

Open

# Planning Committee

## Agenda

6 pm  
Tuesday, 13th March 2012  
The Earl Baldwin Suite  
Duke House  
Clensmore Street  
Kidderminster



## Planning Committee

### Members of Committee:

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

### 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 Sue Saunders, Committee/Scrutiny Officer, Civic Centre, Stourport-on-Severn. Telephone: 01562 732733 or email [susan.saunders@wyreforestdc.gov.uk](mailto: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, 13th March 2012

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

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Appointment of Substitute Members</b>  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.	
<b>3.</b>	<b>Declarations of Interest</b>  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.)	
<b>4.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 14 <sup>th</sup> February 2012.	6
<b>5.</b>	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	18
<b>6.</b>	<b>Applications Pending Decision</b>  To receive a schedule of planning and related applications which are pending.	90

7.	<p><b>Planning and Related Appeals</b></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>	108
8.	<p><b>Monthly Progress Report on performance against NI157 (BV109) targets for determining planning applications</b></p> <p>To consider a report from the Director of Planning &amp; Regulatory Services that provides Members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).</p>	118
9.	<p><b>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.</b></p>	
10.	<p><b>Exclusion of the Press and Public</b></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><b>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.</b></p>	
-----	---	--

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,  
KIDDERMINSTER

14TH FEBRUARY 2012 (6.00 PM)

---

**Present:**

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

**Observers:**

Councillors H E Dyke and N Gale.

**PL.98 Apologies for Absence**

There were no apologies for absence.

**PL.99 Appointment of Substitutes**

No substitutes were appointed.

**PL.100 Declaration of Interests**

Councillor J W Parish declared a prejudicial interest in application number 12/0002/FULL – 157 Sion Avenue, Kidderminster as the applicant was a personal friend.

**PL.101 Minutes**

**Decision: The minutes of the meeting held on 10th January 2012 be confirmed as a correct record and signed by the Chairman.**

**PL.102 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 494 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 494 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.103 Applications Pending Decision**

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

**Decision: The schedule be noted.**

**PL.104 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.105 Monthly Progress Report on performance against NI157 targets for determining planning applications**

The Committee considered a report from the Director of Planning and Regulatory Services that provided members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).

**Decision: The details be noted.**

**PL.106 Section 106 Obligation Monitoring**

The Committee considered a report from the Director of Planning and Regulatory Services that gave details of the most current Section 106 Obligations which required monitoring.

**Decision: The details be noted.**

**PL.107 Exclusion of the Press and Public**

**Decision: 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.**

**PL.108 New Enforcement Case**

The Committee considered a report from the Director of Planning and Regulatory Services regarding a new enforcement case.

**Decision: Should the necessary works not be completed in accordance with the conditions imposed on the planning permission by 1<sup>st</sup> May 2012, delegated authority be granted to the Director of Legal and Corporate Services to serve or withhold a Breach of Condition Notice requiring the works to be carried out in complete accordance with the relevant Planning Conditions within a period of two months from the date such a Notice is served.**

**PL.109 Live Enforcement Cases**

The Committee considered a report which listed live enforcement cases as at the 1<sup>st</sup> February 2012.

**Decision: The report be noted.**

The meeting ended at 9.40 p.m.



**WYRE FOREST DISTRICT COUNCIL****PLANNING COMMITTEE**14<sup>th</sup> February 2012 Schedule 494 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.

<b>Application Reference:</b> 11/0634/FULL
<b>Site Address:</b> LAND OFF GREY GREEN LANE, BEWDLEY
<b>APPROVED</b> subject to the following conditions:
<ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. B1 (Samples/details of materials)</li> <li>4. No demolition</li> <li>5. J1 (Removal of permitted development – residential)</li> <li>6. B9 (Details of windows and doors)</li> <li>7. B11 (Details of enclosure)</li> <li>8. C2 (Retention of existing trees)</li> <li>9. C9 (Hedge protection)</li> <li>10. E2 (Foul and surface water)</li> <li>11. F5 (Construction site noise/vibration)</li> <li>12. Highways</li> <li>13. Highways</li> <li>14. B15 (Owl/bat box)</li> <li>15. Sustainability measures</li> </ol>
<p>Notes</p> <p>A SN1 (Removal of permitted development rights)</p> <p>B SN3 (Protection of species)</p> <p>C Highways</p> <p>D The land edged blue is not affected by this application and remains as agricultural land.</p>
<p><b><u>Reason for Approval</u></b></p> <p>The re-use of this agricultural building for a single dwelling is considered to be appropriate development in the Green Belt and can be converted in line with relevant local plan policy. The design of the building provides an enhancement to the building and it surrounds and results in little impact on the visual amenity of the Green Belt or the character of the landscape. Impact on neighbouring properties has been carefully considered however no undue impact will be caused. The access to the property is considered to be acceptable and any resulting trip generation will not result in a loss of highway safety. Matters of ecology, biodiversity and sustainable energy requirement have been fully taken account within the proposed scheme in line with current advice.</p>

The application is considered to be in accordance with H.9, D.4, D.10, GB.1, GB.2, GB.6, RB.1, RB.2, RB.3, RB.5, RB.6, NC.7, TR.17 of the Adopted Wyre Forest District Local Plan, DS04, CP01, CP02, CP03, CP11, CP12, CP14 of the Adopted Wyre Forest Core Strategy, CTC.21, D.39 of the Worcestershire County Structure Plan, CF4, QE3, QE6 of the West Midlands Regional Spatial Strategy, Policies 2, 15, 18, 20, 23, 25, 26, 27 (emerging SA&P DPD), Design Quality SPG, Landscape Character Assessment Supplementary Planning Guidance (WCC), Planning Policy Statement 1, Planning Policy Statement 1 (supplement on Climate Change), Planning Policy Guidance 2, Planning Policy Statement 3, Planning Policy Statement 7, Planning Policy Statement 9 and the Draft National Planning Policy Framework.

**Application Reference:** 11/0420/FULL/OUT

**Site Address:** LAND AT CHURCHFIELDS, KIDDERMINSTER,

**That if the application was before the Committee to determine, they would be MINDED TO REFUSE** for the following reasons:

1. The application as submitted fails to adequately satisfy the requirements of the sequential test insofar as the applicants have dismissed without sound reasons a sequentially preferable and deliverable site which is located within the eastern part of the town and is referred to by the Council as "The Eastern Gateway", as identified under Policy 31 of the Draft Kidderminster Central Area Action Plan. The development as proposed is therefore contrary to Policies EC15 and EC17.1(a) of PPS4; Policy RT5 of the Wyre Forest District Local Plan; Policy CP09 of the Wyre Forest District Core Strategy; Policy D33 of the Worcestershire County Structure Plan; Policy 10 of the Draft Site Allocations and Policies Development Plan Document; and, Policy 6 of the Draft Kidderminster Central Action Area Plan and the Draft National Planning Policy Framework.
2. The proposed development of the Churchfields site would be in direct conflict with and undermine the Council's regeneration proposals for the Bromsgrove Street Area of the town, otherwise referred to as "The Eastern Gateway", which has been identified as a deliverable retail-led regeneration opportunity site which would serve to improve the vitality and viability of the eastern part of town, to the overall benefit of the town as a whole. Were the proposed development to be permitted it would remove any realistic opportunity of comprehensively redeveloping and regenerating the eastern part of the town. The development as proposed would, therefore, be contrary to Policy RT5 of the Wyre Forest District Local Plan; Policies DS02 and CP09 of the Wyre Forest District Core Strategy; Policies 3 and 31 of the Draft Kidderminster Action Area Plan; and, Policies EC16.1(a) and EC17.1(b) of PPS4 and the Draft National Planning Policy Framework.
3. The proposed development by virtue of its scale is considered inappropriate in this location and would be prejudicial to the Council's vision for the redevelopment and regeneration of the Churchfields area including Horsefair as set out within the Churchfields Masterplan Supplementary Planning Document (SPD). The development is therefore contrary to the Adopted Churchfields SPD and Policy 19 of the Draft Kidderminster Central Action Area Plan.

4. The proposed development, both in terms of layout and external appearance, is contrary to good design practice promoted in By Design and the Council's adopted guidance and policies, with particular reference to the visual appearance of the development; inactive frontages; lack of definition of public and private space; and, natural surveillance of the proposed pedestrian linkages. The proposed development is therefore contrary to Design Principles 5, 6, 7, 8 and 9 of the Churchfields Masterplan; Policy CP11 of the Wyre Forest District Core Strategy; Policy 25 of the Draft Site Allocations and Policies Development Plan Document; Policies 12, 19 and 23 of the Draft Kidderminster Central Action Area Plan; Policy QE3 of the Regional Spatial Strategy; the Adopted Wyre Forest Design Quality Supplementary Planning Guidance; By Design; Policy EC10.2(c) of PPS4 and the aims of PPS1.
  
5. The proposed development and associated alterations to the "1902" building, which is a Locally Listed Building, are not considered acceptable as they fail to preserve or enhance the building in terms of its historic character, appearance, and setting. Furthermore, the proposed siting and layout of the development, in terms of the "bookend" building, service road and service yard, would have a detrimental impact upon the setting and appearance of the "1885" Building and the "1895" Building, both of which are Locally Listed Buildings. The development is, therefore, contrary to Policies LB1, LB2 and LB5 of the Wyre Forest District Local Plan; Policy CTC21 of the Worcestershire County Structure Plan; Policy 24 of the Draft Site Allocations and Policies Development Plan Document; Policy 19 of the Draft Kidderminster Central Action Area Plan; Design Principles 3, 6 and 9 of the Adopted Churchfields Masterplan Supplementary Planning Document; Policy QE5 of the Regional Spatial Strategy; and Policy HE8 of PPS5.

<b>Application Reference:</b> 11/0701/FULL
<b>Site Address:</b> 27 WOODLANDS ROAD, COOKLEY, KIDDERMINSTER, DY10 3TL
<b>APPLICATION DEFERRED PENDING A SITE VIIST. APPLICATION TO BE RECONSIDERED AS A PART A REPORT WITH A FICHE AT THE NEXT MEETING OF THE COMMITTEE.</b>

<b>Application Reference:</b> 11/0706/FULL
<b>Site Address:</b> ROBIN HOOD PH, DRAYTON ROAD, DRAYTON, BELBROUGHTON, DY9 0BW
<b>APPLICATION DEFERRED PENDING A SITE VIIST. APPLICATION TO BE RECONSIDERED AS A PART A REPORT WITH A FICHE AT THE NEXT MEETING OF THE COMMITTEE.</b>

<b>Application Reference:</b> 11/0747/FULL
<b>Site Address:</b> PLOT 4, WOODROW LANE, BLUNTINGTON, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4NP
<b>APPROVED</b> subject to the following conditions:
<ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. B1 (Samples/details of materials)</li> <li>4. B9 (Details of windows and doors)</li> <li>5. C6 (Landscaping – small scheme)</li> <li>6. C8 (Landscape implementation)</li> <li>7. Provision of driveway and parking area prior to occupation.</li> <li>8. Details of fencing to be submitted and agreed</li> <li>9. Drainage</li> </ol>
Note SN12 (Neighbours' rights)
<u>Reason for Approval</u> The application has been carefully considered with regards to the principle of allowing a dwelling, the appropriateness of the design, size and layout of the dwelling, the impact on neighbouring amenity, highway safety and other issues and the proposal is judged to be acceptable and compatible with the above mentioned policies in the Development Plan. The application is considered to be in accordance with GB.1, GB.2, D.10, D.11, TR.17 of the Adopted Wyre Forest District Local Plan.

<b>Application Reference:</b> 11/0703/RESE
<b>Site Address:</b> FORMER MORGAN CERAMICS SITE, BEWDLEY ROAD, STOURPORT-ON-SEVERN, DY13 8QR
<b>Delegated APPROVAL</b> be granted subject to a 'no objection' response from the Highway Authority following the receipt of amended plans, and subject to the following conditions:
<ol style="list-style-type: none"> <li>1. A4 (Reserved matters only)</li> <li>2. A11 (Approved plans)</li> </ol>
<u>Reason for Approval</u> It is considered that the reserved matters of layout, scale, external appearance and landscaping have been addressed in a comprehensive way and will provide a high quality and attractive residential development. The dwellings are provided in a way that gives adequate garden areas whilst safeguarding the amenity of future occupiers. Adequate parking provision is made within the development and protected trees are retained. The application is considered to be in accordance with D.4, D.10, D.11 of the Adopted Wyre Forest District Local Plan, CP01, CP02, CP11 of the Adopted Wyre Forest Core Strategy, Policy 25 (emerging SA&P DPD), Design Quality Supplementary Planning Guidance and Planning Policy Statement 1.

**Application Reference:** 11/0681/FULL

**Site Address:** 37 & 38 OLDNALL ROAD, KIDDERMINSTER, DY10 3HN

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Use as a Residential Care Home only and to no other use within Use Class C3 of the Town and Country Planning Use Classes Order
4. Samples of all external materials to be submitted to and approved in writing by the Local Planning Authority.
5. B2 (Sample brick panel)
6. B9 (Details of windows and doors)
7. Building levels to be strictly as per submitted plans
8. A condition for which delegated authority is given to the Director of Planning & Regulatory Services to negotiate to limit the impact of staff changeovers on neighbouring properties between the hours of 10 pm and 8 am
9. F5 neighbouring property
10. Obscure glass to certain side facing windows
11. Details of any external lighting to be submitted and agreed in writing
12. C2 (Retention of existing trees)
13. C3 (Tree protection during construction)
14. Planting specification and maintenance
15. Method statement to ensure that works under the route protection zone will not be damaged during construction of car park.
16. C8 (Landscape implementation)
17. Implementation of bat mitigation strategy/bat roost /bird boxes
18. Implementation of boundary treatment
19. Highway conditions
20. Drainage condition
21. Excavation of material to be removed from site rather than spread on the site

Notes

- A SN12 (Neighbours' rights)
- B Highway
- C SN3 (Protection of species)

Reason for Approval

The application has been carefully considered with regards to the principle of allowing this proposal on non-previously developed land but on balance, after weighing all the material circumstances of the situation both against and for the development including the fact that there is an extant planning permission for an existing Care Home, the need for a Care Home and the jobs that will be created, it is judged that a case has been made to accept the principle of allowing the development. In detail, the proposal has also been considered with regards to impact on the visual amenity of the area, the effect on neighbouring property, the impact on existing trees, landscaping, wildlife, drainage, car parking and highway safety issues and, on balance, the development is acceptable and compliant with the above mentioned policies in the Development Plan. The application is considered to be in accordance with H.2, H.13, D.4, D.10, D.11, D.15, NR.11, TR.17 of the Adopted Wyre Forest District Local Plan, CP02 CP03 CP11 CP14 DS01 DS03 of the Adopted Wyre Forest Core Strategy, T.4 of the Worcestershire County Structure Plan, QE.1, QE.2, QE.3 of the West Midlands Regional Spatial Strategy, Design

Quality Supplementary Planning Guidance, Planning Obligations SPD and Planning Policy Statement 1, Planning Policy Statement 3 and Planning Policy Statement 9.

**Application Reference:** 11/0609/TREE

**Site Address:** ELFIN GLEN, GORST HILL, ROCK, KIDDERMINSTER, DY14 9YH

**APPROVED** subject to the following conditions:

1. TPO1 (Non-standard Condition '2 year restriction of Consent Notice')
2. C17 (TPO Schedule of Works)
3. C16 (Replacement Planting)

**SCHEDULE OF WORKS**

Only the following works shall take place:

Common Oak (*Quercus robur*) – Fell

The application is considered to be in accordance with D.4 of the Adopted Wyre Forest District Local Plan.

**Application Reference:** 11/0675/FULL

**Site Address:** 10 ADAM STREET KIDDERMINSTER, DY11 6PS

**APPROVED** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. Materials
4. Severn Trent Water drainage condition
5. Contamination condition as recommended by Worcestershire Regulatory Services
6. Highway conditions

Reason for Approval

The proposal has been considered in terms of the principle of allowing the development and the scheme is judged to be acceptable in this regard and with respect to the design of the proposed flats and the relationship with adjacent properties and the street scene. In addition the application has been assessed in terms of the lack of off street car parking but in view of the potential traffic generation from the established use of the property as a builder's yard the demand for off street car parking will be lower in the proposed scheme. The Highway Authority has taken the view that there on no grounds to refuse the application on the basis of lack of off street car parking. The application is considered to be in accordance with H2, D10, NC7, TR17 of the Adopted Wyre Forest District Local Plan, DS01, DS02, DS03, DS04, CP09, CP03, CP11, CP02 of the Adopted Wyre Forest Core Strategy, CF2, CF4, QE3, QE7 of the West Midlands Regional Spatial Strategy, Design Quality Supplementary Planning Guidance and Planning Policy Statement 1, Planning Policy Guidance 3 and Planning Policy Statement 9.

Application Reference: 11/0711/FULL
Site Address: 28-29 SANDY LANE INDUSTRIAL ESTATE, STOURPORT-ON-SEVERN, DY13 9QB
<p><b>APPROVAL</b> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. All plots shall not be occupied other than by gypsies and travellers</li> <li>4. B1 (Samples/Details of materials) &lt;for utility blocks&gt;</li> <li>5. Noise mitigation strategy to be provided</li> <li>6. Details of Boundary Treatment</li> <li>7. E2 (Foul and surface water)</li> <li>8. The pedestrian evacuation route shall remain clear at all times for access by the occupiers of all the other plots on site</li> </ol> <p><u>Reason for Approval</u></p> <p>Although strictly contrary to development policy it is considered that the unmet need for Gypsy pitches within the District; the lack of alternative provision; and, supply of Industrial land at present, provide sufficient justification to look favourably on this site as a permanent Gypsy site. The site is considered acceptable in this and can be assimilated into the Industrial area without significant negative impact. Whilst being in Flood Zone 2 it is considered that the risk of flooding is acceptable and that a dry access route can be maintained. The access and the traffic generation associated with the development is considered acceptable. The application is considered to be in accordance with H.14, NR.11, NR.12, TR.17 of the Adopted Wyre Forest District Local Plan, DS01, DS03, CP02, CP06, CP08, CP11 of the Adopted Wyre Forest Core Strategy, CF2, CF3, CF4, CF5 of the West Midlands Regional Spatial Strategy, Policies 1, 7, 15, 25, 26 (emerging WFS&amp;P DPD), Planning Policy Statement 1, Planning Policy Statement 3, Planning Policy Statement 4, Planning Policy Guidance 24, Planning Policy Statement 25, Circular 01/06, Draft National Planning Framework and Draft Planning Policy Statement 'Planning for Traveller Sites'.</p>

Application Reference: 11/0717/FULL
Site Address: 37 CHESTNUT GROVE, KIDDERMINSTER, DY11 5QA
<p><b>APPROVED</b> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. External brickwork to match existing</li> <li>4. The extensions hereby permitted shall not be occupied at any time other than for the purposes incidental to the enjoyment of the dwelling know as 37 Chestnut Grove, Kidderminster.</li> </ol> <p><u>Reason for Approval</u></p> <p>The erection of a ground floor extension to enable accommodation to be provided for the disabled applicant is considered to be acceptable in principle. The proposed extension is of an appropriate scale and design in relation to the original dwelling and is capable of being assimilated into the local street scene. The proposal would accord with all aspects of Policy H.18 with the exception of the provision of a wheelchair accessible front door, which has been justified in a statement of the</p>

circumstances on the site and the access limitations as existing. Accordingly, the proposal is considered to be in compliance with the policies listed above, with the exception of Policy H.18 of the Adopted Wyre Forest District Local Plan. However, in this particular case it is considered that this partial non-compliance is justified and acceptable. The application is considered to be in accordance with H.18, D.17, TR.17 of the Adopted Wyre Forest District Local Plan and CP03, CP11 of the Adopted Wyre Forest Core Strategy.

**Application Reference:** 11/0749/FULL

**Site Address:** WOODHOUSE FARM, POUND GREEN, ARLEY, BEWDLEY, DY12 3LD

**APPROVED** subject to the following conditions:

1. A11 (Approved plans).
2. C9 (Hedge protection).
3. Maximum overall number of caravans on the site not to exceed 52 and sited in accordance with approved layout.
4. 11 month occupancy.
5. Holiday site only. Occupation by persons with residences elsewhere.
6. Register of owners of units and the residences to be kept at all times.

Reason for Approval

The change from 17 Touring Caravans to 17 Static Caravans is considered to be appropriate in this self contained site, and will not have an adverse impact on the Landscape or the open countryside. The application is considered to be in accordance with TR.17, LR8, LB5 of the Adopted Wyre Forest District Local Plan, DS04, CP03, CP10, CP11, CP13 of the Adopted Wyre Forest Core Strategy, CTC 1, CTC4, RST3, RST14, RST18 of the Worcestershire County Structure Plan, QE1, QE6 of the West Midlands Regional Spatial Strategy, Policies 13, 14, 15, 24, 25 (emerging SA&P DPD), Good Practice Guide Planning for Tourism, Landscape Character Assessment and Planning Policy Statement 1, Planning Policy Statement 5 and Planning Policy Statement 7.

Councillor J W Parish left the meeting at this point.

**Application Reference:** 12/0002/FULL

**Site Address:** 157 SION AVENUE, KIDDERMINSTER, DY10 2YL

**APPROVED** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B3 (Finishing Materials to Match)

Note

SN12 (Neighbours' rights)

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design to the main dwelling and will have an acceptable appearance in the street scene. The impact of the extension upon neighbouring properties has been carefully assessed



and it is considered that there will be no undue impact upon their amenity. The application is considered to be in accordance with D.17 of the Adopted Wyre Forest District Local Plan, CP.11 of the Adopted Wyre Forest Core Strategy, QE1, QE3 of the West Midlands Regional Spatial Strategy, Design Quality Supplementary Planning Guidance and Planning Policy Statement 1.

Councillor Parish came back to the meeting at this point.

**Application Reference:** 12/0006/FULL

**Site Address:** WEST MIDLAND SAFARI PARK, SPRING GROVE, BEWDLEY, DY12 1LF

**APPROVED** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B6 (External Details – Approved Plan)
4. Details of Waterfall operation

Reason for Approval

The proposed building and associated works are appropriate development in the Green Belt. The siting and design is acceptable and will not adversely impact on the surrounding area. Neighbouring properties have been fully taken into account and it is further considered that no undue harm to residential amenity will occur. The application is considered to be in accordance with GB.1, GB.2, GB.3, GB.6 of the Adopted Wyre Forest District Local Plan, DS04, CP10, CP11, CP12 of the Adopted Wyre Forest Core Strategy, PA10, QE3, QE6 of the West Midlands Regional Spatial Strategy, Policies 13, 20, 25 (emerging SA&P DPD), Good Practice Guide on Planning for Tourism, Landscape Character Assessment and Planning Policy Statement 1, Planning Policy Guidance 2, Planning Policy Statement 4 and Planning Policy Statement 7.

## EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

13/03/2012

### PART A Reports

Ref.	Address of Site	Recommendation	Page No.
11/0545/FULL	TOP ACRE OFF CURSLEY LANE SHENSTONE	REFUSAL	19
11/0701/FULL	27 WOODLANDS ROAD COOKLEY KIDDERMINSTER	APPROVAL	38
11/0706/FULL	ROBIN HOOD PH DRAYTON ROAD DRAYTON BELBROUGHTON	APPROVAL	44

### PART B Reports

Ref.	Address of Site	Recommendation	Page No.
11/0666/FULL	WHARTON PARK GOLF CLUB LONGBANK BEWDLEY	APPROVAL	59
12/0009/FULL	WOLVERLEY CARAVAN & CAMPING CLUB BROWN WESTHEAD PARK WOLVERLEY KIDDERMINSTER	APPROVAL	64
12/0014/FULL	THE PIANO BUILDING WEAVERS WHARF KIDDERMINSTER	APPROVAL	70
12/0015/LIST	THE PIANO BUILDING WEAVERS WHARF KIDDERMINSTER	APPROVAL	70
12/0060/FULL	JUKES STORES THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	80
12/0061/LIST	JUKES STORES THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	80
12/3003/TE	OUTSIDE 14 LOAD STREET BEWDLEY	APPROVAL	85

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**13<sup>TH</sup> MARCH 2012**

**PART A**

<b>Application Reference:</b>	11/0545/FULL	<b>Date Received:</b>	26/08/2011
<b>Ord Sheet:</b>	386985 272851	<b>Expiry Date:</b>	21/10/2011
<b>Case Officer:</b>	John Baggott	<b>Ward:</b>	Blakedown and Chaddesley

**Proposal:** 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

**Site Address:** TOP ACRE, OFF CURSLEY LANE, SHENSTONE, KIDDERMINSTER, DY10 4DX

**Applicant:** MRS S J SMITH

<b>Summary of Policy</b>	H2, H9, H16, D10, GB1, GB2, GB6, TR17 (AWFDLP) DS01, DS04, CP02, CP03, CP06, CP11, CP12 (AWFCS) D12, D17, D38, D39 (WCSP) CF2, CF3, QE1, QE3, QE6 (WMRSS) Policies 1, 2 and 20 (Site Allocations and Policies DPD) PPS1, PPG2, PPS3, PPS7 Draft National Planning Policy Framework (NPPF) Draft PPS Planning for Traveller Sites
<b>Reason for Referral to Committee</b>	Development Manager considers that application should be considered by Committee. Third party has registered to speak at Committee
<b>Recommendation</b>	<b>REFUSAL</b>

**1.0 Site Location and Description**

- 1.1 The application site consists of a parcel of land located on the western side of Cursley Lane, to the north of Willow Marsh fishing pools. The site was one of eight plots of agricultural land which were sold off and subsequently subdivided back in 2006.
- 1.2 The site is within the designated Green Belt and is occupied by a mobile home and a touring caravan, and associated hardstanding, which is home to one gypsy family consisting of the applicant; the applicant's mother-in-law; and, the applicant's dependants (3 children under the age of 12 years old).

11/0545/FULL

- 1.3 Access to serve the site is via a long established access off Cursley Lane which also serves some of the other aforementioned plots of land.

## **2.0 Planning History**

- 2.1 The initial unauthorised occupation of the application site by the applicant in 2006 took place without the benefit of planning permission. A retrospective application (ref: 06/1062/FULL) was subsequently Refused on 15/12/06. A subsequent Enforcement Notice, requiring the removal of the unauthorised caravans and associated development, was served on 21/02/07.
- 2.2 Both the refused planning application and the Enforcement Notice were the subject of subsequent Appeals to the Planning Inspectorate, which were handled by way of Public Inquiry held in September 2007. The Appeals were subsequently allowed by the Planning Inspector, with the Enforcement Notice quashed and planning permission granted, on a 5 year temporary basis from the date of the Inspector's decision (26/11/07), subject to conditions.
- 2.3 Detailed commentary with respect to the Planning Inspector's decision and the nature of, and reasoning behind, the conditions imposed is set out within the Officers Comments section of this report.

## **3.0 Consultations and Representations**

- 3.1 Stone Parish Council – Objection and recommend Refusal on the following grounds:

- Contrary to Green Belt policy;
- Unsightly to the area.

- 3.2 Highway Authority – No objection.

- 3.3 Strategic Housing Services Manager – No objection.

- 3.4 Worcestershire Regulatory Services – No comments received.

- 3.5 Severn Trent Water – No comments received.

- 3.6 County Council Gypsy Services - No adverse comments. The loss of a plot would be unfortunate, however I do appreciate that you need to balance that against any impact on neighbours and any implications for setting unwelcome precedents in planning terms.

11/0545/FULL

3.7 Neighbour/Site Notice – 4 letters of objection (from 3 local residents) have been received following direct notification and the posting of a site notice. The reasons for objection are summarised as follows:

- Detrimental to highway safety due to vehicles exiting the site onto a busy and narrow lane;
- Pedestrian safety concerns;
- Impact on the Green Belt due to visible nature of the development;
- Adverse impact upon views;
- The original mobile home has been replaced by a bigger/higher mobile home;
- Fence panels fail to obscure the development;
- Inadequate planting;
- Noise emanating from a generator on site;
- Lack of consideration of residents;
- Devaluing of property values;
- Original temporary permission was due to there not being alternative sites;
- Unfair for planning permission to be granted when applicant bought the land knowing it was for animal grazing purposes only.

#### 4.0 Officer Comments

4.1 The application as submitted seeks to vary conditions 1 and 2 of the temporary planning permission granted, on appeal, under application 06/1062/FULL. In the interests of clarity and completeness these two relevant conditions are reproduced, in full, as follows:

1. *The use hereby permitted shall be carried on only by Sarah Jane Smith, Vera Smith and their dependants and shall be for a limited period being of 5 years from the date of this decision, or the period during which the premises are occupied by them whichever is shorter.*
2. *When the premises cease to be occupied by Sarah Jane smith, Vera smith and their dependants, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the premises in connection with the use hereby approved shall be removed, and the land restored to its condition before the use commenced.*

4.2 The applicant is now seeking to vary these conditions so as to remove all reference to a 5 year temporary period, which expires in November 2012, thereby securing the permanent occupation of the site by the named persons and their dependants. In all other respects, including the number and type of caravans (i.e. no more than 2 caravans, of which no more than 1 shall be a static caravan or mobile home), the permission would remain unaltered.

11/0545/FULL

4.3 In support of the current application, the applicants' agent has provided a planning statement which sets out the basis for now seeking to vary conditions 1 and 2 of planning permission 06/1062/FULL, as granted on appeal, thereby securing a permanent permission for the use of the site for the stationing of caravans for residential purposes. The following bulleted points summarise the case as presented by the applicant:

- *The Appeal Inspector acknowledged that the development would only cause limited harm to openness and limited encroachment into the countryside;*
- *The Appeal Inspector concluded that any harm to the character and appearance of the locality was limited and localised, and could further be reduced by landscaping;*
- *The Inspector considered that there was a clear and immediate unmet need for lawful sites within the District. The Gypsy and Traveller Accommodation Assessment (GTAA) subsequently established that there is a need for the provision of additional residential pitches in Wyre Forest during the period 2008-2013. More than half of this requirement comprises immediate need deriving from unauthorised camping and overcrowding on existing authorised sites. Only 7 additional pitches have been provided in Wyre Forest since 2008, leaving a residual unmet need for 23 pitches to be provided by 2013;*
- *The applicant lives on the application site with her 3 children and mother-in-law. The eldest daughter has now left Chaddesley Corbett (school) and has now started at King Charles School. The middle daughter (aged 6) attends Chaddesley Corbett (school), as does the youngest daughter (aged 4). The educational needs of the family have therefore increased since 2007, and the children have now had 5 years to integrate with the community;*
- *The applicant and her family have a personal need for lawful accommodation, and no alternative place to live. This personal need is now best met from the application site where they have become an accepted part of the local community;*
- *The application site would satisfy part of the need identified in the GTAA;*

11/0545/FULL

- *The (Wyre Forest District) Core Strategy adopted in December 2010 provides that sites will be allocated to meet the needs identified in the GTAA and sets out criteria for the allocation of sites, and for the assessment of proposals for new gypsy sites. The application site is of an appropriate size (less than 10 pitches); the appeal Inspector accepted that the site is reasonably close to facilities and is a sustainable location for a Gypsy family; the site is not located within an area of high risk of flooding; there are no neighbouring properties which would be adversely affected; the Inspector accepted that the site is capable of sympathetic assimilation into the surrounding landscape; mains water and septic tank drainage have been provided to serve the site; and no highway safety objection was raised by the Council at the appeal. Apart from its location within the Green Belt, the application complies with Core Strategy Policy CP06.*
- *One of the main intentions of Circular 01/2006 (“Planning for Gypsy and Traveller Sites”) is to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision (of sites). The Council’s current policies clearly have not been capable of achieving the objectives of Circular 01/2006, and are looking increasingly unlikely to satisfy the need identified by the GTAA;*
- *Circular 01/2006 advises that temporary permission may be justified where it is expected that the planning circumstances will change at the end of the period of temporary permission. Whereas this was the case when the Inspector made her decision (in 2007), it is not the case now. The Site Allocations and Policies DPD is not expected to be adopted before November 2012, and it is likely to take a further 6-12 months before land allocations can be turned into sites on the ground.*
- *In my (the applicant’s agent) opinion, the application site is an ideal location; close to the applicant’s extended family; close to the health and education facilities on which the family rely. These factors, together with need; lack of any alternative sites; failure of the development plan to meet identified need; and personal circumstances, are more than enough to clearly outweigh harm to the Green Belt and any other harm, and constitute the very special circumstances necessary to justify a permanent planning position.*

4.4 In considering the merits of the current application, and notwithstanding the comments raised by the Appeal Inspector in allowing a temporary permission, it is essential to revisit those matters considered by Members of the Planning Committee at the time of the original, retrospective application, as well as any material changes in circumstances that have occurred during the intervening years. The main issues to consider, therefore, are:

- i) Principle of the development in the Green Belt;
- ii) Impact upon openness and visual amenity of the Green Belt;

11/0545/FULL

- iii) Consideration of proposal against Housing policies of the current Development Plan;
- iv) Policies relating to accommodation for Gypsy and Travellers;
- v) Need for Gypsy and Traveller sites;
- vi) The Appeal Inspector's decision and reasoning;
- vii) Other material considerations.

#### PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

- 4.5 As previously stated, the site lies within the Green Belt. Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites, states that new gypsy and traveller sites are normally inappropriate within the Green Belt. The Circular also goes on to state that the national Green Belt policy as set out in PPG2 applies to Gypsy and Travellers. It is worth noting, also, that the Government's draft new planning policy for traveller sites, as published in April 2011, indicated that the proposed new policy in relation to Green Belt sites would remove the word "normally" (i.e. the policy would state that new sites in the Green Belt are "inappropriate development"). The proposed change was included to make it clear that development in the Green Belt should be dealt with in exactly the same way as applications from members of the settled community.
- 4.6 Notwithstanding the extant temporary permission which allows the caravans to be occupied for residential purposes, PPG2 which make it clear that there is a presumption against residential development within the Green Belt unless it meets certain criteria.
- 4.7 PPG2 and Policy GB.1 of the Adopted Local Plan both set out the types of development which are considered appropriate within the Green Belt. The Inspector in 2007 stated that material use of land and the associated development did not fall within any of the categories of appropriate development and concluded in paragraph 8:  
*"... the development as a whole clearly constitutes inappropriate development in the Green Belt."*
- 4.8 The policy situation has not changed. The existing caravans do not meet the above criteria and as such, notwithstanding the valid temporary permission, they constitute inappropriate development in the Green Belt. The Inspector also commented, at paragraph 41 of the decision that: *"The development is inappropriate and, by definition, harmful to the Green Belt. This fundamental objection cannot be overcome by planning conditions and carries substantial weight."*



11/0545/FULL

- 4.9 PPG2 advises that inappropriate development is by definition harmful to the Green Belt and that when considering inappropriate development in the Green Belt the main issue to consider is whether there are any very special circumstances to justify why the development should be permitted. In 2007, the Appeal Inspector concluded that there were very special circumstances in place which justified the granting of planning permission, albeit for a temporary period only. These very special circumstances are outlined elsewhere in the report.
- 4.10 Policy CP06 of the adopted Core Strategy promotes a sequential approach towards the identification of suitable sites for Gypsy and Travellers, directing new sites to previously developed sites within existing settlement boundaries with particular reference to the settlement of Stourport on Severn and Kidderminster. The land cannot be considered as being previously developed, prior to the occupation by the caravans, and it is clear from Policy DS01 of the Core Strategy that the application site is not located within a settlement.
- 4.11 On this basis, it must be concluded that the national and local planning policies weigh heavily against the development and the proposal to allow the permanent use of the site for residential caravans.

#### IMPACT ON OPENNESS AND VISUAL AMENITY OF GREEN BELT

- 4.12 PPG2 (paragraph 1.4) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Policy GB.2 of the Adopted Local Plan states that where development is in accordance with Policy GB.1, it must be capable of implementation without detriment to the openness of the Green Belt. Policy GB.6 also requires proposals not to be detrimental to the visual amenity of the Green Belt.
- 4.13 It is acknowledged that the existing site is kept in a tidy condition. Landscaping work has taken place and a previously erected 2 metre high fence has been replaced by a lower fence, all as required by planning conditions imposed by the Planning Inspector. However, officers are of the opinion that, by virtue of the position of the caravans on the edge of a plot of land located within the middle of what was formerly an open agricultural field, the development harms the visual amenity and erodes the openness of this part of the Green Belt. The area of hardstanding which has been created is also considered to harm the visual amenity of this area of Green Belt.
- 4.14 However, it must be noted that the appeal Inspector in 2007 took a different view and stated that, in her opinion: *"... the development would cause limited harm to the openness of the Green Belt because of the small size of the site, and the small-scale nature and relatively low height of the caravans and fence"*, before concluding that *"... any harm to the visual amenities of the Green Belt in this location would be limited"*.

11/0545/FULL

- 4.15 In light of those previous comments made by the Planning Inspector, and notwithstanding the reservations that officers have in this regard, it may be difficult to present a counter argument with the weight to be applied to this harm, particularly given the improvements that have been made to the site in terms of fencing and landscaping. However, the Appeal Inspector did state also that: *“The development is inherently urban in nature and is out of keeping with the surrounding countryside ... there is a small degree of additional harm, to the character and appearance of the surrounding rural area contrary to Development Plan countryside protection policies”.*

#### CONSIDERATION OF PROPOSAL AGAINST HOUSING POLICIES OF DEVELOPMENT PLAN

- 4.16 The site is within the Green Belt in an area of open countryside where new residential development is only permitted under certain circumstances, as previously identified. Policy H.2 of the Local Plan requires residential development outside the locations identified in that policy to be in accordance with Policy H.9 or Policy GB.1. Policy H.9 states that outside the areas identified in Policy H.2, residential development will not normally be allowed except in certain circumstances. These circumstances are essentially the same as those set out in respect of Policy GB.1. Furthermore, as previously confirmed, Policy DS01 of the adopted Core Strategy clearly identifies appropriate, sequential, locations for development, including housing. The application site does not fall within the settlement hierarchy.
- 4.17 Policy H.16 of the adopted Local Plan relates to residential caravans and mobile homes. It states that caravans and mobile homes as full time homes will only be permitted to meet specific short terms needs, as listed in the policy. However, in this regard, the previous Appeal Inspector stated that: *“... the strict application of Policy H.16 ... would prevent the establishment of any permanent Gypsy sites in the District”*, before concluding that she gave *“little weight to any conflict with Policy H.16 ...”*
- 4.18 The permanent retention of the caravans for residential accommodation fails to meet the criteria for new housing provision as set out in Policies H.2 and H.9 of the Local Plan, and fails to satisfy the requirements of Policy DS01 of the adopted Core Strategy.

#### POLICIES RELATING TO ACCOMMODATION FOR GYPSIES

- 4.19 As previously identified, Government guidance on gypsy and traveller sites is contained within Circular 01/2006. It addresses in some detail how the Local Development Framework needs to take account of the needs of gypsies and travellers. It states that the local housing strategy will need, in particular, to identify accommodation needs and a strategy will need to be incorporated to show how accommodation needs will be met. It does however emphasise that site provision should be in “appropriate locations”. In this particular regard, it is worthy of note that there is no known tradition of sites being occupied for gypsies in the general locality of the site and a local need for sites in the area has not previously been demonstrated.

11/0545/FULL

- 4.20 Policy H.14 of the adopted Local Plan identifies existing safeguarded Gypsy sites. The application site does not feature within this list of sites. Policy CP06 “Providing accommodation for gypsies, travellers and travelling showpeople” , of the adopted Core Strategy, states that a sequential approach towards identifying new Gypsy sites will be adopted, which “... *will give preference to potential sites within the existing settlement boundaries on previously developed sites*”. The application site, as previously identified, does not fall within a settlement boundary and does not constitute previously developed land.
- 4.21 Policy CP06 also sets out a set of criteria against which the suitability of sites considered for allocation should be addressed. In this regard, the applicant’s representative contends that; “*Apart from its location within the Green Belt, the application complies with ... Policy CP06*”. Whilst officers would not necessarily agree with this sweeping statement, the Appeal Inspector in 2007 did comment that: “... *the site is reasonably close to facilities and this is a sustainable location for a Gypsy family*”.

#### NEED FOR GYPSY AND TRAVELLER SITES

- 4.22 Circular 01/2006 makes it clear that unmet need for suitable Gypsy and Traveller sites should be considered very seriously, and that the following information should be taken into account as part of any decision taken:
- Incidents of unauthorised encampments;
  - The number 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 of sites and historic trends.
- 4.23 The need for gypsy and traveller pitches, and their lack of availability at the time of the previous appeal Inquiry, essentially tipped the balance in favour of the appellant at that time and prompted the Inspector to grant the 5 year temporary permission, with the Inspector making the comment that: “*I find the current Development Plan policies (i.e. those in place at that time) to be inadequate to meet the existing unmet need. The Council indicates that the policy framework is unlikely to change before 2011 at the earliest. This factor adds considerable weight to the appellants’ case*”.
- 4.24 The Inspector, went on to comment that: “*The grant of a 5 year temporary planning permission would enable the results of the assessment of need to be considered and the process of identifying additional sites within the District should, at the very least, have made substantial progress. I believe that it is likely that the planning circumstances will have materially changed by that time*” (i.e. November 2012 – the expiry of the 5 year temporary permission).

11/0545/FULL

4.25 Members may recall that a similar unauthorised Gypsy encampment occurred at Rocky Lane, Churchill in 2009. In dismissing the subsequent appeal against an Enforcement Notice requiring the site to be vacated, the Planning Inspector commented, in response to the appellants claims regarding a lack of adequate future provision of suitable Gypsy and Traveller sites that;

*“... it seems to me that distinct progress is being made towards achieving the locally identified level of provision... the strong indication of progress towards meeting (unmet need for pitches) within the likely timescale following revocation of the RSS in my view reduces the weight (of the argument regarding unmet need).”*

4.26 The current planning policy position in terms of identifying suitable sites is that the adopted Core Strategy 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 for provision of sites until 2022. These are set out in the following table:

Time Frame	Number of Pitches	Source
2006-2013	30 (23 net of sites approved since 2006)	Adopted Core Strategy
2013-2017	5	RSS 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)	

4.27 In recent months, a number of planning applications for Gypsy and Traveller sites have been considered by Planning Committee, as listed in the following table. In each case, the applications were approved. It is important to note that none of the application sites approved and therefore listed in the table is located within the Green Belt.

11/0545/FULL

Summary table of Planning Applications Approved

Date of Approval	Site	Number of Pitches	Allocation Remaining till 2013	Allocation Remaining till 2017
-	-	-	30	35
09.09.2009	9 Broach Road (Meadow Caravan Park) Stourport	7	23	28
23.11.2011	Land opposite the Gate House, Sandy Lane, Stourport	8 (not counted temp. 2 yrs)	23	28
10.11.2011	Land Adj Nunns Corner, Sandy Lane, Stourport	2 (additional)	21	26
26.01.2012	Saiwen, Lower Heath, Stourport	5	16	21
21.02.2012	28/29 Sandy Lane, Stourport	6	10	15

**CONSULTATION ON GYPSY SITES AS PART OF THE EMERGING SITE ALLOCATIONS AND POLICIES DPD**

- 4.28 As part of the work on the Site Allocations DPD, Baker associates were commissioned to identify suitable sites to accommodate Gypsy and Travellers within the District.
- 4.29 A consultation on 7 potential sites was undertaken during October and November 2011. On 31<sup>st</sup> January 2012 the Council's Cabinet agreed to put forward to allocation the following sites for permanent gypsy pitches to be safeguarded as part of the Site Allocation and Policies DPD which is due to be submitted to the Secretary of State in October 2012. The remaining 4 sites were discounted.

11/0545/FULL

Site	Number of Pitches	Allocation Remaining till 2013	Allocation Remaining till 2017
<i>Carried forward from previous table</i>	-	10	15
Land Adj Nunns Corner, Sandy Lane, Stourport	8 (2 already counted above)	4	9
Saiwen, Lower Heath, Stourport	5 (already counted above)	4	9
The Gables Yard, Broach Road, Stourport	3	1	6

- 4.30 On 31<sup>st</sup> January 2012, the Council's Cabinet agreed to go out for a further consultation on three further sites, as detailed below. Once these consultations have been concluded and the responses analysed it is anticipated that the DPD will reach submission stage by October 2012 with adoption likely in early 2013.

Site	Number of Pitches	Allocation Remaining till 2013	Allocation Remaining till 2017
<i>Carried forward from previous table</i>	-	1	6
Land opposite the Gate House, Sandy Lane, Stourport	8 (Permanent)	+7	+2
28/29 Sandy Lane, Stourport	6 (already Counted)	+7	+2
1A Broach Road, Stourport	1	+8	+3

11/0545/FULL

POST 2017 GYPSY SITE ALLOCATION

- 4.31 As the post 2017 figure of 15 pitches was an RSS Phase 3 projection, it would then enable the Council to more accurately predict the pitch requirement for this period after the Gypsy & Traveller Accommodation Assessment (GTAA) is undertaken in 2013/14 and rely on the planning application system to continue to deliver pitches that have not been specifically allocated.
- 4.32 It is therefore concluded that the need for Gypsy Sites within the District can be met by planning permissions and proposed allocations without the need to approve any sites within the Green Belt.

THE APPEAL INSPECTORS DECISION AND REASONING

- 4.33 As previously identified, the appeal decision ultimately swung on the issue of lack of site availability to meet need, although the Inspector did give some weight to the personal circumstances of the applicant. In considering other arguments the Inspector concluded that the development; *“as a whole clearly constitutes inappropriate development within the Green Belt”*.
- 4.34 In presenting arguments in favour of the current application, to enable the permanent use of the site for residential use and the retention of the existing caravans, the applicant’s representative has again sought to make a case regarding the personal circumstances of the applicant, as referred to under paragraph 4.3 of the report. However, officers are of the opinion that there is nothing out of the ordinary about the circumstances presented and the educational needs of the children, whilst accepting they would be assisted by a settled base, are not exceptional. Little is said by the applicant’s representative about the Green Belt. The Inspector commented in the summary and overall conclusions that:

*“The development is inappropriate and, by definition, harmful to the Green Belt. This fundamental objection cannot be overcome by planning conditions and carries substantial weight.... There is also an adverse impact upon the character and appearance of surrounding rural area”*.

- 4.35 The Inspector went on to comment that:

*“I believe that the considerations in support of the appeal taken together (i.e. personal circumstances, etc) do not outweigh the conflict with the Development Plan and the national policies designed to protect the Green Belt so as to justify the grant of a full planning permission on the basis of very special circumstances..... in all circumstances it is not disproportionate to refuse the grant of planning permission”*.

11/0545/FULL

4.36 The Inspector proceeded to consider whether the granting of a temporary permission might be appropriate in recognition both of the then unmet need for alternative sites and the Council's timetable for the preparation and adoption of a Site allocations DPD which would bring forward suitable Gypsy and Traveller sites. The inspector concluded that the considerations in support of the appeal taken together would clearly outweigh the harm that would result to the Green Belt so as to justify the grant of the 5 year temporary permission. The Inspector did state, however, that: *"... 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 the full permission for the use of the land as a caravan site... I do not regard the prospect of the family having to vacate the site at the end of the temporary period to be a strong argument against the grant of such a permission in the first instance. I consider the grant of a temporary permission to be a proportionate response that strikes a fair balance between the competing interests of the wider public and the individual in this case."*

4.37 The Inspector concluded by stating that:

*"I do not believe that to allow a temporary permission in this case would undermine Green Belt policy or make it more difficult for the Council to refuse temporary permission for other similar development where appropriate"*.

#### OTHER MATERIAL CONSIDERATIONS

4.38 At paragraph 4.24 of the report reference is made to the successful Enforcement Appeal in respect of an unauthorised gypsy site at Rocky Lane, Churchill. It is worth noting some of the concluding remarks of the Appeal inspector in that instance who stated that:

*"...the level of unmet need has a material weight, but this is reduced by the progress towards meeting it ..... Against this is set the substantial harm to the Green Belt by reason of being inappropriate, the harm to the character and appearance of this attractive area and the openness of the Green Belt ...."*

4.39 The inspector went on to comment that: *"The development ... contravenes extant advice in Circular 01/06 that alternative locations should be explored before those in the Green Belt are considered ....As an alternative to dismissal, the appellant sought a temporary planning permission of at least 3 years. However in my opinion this would unnecessarily prolong the significant harm which the development causes to the Green Belt ...."*



11/0545/FULL

- 4.40 It is now over 4 years since the temporary planning permission was granted for the application site, on appeal. In submitting the current application, to vary conditions 1 and 2 of planning permission 06/1062/FULL to enable the permanent use of the site for residential caravan use, no evidence has been presented to suggest that the applicant has sought to find other, more appropriate, sites. Rather, reference has been made in the submission to a planning appeal decision elsewhere which concluded that the granting of a permanent permission, following a previous temporary planning permission, was justified in order to meet unmet need in that area.
- 4.41 For the reasons set out under paragraphs 4.22 to 4.31, above, officers are of the opinion that significant strides have been taken to address the previous unmet need at the time of the original Appeal decision and that suitable alternative sites are available within the district such that arguments for the permanent retention of this site, in this inappropriate location, are undermined.
- 4.42 Some of the objectors have raised concern over the noise from the generator on the site. Officers have noted that the noise levels of the generator are noteworthy within its immediate vicinity, but given the distance of the site from any residential properties the noise created by the generator would not be sufficient to justify refusal of planning permission.

#### CONSIDERATION OF HUMAN RIGHTS

- 4.43 Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms provides:
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
  2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.44 As described previously, the harm to the Green Belt must be balanced against any very special circumstances sufficient to outweigh the presumption against inappropriate development in the Green Belt. The balancing act requires a conclusion, as a matter of fact, as to the impact that the development has on the Green Belt. Once that conclusion has been made other factors that could be described as Article 8 rights must be put into the balance. Under Article 8, the applicant has a right to respect for her home and family life.

11/0545/FULL

- 4.45 The applicant moved on to the site in the full knowledge that planning permission was needed and may not be forthcoming. In a case considered by the European Court of Human Rights (*Chapman v UK*) the court established that when considering whether in any given case an interference with someone's home is 'proportionate' it is relevant that they established their home unlawfully in the first instance. It is not relevant to the planning merits of the application but is relevant in respect of Article 8.
- 4.46 In the case of *R (on the application of Jeeves and Baker) v Gravesham BC* May 10<sup>th</sup> 2006 Collins J said the following: "*The mere fact that it is desirable that the children's education be maintained, the mere fact that there are difficulties in finding other accommodation because of the failure to provide sufficient sites, do not necessarily of themselves produce the exceptional circumstances that are needed to override the Green Belt policy which militates against any development of this sort.*"
- 4.47 Article 8 rights are not just available to the applicant. Article 8.2 provides for protection of the environment and for the protection of the "rights and freedoms of others" The Local Planning Authority has an obligation to protect the environmental rights of other people in the community.
- 4.48 Whilst Members must bear in mind Circular 01/2006, that circular itself provides that "*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.*" It also specifically states that "*National planning policy on Green Belts applies equally to applications for planning permission from gypsies and travellers and the settled population.*"

## 5.0 Conclusions and Recommendations

- 5.1 The determination of this application requires an assessment of the needs of the gypsy family against the harm to the Green Belt and open countryside arising from the continued, and permanent, siting of the caravans for residential purposes.
- 5.2 The caravans are clearly inappropriate development in the Green Belt which is harmful by definition, as confirmed by the Appeal Inspector in 2007. The development is also considered to be harmful to the visual amenity and openness of this rural location. The information provided by the applicant in support of this application and the permanent retention of the caravans has been carefully considered however it is not considered to constitute very special circumstances which would outweigh the harm to the Green Belt that would be caused by reason of inappropriateness.

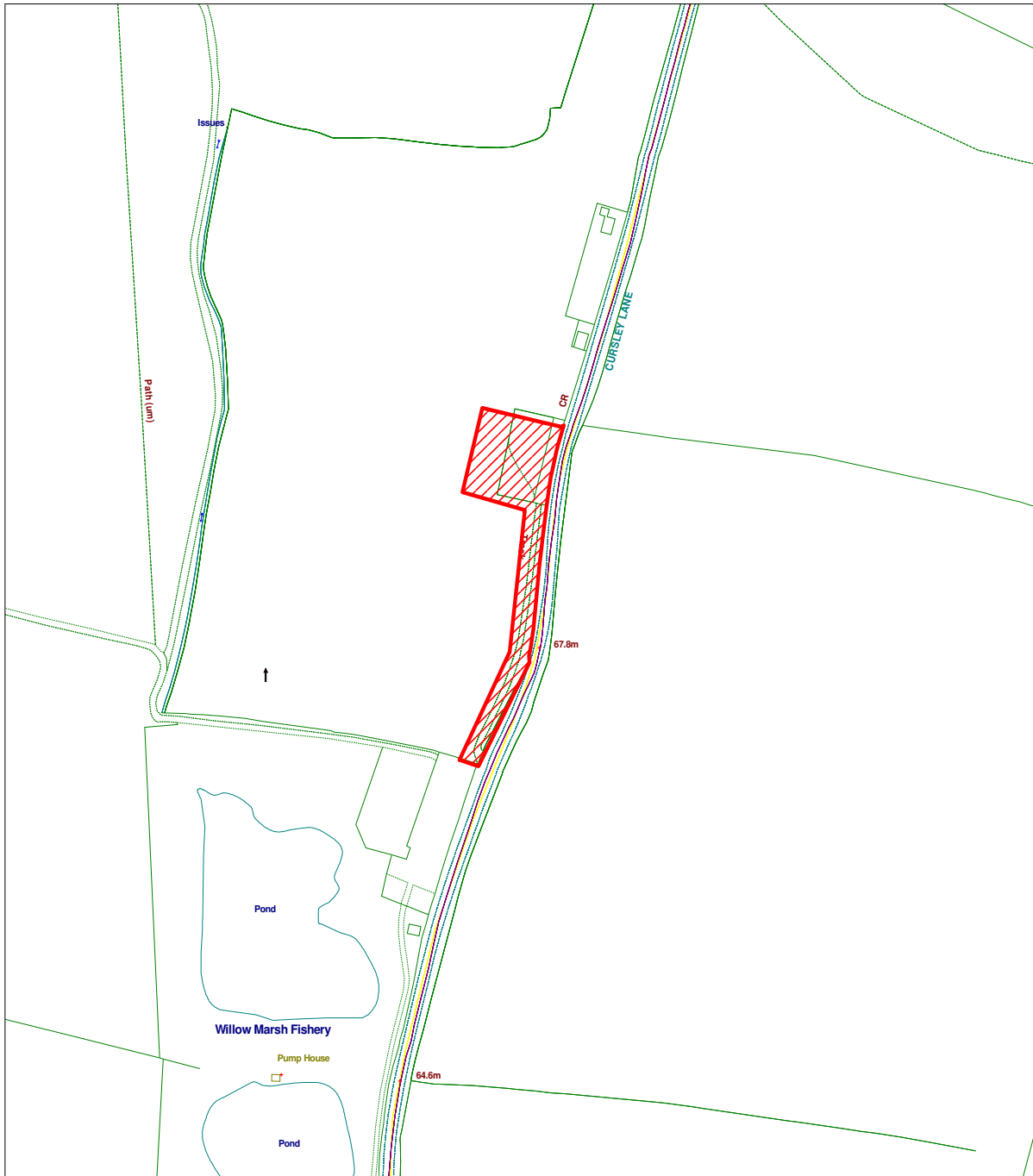
11/0545/FULL

- 5.3 In granting the temporary permission in 2007, the Inspector placed significant weight on the then unmet need for alternative Gypsy and Traveller sites within the District. However in this regard circumstances have changed and alternative sites have been identified and the need for suitably located sites is capable of being met within the foreseeable future, as detailed under paragraphs 4.26 to 4.31 of the report. This change in circumstances clearly shifts the balance in terms of the previous convincing arguments made regarding unmet need.
- 5.4 Had such circumstances been in place in 2007 it is reasonable to assume, given the comments made by the Appeal Inspector at that time that the Appeal would have failed. The comments made by the Appeal Inspector in respect of the more recent Rocky Lane, Churchill, site, as previously reported, add further weight to this conclusion.
- 5.5 Having balanced the Applicant's case against national and local planning policy, and having die regard to Article 1 of the first Protocol and Article 8 of the European Convention of Human Rights, as well as the Equality Act 2010, it is recommended that the application be **REFUSED** for the following reasons:
- 1) The application site is located within the West Midlands Green Belt. The permanent use of the site for residential purposes and retention of the mobile home/caravans in this location constitutes inappropriate development within the Green Belt. Further harm is caused to the openness and appearance of the Green Belt and the open countryside. No very special circumstances have been demonstrated to justify the development and outweigh the harm that would be caused by reason of inappropriateness. The proposal would therefore be 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 in PPG2.
  - 2) The permanent retention of the mobile home/caravans and associated development on the site is considered to be harmful to the visual amenity and openness of the Green Belt and the rural character of the area. The proposal is therefore 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.

11/0545/FULL

- 3) The location of the site and the proposed permanent use for residential use and accommodation fails to accord with:
1. Housing Policies H.2 and H.9 of the Adopted Wyre Forest District Local Plan, Policies DS01 and DS04 of the Adopted Wyre Forest Core Strategy, and Policies 1 and 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 located within or around the settlement boundaries of Kidderminster or Stourport on Severn and that sequentially preferable sites are available;
  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.

These policies seek to guide residential development to appropriate locations. To approve the permanent retention of the site for residential purposes and the associated mobile home/caravans would retain a solitary development which lies outside recognised settlement boundaries and would contradict planning policy which seeks to protect the green Belt and open countryside.



PLANNING AND REGULATORY SERVICES DIRECTORATE

**Top Acre  
off Cursley Lane  
Shenstone DY10 4DX**



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

<b>Application Reference:</b>	11/0701/FULL	<b>Date Received:</b>	28/11/2011
<b>Ord Sheet:</b>	384206 279704	<b>Expiry Date:</b>	23/01/2012
<b>Case Officer:</b>	Stuart Allum	<b>Ward:</b>	Cookley

**Proposal:** First floor side extension over existing garage

**Site Address:** 27 WOODLANDS ROAD, COOKLEY, KIDDERMINSTER,  
DY10 3TL

**Applicant:** Mr & Mrs Jones

<b>Summary of Policy</b>	D.17, TR.17, GB.6 (AWFDLP) CP03, CP11 (AWFCS)
<b>Reason for Referral to Committee</b>	Previously considered by Committee and deferred for a site visit
<b>Recommendation</b>	<b>APPROVAL</b>

THIS APPLICATION WAS DEFERRED FROM THE 14<sup>TH</sup> FEBRUARY 2012 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

## 1.0 Site Location and Description

- 1.1 The application site is located in an allocated residential area to the south of Cookley village centre. The property forms part of a curved residential frontage arranged around the end of a cul de sac.
- 1.2 This small residential estate, bounded by open Green Belt land to the east and south west, is laid out on fairly regular patterns of development with geometric spacing and generally tightly drawn building lines. This is 'low density' housing, with some very large plots and deep frontages to allow for off street parking.
- 1.3 No. 27 Woodlands Road is presently 'link detached' to its neighbour at No. 29 Woodlands Road at ground floor only, and in the form of a garage.
- 1.4 The proposal is to excavate a new footing along this side boundary, to enable a two storey side extension to be created in the space between the two dwellings. The side elevation of the extension has been designed in such a way that drainage from the hipped roofs of the extension would be totally within the applicants' site with no gutter overhang.

## 2.0 Planning History

- 2.1 WF.1267/02 – Two storey side and single storey rear extension : Approved 14/02/03.

11/0701/FULL

### **3.0 Consultations and Representations**

3.1 Wolverley and Cookley Parish Council – Recommend refusal and would request site visit; overdevelopment of the site, out of keeping with street scene, already got two storey extension.

3.2 Highway Authority – No objections.

3.3 Neighbour/Site Notice : 4 letters of objection received raising the following issues -

- 1) Architectural balance  
The property is one of four pairs of link detached houses arranged in a cul de sac. Each pair is aligned together and separated by flat roofed garages. The proposed development above the garage would have a detrimental impact on the cohesive architectural consistency and balance of the cul de sac. Most houses in the cul de sac have been extended, some extensively. None have been built over the linked garages. This maintains the character of the cul de sac.
- 2) Terracing effect  
The proposed development could give rise to a potential 'terracing effect' should the adjoining neighbour wish to make a similar development. This would create a precedent for others to do the same, potentially creating a semi detached or terraced effect which is not in keeping with the size or aesthetic balance of the cul de sac.
- 3) Design  
Development too big for plot and would give a disproportionate appearance. Planned removal of chimneys would be out of keeping with the other houses. Property currently has three roof levels. Plans show a further (4<sup>th</sup>) roof level. Proposed twin roof levels over garage extension hardly pleasing to the eye.
- 4) Drainage and damp  
Sewer blockages cause unpleasant odours and additional damp in our garage.
- 5) Light  
Daylight in cul de sac already compromised and further building over garage at No. 27 would further exacerbate this.
- 6) Encroachment  
Proposed 'overhang' over our property boundary would make it difficult for us to consider any future development, as well as being a clear encroachment on our property. Existing extension stops us from extending ourselves due to elevation overhanging our property.

11/0701/FULL

#### 4.0 Officer Comments

4.1 Policy D.17 of the Adopted Wyre Forest District Local Plan states 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 effect upon the amenity of neighbouring residents or occupiers.

4.2 Regarding the size and scale of the proposed extension, this is considered to be in visual harmony with the original building. There have been previous extensions at both ground and first floor levels, but the combined effect of the previously proposed and implemented extensions would allow the original building to retain its visual identity and integrity without difficulty.

4.3 This group of 8 dwellings (i.e. 4 pairs of linked detached) arranged around the cul de sac turning area relies to some extent on the regular spacing between them to maintain a visual 'rhythm' in the street scene. No other property in the row has been extended in a similar way to that now being proposed.

4.4 The so-called 'terracing effect' of development in residential frontages is a material planning consideration and, to mitigate against the perceived negative visual consequences of 'gap filling' or partial gap filling in development, minimum 'set back' standards for the front walls of side extensions relative to the position of the original front wall are now imposed on applications.

4.5 In this case the minimum prescribed set back of 750 mm has been incorporated into the proposal, meaning that the existing character of the residential frontage can be substantially maintained. This set back also assists in minimising the massing of the twin hipped extension roof, the design of which mirrors that of the original building.

4.6 No aspect of the proposal would impinge upon the visual amenity of the open Green Belt land, which bounds the rear of the site.



11/0701/FULL

- 4.7 Regarding issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 have been balanced against the scope and scale of the proposal in that context.
- 4.8 No potential breach has been identified but, for clarification the points of objection raised by the Parish Council and the neighbours are addressed, and in the order in which they were presented:
- 1), 2) and 3) Architectural balance, terracing effect and design  
These issues are discussed earlier in the report. In summary, it is considered that the plot is capable of accommodating a further two storey extension without compromising the form of the original building or the street scene (the chimneys could be removed at any time without the need for planning permission).
  - 4) Drainage and damp  
If the sewer is beneath private land, it is the responsibility of the landowner to investigate and repair any blockage. This factor cannot be brought to bear as a material planning consideration in this application. The alleged damp issue relating to the previously approved and implemented application is a private matter between the affected parties.
  - 5) Light  
The presence of an additional extension on this property would be unlikely to affect general daylight levels in the cul de sac. There are no windows in the side elevation of the dwelling located immediately to the south of the site, which may otherwise have been affected by light loss (such a situation would have been subject to consideration under the Council's 45 degree day lighting code).
  - 6) Encroachment  
The responsibility for safeguarding the integrity of neighbouring property is that of the applicants. It is normal practice for the Local Planning Authority to remind applicants of their obligations in such private matters by way of a suitably worded note. Any such concerns must be the subject of negotiation between the two parties. This may incorporate recourse to the Party Wall etc Act 1996, which is not administered by the Council.

11/0701/FULL

## 5.0 Conclusions and Recommendations

5.1 In consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, it is recommended that this application be **APPROVED** subject to the following conditions:

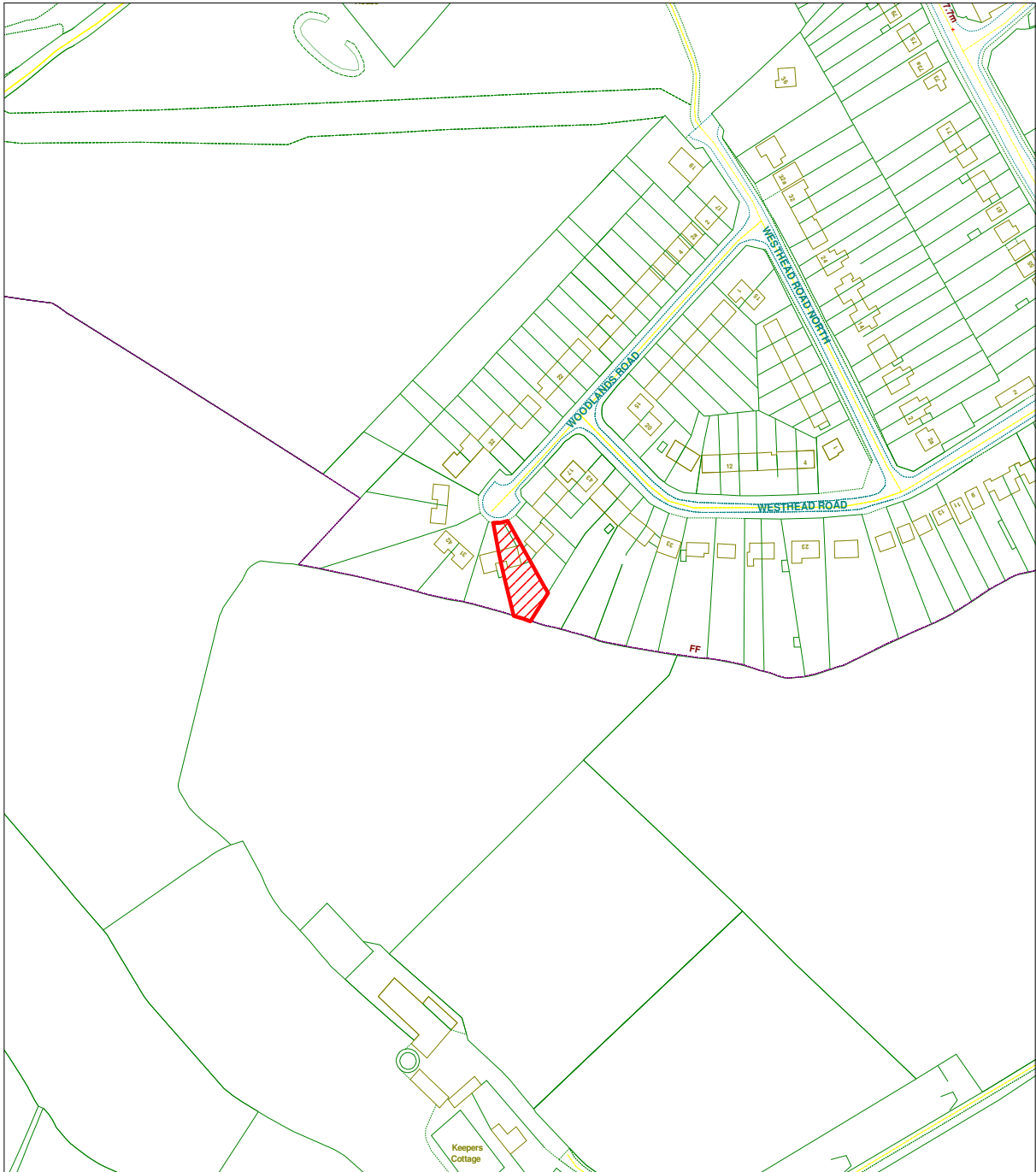
1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. B3 (Finishing materials to match).

Note

SN12 (Neighbours' rights).

### Reason for Approval

The proposed extension, in conjunction with the existing extensions, is considered to be of an appropriate scale and design in relation to the original building and will appear as an appropriate addition to the street scene. The impact of the extension upon the immediate neighbouring properties has been carefully assessed and it is considered that no undue loss of amenity or privacy would occur as a result of the development. Accordingly, the proposal is considered to be in compliance with the above policies.



PLANNING AND REGULATORY SERVICES DIRECTORATE

**27 Woodlands Road  
Cookley  
DY10 3TL**



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

## Agenda Item No. 5

**Application Reference:** 11/0706/FULL      **Date Received:** 01/12/2011  
**Ord Sheet:** 390591 275885      **Expiry Date:** 26/01/2012  
**Case Officer:** Paul Round      **Ward:** Blakedown and Chaddesley

**Proposal:** Layout and provision of replacement children's play equipment and fencing (retrospective)

**Site Address:** ROBIN HOOD PH, DRAYTON ROAD, DRAYTON, BELBROUGHTON, DY9 0BW

**Applicant:** Mr G Attwood

<b>Summary of Policy</b>	D.11, GB.1, GB.2, GB.6 (AWFDLP) DS04, CP07, CP11, CP12 (AWFCS) D.39 (WCSP) Policies 20, 25, 26 (emerging SAP DPD) PPS1; PPG2; PPS7; PPG17 Draft National Planning Policy Framework
<b>Reason for Referral to Committee</b>	Previously considered by Committee and deferred for a site visit
<b>Recommendation</b>	<b>APPROVAL</b>

THIS APPLICATION WAS DEFERRED FROM THE 14<sup>TH</sup> FEBRUARY 2012 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

### 1.0 Site Location and Description

- 1.1 The Robin Hood Public House is located within the settlement of Drayton which lies to the north-east of the District between Chaddesley Corbett and Belbroughton.
- 1.2 The site is within the West Midlands Green Belt. Residential properties lie close to the site, fronting onto Drayton Road and open land lies to the rear. Properties at Drayton Grove and Barrow Hill Lane lie further away.
- 1.3 The application seeks for the retention of play equipment at the rear of the Public House.

### 2.0 Planning History

- 2.1 WF.11/99 – Extensions : Approved 16/02/99.
- 2.2 WF.412/99 – Retention of boundary fences, animal compounds and pathways : Approved 19/10/99.

11/0706/FULL

- 2.3 WF.1006/99 – Pathway and retention of maze and trampoline : Approved 15/02/00.
- 2.4 09/0815/FULL – Porch and alterations : Approved 15/01/10.
- 2.5 10/0323/FULL – Conversion of pigsty to outdoor bar : Approved 02/08/10.
- 2.6 10/0500/FULL – Re-erection of pigsty and use as outdoor bar : Refused 21/10/10; Appeal Dismissed.
- 2.7 11/0489/ENF - Unauthorised erection of a building (Enforcement Appeal) : Appeal Dismissed 08/12/11.

### 3.0 Consultations and Representations

3.1 Chaddesley Corbett Parish Council – No objection to the proposal subject to the following conditions:

- There should be no additional lighting for the play area.
- No music should be played from the play area.

The Parish Council expressed concerns about the increased size of the play area, in particular the height.

However, they have received representations from residents and in particular PJ planning regarding planning legislation relevant to this development and the Parish Council requests that the Planning Committee take due regard of these planning policies when making their decision.

3.2 Worcestershire Regulatory Services (Noise) – There have been no noise complaints in connection with Children’s Play Area or children playing. No objections on noise grounds to the retention of the play area.

3.3 Neighbour/Site Notice : 4 letters of objection received raising the following points -

- Play area is on Green Belt land, no special circumstances to allow it.
- Applications have been rejected before on Appeal on this site.
- It is in a different location to previous play areas.
- Health and safety issues.
- Due to the height and positioning of the structure it is a visual impairment upon the landscape, which we can clearly see from our house.
- There is regularly 'no supervision' of children on the play ground which means it is incredibly noisy, especially in the summer months when the noise goes on late into the evening.

11/0706/FULL

- Having gone through four painful planning applications, rejections and appeals, with regards to the illegal outside bar on roughly the same plot of land, I feel there has been undue stress placed upon the local residents. I fear that this application may be approved due to a lack of response through fatigue and frustration of the ongoing problems from the local residents.

Letter received from Planning Agent representing some of the residents of Drayton objecting on the following points:

- The original play area has been removed and new equipment must be considered afresh against Green Belt and development plan policy.
- No evidence has been submitted to show that the playing area falls within the planning unit of the public house rather than open countryside. It is inappropriate.
- The play area is related to the public house and as such pushed the use further into the countryside.
- The area is not essential and it need for to support the viability of the pub has not be proven.
- The area could have been sited within the public house curtilage.
- The area clearly causes noise issues.
- No public consultation has been undertaken contrary to policy PPG17.

Further letter received from Solicitor acting on behalf the some of the residents of Drayton following the previous committee report.

1. We are instructed by PJ Planning in connection with the above matter. We have been provided with a copy of the Committee Report dated 14<sup>th</sup> February and Addendum together copy correspondence from PJ Planning. For the reasons set out below we believe that if the Committee grant planning permission on the basis of the Report/Addendum before it then it will be acting unlawfully and its decision will be judicially reviewable.
2. Para 4.4 of the Report to Committee on the 14<sup>th</sup> February makes it clear that Officers have considered the play area as an "other operation". As such, the sole test applied in the Committee Report is the effect of the proposal on "openness", para 4.4 stating:  
"In my mind I am satisfied that, due to the position of the equipment and its style and design, the openness of the Green Belt will not be harmed. On this basis I consider that the equipment represents appropriate development in the Green Belt."
3. Following correspondence from PJ Planning dated the 11<sup>th</sup> February, the Addendum to the Committee Report concedes that the construction of the play equipment would constitute a 'building' as defined by the Town and Country Planning Act 1990. It follows that PPG2 paras 3.2, 3.4 and 3.5 and the matters referred to therein are directly relevant to the determination of the application.

11/0706/FULL

4. Paragraph 3.2 of PPG 2 states  
*"Inappropriate development is by definition harmful to the Green Belt It is for the applicant to show why permission should be granted Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations In view of the presumption against inappropriate development the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development."* (my emphasis).
  
5. Having established that the play area falls under the definition of a "building", Para 3.4 of PPG2 applies. This states:  
*"The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
  - *agriculture and forestry (unless permitted development rights have been withdrawn - see paragraph D2 of Annex D);*
  - *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see Paragraph 3.5 below);*
  - *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
  - *limited in filling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
  - *limited in filling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex Cl."* (my emphasis).
  
6. Para 3.5 of PPG continues:  
*"Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.*
  
7. In order for the play area to be appropriate development in the Green Belt, it must *therefore be shown to be an "essential facility" that is "genuinely required"*.
  
8. Neither the Report to Committee nor the Addendum explain or address why the *proposed development is "essential" and "genuinely required"*.
  
9. The application for planning permission itself fails to give any reasons why the play area is *"essential"*. It merely sets out in the following terms why the play area is required:

11/0706/FULL

*"I have confirmed the significance of the play area to the continued success of the enterprise otherwise he would not have gone significant expense of installing the equipment which is for outdoor recreation (see para 4.2 of PPG2)"*

10. Neither the Report, nor the Addendum explain that this point is accepted by Officers as making the case that the play area is "essential" as required by PPG2. This is not surprising, since as the Inspector's decision from the 8th December 2011 into the erection of a building on land within the ownership of the public house states:

*"The appellant argues that the building would help to safeguard the public house as a local community facility. The previous Inspector found that such considerations were not weighty ones, and the more low key uses now proposed would make an even lesser contribution towards the continued success of the public house. No new evidence has been provided about viability. Whilst regard has been had to Wyre Forest Core Strategy Policy CP.07 which deals with community wellbeing, and to policies in PPS4 Planning for Sustainable Economic Growth which promote economic growth and enterprise, these considerations attract little weight."*

In this case, again, no new evidence has been provided about viability. There is no basis set out in the report to explain why Officers consider the proposal to be essential.

11. Since the building is not shown to be "essential", it is clearly inappropriate development which is by definition harmful to the Green Belt in accordance with para 3.2 of PPG2 (referred to above). The applicant therefore explicitly needs to *make the case that there are "Very special circumstances to justify inappropriate development" which "clearly outweigh" "the harm by reason of inappropriateness, and any other harm"*. No evidence is put forward to justify very special circumstances.
12. In our submission the Report/Addendum fails to address or fails to adequately address the relevant tests in PPG2. As such it misrepresents to Members the policy context against which the application must be considered and against which they are recommended to grant planning permission.
13. With respect to other matters, the report states at para 4.5 that the proposal meets the requirements of Policy GB.6 utilising materials appropriate to their surroundings. It states the proposal is acceptable because it *'avoids the use of garish colours'*. The play area utilises large bright red and yellow pipes. The report does not mention this, and the proposal cannot be said to meet the requirements of Policy GB.6.
14. We therefore trust that the Local Planning Authority will reconsider its position and amend the report to Committee. In the absence of the required justification for the proposal, we trust that the recommendation contained in the report will be amended to one of refusal.



11/0706/FULL

15. We further request that the contents of this letter be brought to Member's attention.

3.4 Letter Received in Support from Applicant's Agent

You will appreciate from our various previous correspondence and discussions, bearing in mind advice relating to development in the Green Belt, it is the applicant's and his professional adviser's opinion that the development is appropriate, having regard to the advice contained within PPG2. It is worth noting the second sentence of Paragraph 3.6 of PPG2 which, although dealing with replacement dwellings, confirms that replacements "need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces". This, undoubtedly, applies to the play area insofar that the extent of the original play area and play equipment was more extensive than the clearly defined play area which has now been installed. I have also, in previous correspondence and in supporting information to the planning application, confirmed the circumstances surrounding the replacement play equipment etc. i.e. providing self containment in the interests of Health & Safety, bearing in mind the relationship of the play area to the car park and the importance of providing a play area in terms of trade and business which can be attracted to the public house and thereby safeguarding an important local community facility and service which wholly accords with Development Plan Policies and national advice. You will be only too well aware of the current trend for public houses to close due to changing social trends and changes in the law and if the objective of the hand full of local residents represented by P J Planning is to create obstacles for the success of the public house, then it is my client's firm opinion that this is contrary to the interests of the broader community for whom this facility is clearly of significance. As far as I can establish, there are limited if any other play facilities for children in Drayton and it seems unlikely that any other provision will be made by any Public Body. It is, frankly, surprising that a proposal of this nature should result in the degree of correspondence which has been deemed necessary and I trust that common sense will prevail and that your Committee will accept your well founded recommendation that conditional planning permission be granted.

Finally, you will be aware that my client has been prepared to accept the various conditions recommended and, in reality, there are no compelling reasons why this replacement ancillary facility should not be authorised. If there are any other matters which you would wish to discuss, please do not hesitate to contact me.

3.5 Further Representations

Following the notification that the Objectors may be seeking Judicial Review, a draft copy of this report was sent to both the representatives of the Objectors and the Applicant. The following comments were received.

11/0706/FULL

Objectors Solicitor

Comments on the Material Circumstances.

The existence of the play area and play equipment in this location for over 20 years.

We do not see how the site of the play equipment can have an 'established use' as a play area or how such alleged establish use has any relevance in applying the policy tests in PPG2. The fact that a building of some form previously existed is irrelevant in determining whether a new building meets the tests in paragraph 3.2, 3.4 and 3.5 of PPG2. Adopting the Council's approach would mean that if a house in the Green Belt is demolished, then because a house previously stood on the site (ie it had an established residential user) it would be possible applying the PPG2 tests to take that fact into account in allowing a new house to be built in the Green Belt. That is not the correct approach and neither is it correct to suggest that because the play area has been "established" then this is a matter that can be taken in to account in applying the PPG2 tests. It cannot. It is an irrelevant consideration.

By way of re- enforcement can I remind you of the approach taken by the Inspector when dealing with the most recent appeal relating to the pigsty where he observed as follows:

*"Although there was a pig-sty on the site previously, that has gone and as a new chapter in the planning history has resulted from its demolition, I attach little weight to it. Thus the appropriate comparator as far as openness is concerned is the cleared site"*

As the Inspector did, the Council, in determining this application, should attach little weight to the previous "established" use of the site.

The continued use of a play area is significant to the continued success of the enterprise and it is genuinely required

No where in the report is there any evidence upon which the Council can legitimately conclude that the facilities are "essential" and "genuinely required". In reaching its conclusion the Council are simply relying upon the unsubstantiated assertion of the applicants agent. We would remind the Council that in connection with the application for the re-erection of the pigsty and use as an outdoor bar the applicant asserted that this was required to ensure the continued viability of the business. The applicant in that instance failed to adduce any viability evidence before the inspector and the inspector found no basis for allowing the appeal on viability grounds. Against this background we believe that it would be reasonable and proportionate for the Council to require the applicant to produce evidence as to why the facilities are essential and genuinely required.

11/0706/FULL

The openness and visual amenity of the Green Belt will not be harmed

The building is a substantial structure on rising land in a largely open field. . It *would* have a tangible and harmful effect on openness.

Core Strategy Policies DS04 and CP07 provide significant support for Rural Public Houses

Policy DS04 states;

"Sustaining Community Facilities and Services.

*Developments that provide the rural community with essential facilities and services will be supported in principle.*

*The network of local groups of shops and public houses will be safeguarded in order to support nearby settlements and reduce the need to travel."*

Policy CP07 states:

*The Council will resist the loss of any community services and facilities including rural public houses unless an appropriate alternative is provided or, evidence is presented that the facility is no longer required and suitable alternative uses have been considered. Any alternative provision should be of equal or better quality and be located in an appropriate and, where feasible, sustainable location. Opportunities to expand, enhance or maximise existing community uses will be supported (subject to other material considerations) and the shared use of community and educational facilities will generally be promoted. Open space provision and sport and recreation facilities within the District will be safeguarded and enhanced in accordance with the standards set out in the Open Space, Sport and Recreation Assessment.*

There is no evidence before the Committee as to why this development is essential/necessary to keep the pub open?

The Draft National Planning Policy Framework removes the requirement for facilities to be "essential" replacing this with "appropriate". (although given the draft nature of the document and that it may be subject to change this should be given little weight)

We endorse your view that the draft NPPF should be given little or no weight in the determination of this application.

Should the Committee resolve to grant planning permission based upon the reasoning in the attached report then that decision will be flawed and unlawful.

11/0706/FULL

Applicant's Agent

I can confirm that the applicant and his professional advisers are supportive of your report and your interpretation and you will appreciate that this is implied by the fact that no significant amendments are being recommended on behalf of the applicant.

*The comments received were all taken into account when formulating the final Officer Comments which are reported below.*

**4.0 Officer Comments**

- 4.1 The application seeks for the retention of four pieces of play equipment which include two sets of swings, climbing net and climbing frame/slides. The area is surrounded by a 1m high close boarded fence and the floor treated with bark.
- 4.2 The equipment is of a wooden construction and of a typical design that one would expect for a children's play area. There are two wooden swings and a low level climbing net. The largest piece of equipment forms three wooden towers for children to climb up and includes two slides and a connecting tube. The height of this varies but is approximately between 3m to 3.5m. The area is located adjacent to the car park and close to the outdoor patio area. The total area given over to the play area is 36m x 22m (792 sq. m.).
- 4.3 Historically there have been various pieces of play equipment at the public house with the last equipment being a maze, a trampoline and climbing frame, along with football goals. In 2000 the Council took the view that the area where the play equipment and football goals were formed part of the operation of the public house by virtue of prolonged use. The adjacent paddock (where the former pig sty existed) was not and formed part of an agricultural land use. The permission given in 2000 approved three pieces of equipment within an enclosed area measuring 60m x 25m (1500 sq.m). Although previous equipment has been replaced, the play equipment falls within this area of established use and, as such, consideration falls purely to the erection of the equipment and not to any suggestions of change of use of the land.

11/0706/FULL

- 4.4 Green Belt policy contained within Policy GB.1 of the Adopted Local Plan and PPG2 sets out the determining factors. The definition of “building” in the Town and County Planning Act is stated to include “... *any structure or erection, and any part of a building...*” as such the play equipment applied for has to be adjudged as a building. PPG2 is specific that “...*construction of new buildings inside a Green Belt is inappropriate unless it is for...essential facilities for outdoor sport and recreation, and for other uses of land which preserve the openness of the Green Belt and which does not conflict with the purposes of including land in it.*” (This is the only possible test that could meet the development). It goes on to state that such facilities should be “*genuinely required*”. Policy GB.1 of the Local Plan mirrors this stance and sets out in GB.3 that “*where in very special circumstances, ancillary buildings are necessary, they must relate directly to the needs of the use of the land, and be restricted to the minimum size necessary.*” It is clear that the use of the land as established is ancillary to the main use of the Public House; as such the use of land is my view is not used independently for outdoor sport and recreation and does not neatly fall within this classification.
- 4.5 Even if a Public House was judged to fall into this category the equipment must be judged as being essential. The term “essential” is noted by the courts as a strong word and imposes a high standard of test. The word is defined in the Oxford English Dictionary as “*absolutely necessary; extremely important*”. The Applicant’s agent has confirmed that the play area is a significant element to continued success of the public house. Whilst this claim has not been substantiated through viability assessments, I feel this would be difficult to achieve given the existence of the play area with equipment for over 20 years, any financial figures given would be unlikely to specifically identify the how the benefit or otherwise of the play area. Given this application is for the equipment only I consider a request for proof of viability not to be proportionate. The Draft National Planning Policy Framework removes the requirement for facilities to be “essential” replacing this with “appropriate”, (although given the draft nature of the document and that it may be subject to change this should be given little weight). Notwithstanding this, it is hard to demonstrate that play equipment is an essential element to the Public House.
- 4.6 PPG2 makes it clear that other operations (i.e. not buildings) are appropriate development so long as openness is maintained and the purposes of the Green Belt are not prejudiced. There is no statutory definition of “other operations”. The draft National Planning Policy Framework proposes to change the wording of this section and specifically mentions those operations outside the term “building”, this updated guidance does not include structures. On this basis whilst not falling under the general understanding of the term ‘building’ I am persuaded that the play equipment has to be judged as such.
- 4.7 On the basis of the foregoing I consider that the equipment represents inappropriate development in the Green Belt. I appreciate this stance differs from that previously expressed but following extensive research and investigation this is the conclusion that I have now reached.

11/0706/FULL

4.8 PPG2 and Policy GB.6 of the Local Plan sets additional considerations requiring openness being maintained and the purposes of including land within the Green Belt not being prejudiced. Openness is a subjective matter and is a consideration for the decision maker. The examples given in PPG2 are “...*small changing rooms or unobtrusive spectator accommodation...or small stables.*”. The play equipment in my view is of similar a nature. Given the open nature, large use of natural materials of the equipment, its height and the reduction in the area of land used for a play area I am satisfied that openness will be maintained. In consideration of the impact on the purposes of including land within the Green Belt the play equipment does not:

- result in unrestricted sprawl;
- result in towns merging together;
- encroach further into the countryside than previous equipment;
- harm the setting or special character of historic towns; or
- discourages urban regeneration.

As such the proposal does not prejudice the key purposes for including land within the Green Belt. I do not feel that there is any additional harm to the Green Belt.

4.9 PPG2 advises that inappropriate development creates harm purely by definition and substantial weight should be afforded to such harm. It also advises Very Special Circumstances will only exist if the harm by reason of inappropriateness and other harm can be clearly outweighed. The courts have established that this weight can be gained by individual or collective circumstances. The material circumstances as presented by the Applicants in the case are as follows:

- The use of the area of land as a play area has been established for over 20 years and in 1999 replacement equipment was approved, this is not in doubt. The approved equipment had fallen into disrepair and the current play equipment replaced the approved apparatus. For the use of land to operate as a play area, it is reasonable to expect that play equipment is required. I feel that this can be given moderate weight. Whilst the objectors have made the point that once the former equipment had then no longer could be used to be replaced, I share the view that this is a new “building”, however the removal of the equipment did not remove the lawful use of the land.
- The continued use of a play area is significant to the continued success of the enterprise, although given the lack of evidence this should be given only limited weight.
- The play area provides containment and safe area to play, conforming the requirements of health and safety. This I feel can only be given limited weight.

11/0706/FULL

- Core Strategy Policies DS04 and CP07 provide significant support for Rural Public Houses, stating that the Council will resist the loss of community facilities, including Rural Public Houses, and that opportunities to expand, enhance, or maximises existing uses will be supported (subject to other material circumstances). It is considered that the enhancement of the play facilities as part this community facility carries weight in this regard.
- The current trend for public houses to close due to changing social trends and changes in the law, which cause loss of the facility. The evidence that this applies to this Public House has not been provided and again can only be given limited weight
- There are limited if any other play equipment for children in Drayton and it seems unlikely that any other provision will be made by any Public Body. It is not clear whether the Applicants are willing to open the play equipment to non-patrons and in any event this could not conditioned or enforced, as such minimal weight if any can be attached.

In addition the following material circumstances should be also taken into account:

- The fallback position – Given the established use of land, the Applicant or tenant could place a number of structures of indeterminable height (e.g bouncy castles, plastic play equipment etc) which would not require planning permission which individually or collectively could cause substantially greater harm to the Green Belt than the equipment the subject of this application. It has been established in at appeal, that this can be given significant weight.
- The openness and visual amenity of the Green Belt will not be harmed for the reasons set out above. This establishes that no other harm is present.
- There is a reduction in physical area from the previous play area and better, more suitable facilities have been provided. Again this carries weight.

I have taken full account of the comments made by the objectors in respect of the weight to given to these circumstances however I feel that the cumulative weight of all these circumstances, in my opinion weighs in favour of the development. I consider that Very Special Circumstances do exist as the harm caused can be clearly outweighed by these circumstances.

- 4.10 Members will be aware that other play areas have been established on Green Belt land such as Blakedown Sports Centre; adjacent to the playing fields both at Wolverley and Cookley; and at the Old Waggon and Horses Public House, Ismere to name but four.

11/0706/FULL

- 4.11 Policy GB.2 and GB.6 require that the use of materials should be appropriate to their surroundings and that landscape character should not be harmed. The equipment is mainly constructed of timber which is considered to be appropriate. Two slides and a connecting tube are constructed of plastic and coloured red, given that that the main views that can be obtained of the equipment are from residential properties over 100m away I do not consider that these elements give rise to the conclusion that there is use of garish colours which is defined as being obtrusively bright or showy. The Applicant has offered to paint the plastic elements in a dark green colour. Whilst this is noted, for the reasoning set out above I do not feel that this is imperative. The 1m high fencing is constructed of timber and, whilst being appropriate, does provide a slightly hard edge. The Applicant has offered to landscape the area to soften the impact, which I consider would be worthwhile pursuing.
- 4.12 It is noted that the Parish Council has considered this matter on two separate occasions and has raised no objections to the application subject to no additional lighting or outdoor music. I agree that these conditions would be necessary and the owner has agreed to the imposition of such conditions.
- 4.13 One area of concern for objectors appears to surround noise issues. To the north, the nearest properties are approximately 50m way but are well screened with vegetation. To the east a property lies 120m away, which again is well screened, and to the west lies properties in Drayton Grove 150m away, with less screening. I accept the neighbours' account that topography of the location results in noise travelling, however it is difficult whether to attribute the noise issues to the play area or to the larger green area or outside patio area, both of which are authorised and cannot be restricted.
- 4.14 In response to the concerns of the neighbours the owner has confirmed that he is willing accept a restrictive hours condition on the play area. This will help with limiting the noise generated from the site although, given the distances involved and the nature of the apparatus, I do not feel that a refusal on noise grounds can be substantiated. Members will note that there have been no noise complaints over the use of the play equipment and Worcestershire Regulatory Services raise no objections on noise grounds.
- 4.15 Concerns have also been expressed about the safety of the equipment. This is covered by separate legislation and is not a planning issue. However the Applicant has confirmed that a RoSPA (The Royal Society for the Prevention of Accidents) inspection was carried out on the 12 July 2010 and subject to one or two minor adjustments, which were carried out, the equipment was considered to have a medium level of risk.
- 4.16 I also note that residents object due to lack of consultation under PPG17. Members should note that this requirement relates to the removal of Public Open Space and equipment rather than its provision.



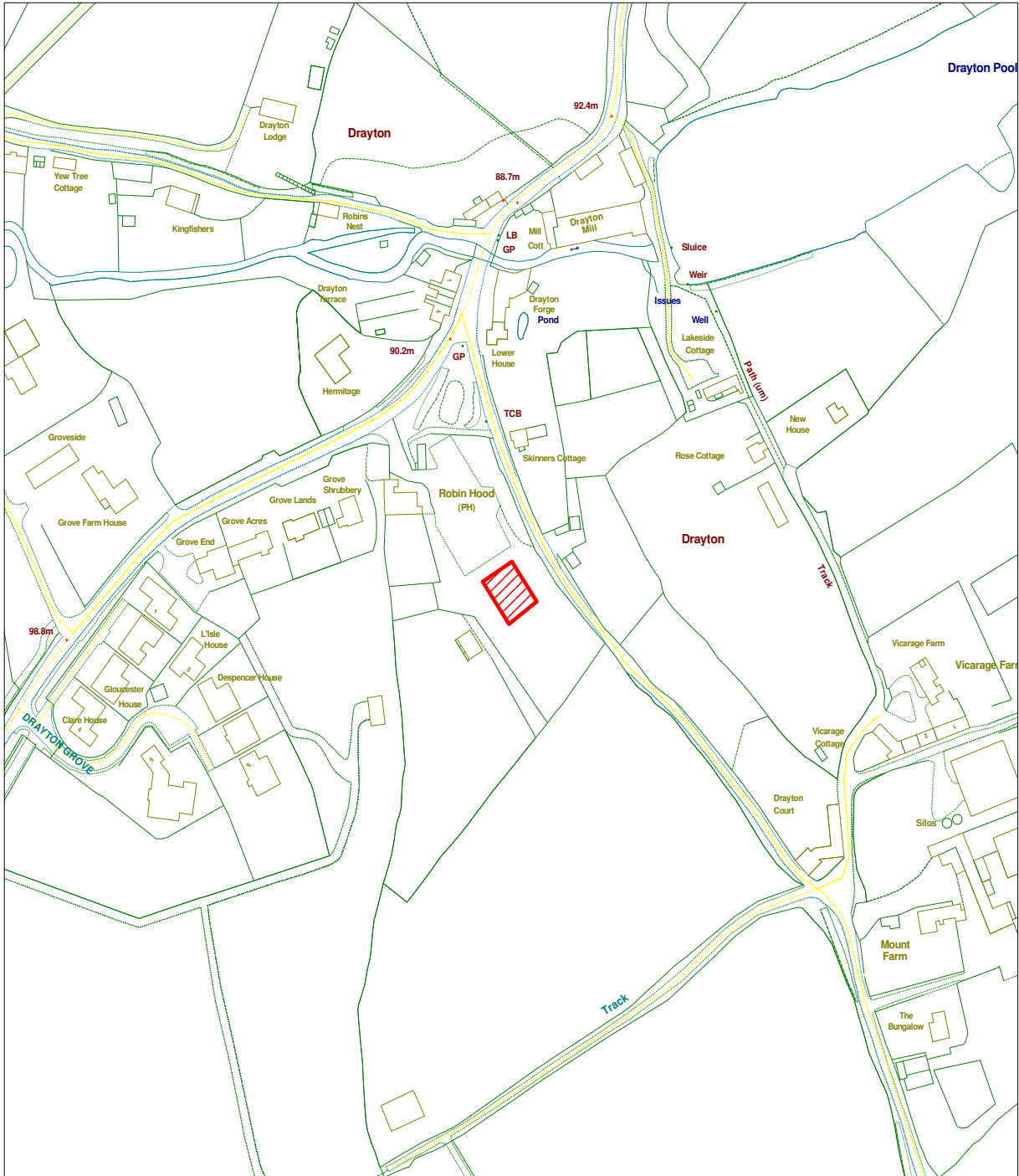
11/0706/FULL

## 5.0 Conclusions and Recommendations

- 5.1 The play equipment is considered to be inappropriate development in the Green Belt. However given its siting and design it is considered that the play equipment does not adversely affects its openness or visual amenity. Impact on residential properties in respect of noise and loss of amenity has been fully considered and no adverse harm has been identified. It is considered that Very Special Circumstances exist that clearly outweigh the harm that exists by virtue of inappropriateness
- 5.2 It is therefore recommended that **APPROVAL** be granted subject to the following conditions:
1. A11 (Approved plans).
  2. Hours of use.
  3. Landscaping.
  4. No outdoor music.
  5. No external lighting.

### Reason for Approval

The play equipment is considered to be inappropriate development in the Green Belt, however given its siting and design will not adversely affects its openness or visual amenity. Impact on residential properties in respect of noise and loss of amenity has been fully considered and no adverse harm has been identified. It is considered that Very Special Circumstances exist that clearly outweigh the harm that exists by virtue of inappropriateness. For these reasons the proposal is considered to be in accordance with the policies listed above.



PLANNING AND REGULATORY SERVICES DIRECTORATE

**Robin Hood PH  
Drayton Road  
Drayton**



WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**13<sup>TH</sup> MARCH 2012**

**PART B**

<b>Application Reference:</b>	11/0666/FULL	<b>Date Received:</b>	15/11/2011
<b>Ord Sheet:</b>	376721 274451	<b>Expiry Date:</b>	14/02/2012
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Bewdley and Arley

**Proposal:** Erection of building for Golf Driving Range and Associated Works

**Site Address:** WHARTON PARK GOLF CLUB, LONGBANK, BEWDLEY, DY12 2QW

**Applicant:** WHARTON PARK GOLF CLUB

<b>Summary of Policy</b>	D.10, D.11, NR.11, NR.12, LR.8, LR.14 (AWFDLP) DS04, CP07, CP11, CP12 (AWFCS) RST.3, RST.13 (WCSP) PA14, QE6 (WMRSS) Policy 26 (emerging SA&P DPD) PPS7, PPS17
<b>Reason for Referral to Committee</b>	Major' planning application. Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The site forms approximately a 1.7 ha (4.2 acre) piece of land which lies to the west of Wharton Park Golf Course and immediately to the south of the Running Horse Public House on Long Bank on the outskirts of Bewdley.
- 1.2 The site appears to have been used last for agricultural purposes although it has not been used for some time. There is no formal designation of the site within the Local Plan. The County Council's Landscape Character Assessment identifies the area as part of the Forest Smallholdings and Dwellings Landscape Character Type. This is described as being an intimate, densely settled landscape characterised by strings of wayside cottages and associated smallholdings. These nestle within a small-scale matrix of pastoral fields and narrow lanes, often defined by overgrown hedges. This is a landscape of human scale, with a strong sense of unity and purpose.
- 1.3 The application seeks for the change of use of the land to a golf driving range with associated works to the land, new buildings, lighting and boundary netting.

11/0666/FULL

## 2.0 Planning History

2.1 11/0526/FULL – Golf Driving Range and Associated Works : Withdrawn 26/10/11.

## 3.0 Consultations and Representations

3.1 Bewdley Town Council – Notwithstanding the revisions that have been made to the previous submission (11/0526) -

- (i) the development would be akin to “backland” development and create an undesirable precedent in an area which otherwise is characterised by a more open and attractive landscape;
- (ii) the design (inevitable to some extent) of a golf driving range is one that is unattractive and unappealing and does nothing to enhance the visual amenity of the area;

3.2 Planning Policy – The main policy of relevance to this application is policy CP12 of the Adopted Core Strategy which relates to Landscape Character. This policy states that “new development must protect and where possible enhance the unique character of the landscape” and also that “opportunities for landscape gain will be sought alongside all new development, such that landscape character is strengthened and enhanced”. Therefore, consideration should be given to the impact of this proposal upon the landscape. The Worcestershire County Council Landscape Character Assessment and Historic Landscape Characterisation should be used to assist in determining the impact on the landscape. The policy goes on to say that “where it is considered appropriate to the landscape character, small scale development which can reasonably be considered to meet the needs of rural economy, outdoor recreation, or to support the delivery of services for the local community will be supported subject to it meeting all other relevant criteria within the LDF.” This application is for a facility for outdoor recreation and as such the use would be considered to be appropriate subject to it not having a detrimental impact on the landscape. However, given the size of the proposed development, there is some concern over the impact on landscape character.

3.3 Ramblers – The development appears to take no account of the footpath (Bewdley 568) that runs adjacent to the proposed development

11/0666/FULL

- 3.4 Watercourse Officer - Back in May 2010 I was contacted by people of Blackmanstitch, located next to the Golf Club. Their house and the nurseries were badly flooded in 2007. They believed the flood was caused by the culvert under the bypass not having enough capacity and they were fearing another flood. Investigation showed that the chamber at the downstream site of the culvert on Mr Acton's land was less than half the capacity of the 4 pipes that enter the chamber on the upstream site of the culvert at Blackmanstitch. There was an ongoing dispute between Highways and Mr Acton about the responsibility for this section of the culvert. In the end Highways decided to invest a lot of money to replace the 12 inch outfall by a 750 mm culvert on Mr Acton's land. This works was carried out in December last year. However, I think it is important that the proposed development won't increase the amount of runoff towards this culvert, because this would inevitably make people fear that a problem will be recreated just after it finally has been solved.
- 3.5 Countryside Conservation Officer - There could easily be protected species and habitats on site that could be affected. An ecological assessment is required.
- 3.6 Neighbour/Site Notice – No representations received.

#### **4.0 Officer Comments**

- 4.1 There is clear support within the Local Plan and Core Strategy for outdoor sport and recreation within the District's rural areas outside the Green Belt. Such support is subject to no harm ensuing to the landscape, nature conservation, highways or neighbour amenity.
- 4.2 The site links neatly to the existing Golf Club car park and creates a logical extension to the golf course. The proposed driving range will provide enhanced facilities for the course, enabling training facilities for members and also for the wider community. There is no acceptable alternative location for providing this facility within the existing Golf Club complex.

11/0666/FULL

- 4.3 A fundamental part of the proposal is the driving range building, which has been fully demonstrated as an essential part of the facility, which is of the minimum size necessary and cannot be provided as an integral part or extension of the club house. The building comprises 6 double driving traps and a teaching bay (measuring 40.5m long) and associated office, store and video rooms (measuring 24m long). The building is provided in a curved form and situated to the east boundary of the site. It is proposed to be a low level building with a mono-pitch roof, varying between 4m and 4.5m in height. The materials proposed will be a dark coloured metal clad in timber. It is considered that this low level building will sit down in the landscape and would be unobtrusive; the proposed materials will help the building blend into the landscape. Whilst views may be obtained from the public right of way that passes close to the site and from Long Bank, these will be glimpses and can be mitigated through additional landscaping.
- 4.4 It is appreciated that works are required to the land; however, it appears that large amounts of soil have been deposited in the past, giving the site an uncharacteristic appearance. The works proposed to level the land will allow a more natural visual appearance to the surrounding area.
- 4.5 The major change to the appearance of the site will be the proposed 'ball stop netting', which will be provided for approximately 120m along the boundaries at a height of 10m. This will protect the adjacent Public House and the Public Right of Way. Whilst not always desirable and not promoted in policy LR.14, I consider that on this occasion the provision is warranted. The netting will sit inside the existing substantial hedge and will be largely masked from view from the Public Right of Way. The netting will be more visible from the Public House, but it is not considered that such visibility will be harmful to the character of the landscape.
- 4.6 Lighting is proposed as part of the scheme in order to allow the facility to operate during the evening in winter months. Subject to a time restriction it is not considered that this is unreasonable in this location. The Applicant has suggested turnoff at 10.30 pm; however, in this rural location 9.00 pm is considered more appropriate. Lighting plans have been submitted to demonstrate that no undue light spillage will apply. Detailed designs of the exact position and style of lighting have not been received; however, these can be conditioned for approval prior to development commencing.
- 4.7 The comments of Bewdley Town Council are noted; however, it is considered that such development for the reasons set out will not create a precedent for other development given the golf related nature of the application. The public right of way will be unaffected by the proposal.

11/0666/FULL

- 4.8 It is also noted that an ecological assessment is requested from the Countryside Conservation Officer, in respect of works to the land and lighting. This request is in line with PPS9 which seeks for developments to have due regard to biodiversity impact and seeks for mitigation and enhancement. On this occasion, given that it is not known at this stage the exact works to the land, such an assessment can be conditioned along with the ground works. This will also allow full consideration of lighting which will also be the subject of a condition.
- 4.9 The only neighbouring property that will be directly affected is the Public House, which has been considered through boundary fencing. Other properties exist to the East that have been affected by surface water run off. It is considered that a suitably worded condition can ensure that no additional harm will be created through drainage issues.

## 5.0 Conclusions and Recommendations

- 5.1 The works proposed to create a driving range, including ancillary building and lighting are considered appropriate to their location and will not adversely affect the landscape or neighbouring properties. The design of the building is acceptable in this context.
- 5.2 It is therefore recommended that **APPROVAL** be granted subject to the following conditions:
1. A6 (Full with no reserved matters).
  2. A11 (Approved plans).
  3. B6 (External details – Approved plan).
  4. C6 (Landscaping – small scheme).
  5. C8 (Landscape Implementation).
  6. Details of Groundworks.
  7. Details of lighting.
  8. Ecological Survey.
  9. Surface water drainage details.
  10. Hours condition.

### Notes

- A. SN5 (No advertisements).
- B. HN2 (Public Rights of Way).

### Reason for Approval

The works proposed to create a driving range, including ancillary building are considered appropriate to their location and will not adversely affect the landscape or neighbouring properties. The design of the building is acceptable in this context. For these reasons the proposal is considered to be in accordance with the above policies of the Adopted Wyre Forest District Local Council and the Adopted Wyre Forest Core Strategy.

**Application Reference:** 12/0009/FULL      **Date Received:** 09/01/2012  
**Ord Sheet:** 383296 279209      **Expiry Date:** 09/04/2012  
**Case Officer:** Julia McKenzie-      **Ward:** Wolverley  
 Watts

**Proposal:** Creation of 36 hardstanding pitches, resurfacing of access roads and car parking area, new entrance/exit barriers and extension to opening season from 16th February to 5th January

**Site Address:** WOLVERLEY CARAVAN & CAMPING CLUB, BROWN WESTHEAD PARK, WOLVERLEY, KIDDERMINSTER, DY103 PX

**Applicant:** The Camping & Caravanning Club

<b>Summary of Policy</b>	GB.1, GB.2, GB.6, NC.2, TR.17, NR.11, NR.12 (AWFDLP) CP01, DS01, DS04, CP02, CP03, CP10, CP12, CP13, CP14 (AWFCS) D39 (WCSP) PPS1, PPS7; PPG2 National planning Guidance – Good Practice Guidance for planning on Tourism (2006)
<b>Reason for Referral to Committee</b>	‘Major’ planning application
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The application site is currently used for Wolverley Camping and Caravan Club. It is irregular in shape, measuring 3.12 hectares in acres, located to the north of Wolverley Road and to the east of Wolverley village itself. It is within the West Midlands Green Belt, an area of open countryside, bounded by a Conservation Area and a Special Wildlife Site.
- 1.2 The site is accessed off Brown Westhead Park and provides 115 pitches for touring caravans and tents. The current application is to provide 36 permanent hardstandings, resurfacing of the site’s internal roads and car park area, the provision of a new site entrance and exit barriers and an extension to the current opening season to allow 11 months use.

## 2.0 Planning History

- 2.1 None.



12/0009/FULL

### **3.0 Consultations and Representations**

3.1 Wolverley and Cookley Parish Council – No objection.

3.2 Highway Authority – No objection.

3.3 British Waterways – No objection.

3.4 Strategic Housing Services – No comments received.

3.5 Neighbour/Site Notice: three letters of objection received raising the following issues -

- Object to the extension of the opening season because of the effect it will have on the local green belt amenity land.
- Increase in noise as well as traffic to and from the site. The B4189 is already very busy.
- Comments relating to the state of the wall adjacent to the road, smells from bins, trees overhanging the footpath.

### **4.0 Officer Comments**

4.1 The site at present accommodates touring caravans and tented camping totalling 115 pitches. There is an existing building on the site which contains a reception, amenity facilities and a separate caravan storage area.

4.2 The current planning application comprises four different aspects which are:

1. the formalisation of 36 hardstandings;
2. resurfacing of the existing site internal access roads and car park area in tarmac;
3. provision of new site access barriers; and
4. extension to the opening season to eleven months of the year.

4.3 At present the site has pitches scattered over the whole of the site, although caravans seem to be sited in unmarked spaces around the internal roadway. It is proposed to formalise 36 of these pitches in order to improve the standard of the current facilities and provide specifically laid out parking areas and pitches. Each of the pitches would measure 11.5m x 11m, consisting of a compacted stone parking space for caravan measuring 9m x 5m with space for a car alongside with a single hook up point on each pitch and space for a pup tent (collapsible portable shelter for 2/3 people).

4.4 It is also proposed to install an entrance and exit barrier at the site. The entrance barrier would be operated by a four digit keypad/card reader and the exit operated by a sensor pad within the roadway. The entrance barrier would also be controlled by a push button from within reception.

12/0009/FULL

- 4.5 The key issues in determining this application are the principles of the development and the impact of the development on the Green Belt, the amenity currently enjoyed by neighbours and highway safety. The report will address each of these issues separately.

#### NATIONAL POLICY CONTEXT

- 4.6 National Planning Guidance: Good Practice for Planning for Tourism (2006) – Annex A advises that planners should ensure that environmental impact and impacts on visual amenity are minimised. Paragraph 20 states that the objective of providing adequate facilities and sites should be weighed carefully against the need to protect the landscape and environmentally sensitive sites.
- 4.7 The guide provides guidance on conditions that may be attached to planning permissions for holiday parks in order to ensure that they are used for holiday purposes only. It discusses that with better caravan standards and the trend towards tourism as a year round activity, many people now go away several times a year often for short breaks and not exclusively in the summer months. In this instance, authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permission. However, whilst the extension of the season may have its advantages, as is in the case of Wolverley Camping and Caravan Club, the accommodation is in an area where housing would be contrary to national and local policies which seek to restrict development. An Occupancy condition is therefore necessary to be applied in order to ensure that the holiday accommodation is used for its intended purpose.
- 4.8 PPG2 – Green Belts (1995). The fundamental objective of PPG2 is to prevent urban sprawl by keeping land permanently open. There is a presumption against inappropriate development in the Green Belt, however paragraph 3.12 states that the statutory definition of development includes the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purpose of including land in the Green Belt.
- 4.9 PPS7- Sustainable development in rural areas (2004). This statement sets out the Government's policies for the protection and enhancement of the quality of life and the environment in the rural areas. Paragraphs 30-40 state that tourism and leisure uses and activities are vital to many rural economies and that Local Authorities should allow appropriate facilities as required, enhancing visitor enjoyment, providing that they would not detract from the attractiveness or importance of the area or surrounding countryside.

12/0009/FULL

#### PRINCIPLE OF DEVELOPMENT

- 4.10 The key policy considerations in this instance are CP10 and CP12 of the Adopted Core Strategy and Policy GB.1 of the Adopted Wyre Forest District Local Plan. Policy CP10 states that the policy strategy is to support the local tourism industry through supporting sustainable proposal that improve the quality and diversity of the existing tourist facilities subject to the proposals not causing adverse impact on the surrounding environment and infrastructure.
- 4.11 Policy CP12 relates specifically to landscape character and the fact that proposals for new development must protect and where possible enhance the unique character of the landscape. Where it is considered appropriate to the landscape character, small scale development which can be reasonably considered to meet the needs of the rural economy will be supported. The policy goes on to state that applications for further mobile home, caravan and chalet developments within the District's rural area will be resisted due to the collective impact which the existing sites have on the landscape.
- 4.12 Policy GB.1 states that within the Green Belt, development will not be permitted except in very special circumstances, unless the development provides essential facilities for outdoor sport or outdoor recreation, for cemeteries or for other uses of land which preserve the openness of the Green Belt, and which do not conflict with the purposes of including land in it.
- 4.13 Wolverley Camping and Caravan Club have been an established appropriate use in this Green Belt location for a number of years. The formalisation of the hardstandings, resurfacing of the internal access roads and car park area, new site entrance and exit barriers would not have a cumulative adverse effect and would comply with policy. The improved facilities would provide accommodation for tourists and other visitors to the Wyre Forest area and would benefit nearby tourist attractions. Whilst it is acknowledged that the site would be open for 11 months of the year, the number of pitches would not increase. The current season covers the busiest times of the year and it is my opinion that the increase in the months of opening would not have any significant effect within the locality than at present. The development is considered to be proportionate and would not require the erection of additional buildings.

#### IMPACT ON LANDSCAPE

- 4.14 The site is a sloping one, higher at the entry level off Brown Westhead Park sloping down to the boundary on Lowe Lane. As stated previously, the number of pitches would not increase and therefore the number of touring caravans, tents would not increase and as a result would not have more of an effect on the landscape itself than at present. The creation of formalised pitches using stone would be an acceptable material in the locality.

12/0009/FULL

#### IMPACT ON AMENITY OF NEIGHBOUR

- 4.15 Concern has been raised by a neighbour over noise and the impact that more caravans at the site would have on privacy. It is proposed to plant some additional screening along the boundary with the neighbour concerned in order to minimise any disturbance that may occur. However, it is worth noting that as it is not proposed to increase the number of pitches at the site, merely formalise some of them, I do not feel that an increase in noise would be an issue.
- 4.16 Additional issues raised through the letters of objection relate to concerns over overhanging trees, smells from overflowing bins, cars parking on the drives of neighbouring properties. Whilst these issues are noted, they do not form material considerations in the determination of this application.

#### HIGHWAYS

- 4.17 The concerns of the neighbours relating to increase in traffic are noted. The Highway Authority has expressed no concern over the current levels of parking provision or the safety of the entrance to the site.

### 5.0 Conclusions and Recommendations

- 5.1 It is considered that the improvements to the site to this existing tourism use are sited at an acceptable location with no significant impact upon the character of the area or the amenity enjoyed by neighbours. The upgrade and improvements would comply with the relevant policies as listed above. The good practice guide encourages the expansion of tourist uses where there would be no adverse environmental or economic effects in the locality. The site would be solely used for holiday purposes and would be conditioned to ensure that no permanent residential use would result on the site at any point now or in the future.
- 5.2 It is therefore recommended that **APPROVAL** be granted subject to the following conditions:
1. A6 (Full with no reserved matters).
  2. A11 (Approved plans).
  3. Screening details to be provided alongside the boundary with Wolverley House.
  4. The 115 pitches as the site shall only be available between 16th February and 5<sup>th</sup> January.
  5. The 115 pitches hereby approved shall be occupied for holiday purposes only and by a person whose main residence is elsewhere.
  6. Touring caravans and tents only.

12/0009/FULL

Reason for Approval

It is considered that the increase in the opening season and improvements on the site for the provision of caravan and camping pitches would have a minimal impact on the openness or visual amenity of the Green Belt or landscape. 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 GB.1, GB.2, GB.6, NC.2, TR.17, 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).

**Application Reference:** 12/0014/FULL and 12/0015/LIST      **Date Received:** 11/01/2012  
**Ord Sheet:** 382998 276473      **Expiry Date:** 11/04/2012  
**Case Officer:** Paul Wrigglesworth      **Ward:** Greenhill

**Proposal:**      Redevelopment involving mixed use scheme comprising of change of use from retail (Class A1) and residential (Class C3) to a higher education academy (Class D1) including provision of restaurant (Class A3) and retention of retail (Class A1) to part of ground floor, together with ancillary facilities and associated works including the formation of new ground floor mezzanine levels, structural strengthening works, external mechanical services plant deck, provision of service yard for refuse, insertion of new window and door openings and installation of new glazed shopfront.

**Site Address:**      THE PIANO BUILDING, WEAVERS WHARF,  
 KIDDERMINSTER, DY10 1AA

**Applicant:**      Birmingham Metropolitan College

<b>Summary of Policy</b>	LB.1, LB.2, LB.3, CA.1, TR.17, RT.2 TC.1, KTC.1 NC.7 (AWFDLP) CP02, CP03, CP11, DS01, DS02, DS03 (AWFCS) Policies 10, 11, 12 and 37 of the emerging Kidderminster Central Area Action Plan DPD CTC.19, CTC.20, CTC.21 (WCSP) QE2, QE3, QE5 (WMRSS) Design Quality SPG PPS1, PPS5; PPG13
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site is situated within the Weavers Wharf shopping area and covers an area of 0.1645 ha. The Piano Building is a red brick 4 storey Grade II Listed Building with a modern extension to the north elevation. The Staffordshire and Worcestershire Canal Conservation Area lies to the west of the site; Slingfield Mill and 'The Circus' are located to the north; the bus station is situated to the east and the Tesco car park is on the south side of the building.
- 1.2 No car parking can be provided within the site curtilage.

12/0014/FULL and 12/0015/LIST

**2.0 Planning History of most relevance:**

- 2.1 WF.450/96 - Outline permission for redevelopment of KTC.1 site including Class A1, A2, A3, B1, C3 and D2 : Approved 15/10/96.
- 2.2 WF.45/01 - Reserved Matters for development of Phases 2-4 of KTC.1 : Approved 24/9/01.
- 2.3 WF.647/03 - Removal of condition 6 of relating to the phasing of the external refurbishment of The Piano Building : Approved 12/8/03.
- 2.4 WF.556/02 - Demolition of Piano Building and erection of cinema : Withdrawn 16/2/05.
- 2.5 WF.1326/03 (Listed Building Consent) - Internal and external alterations to create retail use at ground and first floor, and residential use on second and third floor, together with two storey extension use and new stair towers : Approved 29/11/94.
- 2.6 WF.1330/03 - Conversion of ground floor and first floor to retail use and conversion of second and third floor to create 10 flats, together with two storey retail extension and new stair towers : Approved 29/11/94.
- 2.7 05/1100/FULL - Change of use of existing ground and first floor from retail use to restaurant use (Class A3) : Withdrawn 2/12/05.
- 2.8 06/0337/FULL and 06/0338/LIST - Change of use of existing ground & first floors of the piano building from retail use to restaurant use (A3 use class) : Approved 21/6/06.

**3.0 Consultations and Representations**

- 3.1 Highway Authority – No objection subject to conditions.
- 3.2 Environment Agency – Views awaited.
- 3.3 Severn Trent Water – No objection subject to condition.
- 3.4 British Waterways – No objection subject to condition and Notes.
- 3.5 Worcestershire Wildlife Trust - No objection subject to condition regarding bat mitigation/enhancement and protection of wildlife corridor from pollution.

12/0014/FULL and 12/0015/LIST

- 3.6 Countryside Conservation Officer – I am happy with the nature of the bat boxes and I cannot see the proposed lighting causing biodiversity harm.
- 3.7 Conservation Officer – No objection (see Officer Comments).
- 3.8 Planning Policy Manager - No conflict with policy (See Officer Comments).
- 3.9 Head of Regeneration and Economic Development – North Worcestershire - Support the proposal (see Officer Comments).
- 3.10 West Mercia Police Crime Risk Advisor – It is apparent from the security measures that the applicant is doing all that can be reasonably expected to deter crime; no objection.
- 3.11 Kidderminster Civic Society - On behalf of Kidderminster Civic Society, I am writing to support the above applications and to say that we are glad that a use has been found for the whole extended building that provides an exciting, sustainable, and vibrant venue for the use of the townspeople as a whole (through the college) as well as a visually striking building. We particularly like the new (or possibly replacement of originals?) windows in the elevation facing Tesco's and the internal layout. We have had a detailed look at the plans and appreciate there are some structural constraints and understand that the non- original pillars will have to be encased. We also understand that the Conservation Officer has a few detailed comments which we would support.
- Generally this is the best sort of development we could have wanted for the building and we are happy to endorse it.
- 3.12 Hereford & Worcester Fire and Rescue Service – Views awaited.
- 3.13 Inland Waterways Association – Views awaited.
- 3.14 Neighbour/Site Notice – No representations received.

#### **4.0 Officer Comments**

- 4.1 Both the planning application (12/0014/FULL) and Listed Building Consent application (12/0015/LIST) are considered together in this report although the issues relating to the Listed Building application are more limited in that they are only concerned with the physical impact on the character and appearance of the Listed Building itself.



12/0014/FULL and 12/0015/LIST

4.2 This is a mixed use scheme comprising change of use from retail (Class A1) and residential (Class C3) to a higher education academy ('Academy at Kidderminster' - Class D1) which seeks to provide 'a range of creative, gaming, 3D animation, fashion and retail entrepreneurship, construction, food processing and catering courses'. The application includes a restaurant (Class A3) where students can display and sell the food they prepare and the retention of a retail use (Class A1) again where students can display and sell their designs in part of ground floor. The application also incorporates ancillary facilities and associated works including the formation of new ground floor mezzanine levels, structural strengthening works, external mechanical services plant deck, provision of service yard for refuse, insertion of new window and door openings and installation of new glazed shop front.

4.3 The main issues can be considered under the following headings:

- The principle of allowing the development.
- Regeneration of the town centre.
- The impact on the character and appearance of the listed building and the canal Conservation area.
- Ecological matters.
- Car parking.
- Flood Risk considerations.
- Other matters.

#### THE PRINCIPLE OF ALLOWING THE DEVELOPMENT

4.4 The following comments from the Council's Planning Policy Manager explain why the development is considered to be in accordance with the Development Plan:

'The application site falls within the area covered by Policy KTC.1 of the Adopted Local Plan (2004). The policy states that applications in this area should provide a broad mix of town centre land uses including A1 (retailing, A2 (financial and professional), A3 (food and drink), B1 business (offices), D2 (leisure and recreation) and C3 residential. Whilst a small element of this application is for A1 (retailing) and A3 (food and drink), the majority of the proposed use falls within use class D1 (non-residential institutions), a use not specifically cited within the policy. However, clause (i) of the policy goes on to state that other uses such as a hotel may be acceptable and will be treated on their merits in terms of their contribution to a balanced development offer.

The KTC.1 area is now known as Weavers Wharf and whilst the main use on the site is retailing, the site does provide restaurant and hotel facilities which start to balance the development offer of the area. It is considered that this proposal would further balance the development offer by providing a D1 community use which will increase footfall in this part of the town centre.

12/0014/FULL and 12/0015/LIST

Clause iii) of policy KTC.1 states that development shall retain other important buildings identified in the Planning Brief and encourage their beneficial use, where possible. The Piano Building is identified within the Planning Brief became Grade II listed after the Brief was published. The proposals seek to retain the building.

The emerging Kidderminster Central Area Action Plan DPD sets out a policy on Weavers Wharf. Policy 37 sets out a number of uses which are considered to be appropriate and D1 (Non-residential institutions) are within this list. Policy 37 also sets a number of criteria for development within this area to achieve, the first being to provide an active frontage onto the canal and enhance its contribution to the green infrastructure network. Consideration should therefore be given as to how the proposed development contributes to the canal as part of the green infrastructure network. The second criteria of relevance requires development to safeguard and enhance the Listed Buildings and the Staffordshire and Worcestershire Canal Conservation Area. This proposal would secure the future of the Piano Building and would enhance footfall in the area which is likely to increase natural surveillance along the canal.

The Adopted Core Strategy (December 2010) identifies that Kidderminster is the main town within the District and should be the principal focus for new development. This is supported by the Key Diagram and the settlement hierarchy set out within policy DS01.

Paragraph 7.30 of the Adopted Core Strategy states that "It is vital that the Core Strategy and other elements of the LDF seek to protect and enhance the educational institutions that exist or are planned to be developed during the lifetime of the plan".

In conclusion, it is considered that the proposals do not conflict with the policies of the Adopted Local Plan or the Adopted Core Strategy and emerging Kidderminster Central Area Action Plan DPDs'.

#### REGENERATION OF THE TOWN CENTRE

- 4.5 In view of the importance of this development in terms of re-energising this part of the town centre, the Head of Economic Development and Regeneration – North Worcestershire has been consulted on this application and his comments below in support of the scheme effectively deal with this consideration:

'The Kidderminster Regeneration Prospectus highlights the Town Centre as being one of the key action areas for the town. The Prospectus sets out that the aim for the area is to create a vibrant, high quality, mixed use town centre. This proposal would provide an important contribution towards the regeneration aims for the town.

12/0014/FULL and 12/0015/LIST

The Piano Building and the area around it is currently a fairly quiet and under-utilised part of the town centre. The space immediate outside the building looks quite desolate and is often devoid of any activity. The installation of the higher education facility and its associated retail and restaurant will provide some much needed activity to this area, as well as bring an historic landmark building back into use. This will have a positive impact on the vitality of the town centre.

As the building has an important position adjacent to the Staffordshire & Worcestershire Canal the activity generated could also provide some much needed vibrancy to the canal side. The canal is a key area of focus for the Prospectus and we would welcome any opportunities for this facility to provide a positive relationship with the waterside.

In a wider sense, this facility could also attract more people into the town in general with the opportunity of attracting students to Kidderminster from the wider West Midlands region. This could have positive knock-on effects for the rest of the town and its economy.

Two key themes in the Prospectus are 'Homes & Communities' and 'Jobs' which look to provide a good environment for learning and to develop a skilled and adapted workforce that will help to achieve economic growth. Again this facility is a positive step towards achieving this by providing greater access to higher-level education and training.

In conclusion, it is felt that this proposal is a positive step for Kidderminster and would accord and contribute towards the aims of the ReWyre Initiative and Regeneration Prospectus'.

#### THE IMPACT ON THE LISTED BUILDING AND ADJACENT CANAL CONSERVATION AREA

4.6 The following detailed comments of the Conservation Officer set out the changes proposed and the effect on the Listed Building and Conservation Area:

'This is a comprehensive scheme of reordering and reuse of a distinctive Victorian carpet works warehouse conspicuously situated in the centre of Kidderminster.

In the 9 years since the building was listed in March 2003 it has lain empty, despite several planning and listed building consents which have permitted significant structural alterations, including new columns at ground floor level to support the floor above, new access staircases, the renewal of the windows and doors in modern materials and, perhaps most significantly, the link to a new canal-side building of bold and contrasting modern design. Despite these changes the building has retained much of its historic character, and still makes a valuable contribution to the townscape around Weavers Wharf along with Slingfield Mill (also listed).

12/0014/FULL and 12/0015/LIST

In considering this application for listed building consent I must take into account how these proposals affect the character of the listed building as one of special historical or architectural interest, as well as the impact these proposals may have on the adjacent Staffordshire and Worcestershire Canal Conservation Area.

For such a large building the site boundary is very tight to the building itself with little external space save for the strip along the south elevation facing the supermarket car park. The building is bounded to the west by the canal and to the north and east by public space. In respect of the impact on the canal the proposals should preserve and/or enhance the character of the conservation area.

West Elevation to canal: The removal of areas of glazing and replacement with louvres will have a minimal impact on the conservation area.

South Elevation to Car Park: I am aware that there is still some speculation as to whether or not this elevation was ever glazed (perhaps before the fire of 1878) and if it was, to what extent. The windows proposed are of the same design as those already inserted on the north elevation. Whilst the appearance of the building will be changed somewhat I think this an acceptable change which will not unduly affect its historic or architectural interest. I welcome the proposal to utilise railings to the planted boundary with the car park – a solid fence or wall would I fear be vulnerable to graffiti and perhaps encourage antisocial behaviour at this location.

Whilst I think it is important to have visual permeability I am concerned about the impact that bin storage and other detritus that would accumulate within the service area will have on this important elevation. Perhaps the addition of a weld-mesh security “cage” within the area bounded by the railings would better conceal these from view?

North Elevation: The enlargement of some of the blind windows as shown will open up the ground floor somewhat and create visual links between the historic and modern spaces. I see that a few blind windows will be left unaltered which I welcome.

East and West Elevations: Whilst it is unfortunate that the new plant could not be accommodated within the modern structure, the detailing of the proposed plant deck will I think render it as unobtrusive as it could be at that location.

Structural details – Concrete encasement is necessary to ensure adequate fire protection for the columns. Whilst visually this will alter the interior of the building, ultimately it is a measure which will preserve the building and thus on balance is acceptable – and of course these columns are modern.

Generally no objections in principle to floor plans or to the submitted sectional drawings.

12/0014/FULL and 12/0015/LIST

I prefer this practical approach of using steel tension bars to upgrading the structural integrity of the building rather than trying to conceal any additional restraint/support. Whilst it may be considered by some to be visually intrusive it will nonetheless form part of the story of the building and its changing uses over time. Similarly the removal of part of the floor achieves additional necessary vertical circulation without the need to add further extensions to the building. Historically these buildings would have been subject to many changes as their functions evolved over time. Provided that all changes are recorded and no unique features are lost, I think it is necessary to adopt a pragmatic approach to the reuse of such a visually significant building.

No attempt is being made to emulate historic materials or styles, which I think is appropriate. I welcome the use of aluminium windows which will enable slim profiles to be achieved – more glass and less frame.

With regards to the roof plan I have no objections to the bat boxes, provided they are fixed in such a way that they do not protrude above parapet level.

Mechanical and Electrical Layouts Generally - Empty and without a use a building possesses completely different aesthetics to one that is occupied and in full use. The proposed suspended lighting and services appear quite visually intrusive in that empty space, however it is my belief that when fully occupied the building will take on a completely different character internally.

The impact of the exposed suspended services on that environment will I feel be much reduced. The advantage of the proposal is that services and lighting will be easily removable and replaceable in future without need for major structural or building works. Historically factories and warehouses had exposed services and plant for exactly the same reasons. I thus raise no objections to the outline proposals, but it should be noted that detailed proposals may require a further listed building consent in due course.

The retention of cast iron columns by John Bradley and Co. of Blakedown Ironworks on 1, 2, 3 floor is welcomed as these are specific features of special interest.

In summary some of the proposals contained within this application are radical. There is no doubt that they will alter the appearance of the building both internally and externally, particularly the south elevation where it is intended to open up new windows in the blind openings.

It is my opinion that these proposals will serve to enhance the Piano Building and now facilitate a beneficial use which it has, in the 9 years since listing, failed to attract and I would recommend approval with conditions.'

12/0014/FULL and 12/0015/LIST

- 4.7 I would agree with these views of the Conservation Officer both with regards to the impact on the Listed Building and the Canal Conservation area. This scheme has been the subject of discussions with the applicant over several months and various changes have been made in the interests of limiting the effect of the development on the character and appearance of the Listed Building. However, against this background it has always been recognised that finding a viable use is, in the long term, beneficial to the Listed Building. The changes proposed are all necessary to ensure that the building is functional for the uses proposed and as can also be seen have the support of the Kidderminster Civic Society.

#### ECOLOGICAL MATTERS

- 4.8 A bat survey accompanied the application which shows no evidence of current or previous occupation by roosting bats or of any other protected species. However, in order to promote bio diversity and to satisfy the requirements of the Planning Obligations SPD, 10 bat boxes will be provided to encourage opportunities for roosting bats. In the interests of safeguarding the appearance of this Listed Building these bat boxes are shown to be positioned behind the parapet walls and will only be visible to persons standing on the roof.
- 4.9 The Council's Countryside Conservation Officer is satisfied with these arrangements and is of the view that the level of illumination around the site is appropriate and should not result in biodiversity harm.

#### CAR PARKING

- 4.10 As stated no car parking spaces can be provided. However the site is located in the centre of Kidderminster which is served by public car parking provision. In terms of location being adjacent to the bus station it could not be in a more sustainable location. The Highway Authority has raised no objection to the development.

#### FLOOD RISK CONSIDERATIONS

- 4.11 A Flood Risk Assessment was submitted with the application which appears to address all of the relevant issues but at the time of writing the views of the Environment Agency is awaited.

#### OTHER MATTERS

- 4.12 The development should have no adverse effect on neighbouring uses.
- 4.13 A Section106 Contribution is not considered to be necessary as bio-diversity enhancement is to be provided on site and the proposed revitalisation of this redundant Listed Building is in itself judged to be sufficient contribution to the public realm.

12/0014/FULL and 12/0015/LIST

## 5.0 Conclusions and Recommendations

- 5.1 This building has been vacant for too long. The proposed use is to be welcomed in that it will not only provide a viable use for this Listed Building but will also result in more vitality to this important though rather quiet corner of Weavers Wharf. In addition the increase in footfall associated with the use will be beneficial to the town centre economy.
- 5.2 It is considered that the proposal meets the criteria of the relevant policies of the Development Plan including those designed to protect the character and appearance of the Listed Building and the adjacent Conservation Area and therefore both applications are recommended for **APPROVAL** subject to conditions:

### 12/0014/FULL (Planning application)

1. A6 (Full with No Reserved Matters).
2. A11 (Approved Plans).
3. Weld mesh security cage to part of rear boundary.
4. The submitted bat boxes to be provided before occupation.
5. Travel Plan.
6. Drainage.
7. British Waterways condition regarding waste storage and collection.
8. Cycle provision.

### Reason for Approval

The application has been carefully considered with regards to the principle of allowing the development in this location, the benefits to the town centre, the effect on the character and appearance of the Listed Building and the adjacent Conservation area, ecology issues, the car parking situation and the development is judged to be in acceptable and in accordance with the above mentioned policies in the Development Plan.

### 12/0015/LIST (Listed Building Consent application)

1. A7 (Listed Building/Conservation Area consent).
2. A11 (Approved plans).

### Reason for Approval

The proposal will provide a viable use for this redundant building and the alterations proposed are considered to be necessary and overall sensitive to the character and appearance of this Listed Building and accordingly the development is judged to be acceptable and compatible with the above mentioned heritage policies in the Development Plan.

## Agenda Item No. 5

**Application Reference:** 12/0060/FULL and 12/0061/LIST  
**Ord Sheet:** 389260 273692  
**Case Officer:** Stuart Allum  
**Date Received:** 31/01/2012  
**Expiry Date:** 27/03/2012  
**Ward:** Blakedown and Chaddesley

**Proposal:** Proposed internal / external alterations and canopy extension to tea room / post office and change of use from retail area to kitchen. Proposed extension to tea room and proposed lobby / store extension

**Site Address:** JUKES STORES, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4SA

**Applicant:** A & H Construction & Developments Plc

<b>Summary of Policy</b>	GB.1, LB.1, LB.2, LB.3, CA.1, CA.3, D.18 (AWFDLP) D04 (AWFCS) CTC.19, CTC.20, D.39 (WCSP) QE.5 (WMRSS) PPS1, PPG2, PPS5
<b>Reason for Referral to Committee</b>	Development Manager considers that application should be considered by Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 Jukes Village Stores is located centrally in Chaddesley Corbett village, within the Green Belt and the Conservation Area. The site lies adjacent to residential properties and other shops. Part of the building (containing the shop and post office) is listed at Grade II. The existing tearoom element is located in a former dwelling and is not listed.
- 1.2 The proposal is essentially similar to that approved in April 2011, but not yet implemented. The modifications and revisions contained in these current applications relate to a further 2.5 metres long flat roof extension to the tea room at the rear of the premises.



12/0060/FULL and 12/0061/LIST

## 2.0 Planning History

- 2.1 WF/1015/04 – Replacement shop door and rear first floor window – internal alterations : Approved.
- 2.2 WF/1137/04 – Change of use of ground floor of the cottage to tea room; change of use of first floor of the cottage and first and second floors of the Post Office to single domestic flat : Approved.
- 2.3 WF/1023/05 – Internal alterations to form toilets in association with adjacent tea room : Approved.
- 2.4 11/0100/FULL and 11/0101/LIST – Internal alterations to change tearoom/restaurant area; change of use from retail to kitchen area, erection of new store room extension and new windows/doors/front canopy : Approved.

## 3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Views awaited.
- 3.2 Highway Authority – No objections.
- 3.3 Conservation Officer – The proposal involves a slight enlargement of the premises, which were subject to previous consents for planning permission and Listed Building Consent. I do not consider this proposal to have any significant additional impact on the Listed Building and thus have no objections.
- 3.4 Crime Risk Advisor – No objections subject to notes.
- 3.5 Severn Trent Water Ltd – No objections subject to condition.
- 3.6 Neighbour/Site Notice - One letter of objection received:  
“Our concerns are: the alterations and proposed extension to the tea room will obviously create additional seating which in turn will result in extra cars parking in a village which already has parking problems. The shop/tearoom/restaurant provides no parking for their customers.”

One letter of support received:

My husband and I would like to give support to Jane's planning application.  
[We have sent a similar letter in support of the first application]

12/0060/FULL and 12/0061/LIST

She bought the shop when the other buyers wanted to close the Post office and tearoom; she has done a wonderful job and works very hard. The tearoom is always busy and such a pleasant place to sit and have a meal, coffee or tea and cakes. The shop is also more modern and has lots of unusual items to buy, staying open for far longer than the previous owners, to enable people going and coming from work to make purchases there.

1. Jane already has a license to sell liquors and spirits until 23.00 and frequently has private evening events at the tearoom. No-one seems to have complained about those. She could open every night 7.30 - 11 Mon-Sat, but will not be doing so.
2. Jane is hoping to have the pillar and wall removed from the centre of the teashop to create a better space, not more seating, for her customers.
3. The kitchen is too small and only in a domestic style, so not really suitable, she needs to upgrade it with stainless steel worktops and sinks and more storage for it to become a commercial kitchen, and If possible move the kitchen to the bigger room where the cards and settees are at the moment.
4. The Post Office and shop can be closed off from the tearoom at any time, to make two separate businesses, [they used to be two separate cottages] Jane does not want to do this, but have the day time customers coming through the shop, and would like to be able to close the tearoom off properly from the Post Office and shop for evening events for security reasons, by making a separate entrance.
5. She employs 8 Local adults in the shop and tearoom, besides that she gives employment for 11 Local under 18's at weekends, to whom she gives training and support, who will have good communication skills, and learn to be responsible adults. They all earn more than the minimum wage, which you must agree is unheard of at this stage of the recession.

Finally, we would like to stress that this village needs people like Jane, without her this village wouldn't have a Post Office, Shop or Tearoom. All the people who are employed by her work very hard to keep this business going.

There are several older residents in the village and they do not drive, and with the threat of the bus route being withdrawn through the village soon, they will depend on the Post office, shop and tea room even more.

Also just think, if we don't encourage her, she could sell the businesses to anyone, because why should she work such long hours if we do not support her endeavours to improve the facilities for locals and others to enjoy.

12/0060/FULL and 12/0061/LIST

**4.0 Officer Comments**

4.1 As before, the starting point for the determination of this application is the location of the site within the West Midlands Green Belt. As the tea room use is established and the small additional rear extension applied for is for a use of land which preserves the openness of the Green Belt and which does not conflict with the purposes of including land within it, the proposal can therefore be regarded as appropriate in that context.

**LISTED BUILDING DESIGN AND CONSERVATION AREA ISSUES**

4.2 The small additional rear extension represents a floor area of approximately 10 square metres over and above that already approved. This is considered to be insignificant in terms of its visual impact on the surroundings and the Listed Building. The flat roof is the only viable design solution in these circumstances and, though not ideal, would enable the character and appearance of the Conservation Area to be maintained.

**HIGHWAYS ISSUES**

4.3 The neighbour objection relating to potential increased demand for car parking as a result of the larger tea room is noted. However, the increase in floor area compared to that approved, of less than 10% has attracted the same response from Worcestershire County Council as Highways Authority – ‘no objections’.

**NEIGHBOUR AMENITY ISSUES**

4.4 The applicant already benefits from a planning permission with no specific hours of use restrictions. The small increase in the size of the tea room would make no material change in these circumstances.

4.5 With regard to several issues of neighbour amenity and privacy, the rights enjoyed by the neighbouring properties under the provision 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 breach has been identified, which is also the case in relation to the appropriate planning policies.

4.6 No additional opportunities for overlooking the rear gardens of neighbouring properties would be created and the approved double doors to the rear of the tea room are merely closer to the rear patio area already in use in warmer weather.

12/0060/FULL and 12/0061/LIST

## 5.0 Conclusions and Recommendations

5.1 This minor increase in the scale of the approved scheme could be achieved on this site without creating an unacceptable impact upon the amenity or privacy of neighbouring properties, the existing Listed Building or the wider interests of the Conservation Area or Green Belt.

5.2 Accordingly, and in consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, Application reference **12/0060/FULL** is recommended for **APPROVAL** subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. External materials to reflect approved plans and submitted application form.
4. No takeaway food.
5. Severn Trent Water.

### Notes

A. No approval is given for any new external flues or vents which will require separate planning permission and Listed Building Consent.

B. Crime prevention suggestions.

### Reason for Approval

The extension is considered to be sympathetic to the character and appearance of this Grade II Listed Building. Accordingly, the proposal is considered to be in compliance with the policies listed above.

5.3 I also recommend **APPROVAL** to **12/0061/LIST** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent).
2. A11 (Approved plans).
3. External materials to reflect approved plans and submitted application form.

### Note

No approval is given for any new external flues or vents which will require separate planning permission and Listed Building Consent.

### Reason for Approval

The extension is considered to be sympathetic to the character and appearance of this Grade II Listed Building. Accordingly, the proposal is considered to be in compliance with the policies listed above.

## Agenda Item No. 5

**Application Reference:** 12/3003/TE      **Date Received:** 01/02/2012  
**Ord Sheet:** 378625 275322      **Expiry Date:** 28/03/2012  
**Case Officer:** Paul Round      **Ward:** Bewdley and Arley

**Proposal:** Installation of a telecommunication cabinet

**Site Address:** OUTSIDE 14 LOAD STREET, BEWDLEY, DY12 2AE

**Applicant:** BT Openreach

<b>Summary of Policy</b>	LB.5, CA.1, TR.20 (AWFDLP) CP11 (AWFCS) CTC19, CTC20 (AWCSP) QE5 (RSS) PPS5, PPG8
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval. Application/notifications for telecommunications equipment where the recommendation is to approve
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The sites forms the pavement area outside No.14 Load Street and to the side of 15 Load Street (HSBC Bank).
- 1.2 Both 14 and 15 Load Street are Grade II Listed Buildings and located within the Bewdley Conservation Area.
- 1.3 The proposal seeks to erect a telecommunications cabinet measuring 0.75m x 0.407m and 1.4m in height. It is proposed to be coloured dark green.

### 2.0 Planning History

- 2.1 None of relevance.

### 3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views awaited.

12/3003/TE

- 3.2 Highway Authority – As this is a conservation area consent I am not proposing to make any formal representation to you on this application. I have had a discussion with my colleague who met the contractor on site a while ago. Originally this meeting dismissed the proposed location as it overlapped the fire exit and this has obvious consequences. I would just advise you to check the dimensions and be certain of where the cabinet is proposed.
- 3.3 Conservation Officer – I note that this application has been made in the light of the unauthorised installation of a telecommunications cabinet in the pavement immediately in front of The Guildhall. Clearly that installation is wholly inappropriate as it impacts heavily on the setting of several listed buildings and the wider conservation area, and contradicts the statement made in this application regarding siting restrictions:

*Siting Restrictions*

*There are a number of criteria that must be taken into consideration when identifying a suitable location for the proposed DSLAM cabinet. This includes the feasibility of building and maintaining the cabinet, land ownership issues and the ability to connect to low voltage power.*

*In addition, it is important to remember that the proposed cabinet will be linked to an existing BT cabinet (PCP). For this link to work the proposed and existing cabinets cannot be located more than 50 metres apart.*

*In addition, the following factors are also taken into consideration when identifying suitable locations for the proposals:-*

*Impact on visibility splays;*

*Impact on footpath widths and pedestrian movements;*

*Impact on visual and residential amenity;*

*Impact on listed buildings, and*

*Impact on the character and appearance of Conservation Areas.*

The proposal in this application sites the cabinet against the wall of a listed building, albeit a wall which has been significantly reconfigured into a modern shop front for HSBC bank.

The applicant has not fully explained why it is necessary to house the wiring for their broadband service in cabinets above the pavement. There is no conservation statement submitted which explains why it is NOT possible to site these within a junction box under the pavement within conservation areas.

Although the cabinet indicated within this application has much less impact on the street-scene than the existing unauthorised installation, in my view it still does nothing to preserve or enhance, nor does it otherwise harmonise with the special character and appearance of the conservation area.

12/3003/TE

Nationally BT appears to be reluctant to revise its approach to the provision of broadband cabinets in conservation areas, merely looking to site them in less prominent locations rather than explore whether underground junction boxes could be used instead. Indeed I believe there is no alternative cabinet currently on offer. Given that these will spring up at 50m intervals they could seriously harm the character and appearance of conservation areas generally.

I believe as submitted the application fails to comply with Policy CA.1 and I recommend refusal.

Object due to failure to comply with Policy CA.1.

If, notwithstanding my advice, approval is granted this should be conditional upon the removal of the unauthorised cabinet outside the Guildhall.

Notwithstanding my comments above, should approval be granted for this application I would wish to see a better design of cabinet than the proposed type ECI 128, which is far less attractive than the existing cabinet ref: PCP 014 shown in the application photographs and plans. I would prefer the cabinet to be of the same design as PCP 014 in order to maintain some form of continuity within the conservation area.

3.4 Neighbour/Site Notice – No representations received.

#### **4.0 Officer Comments**

- 4.1 Under Part 24 of the General Permitted Development Order 1995, telecommunications companies can erect telecommunications apparatus without the need for planning permission subject to various conditions. Whilst development may be permitted under this Order, all proposals within Conservation Areas must be notified to the Local Planning Authority for prior approval of siting and design of the apparatus proposed. Other matters cannot be taken into account, specifically the need for the development.
- 4.2 The proposed cabinet measuring 0.3 sq.m in area and 1.4m in height is proposed to be located within the large 'square' pavement that is situated in this part of Load Street. It is required by BT Openreach in order to roll out high-speed broadband services to residents and businesses.
- 4.3 The cabinet will be located adjacent to the wall of HSBC bank which, although a listed structure, has a modern shop front appearance. This will allow the cabinet to sit comfortably within this historic environment without comprising the historic nature of surrounding buildings. The area has already a number of public features such as benches, bins, bollards, planters, bike stands and other cabinets and given this context I feel that this is one of the better locations within the central area of Bewdley for such a cabinet to be sited.

12/3003/TE

- 4.4 The design is simplistic and does not create an obtrusive feature in this location. The dark green colour helps blend the cabinet as a utilitarian structure in this environment.
- 4.5 In response to the Conservation Officer's comments and objections, the Consultants for BT Openreach have made the following comments:
- As part of the business plan put forward by BT Openreach to central government when bidding for this project, the decision was made to store the electronic equipment within cabinets above ground. There was never any intention to house the equipment beneath the pavement within the existing junction boxes because this would not be technically feasible, and nor would it be financially viable either. The existing junction boxes are used to allow engineers to gain access to the BT duct runs and are not meant to house equipment.
  - To house the equipment under ground would require substantial works to be undertaken to sink the equipment housing. This would have immediate impacts upon existing utilities (gas / water / electricity / cable services etc) and would have a major impact upon co-ordinating street works with the highways authority whom would most probably refuse such extensive works when the equipment could easily be stored above ground in relatively small cabinets.
  - The existing PCP boxes are of the size they are to house the equipment that is stored within them, this being copper connectors for telephone services. The ECI cabinet has been designed to be as small as possible bearing in mind the equipment housed within it (broadband fibre optics connecting to the existing telephony cabinets). There are no other options available, nor are there any 'conservation style' designs for these cabinets.
  - With regards to the fire door it can be seen from the photomontage that the door opens outwards and away from our cabinet and thereby there will be no impact made upon safe egress from this building. The cabinet has been sited to fit between the fire door egress and the bank window to allow for unhindered passage in emergency circumstance
- 4.6 Whilst I have some sympathy with the Conservation Officer's comments, I feel that the justification given by the Applicant's Agent amply explains the situation they find themselves in and why this solution has been chosen. No harm has been identified to the Listed Buildings to which this cabinet is situated close to and for the reasons set out above I cannot support his assertions about the harm to the Conservation Area.



12/3003/TE

**5.0 Conclusions and Recommendations**

- 5.1 The cabinet of the design and siting proposed is considered to be sensitively sited within this historic environment and would not cause undue harm to the character or setting of Listed Structures or the Conservation Area.
  
- 5.2 I therefore recommend **APPROVAL** to the siting and design of the telecommunications equipment proposed under Part 24 of the General Permitted Development Order 1995.

## Wyre Forest District Council

Planning Committee Meeting 13 March 2012

### 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	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	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
09/0575/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

<b>WF No.</b>	<b>Valid Date</b>	<b>Target Date</b>	<b>Address of Site</b>	<b>Description of Proposal</b>	<b>Applicant</b>	<b>Case Officer</b>
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
10/0121/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
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
11/0309/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

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
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
11/0359/FULL	13/06/2011	08/08/2011	90 ST. JOHNS AVENUE KIDDERMINSTER DY116AZ	Rear first floor extension	Ms JULIE HOPKINS	Stuart Allum
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
11/0458/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; 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
11/0460/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; 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
11/0464/LIST	29/07/2011	23/09/2011	236 WESTBOURNE STREET BEWDLEY DY121BS	Installation of satellite dish on chimney	Mrs J B Roberts	James Houghton
11/0469/FULL	01/08/2011	26/09/2011	RICHMOND ROAD BEWDLEY	Erection of 5 No. affordable dwellings	Wyre Forest Community Housing	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
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
11/0545/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
11/0543/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
11/0596/FULL	05/10/2011	30/11/2011	LAND OFF RIBBESFORD ROAD BEWDLEY	Change of use of land to commercial stud farm and erection of stabling	Mr & Mrs P Parker	James Houghton
11/0647/S106	02/11/2011	28/12/2011	SEVERN ROAD STOURPORT-ON- SEVERN	Variation of Section 106 agreement to enable a change to the timescale relating to the approval and implementation of Public Art	Tesco Stores Ltd	Julia Mellor
11/0650/FULL	07/11/2011	02/01/2012	13 SEVERN SIDE SOUTH BEWDLEY DY122DX	Single-storey rear extension to form garden room	Mr S Kocher	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0651/LIST	07/11/2011	02/01/2012	13 SEVERN SIDE SOUTH BEWDLEY DY122DX	Single-storey rear extension to form garden room, internal alterations to form ground floor toilet, new porthole window to passageway	Mr S Kocher	Stuart Allum
11/0664/FULL	14/11/2011	09/01/2012	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER DY103JH	Variation of Condition 5 of Planning Permission WF/0193/01(Restricting floodlighting) to now read "Floodlighting of the manege hereby approved shall be limited to three lights, fitted with cowls or hoods, fixed at height of 4.3m to the south elevation of the adjacent stable building (identified as Stable 1 on plan 3149/200) and shall not be operated during night-time hours 21:00 to 06:30" (Retrospective)	Mr J Raggett	James Houghton
11/0666/FULL	15/11/2011	14/02/2012	WHARTON PARK GOLF CLUB LONGBANK BEWDLEY DY122QW	Erection of building for Golf Driving Range and Associated Works	WHARTON PARK GOLF CLUB	Paul Round
11/0681/FULL	22/11/2011	21/02/2012	37 & 38 OLDNALL ROAD KIDDERMINSTER DY103HN	Demolition of existing properties and erection of care home under use class C2 and associated works	Castle Oak Developments Ltd	Paul Wrigglesworth
11/0696/FULL	28/11/2011	23/01/2012	PARWELD LTD BEWDLEY BUSINESS PARK LONG BANK BEWDLEY DY122TZ	Proposed warehouse extension to existing factory (B8). New industrial unit (B1) and associated car parking	C PARKER INVESTMENTS LTD	Julia McKenzie- Watts
11/0701/FULL	28/11/2011	23/01/2012	27 WOODLANDS ROAD COOKLEY KIDDERMINSTER DY103TL	First floor side extension over existing garage	Mr & Mrs Jones	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0703/RESE	30/11/2011	29/02/2012	FORMER MORGAN CERAMICS SITE BEWDLEY ROAD STOURPORT-ON-SEVERN DY138QR	Erection of 98No. dwellings with associated garaging and ancillary car parking, hard and soft landscaping and ancillary works	Redrow Homes Midlands	Paul Round
11/0706/FULL	01/12/2011	26/01/2012	ROBIN HOOD PH DRAYTON ROAD DRAYTON BELBROUGHTON DY9 0BW	Layout and provision of replacement children's play equipment and fencing (retrospective)	Mr G Attwood	Paul Round
11/0724/FULL	13/12/2011	07/02/2012	28 MITTON STREET STOURPORT-ON-SEVERN DY139AG	Part demolition, construction of extension and conversion to two 2-bedroom dwellings with rear access and parking from Mitton Close	Mr P Arnold	Stuart Allum
11/0733/LIST	14/12/2011	08/02/2012	THE POST HOUSE 14 LOAD STREET BEWDLEY DY122AE	Install free standing air-conditioning unit, on flat roof of single storey office at rear of building with pipes to run to second floor level	K DREWE INSURANCE BROKERS LTD	Stuart Allum
11/0739/CERTP	16/12/2011	10/02/2012	CHANCES CLOSE WORCESTER ROAD HARVINGTON KIDDERMINSTER DY104LU	Proposed two storey extension	Mr M Daneshfar	Paul Wrigglesworth
11/0740/CERTE	16/12/2011	10/02/2012	44 ROUSBINE CARAVAN PARK CALLOW HILL ROCK KIDDERMINSTER DY149DD	Residential occupation of unit 44 by Site Warden	Mr & Mrs Lunnon	Paul Round
12/0059/FULL	04/01/2012	29/02/2012	102 ST. JOHNS AVENUE KIDDERMINSTER DY116AX	Garage and study extension at ground floor with bedrooms above	Mr & Mrs D Pearsall	Julia McKenzie-Watts
12/0007/CERTE	06/01/2012	02/03/2012	NASH ELM BUNGALOW ARLEY BEWDLEY DY121SS	Use of property in breach of agricultural occupancy condition for over 10 years	Mr A Price	Paul Round



WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0008/FULL	09/01/2012	05/03/2012	HODGE HILL NURSERIES BIRMINGHAM ROAD KIDDERMINSTER DY103NR	Proposed change of use from retail sales of restricted category goods to retail sales of bird and all pet food, including bird tables and baths, feeders, cages, lures, frames and related ancillary products	MR P NEEDHAM	Paul Wrigglesworth
12/0009/FULL	09/01/2012	09/04/2012	WOLVERLEY CARAVAN & CAMPING CLUB BROWN WESTHEAD PARK WOLVERLEY KIDDERMINSTER DY103PX	Creation of 36 hardstanding pitches, resurfacing of access roads and car parking area, new entrance/exit barriers and extension to opening season from 16th February to 5th January	The Camping & Caravanning Club	Julia McKenzie-Watts
12/0012/FULL	09/01/2012	05/03/2012	149 GREATFIELD ROAD KIDDERMINSTER DY116PP	Change of use and conversion of upper floor to form a one bedroom apartment with associated car parking, shed and bin store.	Mr M Samrai	Stuart Allum
12/0017/FULL	09/01/2012	05/03/2012	61 LOAD STREET BEWDLEY DY122AP	Proposed takeaway in conjunction with existing restaurant	Severn Fine Cuisine	James Houghton
12/0014/FULL	11/01/2012	11/04/2012	THE PIANO BUILDING WEAVERS WHARF KIDDERMINSTER DY101AA	Redevelopment involving mixed use scheme comprising of change of use from retail (Class A1) and residential (Class C3) to a higher education academy (Class D1) including provision of restaurant (Class A3) and retention of retail (Class A1) to part of ground floor, together with ancillary facilities and associated works including the formation of new ground floor mezzanine levels, structural strengthening works, external mechanical services plant deck, provision of service yard for refuse, insertion of new window and door openings and installation of new glazed shopfront	Birmingham Metropolitan College	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0015/LIST	11/01/2012	07/03/2012	THE PIANO BUILDING WEAVERS WHARF KIDDERMINSTER DY101AA	Redevelopment involving mixed use scheme comprising of change of use from retail (Class A1) and residential (Class C3) to a higher education academy (Class D1) including provision of restaurant (Class A3) and retention of retail (Class A1) to part of ground floor, together with ancillary facilities and associated works including the formation of new ground floor mezzanine levels, structural strengthening works, external mechanical services plant deck, provision of service yard for refuse, insertion of new window and door openings and installation of new glazed shopfront	Birmingham Metropolitan College	Paul Wrigglesworth
12/0016/FULL	12/01/2012	12/04/2012	CONVEYOR UNITS LTD SANDY LANE TITTON STOURPORT-ON-SEVERN DY139PT	Extension to existing buildings to provide workshop and store (Use class B2/B8; Detached covered store (Use class B8); 5m high wall to boundary (Re-submission of 11/0109/FULL)	CONVEYOR UNITS LTD	Julia Mellor
12/0019/TREE	16/01/2012	12/03/2012	8 CAMPION WAY BEWDLEY DY121HW	Fell Lime Tree	Mrs C Lewis	Alvan Kingston
12/0020/TREE	16/01/2012	12/03/2012	GROVE HOUSE 9 JELLEYMAN CLOSE KIDDERMINSTER DY116AD	Remove branch of Beech Tree	Mr M O'Shawghnessy	Alvan Kingston
12/0028/FULL	16/01/2012	12/03/2012	LAND ADJACENT TO 32 PARK LANE KIDDERMINSTER DY116TG	Erection of two dwellings (Variation of to Approved scheme under 09/0376/FULL)	Doolittle & Dalley - Mr D Hall	Julia McKenzie-Watts
12/0032/FULL	17/01/2012	13/03/2012	THE LESWELL STREET CENTRE 36 LESWELL STREET KIDDERMINSTER DY101RP	Internal modifications and change of use to form five 1 bed flats	Mr D Cox	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0036/FULL	17/01/2012	13/03/2012	TALL TREES KINGSFORD LANE WOLVERLEY KIDDERMINSTER DY115SN	Extensions (Following partial demolition) and modifications to bungalow	Mrs I Griffiths	Julia McKenzie- Watts
12/0031/TREE	18/01/2012	14/03/2012	32 ARELEY COURT STOURPORT- ON-SEVERN DY130AR	Crown raise and crown clean two Limes and one Sycamore/ Maple	Mr M Herridge	Alvan Kingston
12/0033/FULL	18/01/2012	14/03/2012	68 TRIMPLEY DRIVE KIDDERMINSTER DY115LB	Two storey side extension with single storey garage	Mr M Goodhall	Julia McKenzie- Watts
12/0034/FULL	19/01/2012	15/03/2012	BLAKEDOWN C OF E PRIMARY SCHOOL BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER DY103JN	Extension of two existing classrooms to rear of the school.	Mrs H Beckford Bond	Paul Wrigglesworth
12/0037/FULL	19/01/2012	15/03/2012	166 BEWDLEY HILL KIDDERMINSTER DY116BS	Internal conversion of 3 storey house into 3 No. one bedroom flats	Mr & Mrs Barstow	Stuart Allum
12/0039/FULL	20/01/2012	16/03/2012	THE HORN & TRUMPET 200 PARK LANE KIDDERMINSTER DY116TQ	Extension at 1st and 2nd floor level to create 2 No. flats together with alterations	Mr R Whitehouse	James Houghton
12/0040/LIST	20/01/2012	16/03/2012	THE HORN & TRUMPET 200 PARK LANE KIDDERMINSTER DY116TQ	Extension at 1st and 2nd floor level to create 2 No. flats together with alterations	Mr R Whitehouse	James Houghton
12/0035/FULL	23/01/2012	19/03/2012	THE HAULAGE YARD RIBBESFORD ROAD STOURPORT-ON-SEVERN DY130TF	Removal of existing buildings and erection of two commercial buildings	Grinnall Specialist Cars	Stuart Allum
12/0041/FULL	23/01/2012	19/03/2012	11 LOAD STREET BEWDLEY DY122AF	Conversion of first and second floors to form 2 No. single bed apartments and rearrangement of existing retail ground floor	Mrs W Hall & Mr M Dalley	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0042/LIST	23/01/2012	19/03/2012	11 LOAD STREET BEWDLEY DY122AF	Change of use of first and second floors to form 2 No. single bed apartments and the rearrangements of existing retail ground floor accommodation space to enable access	Mrs W Hall & Mr M Dalley	Stuart Allum
12/0043/CERTE	23/01/2012	19/03/2012	GLENWOOD (ADJACENT INNISCARRA) PLOUGH LANE ROCK KIDDERMINSTER DY149UX	Use of land and occupation of caravan for separate residential use for more than 10 years	Mr P Ray	Paul Round
12/0049/FULL	23/01/2012	19/03/2012	131 SUTTON PARK ROAD KIDDERMINSTER DY116JG	Proposed rear extension, replacement garage, alterations, porch and first floor dormers	Mr & Mrs J Hastings	Stuart Allum
12/0044/FULL	24/01/2012	20/03/2012	KNIGHT HOUSE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Double detached garage, timber garden room and garden pond (Resubmission Ref 11/0308/FULL)	Mr G Hawkins	James Houghton
12/0045/LIST	24/01/2012	20/03/2012	KNIGHT HOUSE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Re-roofing main roof, conversion of existing garage to sitting room, re-skinning existing rear and side single storey extension. New balcony guard rail, New windows and doors to rear elevation (Resubmission Ref 11/0297/LIST)	Mr G Hawkins	James Houghton
12/0046/FULL	24/01/2012	20/03/2012	BELLS @ NISA LOCAL 116 TENNYSON WAY KIDDERMINSTER DY103YT	Proposed pavement crossover and formation of new gates to rear yard	BELLS @ NISA LOCAL	Julia McKenzie-Watts
12/0047/FULL	27/01/2012	23/03/2012	THE OLD FORGE RIVERSIDE COTTAGE LEA LANE COOKLEY KIDDERMINSTER DY103RL	Change of use and conversion of existing building to form a holiday let	Mr & Mrs R Shurmer	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0048/FULL	27/01/2012	23/03/2012	WHITEHOUSE FARM ISMERE KIDDERMINSTER DY103NT	Change of use of existing cart shed/stable and conversion to private domestic dwelling for applicant's mother	Mr G Knight	Paul Round
12/0050/FULL	27/01/2012	23/03/2012	TEME AVENUE KIDDERMINSTER DY117NR	Replacement of a metal palisade fence with a brick wall	Bromford Housing Association Ltd	Stuart Allum
12/0051/FULL	27/01/2012	23/03/2012	FIELD HOUSE RECTORY LANE STOURPORT-ON-SEVERN DY130TJ	Proposed single storey side extension	Sunnycroft Homes Ltd Brain Injury Residential Care	Julia McKenzie-Watts
12/0052/FULL	27/01/2012	23/03/2012	31 LYTTLETON ROAD BEWDLEY DY122BU	Single storey rear extension and canopy to front	Mr C Taylor	James Houghton
12/0057/LIST	27/01/2012	23/03/2012	THE TONTINE SEVERN SIDE STOURPORT-ON-SEVERN DY139EN	Revised lightwell covers	Raybone Developments Ltd	John Baggott
12/0055/FULL	30/01/2012	26/03/2012	COOKLEY SPORTS & SOCIAL CLUB LEA LANE COOKLEY KIDDERMINSTER DY103RH	Installation of solar panels to roof	Wolverley & Cookley Parish Council	Julia McKenzie-Watts
12/0053/FULL	31/01/2012	27/03/2012	22 FORGE LANE BLAKEDOWN KIDDERMINSTER DY103JF	Proposed first floor rear extension to provide bathroom and extension to bedroom	Mr P Foster	Stuart Allum
12/0056/FULL	31/01/2012	27/03/2012	REEL CINEMA GREEN STREET KIDDERMINSTER DY101JF	Proposed satellite dish	Reel Cinemas	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0060/FULL	31/01/2012	27/03/2012	JUKES STORES THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Proposed internal / external alterations and canopy extension to tea room / post office and change of use from retail area to kitchen. Proposed extension to tea room and proposed lobby / store extension	A & H Construction & Developments Plc	Stuart Allum
12/0061/LIST	31/01/2012	27/03/2012	JUKES STORES THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Proposed internal / external alterations and canopy extension to tea room / post office and change of use from retail area to kitchen. Proposed extension to tea room and proposed lobby / store extension	A & H Construction & Developments Plc	Stuart Allum
12/0062/LIST	01/02/2012	28/03/2012	16 SEVERN SIDE SOUTH BEWDLEY DY122DX	Installation of conservation roof light to First Floor Bathroom on rear elevation of building	Mr & Mrs P Hayden	Stuart Allum
12/0063/FULL	01/02/2012	28/03/2012	2 ASPEN WALK STOURPORT-ON- SEVERN DY138TZ	Relocation of side boundary fence (Resubmission of 11/0682/FULL)	MR J MINOR	James Houghton
12/3003/TE	01/02/2012	28/03/2012	OUTSIDE 14 LOAD STREET BEWDLEY DY122AE	Installation of a telecommunication cabinet	BT Openreach	Paul Round
12/0064/FULL	02/02/2012	29/03/2012	29 PEMBROKE WAY STOURPORT-ON-SEVERN DY138RY	Single storey rear extension	Mr L Chell	James Houghton
12/0065/LIST	03/02/2012	30/03/2012	REEL CINEMA GREEN STREET KIDDERMINSTER DY101JF	Proposed satellite dish on roof	Mr K Suri	Julia McKenzie-Watts
12/0066/FULL	03/02/2012	30/03/2012	PLAY AREA BORRINGTON ROAD KIDDERMINSTER DY103EJ	Provision of three pieces of inclusive play equipment with bow top fence and repositioning existing bench and bin	Wyre Forest Community Housing	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0068/FULL	06/02/2012	02/04/2012	22 KIMBERLEE AVENUE COOKLEY KIDDERMINSTER DY103TN	Single storey rear extension and porch	Mr S Gellaty	Julia McKenzie-Watts
12/0069/FULL	06/02/2012	02/04/2012	24 KIMBERLEE AVENUE COOKLEY KIDDERMINSTER DY103TN	Single storey rear extension and porch	Mrs E Dean	Julia McKenzie-Watts
12/0067/FULL	07/02/2012	03/04/2012	THE PARK INN 409 STOURPORT ROAD KIDDERMINSTER DY117BG	Demolition of existing public house and proposed development of pet store (A1) and veterinary surgery (D1) with 2No two bed flats over	Worcester & Regional Properties Ltd	Paul Wrigglesworth
12/0070/TREE	08/02/2012	04/04/2012	9 THE CHESTNUTS KIDDERMINSTER DY117BN	Prune an Austrian Pine at rear of property	Mrs E Wood	Alvan Kingston
12/0071/FULL	08/02/2012	04/04/2012	OFFICE 6 5 MASON ROAD KIDDERMINSTER DY116AF	Change of use of office 6 to beauty therapy room (e.g spray tanning, manicure, pedicure, waxing and threading)	Miss T Darkes - Vitalise Beauty	James Houghton
12/0072/FULL	08/02/2012	04/04/2012	20 MILL CLOSE STOURPORT-ON- SEVERN DY139BU	Erection of conservatory	Mr Hubbard	Julia McKenzie-Watts
12/0073/FULL	08/02/2012	04/04/2012	2 BEECHCOTE HOUSE MILL LANE WOLVERLEY KIDDERMINSTER DY115TR	Erection of detached double garage	Mr R Teague	James Houghton
12/0074/FULL	08/02/2012	04/04/2012	FIR LODGE BRAKE MILL HAGLEY STOURBRIDGE DY8 2XY	Single storey side extension	Mr M Neale	Julia McKenzie-Watts
12/0075/FULL	09/02/2012	05/04/2012	THE SHRUBBERY NURSING HOME BIRMINGHAM ROAD KIDDERMINSTER DY102JZ	Erection of second and third floor extension over main building with first floor right side extension, reinstate front access/drive and associated car parking	Mr R Ephraims	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0076/LIST	09/02/2012	05/04/2012	THE SHRUBBERY NURSING HOME BIRMINGHAM ROAD KIDDERMINSTER DY102JZ	Erection of second and third floor extension over main building with first floor right side extension, reinstate front access/drive and associated car parking	Mr R Ephraims	Stuart Allum
12/0078/FULL	09/02/2012	05/04/2012	ALMA COTTAGE 36 ARELEY COMMON STOURPORT-ON- SEVERN DY130NB	Proposed first floor side extension	Mr G Davis	Julia McKenzie-Watts
12/0081/FULL	09/02/2012	05/04/2012	UNIT 1 & 2, MILLBRIDGE BARN REAR OF MILLBRIDGE HOUSE BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER DY104PR	Proposed change of use of existing agricultural buildings into two semi-detached residential units with access alterations and boundary treatment	Mr J Swift	Paul Wrigglesworth
12/0082/FULL	09/02/2012	05/04/2012	NOTHCUT CROSS BANK BEWDLEY DY122XF	Conversion of stable building to one bed ancillary accommodation, for family member, with common access link to existing house	Mrs S Peters	Paul Round
12/0077/FULL	10/02/2012	06/04/2012	LAND ADJACENT TO HITTER HILL DRYMILL LANE BEWDLEY DY122LF	Change of use of land and the erection of domestic Solar PV equipment	MR D LOCK	James Houghton
12/0083/LIST	10/02/2012	06/04/2012	LEYLANDS FARM CLATTERCUT LANE RUSHOCK DROITWICH WR9 0NN	Alteration to the roof pitch and finish of the garden room approved under Listed Building Consent Ref: 10/0422/LIST	Professor S Croft & Ms J Usherwood	Paul Wrigglesworth
12/0084/FULL	10/02/2012	06/04/2012	1 LICHFIELD STREET STOURPORT-ON-SEVERN DY139EU	Conversion of upper floors to form 2 No. apartments with external staircase	Mr W Ward	Julia McKenzie-Watts
12/0085/LIST	10/02/2012	06/04/2012	1 LICHFIELD STREET STOURPORT-ON-SEVERN DY139EU	Conversion of upper floors to form 2 No. apartments with external staircase	Mr W Ward	Julia McKenzie-Watts



WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0080/TREE	13/02/2012	09/04/2012	6 KITTIWAKE DRIVE KIDDERMINSTER DY104RS	Reduce height of lime tree by 45%	Mr P Jones	Alvan Kingston
12/0086/FULL	13/02/2012	09/04/2012	53 STAGBOROUGH WAY STOURPORT-ON-SEVERN DY138TD	Erection of a conservatory to rear of property and replacement of existing window on front of property with bay window	MR D MCCREDIE	James Houghton
12/0087/ADVE	13/02/2012	09/04/2012	UNIT 9 EASTER PARK WORCESTER ROAD SUMMERFIELD KIDDERMINSTER DY117AR	2 x internally illuminated flex face panels	Bromsgrove Motor Factors	Stuart Allum
12/0088/CERTP	13/02/2012	09/04/2012	84 MOSTYN ROAD STOURPORT- ON-SEVERN DY138PN	Infill below existing carport	Mr L Jones	Paul Wrigglesworth
12/0089/FULL	14/02/2012	10/04/2012	NASH END FARM ARLEY BEWDLEY DY121SR	Conversion and change of use of vacant farm buildings to form 3No residential units	Mr J & P Lawley	Paul Round
12/0092/CERTP	15/02/2012	11/04/2012	WADEHAMET FARM WOODROW CHADDESLEY CORBETT KIDDERMINSTER DY104QF	Proposed rear extension	Mr & Mrs G Blakeway	Paul Wrigglesworth
12/0091/FULL	16/02/2012	12/04/2012	CHERRY WOOD NORTHWOOD LANE BEWDLEY DY121AS	Proposed replacement chalet bungalow	MR M HAWES	James Houghton
12/0094/FULL	16/02/2012	12/04/2012	WINDY WILLOWS TENBURY ROAD CLOWS TOP KIDDERMINSTER DY149HA	Replacement storage building (Retrospective)	Mr G Ruston	James Houghton
12/0095/FULL	17/02/2012	13/04/2012	26 ELTON ROAD BEWDLEY DY122HR	Front and rear single storey extension and 1st floor side extension	Mr N Mosley	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0093/FULL	20/02/2012	16/04/2012	THE UKRANIAN CLUB REAR OF 2 SION HILL KIDDERMINSTER DY102XS	Conversion of former licensed club building to two flats and the construction of a pair of two bed houses Conversion of existing building to bin and bicycle store	R Tomkins	James Houghton
12/0096/FULL	20/02/2012	16/04/2012	TOP FARM YIELDINGTREE BROOME STOURBRIDGE DY9 0EJ	Construction of a swimming pool and enclosure building to the rear of Top Farm (Re-application of 11/0165/full submitted 17/03/11 - withdrawn 12/05/11)	Mrs V Clinton	Paul Wrigglesworth
12/0098/FULL	21/02/2012	17/04/2012	12 HIGH CLERE DRIVE BEWDLEY DY122EZ	Retrospective application for detached Garden Room	Mrs J Wingrove	James Houghton
12/0097/FULL	22/02/2012	18/04/2012	84 WORCESTER STREET & 17-18 HIGH STREET KIDDERMINSTER DY101EH	Change of use from A1 (Shop) to A3 (Café/Restaurant)	Zurich Assurance Life Ltd	James Houghton
12/0099/FULL	22/02/2012	18/04/2012	FERNHALLS FARM GREENWAY ROCK KIDDERMINSTER DY149SH	Conversion and extension of existing building to form 2 No. dwellings and garaging with associated works	T J Preece and Associates	Paul Round
12/0100/FULL	22/02/2012	18/04/2012	7 ELM ROAD KIDDERMINSTER DY101ST	Ground floor rear and side extension	Mr & Mrs Kane	Julia McKenzie- Watts
12/0102/FULL	22/02/2012	18/04/2012	257 TENNYSON WAY KIDDERMINSTER DY103XH	First floor bedroom side extension over existing ground floor garage	Mr & Mrs Bayliss	Stuart Allum
12/0101/FULL	23/02/2012	19/04/2012	STOURPORT SPORTS CLUB LTD KINGSWAY STOURPORT-ON- SEVERN DY138BQ	Construction of an all weather surface synthetic hockey pitch and associated lighting and fencing	STOURPORT SPORTS CLUB LTD	Paul Round
12/0103/FULL	24/02/2012	20/04/2012	THE DOG HOUSE DOG LANE BEWDLEY DY122EF	Change of use of first floor from offices (B1) to two dwellings (C3)	Mr M R Haywood	Paul Round

<b>WF No.</b>	<b>Valid Date</b>	<b>Target Date</b>	<b>Address of Site</b>	<b>Description of Proposal</b>	<b>Applicant</b>	<b>Case Officer</b>
12/0105/FULL	27/02/2012	23/04/2012	LEYLANDS FARM RUSHOCK DROITWICH WR9 0NN	Erection of double garage incorporating a log store reinstatement of garden wall	Professor S Croft & Ms J Usherwood	Paul Wrigglesworth
12/0106/FULL	27/02/2012	28/05/2012	MANOR INN 76 MINSTER ROAD STOURPORT-ON-SEVERN DY138AP	Construction of 67 bed care home (Use class C2) with associated parking and access (Re-submission of 11/0511/FULL)	Stourport on Severn Care Ltd	Julia Mellor
12/0107/FULL	27/02/2012	23/04/2012	SOUTHCOTE FARM TRIMPLEY BEWDLEY DY121PD	Proposed rear lounge and study extension	Mr P Smith	Stuart Allum

## WYRE FOREST DISTRICT COUNCIL

Planning Committee

13 March 2012

### 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			
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	HE  01/11/2011	13/12/2011	27/12/2011	24/01/2012 Loom Room,	

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  To add velux window to rear roof	WR 20/09/2011	01/11/2011			Dismissed  14/02/2012
WFA1398 11/0498/FULL	APP/R1845/A/11 /2163375	Mr T Smith	THE HOLLIES TRIMPLEY LANE SHATTERFORD BEWDLEY DY121RL  Change of use of land to site one static caravan for one gypsy family	HE 07/11/2011	19/12/2011			
WFA1400 11/0443/LIST	APP/R1845/E/11 /2164038	Mr M Jackson	1, 2 & 3 HIGH STREET BEWDLEY DY122DH  Retrospective application for retention and alteration of external render	WR 18/11/2011	30/12/2011		01/02/2012	Dismissed  12/02/2012

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
WFA1401 11/0503/TREE	APP/TPO/R1845/2214	Mr L Fisher	7 LUDGATE AVENUE KIDDERMINSTER DY116JP  Remove overhanging branches, thin and balance cedar tree in front garden	HE 01/12/2011	12/01/2012		15/02/2012 Earl Baldwin Suite,	
WFA1403 11/0463/FULL	APP/R1845/D/12/2168529	P Wood	19 LINDEN AVENUE KIDDERMINSTER DY103AB  Two storey extension and modifications to existing bedroom suite over garage	WR 13/01/2012				Dismissed  16/02/2012
WFA1404 11/0454/FULL	APP/R1845/A/12/2169009	MR J GREASLEY	RUSHMERE BLISS GATE ROAD ROCK KIDDERMINSTER DY149XS  Use of existing stationary caravan by carer for two(2) years	WR 03/02/2012	16/03/2012			

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
WFA1405 11/0420/FULL/	APP/R1845/A/12/2169918	Asda Stores Ltd	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	LI 13/02/2012	26/03/2012			

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
			(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)					





---

## Appeal Decision

Site visit made on 1 February 2012

**by Mary Travers BA (Hons) Dip TP MRTPI**

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

**Decision date: 14 February 2012**

**Appeal Ref: APP/R1845/E/11/2155253**

**5 Ricketts Place, Stourport Road, Bewdley, Worcestershire DY12 1DW**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mrs Emily Field against the decision of Wyre Forest District Council.
- The application Ref 11/0193/LIST dated 10 March 2011 was refused by notice dated 23 May 2011.
- The works proposed are the addition of a velux window to the rear roof.

---

### Decision

1. I dismiss the appeal.

### Reasons

2. No 5 forms part of a Grade II listed warehouse that has been converted to residential use. The proposed new velux window would be in the upper part of the roof and clearly visible from Westbourne Street. The existing roof spanning the length of the old warehouse is an important part of the special architectural and historic interest of the listed building, especially since its upper portion retains a simple, unaltered appearance. Insertion of an additional roof light, as proposed, above the two existing lower level lights would appear discordant and cluttered and entail a significant loss of historic fabric and architectural interest. The ridgeline of No 5 is lower than the adjoining parts of the roof but the proposed works would be seen in their overall context and would harm the special interest of the building. The Appellant's desire to illuminate and make more flexible use of the roof space is understood, but this does not outweigh the importance of protecting the integrity of the roof. An alternative position for the velux window, including on the front of the roof that looks towards a courtyard, has been put forward, but I have determined the appeal before me. None of the other matters raised alter my conclusion that the proposal would be in conflict with the statutory duty to preserve the special architectural or historic interest of the listed building, and any benefits entailed by the works do not outweigh this harm. Accordingly the appeal does not succeed.

*Mary Travers*

Inspector



---

# Appeal Decision

Site visit made on 1 February 2012

**by Mary Travers BA (Hons) Dip TP MRTPI**

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

**Decision date: 20 February 2012**

**Appeal Ref: APP/R1845/E/11/2164038**

**1,2 and 3 High Street, Bewdley, Worcestershire DY12 2DH**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Matthew Jackson against the decision of Wyre Forest District Council.
- The application Ref 11/0443/LIST dated 17 July 2011 was refused by notice dated 16 September 2011.
- The works proposed are the retention and alterations of external render.

---

## Decision

1. I dismiss the appeal.

## Main Issue

2. The main issue in this case is whether the retention and alterations of the external render would preserve the special architectural or historic interest of the listed buildings.

## Reasons

3. The appeal properties are Grade II listed buildings that form part of a terrace within the built-up frontage of High Street, close to the heart of the town centre and within the Bewdley Conservation Area. As referred to in the listing description they are early to mid 18<sup>th</sup> century brick buildings with later additions. They form part of an assemblage of vernacular buildings that, albeit with some variations and modern adaptations, have an overall unity in character and appearance, and their historic and architectural interest is of significant value to the conservation area as a whole. Statutory protection is given to the protection of these important interests.
4. Brown coloured render has been applied to the whole of the lower parts of the front walls, generally from ground level up to and in some cases above cill level of the ground floor windows. The render is a visually prominent and discordant feature that obscures a large extent of the brick facing on the street frontage and it significantly diminishes the special architectural and historic interest of the buildings. Some other properties in the surroundings have relatively shallow rendered plinths and other variations in their elevational treatments, but these do not provide any historic or architectural reference or justification for the work carried out to the appeal buildings, and I saw nothing in the vicinity that helps to assimilate the rendered finish into its setting.

5. It seems from the evidence that damp has been a significant problem in the ground floor living/bedrooms facing the street. This has been attributed to penetrating damp through the brickwork, which is said to have been in bad condition and not suited to the local environment. The external walls abut the narrow footway, the surface of the carriageway is almost at the same level as the footway and there is inadequate kerbside drainage. As a result, in any rain event the lower walls of the buildings are likely to be splashed with water. This and salt application on the highway during winter months may have exacerbated the erosion of the brickwork. The Appellant says that addition of the rendered finish has resulted in considerably improved living conditions in the front rooms.
6. However, as I observed during the site visit, these rooms generally offer very limited air circulation and if, as seems likely, the front windows remain closed for substantial periods, dampness and stale air usually results. The improvement that has been felt within the rooms is probably due to some extent to the fairly recent installation of air vents in the walls, although these alone would be insufficient for adequate ventilation. The render on the external brickwork is likely to trap moisture within the wall and impair its capacity to dry out. Over the longer term this will erode the brickwork, even though the damage may be concealed from view, at least for some time, by the external render and by the dry-lining and boarding that has been carried out on the interior face of the walls.
7. I have given careful consideration to the technical evidence submitted by the Appellant. However I am in no doubt that the Council's suggested approach to a long-term solution to the problem, by removing the render, repairing the brickwork and ensuring adequate ventilation within the rooms, while also addressing other issues such as the disposal of rainwater goods onto the pavement, is the appropriate response. Any disruption entailed by this work could be managed and would be relatively short-term. With good craftsmanship and careful choice of reclaimed brick, over time the repaired sections of wall should blend well with the remainder of the buildings. The cost of the repairs is unlikely to be excessive. The Appellant's willingness to make some alterations to the render so that it would have a lower height overall and be re-painted to a specified colour would not overcome the fundamental harm that it causes to the listed buildings.
8. All of the other matters raised have been taken into account but they do not outweigh the harm caused by the works to the special architectural and historic interest of the listed buildings. Given the statutory duty in regard to listed buildings, the appeal must fail.

*Mary Travers*

Inspector



---

## Appeal Decision

Site visit made on 9 February 2012

**by Les Greenwood BA(Hons) DipTP MRTPI**

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

**Decision date: 16 February 2012**

---

**Appeal Ref: APP/R1845/D/12/2168529**

**19 Linden Avenue, Kidderminster DY10 3AB**

- 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 P Wood against the decision of Wyre Forest District Council.
  - The application Ref 11/0463/FULL, dated 22 July 2011, was refused by notice dated 14 November 2011.
  - The development proposed is a 2 storey extension and modifications to an existing bedroom suite over the garage.
- 

### Decision

1. I dismiss the appeal.

### Main issue

2. The main issue is the effect of the proposal on the character and appearance of the local area.

### Reasons

3. The appeal site is at the corner of Linden Avenue, a relatively quiet residential street, and the A456 Birmingham Road in a transitional zone where predominantly residential development is beginning to give way to commercial uses on this approach to the town centre. This part of the Birmingham Road is characterised by the generous set back of buildings, with landscaped areas giving the road a spacious setting. The building line then moves forward at the nearby junction of the A456 and the A449, emphasising the importance of that intersection.
  4. 19 Linden Avenue is set side on to Birmingham Road and, despite the existence of a grassed area and a line of trees between, is already one of the closest buildings to the road in the area. The proposed 2 storey side extension would bring the building much closer to Birmingham Road. Although a gap of over 4 metres would remain between the new gable wall and the footpath, this would contrast sharply with the much more extensive set back of adjacent buildings, including No 20 opposite. The proposed 2 storey side extension would stand forward of adjoining buildings, making the side extension an unduly prominent feature in the street scene and creating a new visual pinch point which would have no logical relation to the town form.
-

5. I note that the proposed 2 storey extension would be set on a similar line to that of the garden wall of No 20, but that much lower feature does not have the same visual impact as would a 2 storey extension. I also note that there is a planning permission for a single storey garage extension in the same location, to the side of No 19. Again, that much lower structure would have less impact on the character and appearance of the area.
6. The proposed extension would be well designed to blend in with the existing house. It would be set back from the existing front wall and down from the roof line, in accordance with the guidance in the SPG. I therefore find no harm to the street scene of Linden Avenue or to the character of No 19 itself.
7. Notwithstanding this last point, I conclude that the proposal would detract from the spacious character and street scene of the Birmingham Road, harming the character and appearance of the local area. The proposal therefore conflicts with Policy D.17 of the Wyre Forest District Adopted Local Plan and Policy CP11 of the Council's Core Strategy (2006-2026), which advocate quality design in general and more specifically aim to ensure that domestic extensions harmonise with the existing townscape and do not create incongruous features. The proposal furthermore conflicts with the similar aims of Policy 25 of the Council's draft Site Allocations and Policies Development Plan Document and the detailed advice of the Supplementary Planning Guidance *Design Quality* regarding building lines.
8. I recognise the appellant's reasonable wish to improve the house and note that no neighbours have objected. These factors are not, however, sufficient to override my conclusion on the main issue.
9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Les Greenwood*

INSPECTOR

**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**  
**13<sup>th</sup> MARCH 2012**

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

<b>OPEN</b>	
<b>DIRECTOR:</b>	Director of Economic Prosperity and Place
<b>CONTACT OFFICER:</b>	John Baggott – Extension 2515 john.Baggott@wyreforestdc.gov.uk
<b>APPENDICES:</b>	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 1<sup>st</sup> January 2010 to 31<sup>st</sup> December 2011. It also shows the performance at the time of compiling the report within the 4<sup>th</sup> Quarter of 2011/12 although the relevant period does not end until 31<sup>st</sup> March 2012 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 and 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 previous 3 Quarters 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 2010	5	3	60.00%
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	40.00%
1 July – 30 September 2011	6	3	50.00%
1 October – 31 December 2011	11	5	45.54%
1 January – 31 March 2012 (figures taken 27 February 2012)	1	1	100%

**Minor applications**

4.3 The following table shows the quarterly performance figures for minor applications for the period from 1<sup>st</sup> January 2010 to 31<sup>st</sup> December 2011. It also shows the performance at the time of compiling the report within the 4<sup>th</sup> Quarter of 2011/12 although the relevant period does not end until 31<sup>st</sup> March 2012 and, as such, these figures may be subject to further change. Whilst historically performance within this category has consistently met the national targets, the continued relatively low numbers of new minor applications being received in recent months, added to older more complex applications reaching final determination, has adversely impacted upon performance in this category, which is now proving to be a real challenge.

Quarter	No. determined	No. determined within 8 weeks	% determined within 8 weeks
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	27	16	59.26%
1 October – 31 December 2011	34	20	58.82%
1 January – 31 March 2012 (figures taken 27 February 2012)	29	19	65.52%

**Other applications**

4.4 The following table shows the quarterly performance figures for other applications for the period from 1<sup>st</sup> January 2010 to 31<sup>st</sup> December 2011. It also shows the performance at the time of compiling the report within the 4<sup>th</sup> Quarter of 2011/12 although the relevant period does not end until 31<sup>st</sup> March 2012 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 1<sup>st</sup> 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 2<sup>nd</sup> Quarter of 2011/12, which has had a direct impact upon the performance figures for the 2<sup>nd</sup> Quarter. This trend continued into 3<sup>rd</sup> Quarter and in doing so gives cause for concern.

Quarter	No. determined	No. determined within 8 weeks	% determined within 8 weeks
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	112	79	70.54%
1 October – 31 December 2011	105	76	72.38%
1 January – 31 March 2012 (figures taken 27 February 2012)	52	46	88.46%

**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. Performance in the others category has also deteriorated. This is of particular concern. 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.
- 9.2 Members are advised that the number of planning case officers was reduced by 1 FTE, with effect from 1<sup>st</sup> 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, which in turn has had an knock-on effect overall performance against NI157.
- 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 – February 2012).
- DCLG : Planning Performance Statistics – Planning Committee (August 2009 – May 2011).