have the ability to fence it without the need for planning permission. They also claim an over provision of space within the residential estate and that this area is no longer required. This matter is supported by the Parks and Green Spaces Manager.
- 4.11 A letter setting out the Applicant's reasoning behind the application has been received, which focuses on the negotiations and failure to achieve adoption of these spaces. In essence the main points of the case are that there is an oversupply of open space provision across the estate, the space is no longer required by the Council and that these spaces will not be maintained in future with potential fencing to prevent use.
- 4.12 I agree with the applicant that based on the number of units across the estate, based on current planning policies the amount of space provided is over and above what would now be required. Play space will still be provided at Mayflower Place along with the larger area of open space by the River Severn, this is still intended for adoption by the Council. The site provides an over large landscape buffer and the opportunity to enhance the visual appearance of the area and the additional contribution towards qualitative play/open space in the area weighs heavily.
- 4.13 The site is within a residentially allocated area although not previously developed land. Taking into account the policy framework set out in Policy LR.1 and PPG17, it is considered that sufficient justification has been presented to enable the Council to look favourably on this application. In doing so it sets out a unique set of circumstances that will be difficult to repeat and as such will not harm the strategic aim of providing housing on brownfield sites. The views of the Planning Policy Section have been noted, however for the reasons set out I feel that the application can be approved as a departure.

11/0468/FULL

DESIGN AND LAYOUT

- 4.14 The five dwellings four bed dwelling houses are provided in a well laid out form providing spaces around the dwellings. This is low density development of 18 dwellings per hectare, which is required to enable the open feel of the area to be maintained. On this basis there can be no argument sustained on over-development of the site.
- 4.15 The dwellings have been designed to address the shape of the site. Two of the units will face each other looking onto the shared driveway, two will be dual aspect dwellings also providing a frontage to Worcester Road and one unit will face directly onto Power Station Road.
- 4.16 Adequate space is left to the front of the site to enable a quality and considered landscape buffer to be provided to enable the current green frontage to be retained.
- 4.17 The dwellings are well designed and are of two storey brick and tile dwellings, which have been designed to merge with the estate beyond and incorporate features which create interest to the frontage.
- 4.18 The frontages of the properties have sufficient space for two car parking spaces and landscaped area, providing an open feel. The original approval contained an 'open plan' condition restricting front boundary treatments. This can be replicated.

NEIGHBOUR AMENITY

- 4.19 The orientation of proposed and existing dwellings results in the main in no opportunities for overlooking into rear garden areas. The exception to this is plot 3 (note the development refers to plots 3 to 7) with its relationship with 25 Cutty Sark Drive, however there is provided 11m distance between the one window facing this direction and the boundary. This is considered acceptable. One comment refers to the ability of No. 12 to look directly into the rear garden of Plot 7 (note the development refers to plots 3 to 7), whilst part of the garden could be seen at an oblique angle and trees are being planted to restrict this.

HIGHWAYS

- 4.20 As stated above, two parking spaces will be provided for each of these four bedroom properties in accordance with Policy TR.17 of the Local Plan and the recent County Council Parking Standards. The number of dwellings proposed is not considered to generate the number of additional vehicle movements that would result in harm being caused to surrounding network. Comments have been expressed about traffic onto Power Station Road and the position on Plot 7 on the bend. It is considered that the adequate visibility exists for plot 7 and that the junction of Power Station Road with Worcester Road is capable of accommodating the additional traffic. Only small increase of vehicles movements will be directed onto the main section of Power Station Road. The Highway Authority has no objections to the proposal on car parking or capacity grounds.

11/0468/FULL

DEPARTURE FROM THE LOCAL PLAN

- 4.21 It is acknowledged that to approve this application would be a departure from the Local Plan and Core Strategy, however it is felt that the circumstances set out above allow a favourable recommendation to be put forward. In line with the provisions of the Development Management Procedure Order, the application has been advertised as a departure; the time has not expired at the time of writing. In line with the Council's procedures and Government Circular advice there is no requirement to neither refer the application to the Secretary of State nor defer the application for a cycle.

OTHER ISSUES

- 4.22 Residents have stated that they may consider applying for Village Green Status given the land usage over the last 20 years. Such an application has not been submitted and the Local Authority is not aware that sufficient evidence exists to back such a claim, as such little weight can be attached to this.
- 4.23 Due to the number of dwellings created Education Contributions will be required. The Applicant is willing to pay the required amount of £15,370 which will be used for schooled within the catchment area.

WYCHAVON DISTRICT COUNCIL

- 4.24 As stated previously, a small part of the site lies within the administrative area of Wychavon District Council. In the circumstances where an application site crosses the administrative boundary between two Local Planning Authorities two identical applications should be submitted, one to each Authority seeking planning permission for the development of land falling within each Authority's administrative area. In this case the applicant has submitted an identical application to Wychavon District Council (reference W/11/00867/PN). In accordance with Circular 04/2008 the planning fee is payable solely to the Authority of whichever area contains the larger or largest part of the whole of the application site. Therefore, in this case the fee has been paid to Wyre Forest District Council.
- 4.25 Each planning application should be determined by the Local Planning Authority in whose administrative area the development is proposed to be carried out. In the case of cross-boundary applications such as this, this can lead to two Authorities making individual determinations, imposing different conditions on the permissions and entering into separate Section 106 Agreements. This does not however promote a co-ordinated approach to development control and the permissions granted by each Local Planning Authority may be inconsistent.
- 4.26 However, Section 101(1) of the Local Government Act 1972 authorises a Local Authority to arrange for the discharge of functions by any other Local Authority. This provision could be relied on by a Local Planning Authority to delegate its development control function to another Local Authority in respect of a specific cross-boundary planning application.

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- 4.27 On 28 April 2011 Members of the Development Control Committee at Wychavon District Council resolved to delegate its decision-making powers regarding application reference W/11/00867/PN for the part of the site lying within its administrative area to Wyre Forest District Council.

5.0 Conclusions and Recommendations

- 5.1 Notwithstanding the non-previously developed nature of the site and its identification within the original residential development as a play area, it is considered that substantial justification exists to allow the development and provide qualitative provision elsewhere. The play area is no longer required and alternative provision exists in the vicinity. The houses are well designed and complete the street scene. There is no undue impact on neighbouring properties and there are will no adverse impact on highways safety.

- 5.2 Having due regard to Article 1 of the First Protocol and Article 8 of the European Convention of Human Rights it is recommended that **delegated** authority be given to **APPROVE** this application subject to

- i. the completion of the departure advertising procedure and no new comments being raised;
- ii. the signing of a **Section 106 Agreement** to secure
 - a. £66,500 for Public Open Space provision or enhancement; and
 - b. £15,370 for Education Provision within the catchment; and
- vi. the following conditions
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples/details of materials)
 4. Levels as on approved plan
 5. Fencing as on approved plan
 6. C6 (Landscaping – small scheme)
 7. C8 (Landscape implementation)
 8. F5 (Construction site noise/vibration)
 9. Access construction
 10. Access turning and parking
 11. Programme of archaeological works
 12. E2 (Foul and surface water)
 13. J9 (Open plan frontages)

11/0468/FULL

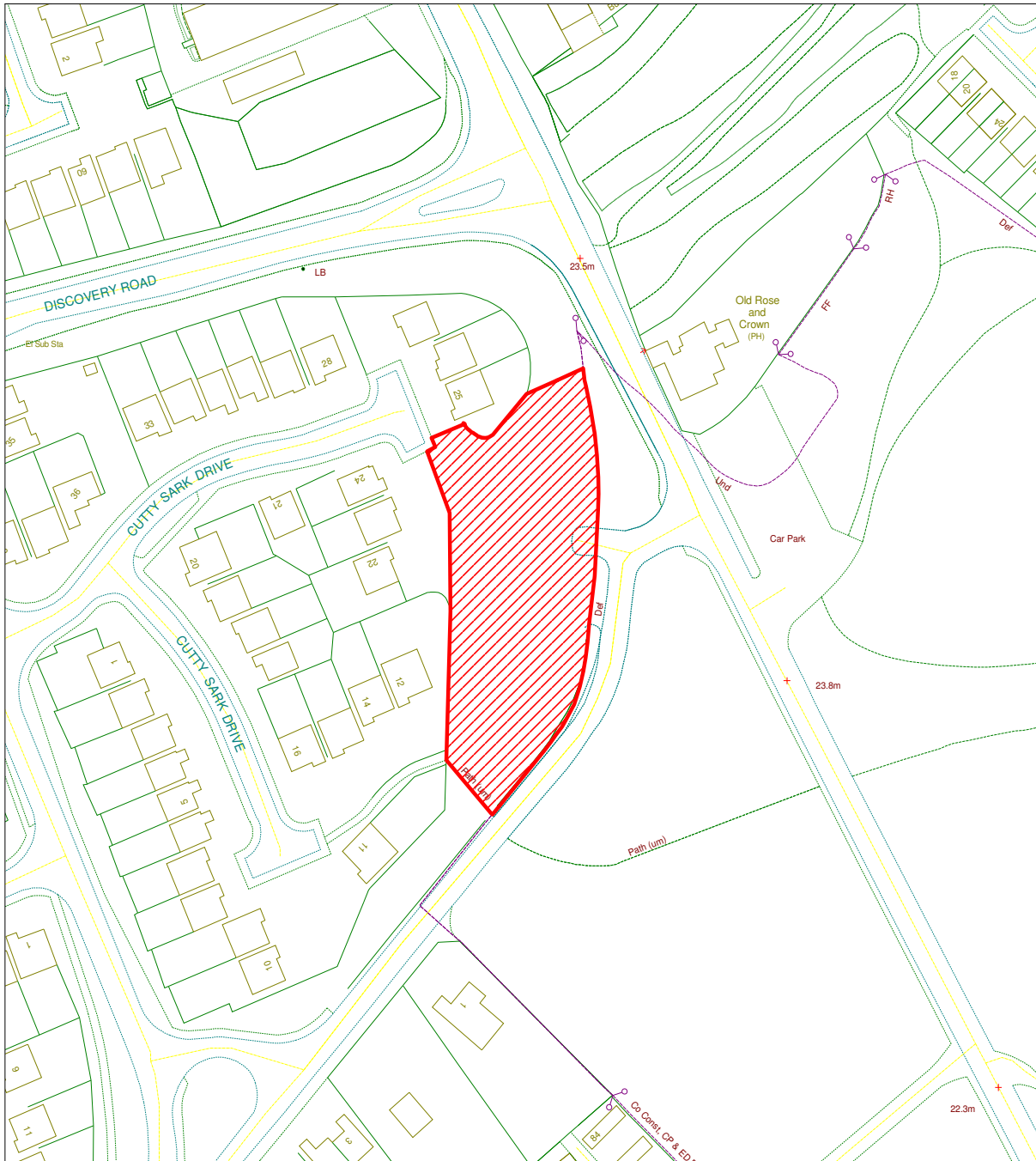
Notes

- A. SN2 (Section 106 Agreement)
- B. SN1 (Removal of permitted development rights)
- C. Highways
- D. Highways
- E. Archaeology
- F. Severn Trent Water Pipeline
- G. Contaminated Land
- H. Electric Cables

Reason for Approval

Notwithstanding the non-previously developed nature of the site and its identification within the original residential development as a play area, it is considered that substantial justification exists to allow the development and provide qualitative provision elsewhere. The play area is no longer required and alternative provision exists in the vicinity. The houses are well design and complete the street scene. There is no undue impact on neighbouring properties and there are will no adverse impact on highways safety

- 5.3 There is however a second recommendation regarding application reference W/11/00868/PN for which Wyre Forest District Council has received delegated powers to determine under Section 101(1) of the Local Government Act 1972.
- 5.4 The second recommendation is for **delegated APPROVAL** to be given to application W/11/00867/PN made to Wychavon District Council **subject to paragraph 5.2 above.**



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Land adjacent to Power Station Road
and Worcester Road
Stourport DY13 9RP**



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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
11TH OCTOBER 2011

PART B

Application Reference: 11/0296/FULL **Date Received:** 11/05/2011
Ord Sheet: 390103 278497 **Expiry Date:** 06/07/2011
Case Officer: Paul Wigglesworth **Ward:** Blakedown and Chaddesley

Proposal: Erection of boundary wall (in place of previously proposed stone wall)

Site Address: THE DOWER COTTAGE, BROOME, STOURBRIDGE, DY9 0HB

Applicant: MR P BROWN

Summary of Policy	LB.1 LB.5 CA.1 GB1 GB6 D17 (AWFDLP) CP11 (AWFCS) CTC.19CTC20 (WCSP) QE1QE5 (WMRSS) Design Quality SPG PPS1, PPS5
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 Dower Cottage is a timber framed Grade II Listed Building which is located in Broome on the corner of Broome Lane where the road forks right when travelling in the direction of St Peter's Church. The site is also within a Conservation Area and the Green Belt. There is a residential property on one side and open fields on the other.

1.2 The front boundary of the property is formed by a low hedge which is punctured by brick piers on either side of the vehicular access.

2.0 Planning History

2.1 KR.365/72 – Conservatory : Refused.

2.2 WF.289/78 – Lounge extension : Approved.

2.3 WF.1140/79 – Extension to former lounge and bedroom : Approved.

11/0296/FULL

- 2.4 WF.257/00 – Replacement extensions; Demolition of concrete garage and rebuild in new location. Form new recess gate at entrance : Approved.
- 2.5 WF.258/00 (Listed Building Consent) - Replacement extensions; Demolition of concrete garage and rebuild in new location. Form new recess gate at entrance : Approved.
- 2.6 WF.1137/04 – First floor extension with dormer window : Withdrawn.
- 2.7 06/0968/FULL – Erection of conservatory : Approved.
- 2.8 06/1241/FULL – Erection of conservatory : Approved.

3.0 Consultations and Representations

- 3.1 Broome Parish Council – No objection and recommend approval.
- 3.2 Highway Authority – No objection.
- 3.3 Conservation Officer – Dower Cottage dates from the 17th century. It may well be one of the oldest listed buildings in the Broome Conservation Area as none are thought to pre-date 1600.

Although brick was used extensively as a building material in the 17th century, it was expensive and generally used on only the most important buildings. Its use to build a garden wall of a humble timber framed cottage would be most unlikely.

The open common land on which the Broome flourished (and gave the village its name) was largely enclosed after 1779. If it had any form of boundary fencing at all Dower Cottage would have had a rudimentary timber fence, perhaps constructed from split oak lathes, or willow or hazel woven hurdles. Most likely any fenced boundary would have been augmented by a mixed hedge of holly, hazel and hawthorn – and that may be where the present boundary hedge has its origins.

The principal historic walls surviving in Broome generally serve as retaining walls. The church dates from 1780 and its churchyard wall may have been built then, although other walls may date to the extension of the church in 1861. The walls of the Old Rectory are of sandstone.

A modern wall has recently been constructed around the garden of Rose Cottage in a Victorian style not incongruous with the cottage itself, although bringing a more urban character to the conservation area.

11/0296/FULL

Most other boundaries in the conservation area are hedged, frequently augmented by railings, some of which are Victorian, originally erected one assumes to keep wandering livestock out as much as for security.

I regret I cannot support this application for the following reasons:

The proposal neither preserves nor enhances the setting of the Grade II listed 17th century Dower Cottage. In my view it will have an adverse impact on the setting of the listed building and the wider conservation area.

The application has not clearly demonstrated that there are no reasonable alternative means of meeting the need of the development appropriate to the level of importance of the listed building. Neither has the applicant clearly demonstrated the reasons for the development outweigh the individual importance of the listed building, or its importance to the local scene. This is contrary to Policy LB.1.

The wall will not in my opinion relate well to Dower Cottage in terms of design, style and materials, and will not harmonise with its curtilage and setting. It will introduce an incongruous feature to the boundary of the curtilage of the 17th century listed building. This is contrary to Policy LB.5.

In my opinion the development will not preserve or enhance and otherwise harmonise with the special character and appearance of the conservation area. In particular it will remove features which are illustrated and noted as special in the Conservation Area Character Appraisal. This is contrary to Policy CA.1.

Trees and Hedgerows which contribute to the special character and appearance of the Conservation Area must be retained. Hedges are noted to contribute to the special character of the Broome Conservation Area. In this instance a long hedgerow boundary at a prominent location within the Conservation Area is to be removed and replaced by a wall. This is contrary to Policy CA.4.

The proposal is within Green Belt and very special circumstances have not been submitted for consideration. This is contrary to Policy GB.1.

The proposal is within Green Belt and is detrimental to the visual amenity of the Green Belt because it removes a feature noted as being special to the conservation area (the hedge) and replaces it with a wall (incongruous to the visual amenity of the listed building). This is contrary to Policy GB.6.

Recommend Refusal.

3.4 Neighbour/Site Notice/Advertisement – No objection.

11/0296/FULL

4.0 Officer Comments

- 4.1 It is proposed to take out an existing hedge at the front of the property and replace it with a one metre high brick wall with a blue brick coping.
- 4.2 The evolution of this application is very important to gain an understanding of why the application is recommended for approval against the advice of the Conservation Officer.
- 4.3 On the 14th February 2011 the applicant made and paid for an application for pre-application advice for a 1 metre high stone wall around the front boundary of the property. The Conservation Officer at that time felt that the proposal, subject to a few provisos, would be acceptable and the applicant was duly informed of this. The current application was then submitted for a stone wall but rather than being a natural stone wall as anticipated, the proposal was for a wall to be constructed with re-constituted stone. By this time the Local Planning Authority was using a consultant Conservation Officer, however he agreed with the previous Conservation Officer that a natural stone wall would be acceptable but quite rightly recommended refusal to a re-constituted stone wall. In doing so he stated that a brick wall would be an acceptable alternative. The applicant was informed of this and he revised his application to show a brick wall with a blue brick coping rather than a re-constituted stone wall. When the revised plan was submitted the Council's replacement Conservation Officer was in post and as can be seen he has objected to a brick wall.
- 4.4 Whilst I respect the views of the Conservation Officer and recognise that different Conservation Officers have different opinions, in this case I feel that a pragmatic view should be taken, giving the applicant the benefit of the doubt. This view has been formed after taking account of the fact that:
- A brick wall has recently been erected opposite (planning permission is not required for a metre high wall in a Conservation Area). It should also be noted that there are a number of brick boundary walls within the Conservation Area.
 - The Local Planning Authority has previously given consent for a brick garage at this property (and brick entrance piers to the highway).
 - The Parish Council had no objection to the stone wall and have no objection to the brick wall.
 - No objections have been made to the application by any other person.
 - The applicant has been advised to make the application following the advice of a consultant Conservation Officer. In doing so the Conservation Officer took into account the effect on the character and appearance of the Listed Building and its impact on the Conservation Area in which it is situated and felt that the proposal would not be harmful to these important heritage assets.
 - To refuse the application could leave the Council open to an award of costs on the grounds of unreasonable behaviour.

11/0296/FULL

- The wall is only a metre in height and is a normal structure within the Green Belt and there are no grounds to refuse the application in my view on Green Belt grounds.
- The existing hedge is low and is not particularly attractive.

5.0 Conclusions and Recommendations

5.1 On balance after taking account of all factors and in particular the history of the application, it is recommended that **APPROVAL** be given subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. A 1 metre square sample panel of the brick wall showing the proposed mix and mortar joint detail shall be erected on site and agreed in writing with the Local Planning Authority before any work on site commences.

Reason for Approval

The application has been carefully considered and on the balance of all evidence the proposal is judged to be acceptable and in keeping with the character and appearance of the Listed Building, the Conservation Area and the Green Belt. To allow the development in these circumstances is compliant with the above mentioned policies.

Application Reference:	11/0432/RESE	Date Received:	18/07/2011
Ord Sheet:	384023 275811	Expiry Date:	17/10/2011
Case Officer:	Paul Wrigglesworth	Ward:	Offmore and Comberton

Proposal: Application for the approval of landscaping details, pursuant to the requirements of conditions 1 & 3 of outline planning permission 07/1025 for a 70 bedroom residential care home

Site Address: 37-38 OLDNALL ROAD, KIDDERMINSTER, DY103HN

Applicant: Castleoak Care Developments

Summary of Policy	D4, D10, D11 (AWFDLP) CP13, CP14 (AWFCS) Design Quality SPG
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Oldnall Road links the Chester Road South (A449) to Barnetts Lane. It is an attractive residential road lined with Lime Trees. Nos. 37 and 38 are located on the western side of Oldnall Road. These two large detached dwellings stand in extensive gardens which slope downwards from Oldnall Road towards the golf club car park and club house to the rear. An oak tree to the rear of No 38 is protected by a Tree Preservation Order.
- 1.2 On one side of the site is a detached house and on the other is a detached dormer bungalow. Residential properties situated in Russell Road have gardens which form the northern boundary of the site.
- 1.3 The area is washed over by a residential land allocation in the Adopted Wyre Forest District Local Plan.

2.0 Planning History (of relevance)

- 2.1 06/0826/OUTL – Demolition of existing dwelling at No. 37 Oldnall Road and erection of 14 apartments with associated parking : Withdrawn.
- 2.2 07/1025/OUTL - Outline Application for the demolition of 2 existing dwellings and the erection of a 70 bedroom residential care home for the elderly including car parking provision and new access arrangements :
Refused:4/12/07; Allowed on appeal : 13/8/08.

11/0432/RESE

3.0 Consultations and Representations

3.1 Arboricultural Officer – No objection (see paragraph 4.5).

3.2 Countryside and Conservation Officer – No objection.

3.3 Neighbour/Site Notice – Five letters of objection received:

- Letter 1 - Deep seated objections – why here, already a highly developed road, will affect value of property which should be taken into account, invade light, privacy increase stress, increased noise not just when being built but from 24hr business 365 days a year, Taxi cabs will toot their horns, Oldnall Road is treacherous - precarious to navigate – fire station agree, highway hazards, shoddy drainage systems, inadequate car parking – much worse on match days, golf club members park on Russell Road rather than use car park, building of this size unsightly - huge impact on local services and infrastructure, Castleoaks property in Whitstable is more acceptable (50 bed) – should all be working towards a Nursing Home of 40/50 residents.
- Letter 2 - Road not built in width and bends to deal with present traffic – added traffic way too dangerous.
- Letter 3 - The landscaping scheme fails to address our circumstances – complete absence of any landscaping to reduce impact of such a dominating development on our home – our home is the closest proximity to the development and will be significantly overlooked by the development.
- Letter 4 - Oldnall Road is not the right road for a residential care home - not agreeable to it being built. Barnett Lane, Chester Road South would not be suitable to get there.
- Letter 5 - (Planning consultant on behalf of authors of letter 2) – Objection submitted, scheme does not reflect details approved at outline stage – the indicative landscaping plan shows a line of new tree planting including specimen trees along boundary with 35 – reserved matters plan omits these and shows only perennial shrubs and climbers – this is unacceptable – privacy to house conservatory, terrace and garden would be seriously affected if tree screen not reinstated with a mixture of evergreen and deciduous trees. The reserved matters application shows a terrace at least 5 times larger than the approved plans-unacceptable – loss of privacy would be dramatic given raised levels of new patios and falling levels of clients' garden. 1.8m fence is unacceptable 2metres would be preferable with additional trellis along the top. Fence line shown within my clients' boundary and through centre of hedge – existing hedge should be retained and fencing within development site.

11/0432/RESE

Footprint of building on approved plan different from reserved matters application – spacing of south-eastern block to boundary has changed – should be refused if not the same. Building has narrower frontage and greater depth than approved – presumably to protect acid grassland – at detriment to clients' privacy – if not same should be refused.

4.0 Officer Comments

- 4.1 Outline planning permission was granted on appeal in August 2008 for a 70 bedroom Nursing Home. The only reserved matter was the landscaping of the site and condition 3 of the consent required that the landscaping scheme be submitted within 3 years of the outline planning permission. The current application, which is compliant with the terms of condition 3, seeks the approval of this reserved matter; consequently the only consideration is whether or not the proposed landscaping scheme is acceptable or not. Other issues, for instance whether this is the correct site for a nursing home are not relevant to the determination of this proposal.
- 4.2 The landscaping scheme which proposes both hard and soft landscaping around the approved new nursing home is both comprehensive and detailed. It shows planting around the edges of the site, retains the important trees, softens the impact of the car parking from neighbours, improves privacy and seeks to retain as much of the areas of acid grassland as is feasible.
- 4.3 The original landscaping plan has been revised several times since the application was first submitted. The applicant's development team has met with the local residents to discuss the landscape proposals and following feedback several changes have been made to improve the scheme. These changes can be summarised as follows:-
- Amendments have been made to the south facing boundary treatment. This is the boundary on the side of the adjacent detached property. Here the fencing has been amended from a close boarded fence to a 1.8m hit & miss fence with 600mm trellis fixed to the top for improved privacy. In addition several trees are now shown to be planted along this boundary;
 - Similarly, revisions have been made to the northern boundary which divides the site from properties facing Russell Road. Here as with the southern boundary 1.8m high hit and miss fencing with 600mm trellis has been incorporated in order to maintain privacy. Some climbing plants have also been added for additional screening;
 - Existing railings to the site frontage are shown to be retained where possible and new railings are shown to match where this is not possible.

11/0296/FULL

4.4 Further to discussions with the Council's Countryside and Conservation Officer a management plan for existing and proposed acid grassland has been incorporated and revisions have been made to the tree species proposed adjacent to the acid grassland. The Countryside and Conservation Officer is now satisfied with the scheme.

4.5 The application has also been scrutinised by the Council's Arboricultural Officer and he has commented as follows:

'I have no objections to the proposed landscaping detailed within plan TDA.1836.03, as it looks to be a well thought out design that will enhance to amenity of the area.

I am concerned about the lack of detail for the tree planting spec and the establishment and maintenance works for the trees and shrubs.

I would therefore like to see a condition asking for details of the tree planting specification and a five year management plan for the establishment and management of the trees and shrubs'.

4.6 At the time of writing I am awaiting a response from the applicant's agent with regards to the tree specification and management plan.

4.7 With regards to the comments made by the consultant (see paragraph 3.3, Letter 5) – these comments were made before the latest plan which do now show a stronger boundary treatment to his clients' property. Nevertheless the applicant's agent is preparing revised plans to retain the neighbours' hedge as requested together with the additional security of the hit and miss fence and trellis as previously described.

4.8 With regards to the plans deviating from the approved the position of the building is for all intents and purposes the same and in the outline scheme the indicative landscaping scheme was just that – i.e. indicative, and as landscaping scheme was a reserved matter it does not have to comply with the indicative layout. The landscaping scheme is for both hard and soft landscaping and there is therefore scope for making the areas of hard surfacing larger or smaller than shown on the approved scheme. Nevertheless, the levels of these surfaces are important and as a result of the objection the applicant's agent is in the process of reducing them which will also have the effect of lowering them at the outer edges as this is a sloping site. If approved, a condition can be imposed to ensure that the exact levels are agreed on site but it should be noted that the distance to the boundary line with this neighbouring property is an acceptable distance at approximately 19 metres.

11/0432/RESE

5.0 Conclusions and Recommendations

- 5.1 The landscaping scheme is considered to be appropriate for this development in that it takes account of the privacy of neighbours; issues associated with retaining the acid grassland and should provide a soft edge to the development site which is a characteristic feature of existing properties in Oldnall Road.
- 5.2 The application is recommended for **APPROVAL** subject to the following conditions:
1. A.4 (Reserved Matters only).
 2. A11 (Approved plans).
 3. The exact levels of the rear terraces hereby approved as part of the landscaping reserved matters shall be agreed on site and in writing with the Local Planning Authority before work on the terraces are commenced and the approved levels shall thereafter be strictly adhered to.
 4. The proposed landscaping scheme shall be implemented strictly in accordance with the management plan.
 5. The planting hereby approved shall be fully implemented in the first planting season following occupation of the building and the hard landscaping shall be fully implemented to the satisfaction of the Local Planning authority before the building is first brought into use.

Reason for Approval

The proposal has been carefully considered in terms of bio diversity, the existing trees and vegetation and with respect to the amenity of neighbouring properties and the visual amenity of the area as a whole and the scheme, subject to conditions is judged to be acceptable and compliant with the above mentioned policies in the Development Plan.

Application Reference:	11/0469/FULL	Date Received:	01/08/2011
Ord Sheet:	378048 275430	Expiry Date:	26/09/2011
Case Officer:	James Houghton	Ward:	Bewdley and Arley

Proposal: Erection of 5 No. affordable dwellings

Site Address: RICHMOND ROAD, BEWDLEY,

Applicant: Wyre Forest Community Housing

Summary of Policy	H.2, H.6, D.10, D.11, TR.17 (AWFDLP) DS01, DS03, CP03, CP04, CP11 (AWFCS) SPD on Planning Obligations PPS1, PPS3; PPG13
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

1.1 The application relates to a garage site located off Richmond Road, Bewdley. The site is allocated primarily for residential use and is considered to constitute previously developed land. The site drops approximately 5m from the front elevations of the houses to the rear of the gardens.

2.0 Planning History

2.1 08/0366/FULL – Erection of five dwellings : Approved 03/06/08.

3.0 Consultations and Representations

3.1 Bewdley Town Council – Object to the proposal and recommend refusal on the basis that:

- the access road from Richmond Road to the site is of insufficient width to allow for vehicles to pass and provide a suitable footpath for pedestrians which would be necessary;
- the visibility splays to allow safe exiting from the site onto Richmond Road are insufficient;
- the additional traffic generated by the proposal will add to the level of traffic on Richmond Road creating difficulties and congestion

11/0469/FULL

- 3.2 Highway Authority – No objections subject to the addition of conditions relating to access, turning and parking and to cycle parking to any permission issued. In addition a note relating to the laying of private apparatus should be attached to any permission issued.
- 3.3 Environment Agency – Received comments indicating that no consultation is required.
- 3.4 Worcestershire Regulatory Services (Environmental Health) – No objection subject to the addition of a condition requiring the submission of a landfill gas survey.
- 3.5 Crime Risk Advisor – No comments received. (*Officer Comment - The consultation for the previous application received the following comments*). Due to the scale and proposed layout of this application I do not have any observations/ concerns with this application having an impact on the likelihood of crime and disorder occurring / increasing in the area. I would however recommend that the applicant and agent refer to the Secured by Design website for guidance on perimeter fencing and physical security standards.
- 3.6 Severn Trent Water - No objections to the proposed development subject to the addition of a condition relating to the disposal of foul and surface water to any permission issued.
- 3.7 Neighbour/Site Notice – One letter of objection has been received, the following issues are raised:
- Access to the rear of the existing properties may be compromised.
 - The access onto Richmond Road has poor visibility.
 - The garages currently standing on the site may contain asbestos and there are concerns over the disposal of this material.

4.0 Officer Comments

- 4.1 The applicant seeks consent for a total of five two-storey dwellings (2 x 2 bed and 3 x 3 bed). An identical application was granted consent in June 2008 Reference 08/0366/FULL.
- 4.2 The application site is an existing garage site located to the rear of existing properties which front onto Richmond Road. The existing and proposed point of access lies between Nos. 53 and 55 Richmond Road.

11/0469/FULL

- 4.3 The principle of the proposed residential development on this brownfield site within the settlement of Bewdley is acceptable in view of Policy H.2 (i) of the Adopted Local Plan and Policy DS01 of the Adopted Core Strategy. Furthermore Policy DS03 of the Core Strategy identifies Bewdley as an area appropriate for affordable housing to meet local needs.
- 4.4 The proposed development is considered appropriate in size and design on this site. It is proposed to erect a terrace of 3 no. 3 bed units and a pair of semi-detached 2 bedroom dwellings with allocated parking spaces to the front of each dwelling. The erection of five units is considered acceptable given the size of the site and sufficient amenity space would be provided for each dwelling. The style and design of the properties reflect the general characteristics of the surrounding area.
- 4.5 The impact of the dwellings on the neighbouring properties has been carefully assessed. The closest property in Richmond Road is approximately 29 metres away from the proposed house, the closest property in Lancaster Road would be approximately 33m away, the closest property in Lytton Road would be approximately 67m away and the closest property in Cobham Crescent would be 21m away. These distances are considered to be acceptable and would minimise any chance of overlooking or loss of privacy.
- 4.6 The proposed layout would in effect comprise backland development which Policy H.6 of the Adopted Local Plan seeks to resist. In this instance however given that the site accommodates existing garages it is not considered that the proposed scheme would adversely affect the character of the area. Furthermore, the development utilises any existing access from Richmond Road and there would be no significant impact upon surrounding properties.
- 4.7 Concerns raised by neighbours regarding access to the rear of their properties have been addressed by the applicant who has confirmed that licences providing access to the rear of properties are a temporary arrangement and will be determined by the Housing Group prior to commencement of the proposed development.
- 4.8 With respect to highway issues and the access from Richmond Road, the Highway Authority has raised no objection to the scheme subject to conditions relating to access, turning and parking and to the provision of cycle parking. In addition a note relating to the laying of private apparatus should be attached to any permission issued.
- 4.9 The concerns about the disposal of asbestos are noted but do not form a material consideration in the determination of this application.
- 4.10 Due to the number of dwellings proposed, the Council's Supplementary Planning Document on Planning Obligations applies to this scheme. A Contribution towards open space is required and the applicant has agreed to enter into a Section 106 Agreement to secure the necessary contribution.

11/0469/FULL

- 4.11 On balance, it is considered that the scheme as a whole is acceptable and will provide suitable affordable housing accommodation to the area. The policy criteria has been achieved in all respects.

5.0 Conclusions and Recommendations

5.1 It is therefore recommended that **delegated APPROVAL** be given subject to:

- a) the signing of **Section 106 Agreement** to secure
 - Open Space Contributions of £1,799.04; and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B6 (External details – approved plan)
 - 4. B11 (Details of enclosure)
 - 5. B13 (Levels details)
 - 6. C6 (Landscaping – small scheme)
 - 7. C8 (Landscape implementation)
 - 8. E2 (Foul and surface water)
 - 9. F13 (Control of dust)
 - 10. Hours of construction work
 - 11. J9 (Open plan frontages)
 - 12. Access, turning and parking
 - 13. Cycle Parking

Notes

- A. Advised to refer to the Secured by Design website for guidance on perimeter fencing and physical security standards
- B. SN1 (Removal of permitted development rights)
- C. Private apparatus within the highway

Reason for Approval

The proposed dwellings are well designed and will have minimal impact on the appearance of the street scene. The scheme is also acceptable in terms of highway safety. The impact of the dwellings upon the neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on their amenity. For these reasons the proposal is considered to be in accordance with the policies listed above.

Application Reference: 11/0498/FULL	Date Received: 17/08/2011
Ord Sheet: 379144 281084	Expiry Date: 12/10/2011
Case Officer: Paul Round	Ward: Bewdley and Arley

Proposal: Change of use of land to site one static caravan for one gypsy family

Site Address: THE HOLLIES, TRIMPLEY LANE, SHATTERFORD, BEWDLEY, DY121RL

Applicant: Mr T Smith

Summary of Policy	H.2, H.9, H.14, H.16, GB.1, GB.6, TR.17, LR8 (AWFDLP) DS01, DS04, CP01, CP03, CP06, CP11, CP12 (AWFCS) D.12, D.17, D.38, D.39, RST.3 (WCSP) CF2, CF3, CF5, QE1, QE2, QE6 (WMRSS) PPS1, PPG2, PPS3, PPS7 Draft National Planning Framework Draft PPS Planning for Traveller Sites
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The site forms a 0.58ha (1.4 acre) site located off Trimpley Lane, Shatterford close to its junction with the A442 Bridgnorth Road. The site is currently used for keeping horses and permission being given in 2005 for stables, which have been recently implemented. A gated access exists from Trimpley Lane which incorporates a 45 degree visibility splay.

- 1.2 The site lies within the West Midlands Green Belt and open countryside. The site is bounded by hedgerows and trees. A public right of way runs to the west of the site. Residential properties are located to the north, east and south.

- 1.3 The application seeks for the stationing of a single mobile home for one Gypsy family. The mobile home will be situated on an existing hardstanding area adjacent to the existing stable block.

2.0 Planning History

- 2.1 KR.132/57 – Housing Development : Refused.

- 2.2 KR.455/72 – Bungalow : Refused.

11/0498/FULL

- 2.3 KR.754/80 – Bungalow : Refused.
- 2.4 WF.0698/99 – Stationing of six caravans and one static unit for a period of 18 months : Withdrawn 4.10.99.
- 2.5 WF.0798/99 – Stationing of two residential mobile homes, occupancy personal to applicant : Refused 16.11.99.
- 2.6 Enforcement Notice served 13.10.99 *“Without planning permission, change of use of land from use for agricultural land to use of the siting of residential caravans”*. Appeal against enforcement notice Dismissed 19th June 2000. High Court Challenge and Court of Appeal Challenge both dismissed. Compliance with notice achieved in November 2002.

3.0 Consultations and Representations

- 3.1 Upper Arley Parish Council – The above planning application was discussed at some length at the meeting of Upper Arley Parish Council on Wednesday 24th August. In addition to the private discussion between Council members, the Public Question Time was dominated by the subject and was attended by 27 members of the public who all expressed a huge concern regarding the proposed siting of the caravan at the Hollies.

The concerns voiced by the members of the public were echoed by all members of Council and it is strongly felt that nothing has changed since the initial application was made to site a caravan on the land some 11 years ago. It is still green belt land and is still a conservation area, therefore Upper Arley Parish Council strongly objects to the proposed development. It seems logical that as the circumstances remain unchanged from the original application, the decision to refuse the application should also remain unchanged.

As outlined in the planning application refusal of November 1999, application No. WF.798/99, to permit the proposed development would be contrary to Policy T.2 of the Wyre Forest District Local Plan. Upper Arley Parish Council on this occasion insisted that *‘The development is wholly out of character with the recognised landscape quality of the area and contravenes the policy of development restraint. Specifically, this Council registers objections to this proposal on grounds of a) inappropriate development and b) road safety- the site is adjacent to a busy and hazardous junction and lacks appropriate visibility zones’* Not forgetting, that the original application was made following serious abuse of the public planning procedures and the applicant had failed to behave like a responsible citizen. The applicant has a history of abusing planning restraints and will undoubtedly put up a fight in the way he has always done so, regardless, in the interest of the local residents and members of the Parish, Upper Arley Parish Council will maintain its strongest opposition to the use of the land in this way and hope that the District Council will support the view of those who will be most effected.

11/0498/FULL

In addition, the personal circumstances outlined by the applicant lead to further concerns. In relation to the applicants 'poor state of health' it would seem sensible that he resides closer to a large hospital like The Worcestershire Royal. Also, there is an element of 'threat' in the application which states that due to overcrowding at Mr Smith's current residence on the Lower Heath Caravan Site in Stourport which he occupies with his extended family, failure to secure planning permission would result in Mr Smith's grandchildren and their respective parents being unable to remain on the pitch in Stourport and '*The Alternative is to consign at least one of these families to resuming occupying unauthorised sites*'.

However, members of council commented that it may be inappropriate to give too much consideration to personal circumstances as the overall decision may set precedence for future applications.

As the applicant states that the caravan would be sited as residential accommodation for '*himself and his wife*' and that '*The Applicants status as a Gypsy was acknowledged*', it would seem appropriate to add that action is already being taken by Wyre Forest District Council to identify suitable sites to meet the unmet need for Gypsy and Traveller Sites in the area, in which case, applications for development of this nature should be unnecessary.

- 3.2 Highway Authority – No Objection. The planning officer is requested to bring to the applicant's attention that wing walls appear to encroach into the publicly maintained highway. The County Council will investigate this further and should an encroachment be confirmed then the applicant will be required to free the highway of the obstruction.
- 3.3 Severn Trent Water – No objection subject to condition.
- 3.4 County Council Gypsy Services - Can offer a character reference for the family as a whole as we have members on the site at Lowerheath. They cause us no problems at all, their blocks are kept to a very high standard and the plots overall are the best kept on the site.
- 3.5 Neighbour/Site Notice – 35 Letters of objection received (including one from Agent representing 22 residents) raising the following issues:
 - Within the Green Belt where development is not allowed. Policy GB.1 is clear that inappropriate development is not permissible. No Very special circumstances exist.

11/0498/FULL

- The proposed site is neither suitable or sustainable. In terms of sustainability, as the proposed development is in an area of unspoilt natural beauty, there is little in terms of public transport or access to local community services or facilities. Government guidelines state that sufficient local facilities must be in place to serve the siting of residential caravans and these are clearly not in place in the vicinity of Shatterford Contrary to Policy CP06. The site was not a sustainable site in 2001 and I am unaware of any recent changes to local services and facilities that have caused a change to this requirement.
- The Council are working towards allocation of sites and as such the need is being met on more sustainable sites. No need in the locality.
- A Gypsy site has already been refused in this location and upheld on appeal. To allow this now would be unfair and against natural justice. Took 3 years to evict previously, the Council cannot afford the expense of more court actions. An enforcement notice still exists prohibiting any caravans on the site. Finally I believe the planning policy regarding this site has not changed since 2000 and therefore the planning application should be refused.
- The caravan would be visible from the road during the winter and would spoil the view at this spot from footpath which is adjacent to the land contrary to policy CP06 and CP12.
- Significant impact on the landscape policy CP12 states that applications for further mobile homes will be resisted due to the collective impact on the landscape.
- We have sympathy with the Applicant but cannot accept the development in this location.
- Additional residents would mean additional traffic on the A442, which is already notorious for accidents.
- Mr Smith has a lot of land elsewhere and a house in Kidderminster.
- All properties in Trimpley will be devalued.
- This may well be the 'thin end of the wedge'. Mr. Smith will no doubt, if this application goes through, extend the use of this land further and further to the point where many similar static homes will eventually reside, which will, of course, be a blot on the landscape.
- Mr Smith, could go to any of the existing caravan sites within the area.

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- It is my understanding that a number of proposed planning applications have been turned down in the past. At an informal meeting with the planning department I was informed that if I made an application for a static caravan to be sited on my land to house a carer for my 35 year old son, who is paralysed from the waist down, would most probably be refused. Why should one individual be granted planning privileges that it would seem are not be available to my son.
- The 5 year plan does not allow for extra housing or an improvement of facilities in Shatterford.

Letter from Ward Member

I am just writing to you as the local member for Bewdley and Arley which includes Shatterford to object most strongly to planning application 2011/0498 for the siting of a mobile caravan on land off Trimpley Lane in Shatterford.

I am aware of an earlier application for the same on this particular field and I see that there has been no material changes in the submission of this application from the earlier one which I think went back to 2005.

I have met with a large number of local residents who are equally concerned and they have been advised to write to you raising all the objections they may have at their earliest opportunity. However, I would like to put on record my strong opposition to the siting of a static caravan in this location. As stated, I believe the circumstances have not changed from a previous application to erect a static caravan on the land and I hope that we are minded to be consistent on this fresh application.

4.0 Officer Comments

- 4.1 The planning history of the site is self evident as set out in section 2.0 above. It is clear that the District Council has continually resisted inappropriate development on this piece of land. However Members will be aware that each application should be dealt with on its merits and whilst planning history is a material consideration, the circumstances of this case must be fully considered. Members may recall another application at Rocky Lane, Churchill for Gypsy pitches which was dismissed on appeal in December 2010 and a previous appeal at Cursley Lane. Reference will be made to these appeals within this report.

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- 4.2 Circular 01/06 sets out the current guidance on dealing with Gypsy and Traveller applications. Whilst the Government has declared intent to revoke and replace this guidance it remains in place. In the Rocky Lane appeal the Inspector stated that *“As the circular has not yet been revoked and replaced it continues to have weight..., although this weight is tempered by the announced intention to replace it.”* A draft Planning Policy Statement on *Planning for traveller sites* has been consulted on and sets out the Government’s intention. Whilst this draft statement shows the Government’s position going forward it has not come into effect, however a small amount of weight can be afforded to it as shows the intention of the Government.

THE PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT

- 4.3 The site lies within the Green Belt. Circular 01/06 states that new gypsy and traveller sites are normally inappropriate. It goes on to state that the national policy set out in PPG 2 applies to gypsy and travellers.
- 4.4 PPG2 is clear at paragraph 3.12 that the material change of use of land is appropriate development so long openness is maintained. It is considered that the positioning of the caravan on the site along with the change of use of partland to residential would reduce openness and as such the development constitutes inappropriate development in the Green Belt. This view is supported by the Planning Inspectorate in the Rocky Lane appeal and Cursley Lane appeal and also by the Government in their draft Planning Policy Statement where they state in Policy E (paragraph 14) that “Traveller sites in the Green Belt are inappropriate”.
- 4.5 The Core Strategy policy CP06, which deals with the allocation of Gypsy and Traveller sites whilst not specifically excluding Green Belts does advocate a sequential approach seeking for with existing settlement boundaries on previously developed land. The applicant admits that the land is not previously developed and it is clear from Policy DS01 of the Core Strategy that Shatterford is not a settlement for the purposes of the Core Strategy. The Core Strategy and Local Plan robustly set out the circumstances where development may be permitted within the open countryside outside areas identified through policy H.2. The application site does not adhere to this policy framework.
- 4.6 On this basis it has to be concluded that the national and local planning policies weigh heavily against the development. The proposal would constitute inappropriate development, to which substantial weight can be afforded, and would be located in an area where development would normally be resisted.

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IMPACT ON THE COUNTRYSIDE AND LANDSCAPE

- 4.7 Members will be aware that through the loss of policies LA.1 and LA.2 that the designation of the Landscape Protection Area was also lost. However, the County Council's work on the Landscape Character Assessment has indentified this area as part of the Principal Wooded Hills. One of the key characteristics of this landscape character type is that of the dispersed pattern of development. The assessment identifies the threat of additional development which would create a settlement clusters which would not be appropriate in this location.
- 4.8 The site is elevated and views can be obtained from outside the site. The Inspector in 2000 stated that a caravan site in this location would be a conspicuous feature in the landscape.
- 4.9 Due to the topography of the site is visible from the footpath to the west even when leaves on the trees. This will be exacerbated in winter months. From Trimpley Lane, whilst the hedgerows are high and the site cannot be readily seen, glimpses can be obtained through the gateway. Additional landscaping is proposed to Trimpley Lane to visually screen the caravan which may well achieve this result; however the fact remains that from the public rights of way the proposal will be a visible strident feature to the detriment of the character of the landscape and the openness and the visual amenity of the Green Belt in this locality. As such the proposal would be contrary to policy CP06 and CP12 of the Core Strategy. This adds further weight against the proposal.

HIGHWAY CONSIDERATIONS

- 4.10 As part of the refusal in 1999 highway concerns was identified, however these were overcome prior to the appeal. As part of the works approved for the change of use of the land additional access splays were required, these have been provided. The access now is suitable for the proposal. In respect of traffic generation it is considered that one caravan will not result in traffic movements that would justify an argument in respect of highway safety. The Highway Authority have raised no objections to the proposal.
- 4.11 It now falls to consider the material circumstances put forward by the Applicant to balance against the harm identified above. PPG2 states that Very Special Circumstances will not exist unless the harm by reason of inappropriateness and other harm, is clearly outweighed by other considerations.

GYPSY STATUS

- 4.12 In both the last appeal in 2000 and a previous one at Barnett Hill, the Applicants status as a Gypsy was established. There is nothing to challenge this status in this application.

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THE APPLICANT’S CASE

4.13 The following bulleted points are put forward as the Applicant’s case.

- There is an unmet need within the District.
- There are personal circumstances in this case.
 - Offer personal permission for Mr and Mrs Smith only.
 - Mr Smith occupies a pitch in the Lower Heath Caravan Site.
 - The site is large and noisy.
 - The pitch is overcrowded. With 3 adult daughters, 3 adult sons, one daughter in law, and four grand children.
 - Situation causes stress and exacerbates existing illnesses. Doctor confirms a quieter situation would be beneficial.
 - Without this permission at least one of the other family will be forced onto an unauthorised pitch.
- Whilst the site is the Green Belt, circular 01/06 does not bar Gypsy sites in Green Belts.
- The site of the units would leave the visual aspect of the landscape unimpeded.
- The site is not adjacent to a settlement and a car will be required, however circular 01/06 advises that permissions should not be rejected if they would give rise to modest additional daily vehicular movements.
- Acknowledge previous history but highlight the following significant changes in policy and circumstances since 2000.
 - Circular 01/06 adopts a more permissive regime towards Gypsies that was previously considered.
 - Policy CP06 does not rule out Green Belt locations. The site is not previously developed, but is not agricultural with a substantial non-agricultural building.
 - The Council acknowledges an unmet need of 30 pitches, the council and continued to fail to allocate land.
 - The application has been looking to establish a private site since 2000.
 - A sizable stable block has been permitted.
 - The proposed caravan would be less conspicuous than the previous caravan site.

UNMET NEED

4.14 The Core Strategy adopted by the Councils sets out the need for Gypsy Pitches within the District up to 2013. In addition as part of the Site Allocations and Development Plan Policies DPD the evidence base has set out targets until 2022. These are set out in the table below:

Time Frame	Number of Pitches	Source
2006-2013	30 (23 net of sites approved since 2006)	Adopted Core Strategy

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2013-2017	5	RRS Phase 3 Interim Policy Statement Options Generation
2017-2022	15	Indicative Target included within the Phase 3 Policy Statement
Total	50 (43 net of sites approved since 2006)	

- 4.15 As part of the work on the Site Allocations DPD Baker Associates were commission to indentify suitable site to accommodate Gypsy and Travellers with the District. A total of 15 available sites were indentified, of which 7 have been agreed to proceed to the consultation stage. 5 of these are noted as being available from adoption with the further two in subsequent years. Looking at the immediate need of 23 pitches, it is estimated that the 5 immediately available sites could provide 35 pitches. The need is less than this and as such some may not be required, in addition other pitches may come to light as part of this process.
- 4.16 Circular 01/06 is clear that the unmet need should be considered very seriously, the following information should be taken into account as part of any decision taken:
- Incidents of unauthorised encampments;
 - The numbers and outcomes of planning applications and appeals;
 - Levels of occupancy, plot turnover and waiting lists for public authorised sites;
 - The status of existing authorised private sites;
 - The twice yearly caravan count giving a picture of number and historic trends.
- 4.17 As Members will be aware there have only been two cases of unauthorised encampments within the district since 2002, when the application site was cleared previously. The first was at Cursley Lane where the encampment was allowed at appeal for a temporary period until the end of November 2012 (Ref. 06/1062/FULL). There is a current application to remove the temporary time period permitted by the Inspector to allow permanent occupation. This application reference 11/0545/FULL is awaiting determination.
- 4.18 The second unauthorised encampment was at Rocky Lane Churchill where travellers came onto the site in 2009. Whilst the enforcement notice was upheld the Inspector granted the occupiers a 9 month period of compliance which expired on 31st July 2011. The travellers have since moved on.

There are three other current planning applications for gypsy and traveller sites:

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- Saiwen, Sandy Lane Industrial Estate – Change of use of land to the rear for a gypsy caravan site; for the siting of five static caravans, one mobile home, two touring caravan pitches, the erection of an amenity block and retention of existing dwelling for residential use (10/0056/FULL) – Awaiting determination.
- Nunns Corner, Sandy Lane Industrial Estate - Change of use to allow extension to existing tolerated gypsy caravan park to create 2 additional pitches (part retrospective)(11/0195/FULL) Awaiting determination.
- The Gatehouse, Sandy Lane, Stourport on Severn - Change of use to Gypsy Caravan Park with 8 pitches and amenity block for temporary two year period (11/0110/FULL) Awaiting determination (the report is earlier on this agenda).

4.19 In terms of the level of occupancy of existing sites previous comments from the County Council’s Gypsy Liaison Officer advised that there are 9 permanent sites maintained by the County within Worcestershire which are all consistently full. In January 2011 it was confirmed at that time there were in excess of 100 families awaiting accommodation and a quarter of those were waiting for plots within Wyre Forest.

4.20 The twice yearly caravan count also indicates that there is little movement on the existing authorised and unauthorised sites.

- Lower Heath County Caravan Site, Watery Lane Stourport (County Council site).

Date of Caravan Count	Total No. of Pitches Occupied	Total No. of Vacant Pitches	Total Caravan Capacity	Total No. of caravans
Jan 2010	21	0	42	37
July 2010	21	0	44	36
Jan 2011	22	0	44	37
July 2011	22	0	44	37

- Broach Road County Caravan Site, Stourport (County Council site).

Date of Caravan Count	Total No. of Pitches Occupied	Total No. of Vacant Pitches	Total Caravan Capacity	Total No. of caravans
Jan 2010	9	0	18	11
July 2010	9	0	18	14
Jan 2011	9	0	18	14
July 2011	9	0	18	12

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<u>Meadow Caravan Park, Broach Road</u> (Private Site – Planning consent granted 09.06.09 Ref. 09/0266/FULL)	
Date of Caravan Count	Total No. of caravans
Jan 2010	1
July 2010	7
Jan 2011	7
July 2011	7

<u>Nunns Corner, Sandy Lane</u> (Private Site – Current planning application)	
Date of Caravan Count	Total No. of caravans
Jan 2010	6
July 2010	7
Jan 2011	9
July 2011	9

<u>Cursley Lane, Shenstone</u> (Temporary permission granted current application for permanent occupation Ref. 11/0545/FULL)	
Date of Caravan Count	Total No. of caravans
Jan 2010	2
July 2010	2
Jan 2011	2
July 2011	2

<u>Saiwen</u> (Current application for 8 caravans ref. 10/0056/FULL)	
Date of Caravan Count	Total No. of caravans
Jan 2010	4
July 2010	3
Jan 2011	6
July 2011	5

<u>Stakenbridge / Rocky Lane, Churchill</u> (travellers now moved on)	
Date of Caravan Count	Total No. of caravans
Jan 2010	4
July 2010	2
Jan 2011	0
July 2011	0

<u>The Gables Yard, Broad Road</u> (Planning approval for 7 caravans Ref. WF956/87)	
Date of Caravan Count	Total No. of caravans
Jan 2010	4
July 2010	1
Jan 2011	3
July 2011	3

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- 4.21 The Council clearly have set out to meet this demand and have identified sites which are considered suitable taking account of the criteria laid out in policy CP06. As indicated by the Inspector in the Appeal at Churchill there was *“a strong indication of progress towards meeting it within the likely timescales”*, this situation has improved in that the Council now have a clear direction and framework for meeting the need. Even if the need continued to be unmet, it is clear that the harm created to the Green and Landscape cannot be permitted in order to provide a single pitch.

PERSONAL CIRCUMSTANCES

- 4.22 In 2002 the Applicant and family moved on the Lower Heath Caravan Site maintained by the County Council this followed the Enforcement action to remove them from Trimpley Lane. The family have 3 pitches on this site which the County Council refer to as the some of the best kept pitches they have. It is unclear whether Mr Smith resides at Lower Heath as the supporting statement suggests, additional information obtained from the Applicants Agent refers to him as “of no fixed abode” and that he has been at a site in Droitwich and has since moved on. On this basis the personal circumstances which are heavily linked to occupation at Lower Heath be treated as having little weight. The medical circumstances of the applicant have also been taken into account but do not convince me that the need for the caravan must be met in this location particularly given the harm that would result as outlined above.

CHANGES IN POLICY AND CIRCUMSTANCES SINCE 2000

- 4.23 It is acknowledged that policies have changed, but not substantially as claimed by the Applicant’s Agent. Local Green Belt policy remains in tact and whilst now in a new document the framework is still the same. The key change is the inclusion of phase in circular 01/06 that *“traveller sites are normally inappropriate”*. As set out above it considered that the site does constitute inappropriate development in the Green Belt, and approach which was adopted by the Planning Inspectorate both in the Churchill appeal and a previous appeal in Cursley Lane. In respect of the more permissive regime, the circular is clear that a Core Strategy should set out the criteria for looking at new sites, this has been done and as detailed above the site fails to meet this criteria.
- 4.24 The site has changed since 2000, in that permission has been given for the use of land for keeping of horses and stables. Such use of land and development is appropriate in the Green Belt and permission was given on the basis of the prevailing policy at the time and was found to be compliant. The fact appropriate development has been permitted does not give any inference that inappropriate development can also be permitted, or that residential accommodation can be allowed.
- 4.25 The Inspector when looking previously at this site concluded that there were clear cut objections on the grounds of Green Belt policy which continues the same today. When taking all material circumstances into account the previous appeal decision which was found to be legally sound stands true.

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HUMAN RIGHTS AND RACE RELATIONS

- 4.26 It is recognised that the refusal of this permission will interfere with the Applicant's Human rights under Article 8 of the European Convention of Human Rights in preventing the applicant in establishing a home and interfering with his private and family life. This interference must be weighed against the wider public interest and the protection of the rights of others in line with Article 8 and Article 1 of the first protocol. It is concluded above that substantial harm will ensue to the Green Belt and landscape if this application is approved. Having balanced all elements, it is considered that refusal is the only way to preserve the wider public interest of the preservation of the Green Belt and the landscape and provides the correct balance in this case. Circular 01/2006 states, *"The obligation on public authorities to act compatibly with Convention rights does not give gypsies and travellers a right to establish sites in contravention of planning control."*
- 4.27 Due regard has also been given to the Race Relations Act 1976 which prohibits racial discrimination by planning authorities in carrying out their planning functions. However whilst local authorities have a duty to actively seek to eliminate unlawful discrimination this does not give gypsies and travellers a right to establish sites in contravention of planning policies.

VERY SPECIAL CIRCUMSTANCES

- 4.28 Having weighed all circumstances put forward to I do not consider that the harm caused cannot be outweighed and as such very special circumstances do not exist. I have considered whether a personal or temporary permission clearly would be acceptable however given the harm that would be created by this proposal; this would be unacceptable even for a short period of time. I do not feel that the arguments advanced by the Applicants are strong enough to justify a temporary or personal permission.

5.0 Conclusions and Recommendations

- 5.1 The proposal constitutes inappropriate development in the Green Belt reducing openness, causing harm to its visual amenity and would be detrimental to the character of the Landscape. The circumstances put forward have been fully considered but do not outweigh the harm that would be created even on a temporary or personal basis.

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5.2 Having balanced the Applicant's case against national and local planning policy and having due regard to Article 1 of the First Protocol, Article 8 of the European Convention of Human Rights and the Race Relations Act 1976, it is recommended that the application be **REFUSED** for the following reasons:

- 1) The site is located within the West Midlands Green Belt. The development is considered to be inappropriate within the Green Belt which is by definition harmful. There is further harm caused to the openness and appearance of the Green Belt. It is considered that there are no very special circumstances to justify this inappropriate development and as such the proposal is contrary to Policy GB.1 of the Adopted Wyre Forest District Local Plan, Policies D.12 and D.39 of the Worcestershire County Structure Plan, Policy 20 of the emerging Site Allocations and Policies DPD and government guidance within PPG2.
- 2) Due to the topography of the area the site is in an elevated and prominent location particularly when viewed from the Public Rights of Way to the west. The proposed development would detract from and harm the character of landscape and the visual amenity of the Green Belt in this rural location contrary to Policy GB.6 of the Adopted Wyre Forest District Local Plan, Policies CP06 and CP12 of the Adopted Wyre Forest Core Strategy, the aims of Policies QE1 and QE6 of the West Midlands Regional Spatial Strategy and Government guidance in PPG2 and PPS7.
- 3) The location of the residential accommodation fails to accord with:
 1. Housing Policies H.2 or H.9 of the Adopted Wyre Forest District Local Plan, or Policies DS01 or DS04 of the Adopted Wyre Forest Core Strategy, or policies 1 or 2 of the emerging Site Allocations and Policies DPD;
 2. Gypsy Site Provision Policy CP06 of the Adopted Wyre Forest Core Strategy in that it is not within or around the settlement boundaries of Kidderminster or Stourport on Severn and that sequentially preferable sites are available; or
 3. Residential Caravans and Mobile Homes Policy H.16 of the Adopted Wyre Forest District Local Plan and Policy D.17 of the Worcestershire County Structure Plan.

The above policies seek to guide residential development to appropriate locations. To approve the development at the location proposed would retain a solitary development which lies outside a settlement boundary and goes against planning policy which seeks to protect the Green Belt and open countryside.

Agenda Item No. 5

Application Reference: 11/0518/FULL **Date Received:** 19/08/2011
Ord Sheet: 377862 275595 **Expiry Date:** 14/10/2011
Case Officer: Stuart Allum **Ward:** Bewdley and Arley

Proposal: Proposed Two Storey Extension. Variation to approved scheme under 10/0491/FULL

Site Address: 1 BALDWIN ROAD, BEWDLEY, DY122BP

Applicant: Mr J Wilks

Summary of Policy	D.17, TR.17 (AWFDLP) CP03, CP11 (AWFCS) PPS1
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 No. 1 Baldwin Road is a semi-detached dwelling located in an allocated housing area to the north-west of Bewdley town centre.
- 1.2 No. 1, and its party wall neighbour, No. 3, are located on a corner site, each domestic curtilage being triangular in shape.
- 1.3 The remainder of the dwellings in the immediate vicinity are arranged on very regular building lines, in a geometric form.
- 1.4 Beyond Baldwin Road to the north is an open rural area.

2.0 Planning History

- 2.1 08/0096/OUTL - Erection of detached dwelling (siting and access to be determined) : Refused 13/03/08.
- 2.2 08/0367/OUTL - Erection of detached dwelling (access and layout to be determined (re-submission of 08/0096/OUTL) : Refused 02/06/08; Appeal dismissed 19/02/09.
- 2.3 10/0491/FULL - Two-storey and single storey side extensions, formation of car parking area : Approved 19/10/10.
- 2.4 11/0375/FULL -Two-storey side extensions, formation of parking area (Re-submission of 10/0491/FULL : Withdrawn 16/08/11.

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3.0 Consultations and Representations

- 3.1 Bewdley Town Council - No objection to the proposal and recommend approval. Views awaited on Revised Plans.
- 3.2 Worcestershire Regulatory Services (Environmental Health) - No objections subject to note (proximity to landfill site).
- 3.3 Neighbour/Site Notice - No representations received. Views awaited on Revised Plans.

4.0 Officer Comments

- 4.1 Proposals involving the extension or alteration to an existing residential property, including curtilage buildings and previous extensions, must:
 - (i) be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building;
 - (ii) be subservient to and not overwhelm the original building, which should retain its visual dominance;
 - (iii) harmonise with the existing townscape or landscape and not create incongruous features; and
 - (iv) not have a serious adverse effect on the amenity of neighbouring residents or occupiers.
- 4.2 In this case, the applicant has commenced work on site to implement the extensions approved under Council reference 10/0491/FULL.
- 4.3 That application, in its original form before revision, showed a wider side extension which was considered to be disproportionate to the original building.
- 4.4 The applicant has decided to persevere with that original aspiration and in an attempt to diminish the massing of the associated extension roof, a lower roof has now been specified showing twin hips with a 'valley' between them.
- 4.5 The roof reduction and re-design is an attempt to overcome the policy objection based on disproportionality, but the prominent position of the side elevation of the revised proposal in the street scene would lead to the creation of an architecturally awkward and incongruous feature in that context. In addition, the two-storey extension would also be out of keeping with the form and architectural characteristics of the original dwelling.
- 4.6 Regarding issues of privacy and 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. No potential breach has been identified, which is also the case in relation to the appropriate planning policies.

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5.0 Conclusions and Recommendations

5.1 This proposal fails to meet the requirements of the appropriate planning policies.

5.2 It is therefore recommended that this application be **REFUSED** for the following reason:

- 1) The proposed two-storey extension would be out of keeping with the form and architectural characteristics of the original building. In addition, it would appear as a prominent and incongruous feature in the Baldwin Road street scene by introducing an architecturally discordant feature in the form of twin hipped roofs to the established residential layout and architectural style of the immediate neighbourhood. The development is therefore considered to be contrary to Policy D.17 of the Adopted Wyre Forest District Local Plan and Policy CP 11 of the Wyre Forest Core Strategy.

Application Reference:	11/0523/FULL	Date Received:	22/08/2011
Ord Sheet:	380712 270809	Expiry Date:	21/11/2011
Case Officer:	Paul Round	Ward:	Areley Kings

Proposal: Variation of Condition 1 of Planning Permission WF/0022/95 to change closed period between 5th January and 5th February each year

Site Address: WALSHES FARM CARAVAN PARKS LTD, WALSHES FARM, DUNLEY ROAD, STOURPORT-ON-SEVERN, DY130AA

Applicant: WALSHES FARM CARAVAN PARKS LTD

Summary of Policy	CP02, CP10, CP12 (AWFCS) RST14 (WCSP) PA10 (WMRSS) PPS1, Good Practice Guide on Planning for Tourism
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Walshes Farm Caravan Park is located on the edge of Stourport on Severn Town Centre, accessed off The Rough and sandwiched between Council owned land which forms the Redstone Local Nature Reserve and the playing fields off Harold Evers Way.
- 1.2 The site is within the Floodplain and borders a special wildlife site and open space. The site is identified as a holiday caravan site on the Local Plan proposals map.
- 1.3 The application seeks to vary the 'closed' period from 1st January – 1st February to 5th January – 5th February.

2.0 Planning History

- 2.1 WF.0008/84 – Shop and facilities : Approved.
- 2.2 WF.0748/84 – Extension from 8 months to 10 months : Approved.
- 2.3 WF.0822/85 – New offices, shops, toilets etc : Approved.
- 2.4 WF.0636/86 – Dwelling : Approved.

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2.5 WF.0022/95 – Variation from 10 months to 11 months : Approved.

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – No objection and recommend approval.

3.2 Highway Authority – No objections.

3.3 Housing Services Manager – No objections.

3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 This is a relatively straight forward application seeking for movement of the start and end of the closed period by 5 days.

4.2 The site operates as a holiday site and planning permissions exist allowing occupation for 11 months of the year between the 1st February and the 31st December each year, given in 1995. Unfortunately this time-frame provides difficulties for the owners in ensuring compliance especially when trying to get occupants to leave on the 1st of January directly after New Year's Eve. As such, it is proposed to move the close period by 5 days to allow time after the festive celebrations to vacate the site, whilst still maintaining the month closure.

4.3 The proposal is acceptable as the proposed condition is still enforceable and maintains the clear break in occupation to ensure than permanent occupation is not established in this area. Whilst it is permissible for the Local Planning Authority to consider the imposition of new conditions should it feel the need, on this occasion through negotiations with the Applicant similar conditions are proposed to those that are already imposed on the site.

4.3 Although the site falls with Flood Zones 2 and 3 due to the nature of the application, there will be no additional harm caused.

5.0 Conclusions and Recommendations

5.1 The proposal is acceptable and maintains the 11 month occupancy of the site as originally intended. There are no other issues that will be adversely affected by this proposal.

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5.2 It is therefore recommended that **APPROVAL** be granted subject to the following conditions:

1. The caravans sited within the red line on the approved plans shall not be occupied at any time during 5th January to 5th February inclusive, during which the park shall be closed except for access for maintenance requirements or park owners and staff.

Reason

To preclude the use of the site as permanent residential accommodation and to comply with Policy H.9 of the Adopted Wyre Forest District Local Plan and Policies DS04, CP02 and CP10 of the Adopted Wyre Forest Core Strategy as the site lies outside an allocated area and within an area liable for flooding.

2. The use of the caravan site shall be for holiday purposes only.

Reason

To preclude the use of the site as permanent residential accommodation and to comply with Policy H9 of the Adopted Wyre Forest District Local Plan and Policies DS04, CP02 and CP10 of the Adopted Wyre Forest Core Strategy as the site lies outside an allocated area and within an area liable for flooding.

Reason for Approval

The variation of condition is acceptable as it maintains the 11 month holiday occupancy of the site and ensure the site is not established as permanent residential accommodation in order to comply with Policies H.9, TM.6, NC.5 and NR.5 of the Adopted Wyre Forest District Local Plan as the site lies outside an allocated area and within an area liable for flooding.

Wyre Forest District Council

Planning Committee Meeting 11 October 2011

List of Pending Applications

NB This list includes all applications upon which no decision has been issued, including applications proposed to be determined at this Committee

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
WF/0469/05	29/04/2005	24/06/2005	1 OX BOW WAY KIDDERMINSTER DY102LB	Full : Change of use of 3m strip of land, enclosure with timber fence - Variation to Conditions 11 and 12 of WF.222/94; Variation to Section 106 Agreement, 3 metre strip of land to rear of	The Owners of,	Paul Round
08/0034/LIST	17/01/2008	13/03/2008	20, 21 & 22 HORSEFAIR KIDDERMINSTER DY102EN	Demolition of 20, 21 & 22 Horsefair	Wyre Forest Community Housing Ltd	Paul Wrigglesworth
08/0035/FULL	17/01/2008	13/03/2008	20,21,22 & 23 HORSEFAIR KIDDERMINSTER DY102EN	Demolition of existing buildings and erection of 5 No affordable dwellings	Wyre Forest Community Housing Ltd	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
08/0445/S106	01/05/2008	26/06/2008	FORMER STOURVALE WORKS DEVELOPMENT OFF OXBOW WAY KIDDERMINSTER DY102LB	Variation of S106 Agreement to allow alternative access arrangements to Puxton Marsh and non-provision of on site play area.	Cofton Ltd	Paul Round
08/0495/FULL	19/05/2008	18/08/2008	THE OLD POST OFFICE SITE BLACKWELL STREET KIDDERMINSTER DY102DY	Retention/Refurbishment of Old Post Office frontage building, demolition to rear and construction of 54 apartments with undercroft parking.	Regal Executive Homes	Paul Wrigglesworth
08/0500/FULL	22/05/2008	21/08/2008	LAND AT CORNER OF THE TERRACE/TENBURY ROAD CLOWS TOP KIDDERMINSTER DY14 9HG	Erection of 12 dwellings with associated parking & access	Marcity Developments Ltd	Paul Round
08/1044/FULL	12/11/2008	11/02/2009	FORMER VICTORIA SPORTS FIELD SPENNELLS VALLEY ROAD KIDDERMINSTER	Erection of a hotel (C1); public house/restaurant (A4); indoor and outdoor bowling facility (D2), access, car parking, landscaping and associated works (Resubmission of 07/1165/FULL)	Victoria Carpets Ltd	Julia Mellor
09/0156/S106	03/03/2009	28/04/2009	TARN 1-16 SEVERN ROAD STOURPORT-ON-SEVERN	Variation of S.106 agreement attached to WF1208/04 to change tenure of affordable housing units	West Mercia Housing Group	Paul Round
09/0181/FULL	13/03/2009	08/05/2009	LOWER HOUSE BARN ARELEY LANE STOURPORT-ON-SEVERN DY130TA	Retrospective application for the retention of the use of land for inclusion within the residential curtilage including retention of the shed and decking	Mr B Young	Stuart Allum
09/0223/FULL	30/03/2009	25/05/2009	39 LOAD STREET BEWDLEY DY122AS	Change of use from shop (A1) to tattoo studio (Sui Generis)	Etch Body Art	Stuart Allum

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09/0575/CERTE	12/08/2009	07/10/2009	30 MALHAM ROAD STOURPORT-ON-SEVERN DY138NR	Storage of motorcycles in own garage for use as motorcycle training establishment	Mr T Meola	Paul Round
09/0598/CERTE	21/08/2009	16/10/2009	STABLE COTTAGE FOXMEAD CALLOW HILL ROCK KIDDERMINSTER DY149XW	Use of existing former stable block building as a dwelling.	Mr & Mrs M Kent	Julia Mellor
10/0056/FULL	05/02/2010	02/04/2010	SAIWEN LOWER HEATH STOURPORT-ON-SEVERN DY139PQ	Change of use of land to the rear of Sai Wen for a gypsy caravan site; for the siting of five static caravans, one mobile home, two touring caravan pitches, the erection of an amenity block and retention of existing dwelling for residential use	Mrs Betsy Wilson	Julia Mellor
10/0121/CERTE	10/03/2010	05/05/2010	THE ORCHARD WORCESTER ROAD HARVINGTON KIDDERMINSTER DY104LY	Use part of site for the storage and sale of motor vehicles	MR N PERRINS	Paul Round
10/0181/CERTE	30/03/2010	25/05/2010	DOVEYS COTTAGE ROCK KIDDERMINSTER DY149DR	Use of land as residential curtilage associated with Doveys Cottage for a period in excess of ten years.	Mr Keith Billingsley	Paul Round
10/0472/CERTP	17/08/2010	12/10/2010	HORSELEY COTTAGE HOBRO WOLVERLEY KIDDERMINSTER DY115TA	Conversion of existing garage to form ancillary accommodation. Proposed garden store	Mr C Fortnam	Paul Round
10/0550/FULL	20/09/2010	20/12/2010	LAND ADJACENT TO SEBRIGHT ROAD KIDDERMINSTER DY115UE	The construction of ten affordable dwellings	Wyre Forest Community Housing	Paul Round
10/0598/FULL	07/10/2010	02/12/2010	LAND ADJACENT TO 35 LONG ACRE KIDDERMINSTER DY102HA	Renewal of Planning Permission 07/0823 to erect a 3 No. bedroom dwelling	Mr S Milward	Paul Wrigglesworth

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10/0659/RESE	04/11/2010	03/02/2011	SITE ADJACENT TO ROWBERRYS NURSERIES LOWER CHADDESLEY KIDDERMINSTER	Erection of a new primary school, together with caretakers accommodation, swimming pool, car parking, creation of new access off A448, landscaping and associated highway and infrastructure works (Reserved Matters following Outline Consent 07/0482/OUTL)	The Trustees of Chaddesley Corbett Primary School	John Baggott
11/0109/FULL	28/02/2011	30/05/2011	CONVEYOR UNITS LTD SANDY LANE TITTON STOURPORT-ON-SEVERN DY139PT	Proposed covered store for use in association with Conveyor Units (use Class B8)	CONVEYOR UNITS LTD	Julia Mellor
11/0110/FULL	28/02/2011	25/04/2011	LAND OPPOSITE THE GATEHOUSE NELSON ROAD SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN DY139QB	Change of use to Gypsy Caravan Park with 8 pitches and amenity block for temporary two year period	Mr & Mrs J Jones	Julia Mellor
11/0136/OUTL	08/03/2011	03/05/2011	26 & 28 LESWELL STREET KIDDERMINSTER DY101RP	Proposed demolition of 26 and 28 Leswell Street and erection of 6No two bed and 2No one bed apartments	Leswell Street Enterprises	Stuart Allum
11/0146/FULL	10/03/2011	05/05/2011	50 STOURPORT ROAD BEWDLEY DY121BL	Part change of use of domestic property to day nursery for up to 16 children	Mrs K Hopkins	James Houghton
11/0163/FULL	16/03/2011	11/05/2011	CHURCHFIELDS BUSINESS PARK CLENSMORE STREET KIDDERMINSTER DY102JY	Construction of 223 dwellings and associated roadworks and landscaping (following demolition of existing buildings)	Bellway Homes (West Midlands) Ltd	Julia Mellor
11/0172/LIST	22/03/2011	17/05/2011	HARVINGTON HALL HARVINGTON HALL LANE HARVINGTON KIDDERMINSTER DY104LR	Installation of a lightweight glass and steel draught lobby	HARVINGTON HALL MANAGEMENT COMMITTEE	James Houghton

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11/0177/FULL	22/03/2011	17/05/2011	LAND BETWEEN 3 & 4 PINTA DRIVE STOURPORT-ON-SEVERN DY139RY	Change of use from play area to residential development comprising 2 No. detached dwellings, parking and associated access	Taylor Wimpey North Midlands	Paul Round
11/0195/FULL	31/03/2011	26/05/2011	LAND ADJACENT TO NUNNS CORNER GYPSY SITE G SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN	Change of use to allow extension to existing tolerated gypsy caravan park to create 2 additional pitches (part retrospective)	Mrs W Peacock	Paul Round
11/0252/FULL	26/04/2011	26/07/2011	HOPLEYS CAMPING AND CARAVAN SITE DODDINGTREE CLEOBURY ROAD BEWDLEY DY122QL	Change of use of land for the provision of tent pitches and retention of 4 tepees, associated stoned access ways, minor adjustment of levels and landscaping	Mr J Hopley	James Houghton
11/0296/FULL	11/05/2011	06/07/2011	THE DOWER COTTAGE BROOME STOURBRIDGE DY9 0HB	Erection of boundary wall (in place of previously proposed stone wall)	MR P BROWN	Paul Wrigglesworth
11/0297/LIST	19/05/2011	14/07/2011	KNIGHT HOUSE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Front stone canopy porch, re-roofing main roof, conversion of existing garage to sitting room. Re-skinning existing rear and side single storey extensions, new balcony guard rail, new windows to rear elevation	Mr G Hawkins	James Houghton
11/0304/FULL	24/05/2011	19/07/2011	47 MANOR ROAD STOURPORT-ON-SEVERN DY139DW	Demolition of original extension at side/rear and erection of replacement extension	Mr G Taylor	James Houghton
11/0305/LIST	24/05/2011	19/07/2011	47 MANOR ROAD STOURPORT-ON-SEVERN DY139DW	Demolition of original extension at side/rear and erection of replacement extension	Mr G Taylor	James Houghton

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11/0309/FULL	25/05/2011	24/08/2011	1 FREDERICK ROAD HOO FARM INDUSTRIAL ESTATE WORCESTER ROAD KIDDERMINSTER DY117RA	Change of use from wholesale cash and carry and storage and distribution use (Class B8) to bulky goods retail (Class A1), creation of egress onto Edwin Avenue and associated works	Arrowcroft (JB) Limited	Paul Wrigglesworth
11/0310/FULL	25/05/2011	24/08/2011	UNIT 1 FREDERICK ROAD AND LAND TO THE WEST HOO FARM INDUSTRIAL ESTATE WORCESTER ROAD KIDDERMINSTER DY117RA	Change of use from wholesale cash and carry (Class B8) to bulky goods retail (Class A1) and associated works	Arrowcroft (JB) Limited	Paul Wrigglesworth
11/0308/FULL	31/05/2011	26/07/2011	KNIGHT HOUSE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Double detached garage with guest room above. Timber garden room and garden pond	Mr G Hawkins	James Houghton
11/0360/RESE	01/06/2011	27/07/2011	REAR OF 60 STOURBRIDGE ROAD KIDDERMINSTER DY102PR	Erection of a pair of semi-detached houses (details submitted relate to the layout, appearance and landscaping of the development approved under Ref 08/0298/OUTL)	Mr D Reece	Stuart Allum
11/0352/FULL	08/06/2011	03/08/2011	ARLEY ARBORETUM ARLEY BEWDLEY DY121SQ	Erect solar photovoltaic panels on existing Tea Room Roof	R D Turner Charitable Trust	Paul Round
11/0358/ADVE	13/06/2011	08/08/2011	18 VICAR STREET KIDDERMINSTER DY101DA	1No internally illuminated fascia sign, 1No internally illuminated projecting sign and application of vinyl adverts to window	Jacobs & Turner T/A Trespass	Stuart Allum
11/0359/FULL	13/06/2011	08/08/2011	90 ST. JOHNS AVENUE KIDDERMINSTER DY116AZ	Rear first floor extension	Ms JULIE HOPKINS	Stuart Allum
11/0378/FULL	27/06/2011	22/08/2011	FORMER JACKSONS PH MARLPOOL LANE KIDDERMINSTER DY115DA	Installation of new air conditioning plant and extract duct ventilation	TATES LTD	James Houghton

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11/0390/FULL	28/06/2011	27/09/2011	CORNER OF HURCOTT ROAD AND STOURBRIDGE ROAD KIDDERMINSTER DY102PJ	Demolition of 5No. maisonette blocks and erection of 97 dwellings (Apartments and Dwellinghouses)	Wyre Forest Community Housing	John Baggott
11/0385/FULL	29/06/2011	24/08/2011	LITTLE MAYHILL FARM RANTERS BANK FAR FOREST KIDDERMINSTER DY149DT	Proposed rear extension	MR M STANIER	Julia McKenzie-Watts
11/0388/FULL	30/06/2011	25/08/2011	FORMER JACKSONS PH MARLPOOL LANE KIDDERMINSTER DY115DA	Use of unit no2, approved under planning permission ref 11/0115/FULL for purposes within A1(shops)A2(financial & professional services)A3(restaurants & cafes)A4(drinking establishments)A5(hot food takeaways)	Marstons Estates Ltd	James Houghton
11/0395/CERTE	04/07/2011	29/08/2011	CHURCH FARM BUNGALOW CHURCHILL KIDDERMINSTER DY103LY	Certificate for occupation of dwelling unfettered by agricultural worker occupancy condition	T F Bache Trust	Paul Wrigglesworth
11/0404/FULL	06/07/2011	31/08/2011	SUNNYSIDE POUND GREEN ARLEY BEWDLEY DY123LB	Additional works following planning permission 11/0184 single storey rear extension addition of pitched roofing external rendering of all elevations	Mr D Docker	Stuart Allum
11/0403/FULL	07/07/2011	01/09/2011	16 BROOKSIDE WAY BLAKEDOWN KIDDERMINSTER DY103NE	First floor side extension, front porch canopy and new pitched roof to ground floor cloakroom and toilet	Mr & Mrs D Sheffield	James Houghton
11/0410/FULL	08/07/2011	02/09/2011	45 WOODLAND AVENUE KIDDERMINSTER DY115AN	Extensions and alterations to front of property	Mr D Haywood	Julia McKenzie-Watts

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11/0408/FULL	11/07/2011	10/10/2011	THOMAS VALE CONSTRUCTION PLC FIRS INDUSTRIAL ESTATE KIDDERMINSTER DY117QN	Modification (internal and external) of an existing 1 & 2 storey building, with change of use from B8 to B1 to provide business support facilities and a construction technologies training academy, new build start-up business units and associated landscaping and parking	Thomas Vale Construction	Paul Round
11/0409/FULL	13/07/2011	07/09/2011	BRIARS HOTEL 100 HABBERLEY ROAD KIDDERMINSTER DY115PN	Conversion of existing derelict former public house/hotel into one residential dwelling, with associated driveway, garage and private garden	Elan Real Estate Ltd	Julia McKenzie-Watts
11/0420/FULL/O	15/07/2011	14/10/2011	LAND AT CHURCHFIELDS KIDDERMINSTER	HYBRID APPLICATION: AREA A - FULL DETAILS: PROPOSED FOODSTORE (USE CLASS A1) AND PETROL FILLING STATION; ASSOCIATED PLANT, MEANS OF ENCLOSURE, RECYCLING, PARKING AND HIGHWAY WORKS INCLUDING NEW LINK ROAD BETWEEN THE RINGWAY AND CHURCHFIELDS; DEMOLITION OF EXISTING BUILDINGS, WITH EXCEPTION OF THE 1902 BUILDING (PART DEMOLITION PART RETENTION AND CHANGE OF USE TO CAFE, CUSTOMER AND COLLEAGUE FACILITIES). AREA B - OUTLINE: PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 26 UNITS WITH ASSOCIATED ACCESS AND PARKING; DEMOLITION OF EXISTING BUILDINGS. (LAYOUT AND ACCESS TO BE DETERMINED).	Asda Stores Ltd	Julia Mellor

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11/0422/FULL	15/07/2011	09/09/2011	17-20 NEW ROAD KIDDERMINSTER DY101AF	Change Of Use and Proposed Alterations to Form Indoor and Outdoor Retail Market Area and Cafe to First Floor.	Mr M Ghoncheh	Paul Wrigglesworth
11/0426/FULL	18/07/2011	12/09/2011	56B HILLGROVE CRESCENT KIDDERMINSTER DY103AR	Proposed single storey side extension, rear decking and double garage	Mr Tildesley	Stuart Allum
11/0427/FULL	18/07/2011	12/09/2011	73 CASTLE ROAD COOKLEY KIDDERMINSTER DY103TD	Retrospective application for the erection of detached building to house an historic steam roller	MS PENNY WARWICK	Stuart Allum
11/0431/LIST	18/07/2011	12/09/2011	91 WELCH GATE BEWDLEY DY122AX	Proposed internal alterations	Mrs V Marshall	Julia McKenzie-Watts
11/0432/RESE	18/07/2011	17/10/2011	37-38 OLDNALL ROAD KIDDERMINSTER DY103HN	Application for the approval of landscaping details, pursuant to the requirements of conditions 1 & 3 of outline planning permission 07/1025 for a 70 bedroom residential care home	Castleoak Care Developments	Paul Wrigglesworth
11/0433/FULL	18/07/2011	12/09/2011	LITTLE HAYES HOUSE LITTLE HAYES WOLVERLEY KIDDERMINSTER DY115UN	Proposed single storey side extension	MRS J LEIGH	Stuart Allum
11/0435/FULL	18/07/2011	12/09/2011	23 & 29 YORK STREET 1 & 1A BRIDGE STREET STOURPORT-ON- SEVERN DY139EH	Internal and external works to create 4 No. 1 bed flats	SUNCREST HOLDINGS LTD	Julia McKenzie-Watts
11/0436/LIST	18/07/2011	12/09/2011	23 & 29 YORK STREET 1 & 1A BRIDGE STREET STOURPORT-ON- SEVERN DY139EH	Internal and external works to create 4 No. 1bed flats	SUNCREST HOLDINGS LTD	Julia McKenzie-Watts

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11/0437/LIST	19/07/2011	13/09/2011	ELLIOT HOUSE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XE	Replacement of existing gates with new wrought iron gates to match existing and installation of automatic opening mechanism	Mr Paul Davies	James Houghton
11/0439/FULL	21/07/2011	15/09/2011	HERONS PARK NURSING HOME HERONSWOOD ROAD KIDDERMINSTER DY104EX	Provision of additional bedroom converted from existing accommodation in association with approved scheme for 24 bedroom extension (09/0731)	ROYAL BAY CARE HOMES	Paul Wrigglesworth
11/0449/FULL	21/07/2011	15/09/2011	2 QUEENS ROAD STOURPORT- ON-SEVERN DY130BH	Variation of condition 3 of Planning Permission 10/0745/FULL to allow alternative extraction scheme to be installed	Mr S Gogna	Stuart Allum
11/0451/FULL	22/07/2011	16/09/2011	26 WORCESTER ROAD SHENSTONE KIDDERMINSTER DY104BU	Demolition of existing house and erection of detached bungalow and garage, erection of boundary wall	Mr & Mrs Jones	James Houghton
11/0450/FULL	25/07/2011	19/09/2011	THE FINGERPOST CLEOBURY ROAD ROCK KIDDERMINSTER DY149TA	2 Storey side extension	MR C WOODHOUSE	Stuart Allum
11/0454/FULL	25/07/2011	19/09/2011	RUSHMERE BLISS GATE ROAD ROCK KIDDERMINSTER DY149XS	Use of existing stationary caravan by carer for two (2) years	MR J GREASLEY	Paul Round
11/0448/OUTL	26/07/2011	20/09/2011	LAND ADJACENT TO 42 BRIAR HILL CHADDESLEY CORBETT KIDDERMINSTER DY104SH	Erection of a single storey dwelling	Mr A Gregory	Stuart Allum

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11/0458/FULL	27/07/2011	21/09/2011	THE SALON BROUGHTON COTTAGE THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Single storey extension to rear with internal modifications to create separate living accommodation with balcony over; replacement of rear flat roof with pitched truss gable roof; single storey extension to side to provide entrance to flats	MISS V PAVLOVIC	Stuart Allum
11/0459/FULL	27/07/2011	21/09/2011	CASTLE LOCKS APARTMENTS CASTLE ROAD KIDDERMINSTER DY116TH	Minor alterations to roadway junction of site access road and Castle Road to extend the length of dropped kerbs	Great Titchfield Developments Ltd	James Houghton
11/0460/LIST	27/07/2011	21/09/2011	THE SALON BROUGHTON COTTAGE THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Single storey extension to rear with internal modifications to create separate living accommodation with balcony over ;replacement of rear flat roof with pitched truss gable roof; single storey extension to side to provide entrance to flats	MISS V PAVLOVIC	Stuart Allum
11/0463/FULL	29/07/2011	23/09/2011	19 LINDEN AVENUE KIDDERMINSTER DY103AB	Two storey extension and modifications to existing bedroom suite over garage	P Wood	Julia McKenzie- Watts
11/0464/LIST	29/07/2011	23/09/2011	236 WESTBOURNE STREET BEWDLEY DY121BS	Installation of satellite dish on chimney	Mrs J B Roberts	James Houghton
11/0467/FULL	29/07/2011	23/09/2011	LAND AT POWER STATION ROAD STOURPORT-ON-SEVERN DY13 9PF	Change of use from play area to residential development comprising 9 No. dwellings with associated access and parking	Taylor Wimpey North Midlands	Paul Round
11/0468/FULL	29/07/2011	23/09/2011	LAND ADJACENT TO POWER STATION ROAD AND WORCESTER ROAD STOURPORT-ON-SEVERN DY139RP	Change of use from play area to residential development comprising 5No dwellings with associated access and parking	Taylor Wimpey North Midlands	Paul Round

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11/0469/FULL	01/08/2011	26/09/2011	RICHMOND ROAD BEWDLEY	Erection of 5 No. affordable dwellings	Wyre Forest Community Housing	James Houghton
11/0471/FULL	01/08/2011	26/09/2011	CLENT AVENUE BIRCHEN COPPICE KIDDERMINSTER	7 No. Affordable Dwellings (5 no. 2 bed and 2 no. 3 bed - alternative scheme to planning approval 08/0311/FULL)	Wyre Forest Community Housing	Julia McKenzie-Watts
11/0473/TREE	02/08/2011	27/09/2011	13 SOUTHGATE CLOSE KIDDERMINSTER DY116JN	Fell a Lime Tree	Mr W G Every	Alvan Kingston
11/0478/LIST	02/08/2011	27/09/2011	6 WYRE HILL BEWDLEY DY122UE	Demolition of a single storey extension to the rear of the property and the erection of a new single storey extension	Mrs V Austin	James Houghton
11/0481/TREE	08/08/2011	03/10/2011	FINEPOINT FINEPOINT WAY KIDDERMINSTER DY117FB	Various tree works	High Cross Strategic Advisors Ltd	Alvan Kingston
11/0482/FULL	08/08/2011	03/10/2011	1 & 2 WHITE HOUSE FARM COTTAGES RIBBESFORD ROAD STOURPORT-ON-SEVERN DY130TF	Demolition of part of property allowing severance to create 2No. detached properties; creation of new gable walls and two storey rear extension to No 1	Mr C Jones	Paul Round
11/0484/FULL	08/08/2011	03/10/2011	ABBOTSFORD BELBROUGHTON ROAD CLENT STOURBRIDGE DY9 0EW	Alterations and extension to detached garage and garden room.	Mr & Mrs R Stringfellow	James Houghton
11/0485/FULL	09/08/2011	04/10/2011	9 DUNLEY ROAD STOURPORT-ON-SEVERN DY130AY	Two storey extensions to front and side	Mr & Mrs J and C Tromans	Stuart Allum

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11/0488/FULL	10/08/2011	05/10/2011	THE WOODLANDS RIFLE RANGE ROAD KIDDERMINSTER DY117NN	Extension to sheltered accommodation to provide 3 additional flats, alterations to warden's flat, new security wall to front, 1.8m high fence to sides and extra car parking facilities	Wyre Forest Community Housing	Stuart Allum
11/0490/TREE	11/08/2011	06/10/2011	11 BARNETTS CLOSE KIDDERMINSTER DY103DG	Removal of large tree	Mr Michael Rose	Alvan Kingston
11/0491/TREE	11/08/2011	06/10/2011	7 WANNERTON ROAD BLAKEDOWN KIDDERMINSTER DY103NG	Various tree works	Mrs M Gaynham	Alvan Kingston
11/0540/FULL	11/08/2011	06/10/2011	CHANTERS HOLLOW 26 WHITEHILL ROAD KIDDERMINSTER DY116JJ	Extension to existing garage with granny flat in loft	Mr J Bowen	Stuart Allum
11/0492/FULL	12/08/2011	07/10/2011	EASTHAMS FARM LOW HABBERLEY KIDDERMINSTER DY115RQ	Replacement Bungalow	Mr R Jones	Paul Round
11/0493/LIST	12/08/2011	07/10/2011	GLENHURST PLEASANT HARBOUR BEWDLEY DY121AD	Erection of rear extension and internal alterations to provide enlarged and improved living accommodation (Amendments to Listed Building Consent 10/0419/LIST)	MR M THORPE	James Houghton
11/0494/FULL	12/08/2011	07/10/2011	GLENHURST PLEASANT HARBOUR BEWDLEY DY121AD	Erection of rear extension and internal alterations to provide enlarged and improved living accommodation (Amendments to Planning Permission 10/0418/FULL)	MR M THORPE	James Houghton
11/0495/ADVE	12/08/2011	07/10/2011	18 VICAR STREET KIDDERMINSTER DY101DA	Signage box fascia sign	Jacobs & Turner T/A Trespass	Stuart Allum

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11/0496/FULL	15/08/2011	10/10/2011	OAK TREE COTTAGE DEASLAND LANE HEIGHTINGTON BEWDLEY DY122XQ	Fit Solar P.V Panels to roof of agricultural barn	Mr & Mrs J Fernihough	James Houghton
11/0497/FULL	15/08/2011	10/10/2011	WOODVALE DRAKELOW LANE WOLVERLEY KIDDERMINSTER DY115RY	Retention of use of land for domestic purposes (former agricultural land)	Mr P Whitehouse	Stuart Allum
11/0499/FULL	15/08/2011	10/10/2011	NEW OAK BARN AUSTCLIFFE ROAD COOKLEY KIDDERMINSTER DY103UP	Extension to existing stable block to form 1No. additional stable (Resubmission of 11/0047/FULL)	MR D BORASTON	Stuart Allum
11/0511/FULL	15/08/2011	14/11/2011	MANOR INN 76 MINSTER ROAD STOURPORT-ON-SEVERN DY138AP	Construction of a 70 bed Care Home (Use Class 2) with associated parking (after demolition of existing building)	STOURPORT ON SEVERN CARE LTD	Julia Mellor
11/0500/FULL	16/08/2011	11/10/2011	54 MANOR ROAD STOURPORT-ON-SEVERN DY139DW	Single storey extension to the front	Mrs M Coleman	James Houghton
11/0501/FULL	16/08/2011	11/10/2011	84 MOSTYN ROAD STOURPORT-ON-SEVERN DY138PN	First floor extension, carport extension to existing garage and proposed conservatory (Resubmission of 11/0318/FULL)	Mr L Jones	James Houghton
11/0502/FULL	16/08/2011	11/10/2011	112 BAXTER AVENUE KIDDERMINSTER DY102HB	Proposed ground floor wc extension	Mr C Caldwell	Stuart Allum
11/0498/FULL	17/08/2011	12/10/2011	THE HOLLIES TRIMPLEY LANE SHATTERFORD BEWDLEY DY121RL	Change of use of land to site one static caravan for one gypsy family	Mr T Smith	Paul Round
11/0503/TREE	17/08/2011	12/10/2011	7 LUDGATE AVENUE KIDDERMINSTER DY116JP	Remove overhanging branches, thin and balance cedar tree in front garden	Mr L Fisher	Alvan Kingston

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11/0504/TREE	17/08/2011	12/10/2011	11 CHURCH WALK STOURPORT-ON-SEVERN DY130AL	Fell leylandii, fell one lime and pollard one lime	Canon Guy H Smith	Alvan Kingston
11/0505/TREE	17/08/2011	12/10/2011	WEST MERCIA CONSTABULARY KIDDERMINSTER POLICE STATION HABBERLEY ROAD KIDDERMINSTER DY116AN	Various Tree works	WEST MERCIA POLICE	Alvan Kingston
11/0506/TREE	17/08/2011	12/10/2011	COMBERTON HALL BUNGALOW COMBERTON ROAD KIDDERMINSTER DY103DU	Removal of epicormic growth in lower part of crown and reduction of crown height of mature common oak and removal of 3 lawson cypress	Mrs D Maddams-Smith	Alvan Kingston
11/0513/FULL	17/08/2011	12/10/2011	19 GOLDEN HIND DRIVE STOURPORT-ON-SEVERN DY139RJ	Construction of detached dwelling with associated access and parking	Ms I Patrone	Paul Round
11/0508/FULL	18/08/2011	13/10/2011	24 VICARAGE CRESCENT KIDDERMINSTER DY101ND	Removal of an existing utility room and the erection of an orangery extension onto the rear elevation of an existing semi-detached house	Dr R Williams	James Houghton
11/0510/TREE	18/08/2011	13/10/2011	64 HILLGROVE CRESCENT KIDDERMINSTER DY103AR	Various tree work	Mr K Budden	Alvan Kingston
11/0512/RESE	18/08/2011	17/11/2011	SUTTON ARMS SUTTON PARK ROAD KIDDERMINSTER DY116LE	Approval of Reserved Matters for access, appearance, landscaping, layout and scale for 14 dwellings (following Outline Planning Permission 08/0538 as amended by Planning Permission 11/0268)	Banner Homes Midlands Ltd	Paul Wrigglesworth
11/0514/FULL	18/08/2011	13/10/2011	SOUTHCOTE FARM TRIMPLEY BEWDLEY DY121PD	Proposed timber cladding to existing building with minor roof alterations and additional door and windows and front canopies.	Mr Peter Smith	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0515/FULL	18/08/2011	13/10/2011	68 KITTIWAKE DRIVE KIDDERMINSTER DY104RS	Re-siting of rear garden fence (Re-submission of 11/0140/FULL)	Mr T Felton	Julia McKenzie-Watts
11/0516/FULL	18/08/2011	13/10/2011	130 ST. JOHNS AVENUE KIDDERMINSTER DY116AU	Side two storey extension, rear orangery and pitched roof over existing garage	Mr M Lewis	Stuart Allum
11/0509/FULL	19/08/2011	14/10/2011	DENORA 100 STOURPORT ROAD KIDDERMINSTER DY117BQ	2 Storey extension to dental practice to provide records storage and a decontamination room	Dr Amit Pandey	Julia McKenzie-Watts
11/0517/ADVE	19/08/2011	14/10/2011	9 BRINDLEY STREET STOURPORT-ON-SEVERN DY138JA	Installation of internally illuminated fascia sign and internally illuminated projecting sign	Mr J Sehmi	Stuart Allum
11/0518/FULL	19/08/2011	14/10/2011	1 BALDWIN ROAD BEWDLEY DY122BP	Proposed Two Storey Extension. Variation to approved scheme under 10/0491/FULL	Mr J Wilks	Stuart Allum
11/0519/ADVE	19/08/2011	14/10/2011	3-6 COVENTRY STREET KIDDERMINSTER DY102DG	Installation of new non-illuminated fascia sign and internally illuminated projecting sign	The Boots Company	James Houghton
11/0520/FULL	19/08/2011	14/10/2011	THE COTTAGE TANWOOD LANE BLUNTINGTON CHADDESLEY CORBETT KIDDERMINSTER DY104NR	Two storey extension to side, providing study, garden room and en-suite	Mrs E J Mack	Stuart Allum
11/0521/FULL	19/08/2011	14/10/2011	44 SUTTON PARK ROAD KIDDERMINSTER DY116LE	Widening of existing access onto Sutton Park Road (Approved under Planning Permission 07/0104/FULL)	Miss V Stewart	Julia McKenzie-Watts
11/0522/FULL	19/08/2011	14/10/2011	THE ROYAL STORES 152 OFFMORE ROAD KIDDERMINSTER DY101SB	Change of use from D1 (Non residential institution) back to B1a (Office use)	MJS IT SERVICES LTD - MR M SIMMS	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0523/FULL	22/08/2011	21/11/2011	WALSHES FARM CARAVAN PARKS LTD WALSHES FARM DUNLEY ROAD STOURPORT-ON-SEVERN DY130AA	Variation of Condition 1 of Planning Permission WF/0022/95 to change closed period between 5th January and 5th February each year	WALSHES FARM CARAVAN PARKS LTD	Paul Round
11/0524/FULL	22/08/2011	17/10/2011	MOORFIELD HOUSE HEIGHTINGTON BEWDLEY DY122XX	SINGLE STOREY KITCHEN EXTENSION AND REAR PORCH AND SINGLE STOREY DETACHED GARAGE BLOCK	Mr A Black	James Houghton
11/0525/FULL	23/08/2011	18/10/2011	TRIMPLEY VILLAGE HALL TRIMPLEY BEWDLEY DY121NZ	Extensions to village hall	TRIMPLEY VILLAGE HALL	Paul Round
11/0534/RESE	23/08/2011	22/11/2011	FORMER CARPETS OF WORTH SEVERN ROAD STOURPORT-ON-SEVERN DY139EX	Redevelopment of the site to provide a mix of uses including Residential, Class A Retail Uses, Class B Employment, Class C Hotel and Class D Assembly and Leisure (Reserved Matters following Outline Approval 09/0588/OUTL - Access, Appearance Landscaping, Layout and Scale to be considered)	STOURPORT CORPORATION NV	John Baggott
11/0526/FULL	24/08/2011	23/11/2011	WHARTON PARK GOLF CLUB LONGBANK BEWDLEY DY122QW	Golf Driving Range and Associated Works	WHARTON PARK GOLF CLUB	Paul Round
11/0527/FULL	24/08/2011	19/10/2011	HARTINGTON DOWLES ROAD BEWDLEY DY122RD	Creation of patio area to rear involving excavation and erection of new retaining wall (spoil to be transferred to front and compacted)	Mr & Mrs Hawker	Stuart Allum
11/0528/FULL	25/08/2011	20/10/2011	3 MALVERN VIEW WHITTALL DRIVE EAST KIDDERMINSTER DY117EQ	Side extension with conservatory at rear	MISS L NOYES	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0529/ADVE	25/08/2011	20/10/2011	DUNELM MILL (FORMER MORRISONS) OXFORD STREET KIDDERMINSTER DY101AR	7 No internally illuminated flexface signs,1No projecting sign,1freestanding sign,7 No non illuminated signs and 1No set of 17 non illuminated poster signs	DUNELM MILL SOFT FURNISHINGS PLC	Stuart Allum
11/0530/FULL	25/08/2011	20/10/2011	BOURNE COTTAGE BROOME STOURBRIDGE DY9 0HA	Proposed side extension and garden wall	MR S DOWNING	James Houghton
11/0545/FULL	26/08/2011	21/10/2011	TOP ACRE OFF CURSLEY LANE SHENSTONE KIDDERMINSTER DY104DX	Application under S.73 to vary conditions 1 and 2 of Planning Permission 06/1062/FULL to remove all reference to the limited time period of 5 years for the stationing of caravans for residential purposes, the laying of hardstanding and erection of a close boarded and gravel board fence	MRS S J SMITH	John Baggott
11/0536/FULL	28/08/2011	23/10/2011	4A BROCKTON PLACE STOURPORT-ON-SEVERN DY130LE	Proposed garage	MR & MRS P LYCETT	Stuart Allum
11/0533/CAC	30/08/2011	25/10/2011	CLENSMORE STREET KIDDERMINSTER DY102JY	Reduction of front wall of existing Cornmill building and associated wall to canal (to facilitate redevelopment of the site for residential purposes under planning application reference 11/0163/FULL)	Bellway Homes	Julia Mellor
11/0535/TREE	30/08/2011	25/10/2011	47 CARDINAL DRIVE KIDDERMINSTER DY104RZ	Cut down a spruce in rear garden	Mr J Laver - Treefix	Alvan Kingston
11/0537/FULL	30/08/2011	25/10/2011	GREENSLEEVES, HILL FARM NORTHWOOD LANE BEWDLEY DY121AT	Proposed replacement chalet	Mr G Hedges	James Houghton
11/0538/ADVE	30/08/2011	25/10/2011	RED MAN 92 BLACKWELL STREET KIDDERMINSTER DY102DZ	Various new signage (including external illumination) and 4No. 42 w floodlights	Punch Partnerships	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0539/FULL	30/08/2011	29/11/2011	LAND OFF PUXTON DRIVE KIDDERMINSTER	Variation of condition 10 (Drainage) of Planning Permission 10/0633/FULL to allow for re-wetting scheme to Site of Special Scientific Interest (SSSI)	Bellway Homes West Midlands Ltd	Paul Round
11/0576/EIASC	30/08/2011	20/09/2011	BELLINGTON AND SUGARBROOK BOREHOLE RESILIENCE SCHEME	Request for a Screening Opinion under Regulation 5 of Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Bellington and Sugarbrook Resilience Main Pipeline	Severn Trent Water Ltd	John Baggott
11/0541/RESE	31/08/2011	26/10/2011	ARELEY COMMON FIRST SCHOOL ABBERLEY AVENUE STOURPORT- ON-SEVERN DY130LH	Erection of 6 dwellings and associated roadworks (Reserved Matters details following Outline Approval 08/0879/OUTL)	Kendrick Homes Ltd	Paul Round
11/0543/CERTE	31/08/2011	26/10/2011	SMITHS TURNING 5A WHITEHILL ROAD KIDDERMINSTER DY116JH	The use of an area of land as garden land	MR J CADDICK	Paul Wrigglesworth
11/0542/TREE	01/09/2011	27/10/2011	24 GOLDCREST DRIVE KIDDERMINSTER DY104HQ	Raise crown of oak	Mrs T Tipping	Alvan Kingston
11/0544/ADVE	02/09/2011	28/10/2011	TRAVELODGE PARK LANE KIDDERMINSTER DY116TL	1 No. internally illuminated post sign	Mr P Hill	Paul Wrigglesworth
11/0546/TREE	05/09/2011	31/10/2011	10 KITTIWAKE DRIVE KIDDERMINSTER DY104RS	Remove all dead branches, cut back 4 branches and raise crown of Common Oak Tree	Mr M Bradshaw	Alvan Kingston
11/0547/FULL	05/09/2011	31/10/2011	3 BROCKTON PLACE STOURPORT-ON-SEVERN DY130LE	Extension to existing garage and rear shed	Mr R Edge	Julia McKenzie- Watts
11/0548/FULL	06/09/2011	01/11/2011	18 LANSDOWN GREEN KIDDERMINSTER DY116PX	Proposed front extension to form porch and extended lounge with canopy roof over	Mr A Stokes	Julia McKenzie- Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0552/FULL	06/09/2011	01/11/2011	PENNY BLACK BULL RING KIDDERMINSTER DY102AZ	Change of use of pavement area to the front of the Penny Black public house for use as an al-fresco cafe area comprising 3 no. tables each with two chairs and ground fixed, removable posts and screens	J D Wetherspoon PLC	Paul Wrigglesworth
11/0553/FULL	06/09/2011	01/11/2011	14 OAKFIELD ROAD KIDDERMINSTER DY116PL	Proposed two storey and single storey extensions on both sides and rear	Mr I Rowland	Stuart Allum
11/0554/FULL	06/09/2011	01/11/2011	33 BROOMFIELD CLOSE KIDDERMINSTER DY115PD	Replace concrete walls with brickwork (with block and cavity), replacement of windows and doors	Mr D Preston	Stuart Allum
11/0549/TREE	07/09/2011	02/11/2011	WOLVERHILL WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Reduce and thin crown of Chestnut Tree	Mr A Yarnold	Alvan Kingston
11/0550/TREE	07/09/2011	02/11/2011	17 PIPIT COURT KIDDERMINSTER DY104UL	Fell Sycamore	Mr Ben Millner (on behalf of Applicant)	Alvan Kingston
11/0555/FULL	07/09/2011	02/11/2011	GORST HILL FARM ROCK KIDDERMINSTER DY149YJ	Installation of 18.3m high (24.8m to upright tip of blade) free standing 11kw twin blade wind turbine (Re-submission of Planning Approval 11/0016/FULL to allow alternative siting)	Mr D Nott	Julia Mellor
11/0558/FULL	07/09/2011	02/11/2011	LONG MORE FARM LONG MORE CHADDESLEY CORBETT KIDDERMINSTER DY104RE	Erection of a steel frame general purpose farm building to store fodder (hay, straw and silage), cereals after harvest and farm machinery in the winter	MR R YARDLEY	Stuart Allum
11/0559/ADVE	07/09/2011	02/11/2011	WILKINSON MARKET STREET KIDDERMINSTER DY101AB	Replacement of signage in connection with corporate rebranding	WILKINSON HARDWARE STORES	Julia McKenzie- Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0551/FULL	08/09/2011	03/11/2011	UNIT 16 WILDEN INDUSTRIAL ESTATE STOURPORT-ON-SEVERN DY139JY	Repairs to reinstate damage to edge of yard	Mr K Lee	Stuart Allum
11/0556/FULL	08/09/2011	03/11/2011	SOMERFIELD STORES LTD 21 KIDDERMINSTER ROAD BEWDLEY DY121AQ	Demolition of existing Petrol Filling Station and various onsite structures and construction of new Petrol Filling Station and forecourt (Renewal of 08/0630/FULL)	SOMERFIELD STORES LTD	Stuart Allum
11/0557/CAC	08/09/2011	03/11/2011	SOMERFIELD STORES LTD 21 KIDDERMINSTER ROAD BEWDLEY DY121AQ	Demolition of existing Petrol Filling station and other associated structures	SOMERFIELD STORES LTD	Stuart Allum
11/0560/FULL	09/09/2011	04/11/2011	33 LOAD STREET BEWDLEY DY122AS	Change of use from Retail (Class A1) to Estate agents (Class A2)	Hayden Estates Ltd	Paul Round
11/0562/FULL	09/09/2011	04/11/2011	LAND BORDERING 38 SANDICLIFFE CLOSE ADJACENT TO HIGHWAY AT WILLOWFIELD DRIVE KIDDERMINSTER DY115HW	Enclosure of unregistered land and change of use to domestic garden. Associated landscaping and planting	MR J WILLIAMS	Stuart Allum
11/0561/FULL	12/09/2011	07/11/2011	ST. GEORGES COTTAGE DRYMILL LANE BEWDLEY DY122LS	Proposed single storey Sun Lounge and Dining Room to the rear	The Guild of St George	Julia McKenzie-Watts
11/0563/FULL	13/09/2011	08/11/2011	130 CONINGSBY DRIVE KIDDERMINSTER DY115LZ	Proposed front canopy	Mr & Mrs K Moule	Julia McKenzie-Watts
11/0565/FULL	13/09/2011	08/11/2011	ARELEY KINGS VILLAGE HALL ARELEY COMMON STOURPORT-ON-SEVERN DY130NG	Installation of 4No rooflights in the roof to the rear of the property	Charity Commission Trust	Stuart Allum
11/0564/FULL	14/09/2011	09/11/2011	HIGH HOBRO FARM LITTLE HOBRO LANE WOLVERLEY KIDDERMINSTER DY115SX	Conversion of barn (Barn A) to dwelling and associated works	Mrs J Wilton	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0566/FULL	14/09/2011	09/11/2011	41 GREATFIELD ROAD KIDDERMINSTER DY116PH	Single storey rear extension and replacement single garage (Resubmission of 11/0180/FULL)	Ms J Bull	Stuart Allum
11/0567/FULL	14/09/2011	09/11/2011	LAND ADJACENT TO THE GREEN CHADDESLEY CORBETT KIDDERMINSTER DY104SL	Demolition of existing redundant garages and construction of four affordable dwellings	Wyre Forest Community Housing	Paul Wrigglesworth
11/0568/PNTE	15/09/2011	23/09/2011	THE BLACK STAR 1 MITTON STREET STOURPORT-ON-SEVERN DY138YP	Erection of telecommunication equipment cabinet	BT Openreach	Paul Round
11/0569/FULL	15/09/2011	10/11/2011	THE YARD HOUSE HEIGHTINGTON BEWDLEY DY122XN	Erection of domestic two bay garage with store and roof storage, new vehicular access to dwelling and upgrade of existing garage and store (Resubmission of 11/0329/FULL)	Miss E Chester	Paul Round
11/0572/LIST	15/09/2011	10/11/2011	BEWDLEY BAPTIST CHURCH 61 HIGH STREET BEWDLEY DY122DJ	Internal and external alterations to existing church offices to include repositioning of door opening to form new rear entrance with new glazed canopy over and replacement of two windows on rear elevation	Mr A Tomlinson	Paul Round
11/0570/FULL	16/09/2011	11/11/2011	JACKSONS MARLPOOL LANE KIDDERMINSTER DY115DA	Change of use of Unit 2 (as approved under Planning Permission 11/0115/FULL) as a Veterinary Surgery	Ms K Phelan	James Houghton
11/0571/FULL	16/09/2011	11/11/2011	5 RECTORY LANE ROCK KIDDERMINSTER DY149RU	Proposed dormer window and new roof over existing dormer window	OAKHAM CONSTRUCTION LTD	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0574/FULL	19/09/2011	14/11/2011	RHONELEA MUSTOW GREEN KIDDERMINSTER DY104LD	Proposed two storey extension and single storey extension with lean to and canopy to front of dwelling	Mr A Davis	Julia McKenzie-Watts
11/0581/FULL	19/09/2011	14/11/2011	PLOT 4 WOODROW LANE BLUNTINGTON CHADDESLEY CORBETT KIDDERMINSTER DY104NP	Proposed new dwelling on vacant plot, previously approved	Mr A Hartshorne	Paul Wrigglesworth
11/0573/LIST	20/09/2011	15/11/2011	1 MALTHOUSE ROW WESTBOURNE STREET BEWDLEY DY121BS	Proposed 2 small windows in end gable/timber frame, 2 veluxes 1 to east and 1 to west roof elevations	MR C ROBINSON	James Houghton
11/0575/CERTP	20/09/2011	15/11/2011	84 LICKHILL ROAD STOURPORT- ON-SEVERN DY138SD	Proposed rear extension	Mr J Powell	Paul Round
11/0577/CERTP	20/09/2011	15/11/2011	JOANS HOLE DUNLEY STOURPORT-ON-SEVERN DY130UJ	Proposed front, side and rear extensions	Mr T Newbold	Paul Round
11/0578/FULL	20/09/2011	15/11/2011	RAILWAY BELL HOTEL COMBERTON HILL KIDDERMINSTER DY101QN	Proposed external smoking shelter to the side of property	Marstons Beer & Pub Co	James Houghton
11/0579/FULL	20/09/2011	15/11/2011	HUT TO REAR OF SHOPS QUEENS ROAD STOURPORT-ON-SEVERN DY130BH	Retention of temporary portable building for a further 2 years	Stourport Three Arts Guild	Stuart Allum
11/0580/FULL	21/09/2011	16/11/2011	41 SOMERLEYTON AVENUE KIDDERMINSTER DY103AS	Rear two storey extension, garage extension and alterations	Mr & Mrs D Price	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0582/FULL	22/09/2011	17/11/2011	THE OLD BEAR STOURBRIDGE ROAD KIDDERMINSTER DY102PR	Demolition of lean-to and garage, external alterations to elevations including glazed shop front. Raising height of flat roof, blocking up windows/doors, erection of fencing and associated works (to convert to retail premises)	Spencer Taverns Ltd	Stuart Allum
11/0583/TREE	26/09/2011	21/11/2011	BEWDLEY MEDICAL CENTRE LOAD STREET BEWDLEY DY122EG	Light canopy raise of London Plane	Mr D Scully	Alvan Kingston
11/0584/FULL	26/09/2011	21/11/2011	LAKE VIEW BUNGALOW BIRCH BANK SHATTERFORD BEWDLEY DY121TW	Garage extension and installation of dormer and roof lights (Renewal of Planning Permission 08/0460/FULL)	Mr T Warrington	Stuart Allum
11/0585/FULL	26/09/2011	21/11/2011	MOON RAKERS STAKENBRIDGE LANE CHURCHILL KIDDERMINSTER DY103LS	Two storey rear extension and dormer window to front elevation	MISS N WARD	James Houghton
11/0586/FULL	26/09/2011	21/11/2011	3 MERTON CLOSE BEWDLEY DY122NY	Rear Conservatory	MR PAUL HUNT	Julia McKenzie-Watts

WYRE FOREST DISTRICT COUNCIL

Planning Committee

11 October 2011

PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1392 11/0486/ENF	APP/R1845/C/11 /2158124	Mrs I Harding	12 STOKESAY CLOSE KIDDERMINSTER DY101YB Unauthorised erection of boundary wall (Enforcement Case No 10/0048/ENF)	WR 10/08/2011	21/09/2011			
WFA1393 11/0489/ENF	APP/R1845/C/11 /2158189	Mr G Attwood	LAND AT THE ROBIN HOOD PH DRAYTON ROAD DRAYTON Unauthorised erection of a building (Enforcement Case 10/0173/ENF)	WR 11/08/2011	22/09/2011			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1394 11/0153/FULL	APP/R1845/D/11 /2158343	Mrs D Jeavons	11 COLLEGE ROAD KIDDERMINSTER DY101LU Proposed two storey extension	WR 16/08/2011				Dismissed 15/09/2011
WFA1395 10/0635/FULL	APP/R1845/A/11 /2158862	Willmar Hire	FIVE ACRES HEIGHTINGTON ROAD BLISS GATE KIDDERMINSTER Replacement storage and agricultural machinery workshop building	WR 23/08/2011	04/10/2011			
WFA1396 11/0383/FULL	APP/R1845/A/11 /2159374	Mr M Daneshfar	DRIVING TEST CENTRE 21 CASTLE ROAD KIDDERMINSTER Internal alterations and conversion to form 3no 3 bedroom apartments	WR 31/08/2011	12/10/2011			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1397 11/0193/LIST	APP/R1845/E/11 /2155253	Ms Emily Field	5 RICKETTS PLACE STOURPORT ROAD BEWDLEY DY121DW	WR 20/09/2011	01/11/2011			
			To add velux window to rear roof					



Appeal Decision

Site visit made on 13 September 2011

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2011

Appeal Ref: APP/R1845/D/11/2158343

11 College Road, Kidderminster, Worcestershire, DY10 1LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Dawn Jeavons against the decision of Wyre Forest District Council.
 - The application Ref 11/0153/FULL, dated 10 March 2011, was refused by notice dated 13 May 2011.
 - The development proposed is a two-storey extension.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council requested that I should view the proposal from within 10 College Road, which I did during my site visit.

Main Issues

3. The main issues are the effects of the proposal on: (a) the character and appearance of the host dwelling and surrounding area, and (b) on the living conditions of the residents of 10 College Road with particular reference to visual impact.

Reasons

Character and appearance

4. The appeal property is a two-storey brick built, relatively modern dwelling separated from its eastern boundary by a single storey garage. The extension, in my view, has been designed to be appropriately subservient to the host dwelling, and closely matches its design.
 5. As the appellant rightly says, the appeal property is 'tucked away' at the end of College Road, and for this reason, the proposed extension would not be widely apparent. However, where it could be seen, from parts of College Road, and around the corner in College Walk, it would be perceived as being too cramped in its relationship with 10 College Road. The current gap between the 2-storey elements of the respective properties, given that No 10's main frontage faces
-

No 11's side elevation, appears balanced and appropriate in townscape terms. A reduction in the gap's width, in the terms envisaged, would harmfully compromise the currently acceptable degree of separation, irrespective of the slight level differences between the properties.

6. I conclude that whilst the proposed extension would be acceptable in terms of its impact on the host property, it would harm the appearance of the street scene in that it would unacceptably close the gap between Nos 10 & 11 College Road, resulting in a development having a cramped and congested appearance. The development proposed is therefore in conflict with the provisions of policy D.17 of the Wyre Valley District Adopted Local Plan (LP), which requires house extensions to harmonise with the existing townscape.

Living conditions

7. As mentioned above, the front elevation of 10 College Road, a property with distinct Georgian features, faces the gabled side elevation of the appeal property. Large windows serving a sitting room, study and kitchen/diner on the ground floor, and bedrooms on the upper floor, face No 11's side elevation.
8. Although slightly reduced in mass in comparison with that of the original dwelling, the extension's two-storey side gable would be sited close to the windows concerned. As a consequence, the outlook from No 10's windows would be substantially diminished to the extent that the proposed extension would appear oppressive when viewed from within the property. Viewed from No 10's external courtyard, next to the front door, the extension would harmfully dominate.
9. I conclude that the proposed extension would bring two-storey development far too close to 10 College Road's main windows, resulting in harmful visual impact for its residents, contrary to the provisions of LP policy D.17 requiring house extensions not to have serious effects on neighbouring amenities.

Other matters

10. I fully understand the appellant's reasons for wishing to extend, and share her view that the proposed extension would not materially affect the amount of sunlight or daylight entering the neighbouring property.
11. However, neither these aspects nor any other matter raised are of such significance as to outweigh the considerations that led me to conclude that the appeal should be dismissed.

G Powys Jones

INSPECTOR

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

11TH OCTOBER 2011

**Monthly progress report on performance against NI 157 targets
for determining planning applications**

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	John Baggott – Extension 2515 John.Baggott@wyreforestdc.gov.uk
APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 To provide Members with a monthly progress report on performance against national indicators (NI 157, formerly BV 109).

2. RECOMMENDATION

- 2.1 **That the report be noted**

3. BACKGROUND

- 3.1 At Full Council in May 2006, it was agreed as part of the Recovery Plan that a report on the performance against best value performance indicators (BVPI 109, now NI 157) be reported to the Planning (Development Control) Committee on a monthly basis.

- 3.2 The national targets for determining planning applications are as follows:

NI 157 a (Major applications)	-	60% within 13 weeks.
NI 157 b (Minor applications)	-	65% within 8 weeks.
NI 157 c (other applications)	-	80% within 8 weeks.

3.3 In addition to these national targets there are Local targets set out within the Business Plan for 2011/12. These are as follows:

- Major applications - 65% within 13 weeks.
- Minor applications - 75% within 8 weeks.
- Other applications - 85% within 8 weeks.

4. PERFORMANCE

Major applications

4.1 The following table shows the quarterly performance figures for major applications for the period from 1st January 2009 to 30th June 2011. It also shows the performance at the time of compiling the report within the 2nd Quarter of 2011/12 although the relevant period does not end until 30th September 2011 and as such these figures may be subject to further change.

4.2 As previously advised, due to the continued low number of new major applications that have been received over recent months, performance in this area has been affected due to the number of older, more complex, major applications which have reached final determination and which have already gone beyond 13 weeks. Whilst every effort has been made to manage these applications effectively, performance in this category is becoming increasingly difficult and performance during the 1st Quarter of 2011/12 has regrettably fallen below the National target. Performance is likely to continue to be affected in the current and future quarters.

Quarter	No. determined	No. determined within 13 weeks	% determined within 13 weeks
1 January – 31 March 2009	4	4	100%
1 April – 30 June 2009	3	2	66.67%
1 July – 30 September 2009	5	2	40%
1 October – 31 December 2009	9	8	88.89%
1 January – 31 March 2010	5	3	60%
1 April – 30 June 2010	9	6	66.67%
1 July – 30 September 2010	3	2	66.67%
1 October – 31 December 2010	13	9	69.23%

1 January – 31 March 2011	6	4	66.67%
1 April – 30 June 2011	5	2	40%
1 July – 30 September 2011 (figures taken 22 September 2011)	6	3	50%

Minor applications

- 4.3 The following table shows the quarterly performance figures for minor applications for the period from 1st January 2009 to 30th June 2011. It also shows the performance at the time of compiling the report within the 2nd Quarter of 2011/12 although the relevant period does not end until 30th September 2011 and, as such, these figures may be subject to further change. Performance within this category has consistently met the national targets. However, with the continued relatively low numbers of new minor applications having been received, added to older more complex applications reaching final determination, performance in this category is now proving to be a real challenge.

Quarter	No. determined	No. determined within 8 weeks	% determined within 8 weeks
1 January – 31 March 2009	41	31	75.61%
1 April – 30 June 2009	56	47	83.93%
1 July – 30 September 2009	40	31	77.50%
1 October – 31 December 2009	50	37	74.00%
1 January – 31 March 2010	33	24	72.73%
1 April – 30 June 2010	29	23	79.31%
1 July – 30 September 2010	36	27	75.00%
1 October – 31 December 2010	36	27	75.00%
1 January – 31 March 2011	26	19	73.08%
1 April – 30 June 2011	39	26	66.67%
1 July – 30 September 2011 (figures taken 22 September 2011)	27	16	59.26%

Other applications

4.4 The following table shows the quarterly performance figures for other applications for the period from 1st January 2009 to 30th June 2011. It also shows the performance at the time of compiling the report within the 2nd Quarter of 2011/12 although the relevant period does not end until 30th September 2011 and, as such, these figures may be subject to further change.

4.5 Performance in this category has consistently met, or been close to meeting, the national targets, but in managing performance during the 1st Quarter of 2011/12 an unusually high number of older applications came to final determination at the end of the Quarter. These had to be suitably managed, with the result being a significant proportion of these applications were determined at the start of the 2nd Quarter of 2011/12, which has had a direct impact upon the performance figures for the current Quarter.

Quarter	No. determined	No. determined within 8 weeks	% determined within 8 weeks
1 January – 31 March 2009	99	89	89.90%
1 April – 30 June 2009	129	114	88.37%
1 July – 30 September 2009	135	115	85.19%
1 October – 31 December 2009	94	80	85.11%
1 January – 31 March 2010	84	72	85.71%
1 April – 30 June 2010	124	111	89.52%
1 July – 30 September 2010	119	94	78.99%
1 October – 31 December 2010	109	91	83.49%
1 January – 31 March 2011	97	84	86.60%
1 April – 30 June 2011	109	88	80.73%
1 July – 30 September 2011 (figures taken 22 September 2011)	105	72	68.57%

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications.

6. LEGAL AND POLICY IMPLICATIONS

6.1 There are no legal or policy implications.

7. RISK MANAGEMENT

7.1 There are risk management issues if performance continues to fail to meet the national targets.

8. EQUALITY IMPACT ASSESSMENT

8.1 This report relates to the analysis of performance levels against national and local indicators. There are no equality impact issues to be addressed.

9. CONCLUSION

9.1 Members are advised of continued concerns in respect of the performance against major applications targets, due to the relatively low number of new major applications being received which would offset the older, more complex, major applications which are nearing determination. Similarly, performance against minor applications continues to suffer, and every effort is being made, insofar as is possible, to manage new applications within all categories effectively to ensure that performance in this area shows an improvement during future quarters. Performance in the others category has also suffered during the current quarter, for the reasons referred to in paragraph 4.5

9.2 Members are also advised that the number of planning case officers was reduced by 1 FTE, with effect from 1st January 2011. The impact of this lost post is now being felt within Development Control which in turn is having an adverse impact upon performance in all categories of applications. Added to which, the numbers of chargeable pre-application enquiries and applications which are not recorded under the NI 157 (e.g. discharge of conditions and non-material amendments) has shown a marked increase in recent months.

9.3 The Council has no control over the number and timing of applications being submitted for determination, but undoubtedly the economic climate has had an impact upon the number of new applications, in all categories, which have been received over recent months.

10. CONSULTEES

10.1 None.

11. BACKGROUND PAPERS

- Report on Recovery Plan (Full Council) – May 2006
- Monthly progress reports – Planning (DC) Committee (June 2006 – May 2009)
- DCLG : Planning Performance Statistics – Planning (DC) Committee (August 2006 – May 2009)
- Monthly progress reports – Planning Committee (June 2009 – September 2011)
- DCLG : Planning Performance Statistics – Planning Committee (August 2009 – May 2011)