

Open

Planning Committee

Agenda

6.00pm
Tuesday, 12th June 2012
The Earl Baldwin Suite
Duke House
Clensmore Street
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor S J Williams

Vice-Chairman: Councillor G C Yarranton

Councillor J Aston

Councillor L Davies

Councillor B T Glass

Councillor D R Godwin

Councillor I Hardiman

Councillor P B Harrison

Councillor M J Hart

Councillor H J Martin

Councillor B McFarland

Councillor C D Nicholls

Councillor F M Oborski

Councillor M Price

Councillor M A Salter

Councillor N J Thomas

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

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 Community Assets & Localism or Director of Economic Prosperity & Place 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 Economic Prosperity & Place.
- 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, 12th June 2012

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

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Community Assets & Localism, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interest In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered. Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992. (See guidance note on cover.)	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 11 th June 2012.	6
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	Applications Pending Decision To receive a schedule of planning and related applications which are pending.	59

7.	<p>Planning and Related Appeals</p> <p>To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.</p>	81
8.	<p>Monthly Progress Report on performance against NI157 targets for determining planning applications</p> <p>To consider a report from the Director of Economic Prosperity & Place that provides Members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).</p>	96
9.	<p>Planning Consultation by Worcestershire County Council Change of use of Second Floor of Existing Library to Office Accommodation and Provision of Covered Cycle Racks at Kidderminster Library, Market Street, Kidderminster, DY10 1AB</p> <p>To consider a report from the Director of Economic Prosperity & Place that asks the Committee to make a decision on the planning consultation received from Worcestershire County Council on the Change of use of Second Floor of Existing Library to Office Accommodation and Provision of Covered Cycle Racks at Kidderminster Library, Market Street, Kidderminster, DY10 1AB. (To follow)</p>	-
10.	<p>To consider any other business, details of which have been communicated to the Director of Community Assets & Localism before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
11.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

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

PLANNING COMMITTEE

EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET, KIDDERMINSTER

28TH MAY 2012 (6.00 PM)

Present:

Councillors: S J Williams (Chairman), G C Yarranton (Vice-Chairman), J Aston, L Davies, B T Glass, D R Godwin, I Hardiman, P B Harrison, M J Hart, H J Martin, B McFarland, C D Nicholls, F M Oborski, M Price, C Rogers and N J Thomas.

PL.1 Apologies for Absence

Apologies for absence were received from Councillor M A Salter.

PL.2 Appointment of Substitutes

Councillor C Rogers was appointed as a substitute for Councillor M A Salter.

PL.3 Declaration of Interests

There were no declarations of interests.

PL.4 Minutes

Decision: The minutes of the meeting held on 18th April 2012 be confirmed as a correct record and signed by the Chairman.

PL.5 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 496 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 496 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.6 Applications Pending Decision

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

Decision: The schedule be noted.

PL.7 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.8 Monthly Progress Report on performance against NI157 targets for determining planning applications

The Committee considered a report from the Director of Economic Prosperity & Place that provided members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).

Decision: The report be noted.

PL.9 Department for Communities and Local Government (DCLG) – Planning Performance Statistics

The Committee considered a report from the Director of Economic Prosperity and Place that informed Members of the published performance statistics relating to Development Control.

Decision: The report be noted.

PL.10 Section 106 Obligation Monitoring

The Committee considered a report from the Director of Economic Prosperity and Place that informed Members of the most current Section 106 Obligations which required monitoring.

Decision: The report be noted.

The meeting ended at 6.54 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

28th May 2012 Schedule 497 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.

Councillor J Aston arrived at the meeting at 6.20pm during the debate on the following application and therefore did not vote.

Application Reference: 12/0016/FULL
Site Address: CONVEYOR UNITS LTD, SANDY LANE, TITTON, STOURPORT-ON-SEVERN, DY13 9PT
APPROVED subject to the following conditions: <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. Details of materials to be submitted. 4. Floor levels in accordance with approved drawing. 5. Access, turning area and parking facilities to be consolidated, surfaced and drained in accordance with details to be agreed. 6. All site clearance works to be undertaken in the presence of a suitably qualified ecologist. 7. No use of extension hereby approved for B2 uses until completion of 5m high wall in accordance with plans. 8. Open storage building hereby approved only to be used for B8 use. 9. Roller shutter door to extension hereby approved facing boundary to Saiwen to be kept closed at all times except when required for access and egress. 10. Roof lights within the extension hereby approved to be kept closed at all times. <p><u>Note</u> Footpath No. 573.</p> <p><u>Second recommendation</u></p> <p>APPROVAL to be given application W/11/02865/PN made to Wychavon District Council subject to the conditions listed above.</p> <p><u>Reason for Approval</u></p> <p>The application site is located in an existing employment area. The principle of expanding the existing commercial premises is therefore acceptable. The impact upon biodiversity, flooding and the amenity enjoyed by adjacent residential occupiers has been considered and it has been concluded that the proposed scheme complies with</p>

planning policy. Whilst the proposed parking provision does not meet Adopted Local Plan parking standards it is considered that in this instance there are sufficient reasons to outweigh the policy guidance. The obstruction of footpath No. 573 has also been taken into account and it is also considered that its proposed extinguishment is appropriate in this instance. The application is considered to be in accordance with D.10, D.18, NR.2, NR.11, NR.12, NC.1, NC.2, NC.7, TR.17 of the Adopted Wyre Forest District Local Plan, DS01, CP01, CP02, CP08, CP11, CP13, CP14 of the Adopted Wyre Forest Core Strategy, T4, D25, CTC8, RST3 of the Worcestershire County Core Strategy, T7, PA1, PA5, PA6, QE9 of the West Midlands Regional Spatial Strategy, 9, 14, 15, 23, 25, 26, Site Allocations & Policies Preferred Options Paper and Sections 1, 7, 10, 11 of the National Planning Policy Framework.

Application Reference: 12/0035/FULL

Site Address: THE HAULAGE YARD, RIBBESFORD ROAD, STOURPORT-ON-SEVERN, DY13 0TF

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. Materials/samples to be submitted.
4. Noise impact assessment and noise containment scheme to be submitted.
5. Working hours limitations.
6. Highway conditions.
7. Highway conditions.
8. Highway conditions.
9. Highway conditions.
10. Highway conditions.
11. Highway conditions.
12. Highway conditions.
13. Highway conditions.
14. Highway conditions.
15. Contaminated land precautionary condition.
16. Surface/foul drainage details to be submitted.
17. No external storage.

Reason for Approval

The proposal for rural based employment development is capable of being assimilated into this rural setting without creating an unacceptable or unsustainable impact on interests of landscape quality, wildlife habitat, neighbour amenity or highways safety. The application is considered to be in accordance with D.4, D.10, D.11, D.15, NR.11, NR.12, NC.7, TR.17 of the Adopted Wyre Forest District Local Plan, DS04, CP02, CP03, CP08, CP11, CP12, CP13, CP14 of the Adopted Wyre Forest Core Strategy, Sections 1, 4, 7, 11 of the National Planning Policy Framework.

Application Reference: 12/0125/FULL
Site Address: 8 BRIAR HILL, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4SQ
<p>APPROVED subject to the following conditions:</p> <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B3 (Finishing materials to match). <p><u>Reason for Approval</u></p> <p>The extensions are considered appropriate in terms of scale and design. The development offers no detriment to the character of the area or the street scene and the impact on the amenity currently enjoyed by the occupants of neighbouring properties is minimal. The extension would accord with the provisions of Policy D.17 of the Adopted Wyre Forest District Local Plan (2004), Policy CP11 of the Adopted Wyre Forest Core Strategy (2010) and Sections 7 and 9 of the National Planning Policy Framework (2012).</p>

Application Reference: 12/0204/FULL and 12/0205/LIST
Site Address: WILLOW LODGE, HOARSTONE COURT, HOARSTONE LANE, BEWDLEY, DY12 1RB
<p>12/0204/FULL - APPROVED subject to the following conditions:</p> <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B1 (Samples/details of materials) <p><u>Reason for Approval</u></p> <p>The proposed development has been carefully considered in terms of the principle; scale; design; impact upon the Green Belt and intended use, with particular reference to Policies D.17, GB.1, GB.2, GB.6, RB.1 and RB.5 of the Adopted Wyre Forest District Local Plan. It is considered that, in this instance, material considerations exist which outweigh Policies RB.1 and RB.5 of the Adopted Wyre Forest District Local Plan, these material considerations being; the restoration of the form and extent of the building as originally listed, the relatively minimal dimensions and proportions of the development when viewed against the existing property; the sympathetic and complementary design of the development which would enhance, rather than detract, from the original property; and, the lack of harm the development would have on the openness, visual appearance and visual amenity of the Green Belt. The extension would accord with the provisions of Policies D.17, GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan, Policy CP11 of the Adopted Wyre Forest Core Strategy and Sections 7 and 9 of the National Planning Policy Framework.</p>

12/0205/LIST – APPROVED subject to the following conditions:

1. A7 (Listed Building/Conservation Area consent)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)

Reason for Approval

The proposed extension is considered to be an appropriate addition to this Listed Building not harming the character, setting or integrity of the structure. The proposal is compliant with Policies LB.1 and LB.5 of the Adopted Wyre Forest District Local Plan and Section 12 of the National Planning Policy Framework.

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

12/06/2012

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
11/0664/FULL	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER	APPROVAL	13
12/0127/FULL	KING CHARLES HIGH SCHOOL, HILL GROVE HOUSE, COMBERTON ROAD KIDDERMINSTER	APPROVAL	19
12/0144/FULL	LAND ADJACENT TO 29 CASTLE ROAD, COOKLEY KIDDERMINSTER	APPROVAL	28

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
12/0067/FULL	THE PARK INN 409 STOURPORT ROAD KIDDERMINSTER	APPROVAL	33
12/0232/FULL	WESTLAND, 35 BIRMINGHAM ROAD, KIDDERMINSTER	APPROVAL	45
12/0245/TREE	THE SPINNEY, WAGGON LANE, KIDDERMINSTER	APPROVAL	48
12/0261/FULL	THE CROFT, BLAKESHALL WOLVERLEY, KIDDERMINSTER	APPROVAL	50
12/0279/FULL	LAND OFF HOLLIES LANE KIDDERMINSTER	APPROVAL	54

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
12TH JUNE 2012

PART A

Application Reference:	11/0664/FULL	Date Received:	14/11/2011
Ord Sheet:	388407 278154	Expiry Date:	09/01/2012
Case Officer:	James Houghton	Ward:	Blakedown and Chaddesley

Proposal: Variation of Condition 5 of Planning Permission WF/0193/01(Restricting floodlighting) to now read "Floodlighting of the manège 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)

Site Address: NEW HOUSE FARM, BELBROUGHTON ROAD, BLAKEDOWN, KIDDERMINSTER, DY10 3JH

Applicant: Mr J Raggett

Summary of Policy	NR12 (AWFDLP) CP11, CP14 (AWFCS) Section 9 (NPPF)
Reason for Referral to Committee	Previously considered by Committee and deferred for a site visit
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 18TH APRIL 2012 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

1.1 The application refers to a manège which is associated with New House Farm Equestrian Centre. New House Farm is located within an area washed over by the West Midlands Green Belt and is a commercial equestrian business which employs six and provides livery for approximately thirty eight horses.

11/0664/FULL

- 1.2 Planning application WF/0193/01 for the construction of a manège, was approved on 31 May 2001, Condition 5 of this permission stated:

There shall be no floodlighting or other external lighting of the manège hereby approved.

Reason

In order to safeguard the amenities of the area.

- 1.3 The manège has been partially illuminated by three high level lights mounted 4.3 metres above ground level on the adjacent stable building since approximately 2001. The lights utilise narrow spectrum bulbs to minimise impact on wildlife and are fitted with cowls and are angled to ensure light is limited as much as possible to the manège and adjacent track.
- 1.4 On the south side of the application site mirrors have been erected on the fence to allow those training on the manège to see how the horse is working.

2.0 Planning History

- 2.1 WF/0193/01 - Construction of a manège : Approved

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – Object to the proposal and recommend refusal. The lighting is too invasive and unnecessarily intrudes into the adjoining residential properties. The columns are considered to be too high and the type of lighting currently used is not the most appropriate.

(Officer Comment – There are no lighting columns. The lights are mounted on an existing building)

11/0664/FULL

3.2 Countryside Conservation Officer – The application is for the retrospective addition of lighting to a horse manège.

There has been an appropriate bat survey that has concluded no bat roosts will be directly harmed by the application. The ecologist has identified that there are some features which present good foraging commuting potential for bats. Of particular value is the hedge along the east of the application site that provides an important linear feature connecting any bats using the properties and the gardens to the north with the excellent feeding habitat provided by Ladies Pool to the south.

The bat survey found some activity in this area but given the retrospective nature of this application then it is possible some bat activity along this feature may have already been deterred by the lighting.

The ecological report makes a series of recommendations that if implemented would reduce the impact of both the proposed and existing lighting on bats, with the exception of recommendation 9 - the applicant either intends to and has already complied. Recommendation 9 states:

‘Limit the times that lights are on to provide some dark periods for wildlife. Motion activated lighting should be used where possible’.

The reasoning behind not fully adopting Recommendation 9 is understandable and could form the basis of a condition limiting the use of the lights to 2100 and only when the facility is in use.

Hence, with a condition relating to the operating hours of the lights, this application has taken appropriate measures to minimise possible disturbance to bats from the lighting.

3.3 Worcestershire Regulatory Services (Environmental Health) – An Environmental Health Officer has assessed the lighting report and is satisfied that the lighting models presented do not show any obvious errors. In addition to this, the report confirms that there is little light spillage outside of the manège curtilage from the mirrors. Based on the report findings the Officer cannot find a reason to have concerns over light nuisance at this juncture.

3.4 Neighbour/Site Notice – A total of seven letters of objection have been received from the occupants of two properties which share a boundary with the application site. The objections refer to:

- The large mirrors, and their associated covers, positioned on the southern side of the manège form a blot on the landscape.

11/0664/FULL

- The lights on the application site are too bright and affect the amenity enjoyed by the occupants of properties facing Belbroughton Road during the night. The lights particularly affects rear bedrooms where young children sleep.
- The business hours of New House Farm are considered excessive particularly operating until 2100.
- Concern that New House Farm is now a commercial enterprise rather than the domestic/recreation use originally established.
- The car park adjacent to the ends of the gardens backing onto the site is very busy and has contained horse boxes which affect the outlook from properties fronting Belbroughton Road.
- Late night “get togethers” on the car park produce noise late into the night primarily during the summer.
- The lights installed have altered the value of properties facing Belbroughton Road.

The following suggestions are made to reduce the impact of the proposed development:

- It is suggested that when not in use the mirrors should have covers or curtains drawn across them.
- It is suggested that the mirrors are relocated to a position behind the barn in order to reduce the impact of reflected light.

4.0 Officer Comments

- 4.1 The applicant seeks retrospective approval for the lighting of the manège. No additional lights would be added to illuminate the manège; the existing lights mounted on the adjacent stable building would be retained.
- 4.2 The applicant has submitted a lighting survey which demonstrates the impact and intensity of the light across the site. The lighting survey has been examined by an Environmental Health Officer who is satisfied that the lighting models demonstrate no obvious errors and that there would be little light spillage outside the manège curtilage due to the mirrors. The Environmental Health Officer has no concerns over light nuisance at this juncture.
- 4.3 The impact of the lights on wildlife in the area has been taken into account. A bat survey has been submitted which makes a range of recommendations. A condition limiting the hours of operation of the lights would allow the site to be left in darkness to minimise impact on wildlife.

11/0664/FULL

- 4.4 A range of issues are raised by the occupants of neighbouring properties. The most notable of these issues is the existence of the mirrors located on the southern side of the manège. Officers are of the opinion that these mirrors have been erected under the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which allows the erection of walls, fences or other means of enclosure whilst Class A specifies limitations for the height of a means of enclosure it provides no restriction or control over the materials utilised in the erection of such a structure. It is the reflecting of the lights, which face away from the neighbouring properties, on the mirrors which is the main issue of concern to neighbours.
- 4.5 The scale of the use of New House Farm, the use of the car park and the noise emanating from those using the car park have been taken into account but would not be considered material considerations in this case.
- 4.6 The objection on the grounds that the lights have had an impact on the value of properties fronting Belbroughton Road cannot be a material consideration in the determination of this application.

5.0 Conclusions and Recommendations

- 5.1 The application is recommended for **APPROVAL** subject to the following conditions:
1. A11 (Approved Plans).
 2. Operating hours.

Reason for Approval

The proposed lighting is considered acceptable. The lighting is the minimum necessary to light the manège, light spillage is minimised by the use of cowls and narrow spectrum bulbs, the impact on wildlife would be minimised by a condition limiting the operating hours and the lights would have no impact on road users. The lighting would be considered to accord with the requirements of Policy NR.12 of the Adopted Wyre Forest District Local Plan (2004), Policies CP11 and CP14 of the Adopted Wyre Forest Core Strategy (2010) and Section 9 of the National Planning Policy Framework (2012).

PLANNING COMMITTEE

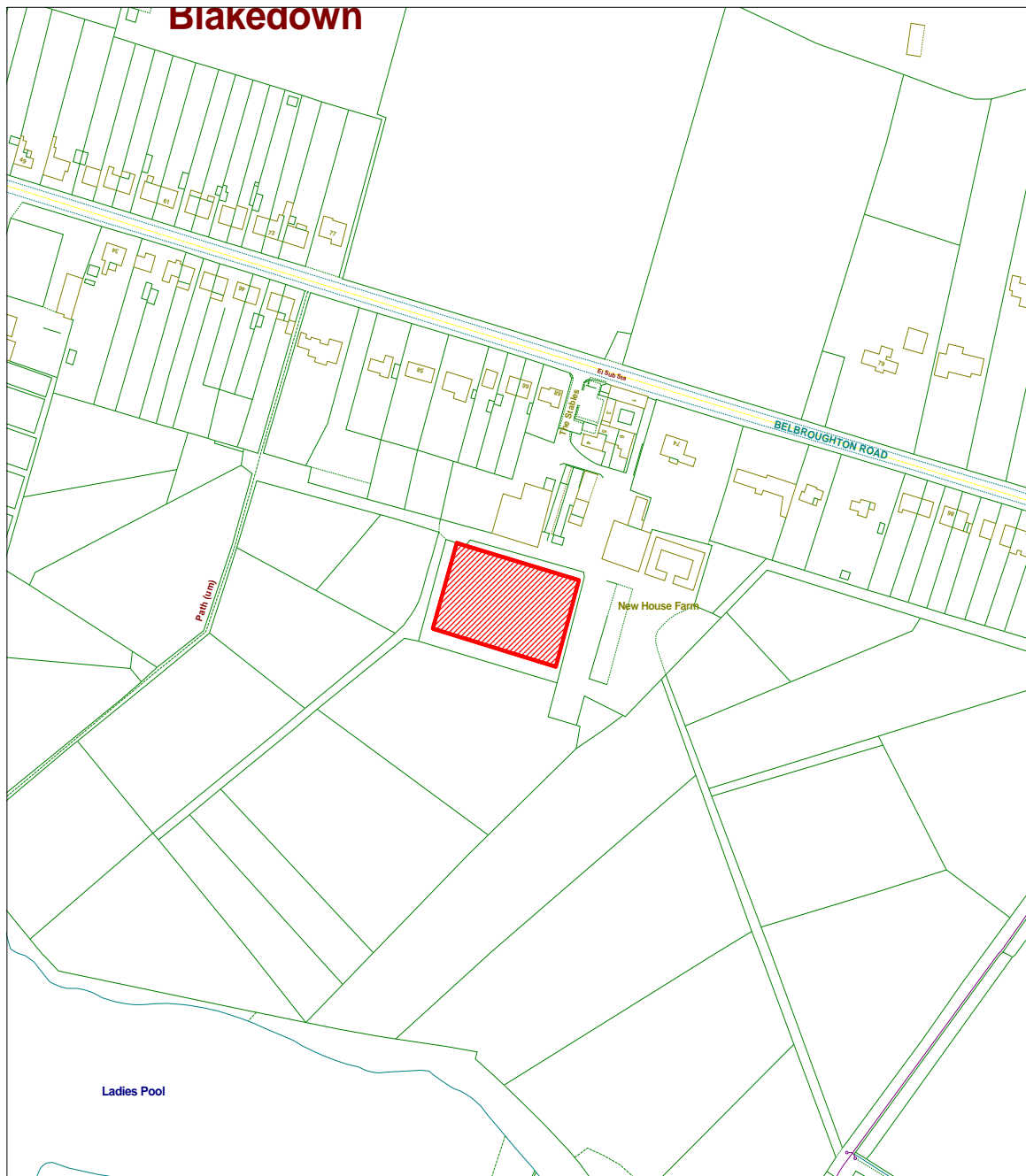
11/0664

Date:- 29 May 2012

OS sheet:- SO8878SW

Scale:- 1:2500

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ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**New House Farm
Belbroughton Road
Blakedown DY10 3JH**



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

Agenda Item No. 5

Application Reference: 12/0127/FULL **Date Received:** 08/03/2012
Ord Sheet: 384212 276149 **Expiry Date:** 03/05/2012
Case Officer: James Houghton **Ward:** Offmore and
Comberton

Proposal: Up grade of existing facility to include new floodlighting and fencing to pitch

Site Address: KING CHARLES HIGH SCHOOL, HILL GROVE HOUSE,
COMBERTON ROAD, KIDDERMINSTER, DY10 1XA

Applicant: KING CHARLES HIGH SCHOOL

Summary of Policy	D.10, D18, NR.12 (AWFDLP) CP11, CP12 (AWFCS) QE3 (WMRSS)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval Third party has registered to speak
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is King Charles I Secondary School, specifically an area of the school grounds home to Astroturf pitches, along the boundary shared with Hill Grove Crescent. The site is bounded on the southeast boundary by a substantial leylandii hedge over 5 metres in height. The site contains eight 15 metre lighting columns arranged around the existing periphery of an Astroturf pitch.

2.0 Planning History

2.1 The creation of a floodlit artificial turf playing area was carried out under a Regulation 4 of the Town and Country Planning General Regulations 1976 by Worcestershire County Council (then Hereford and Worcester County Council). The decision is dated 4th April 1989 and places the following requirements on the site:

- a) The floodlights shall not be used after 10.00 p.m.
- b) Neither the position nor the intensity of the means of illumination of the proposed lighting shall cause glare or dazzle to drivers of vehicles travelling along the public highway.

12/0127/FULL

- c) The gaps in the existing evergreen hedge on the south eastern side of the playing field area shall be planted with conifers of a similar type and the tree screen maintained to the satisfaction of the Planning Authority.

2.2 11/0680/FULL - New floodlights and security boundary fencing to exterior Astro turf pitch : Withdrawn.

3.0 Consultations and Representations

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

The proposed lighting scheme will generate unacceptable levels of light spill onto the publicly maintained highway. The applicant has suggested that the proposed scheme will be a betterment than the current lighting scheme but no evidence has been submitted which indicates a lower level of light spill with the new scheme. I therefore have considered the application as a stand alone proposal which demonstrated excessive light spill, which will have an adverse impact on the highway network and does not comply with national guidelines.

3.2 Countryside Conservation Officer – No comments relating to the short format ecological scoping report have yet been received.

The short format ecological scoping report was compiled by a Worcestershire County Council Ecologist. The report closes with the following:

There are no immediate or obvious ecological constraints to the proposed scheme. Established trees within proximity of the proposed replacement lighting scheme are considered to be of little to no value for roosting bats. Where trees with potential low value for roosting bats have been identified, the proposed lighting scheme will (by virtue of an anticipated reduction in Lux value) pose an enhancement by reducing existing light levels in the area. A proposed reduction in light levels from 350 Lux to 200 Lux (should the figures provided prove accurate) will represent a reduction in existing light levels of around 43%. This could be further refined by incorporation of cowls or hoods to the lighting columns to prevent unnecessary light spill outside the Astro turf pitch.

12/0127/FULL

Previous recommendations as regards the timing of vegetation clearance are still valid: works to mature hedgerow and trees should avoid the bird breeding season (generally recognised to be late March to August inclusively). If vegetation clearance is scheduled within this period it would be advisable to retain an ecologist to undertake a nesting bird inspection prior to works commencing. If active birds nests are identified, these should be adequately protected from disturbance until the young have fledged.

As a matter of good practice and in line with Planning Policy Statement 9 (now replaced by the National Planning Policy Framework – NPPF) there are opportunities to incorporate within the scheme some enhancement measures for biodiversity. These might include new opportunities for nesting birds (including designs such as a sparrow terrace or swallow cups) and roosting bats – both bird boxes and bat boxes can be easily affixed to either mature trees or buildings on site with no significant maintenance implications.

Where vegetation removal is unavoidable (especially removal of scrub, mature hedgerow or established trees), these should be replaced on a like for like basis on site. Compensation for any the lost bird breeding opportunities could be met by installation of nesting features as described above.

Finally, if no work commences within 12 months of this report, it would be prudent to update this ecological assessment at that point in time.

3.3 Arboricultural Officer – No comments received.

3.4 Conservation Officer – The proposal lies within the curtilage of the Grade II Listed Hill Grove House which has been in educational use for many years.

I consider that the changes proposed will have little if any additional impact on the setting of the Listed Building. Whilst it is difficult to argue that any such proposals will enhance the setting of the listed building, they will secure the continued use of the sports facilities for the school.

Ultimately these proposals represent utilitarian but reversible changes. I have no objections to them from a building conservation viewpoint.

12/0127/FULL

- 3.5 Worcestershire Regulatory Services (Environmental Health) – I note that compared to current levels the proposed lighting levels are a great improvement. However, the figure of 10 lux quoted in the submitted report is a maxima level and therefore the predicted level of 9 lux at some properties is borderline on being considered as acceptable.

Current guidance from the Institute of Lighting Engineers recommends that for sports grounds the use of luminaries with double asymmetric beams designed so that the front glazing is kept at or near parallel to the surface being lit should ensure minimum obtrusive light. This would therefore be considered to be best practice. It is not clear from the report if this is the case and clarification would be useful from the applicant on this matter.

Apart from the above, I agree with the findings of the report and would recommend considering applying conditions restricting hours of use as detailed in the Lighting Survey Report (ref JKK7377).

- 3.6 Neighbour/Site Notice – Three letters of objection have been received in response to consultation. It should be noted that the previous application for a near identical scheme resulted in two additional responses. Given the similarities between the two applications the contents of these additional responses are also included in the summary of grounds for objection below:

- The light emanating from the site would have an impact on the amenity currently enjoyed by residents.
- Excessive noise from those using the pitches.
- Trespassing and anti social behaviour has been experienced in the past.
- The lighting and fencing would constitute an eyesore.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the erection of eight 15 metre lighting columns. To this end, the eight existing columns would be repositioned as required in accordance with the proposed plans to allow new flood lights to be installed. In addition it is proposed to erect replacement fences around the pitch. These replacement fences would be 4.5 metres in height on the north-east and south-west sides of the pitch; along the north-west and south-east elevations, parallel with Hill Grove Crescent, the fence would be 3.0 metres in height.

12/0127/FULL

4.2 The material planning considerations to be taken into account in the determination of this application area:

- i) Visual amenity in terms of the surroundings
- ii) Neighbour amenity (residential properties bound the site)
- iii) Biodiversity (particularly bats, a European Protected Species)
- iv) Impact on Highway safety.

VISUAL AMENITY

4.3 It is proposed to relocate the existing 15 metre lighting columns to position them around the perimeter of the pitch. At present the lighting columns are fitted with either three or five flood lights and some of the lights are fitted with “barn door” attachments to reduce light spill to neighbouring dwellings. The relocated lighting columns are to be fitted with two flood lights and reflectors are to be fitted to the lights in the corners of the pitch to control light spill.

4.4 Given that the lighting columns are already present on site it is not considered that the new lights would have any significant detrimental impact on the visual amenity of the site or the local area. A substantial hedge (height in excess of five metres) on the south-east edge of the site serves to mask the appearance of the columns.

4.5 The proposed fence would be of the mesh type and would be 4.5 metres in height along the north east and south west sides of the site; the remainder of the site would be bounded by a 3.0 metre high fence. The proposed fence would be largely obscured from view behind the hedge and as such would have no significant impact on the visual amenity of the site.

NEIGHBOUR AMENITY

4.6 Of particular concern in determining this application is the potential for the proposed lights to have a direct impact on the amenity enjoyed by the occupants of neighbouring properties. A Lighting Survey Report has been submitted which provides an assessment of the impact exerted by the existing flood lighting.

4.7 It should be noted that flood lights are already present on the site and that a certain amount of disturbance may already be experienced by neighbours. The Environmental Health section of Worcestershire Regulatory Services has been consulted. Whilst Environmental Health note that the output of the proposed lights would be at the upper end of what would be considered acceptable, no objections are raised. It is suggested that a condition limiting the hours of use is added to any permission issued. The proposed fence is unlikely to have any substantial impact on the amenity enjoyed by the occupants of neighbouring dwellings, particularly given the context of the site and the existing facilities.

12/0127/FULL

BIODIVERSITY

- 4.8 A short format ecological scoping report has been submitted. The report was carried out by a Worcestershire County Council Ecologist who concluded that the proposed development would provide an enhancement due to the anticipated reduction in Lux values across the site due to the use of more modern equipment. It is recommended that any necessary works to trees be carried out outside bird breeding season. In addition it is recommended that the opportunity be taken to enhance the provisions for ecology on the site by means of the addition of bird and bat boxes and that any vegetation removed is replaced on a like for like basis. If the application is approved and the works do not take place within twelve months of the scoping report a further scoping exercise should be carried out.

HIGHWAY SAFETY

- 4.9 Worcestershire County Highways have responded to the Lighting Survey Report with a recommendation that the application be refused as the proposed lighting scheme will generate unacceptable levels of light spill onto the publicly maintained highway. The applicant has suggested that the proposed scheme will be a betterment than the current lighting scheme but to-date no evidence has been submitted which clearly demonstrates a lower level of light spill with the new scheme. Therefore the Highway Officer has considered the application as a stand alone proposal which demonstrated excessive light spill onto the public highway which will have an adverse impact on the highway network and does not comply with national guidelines. These comments are noted; the proposed light spill plan makes no provision for the substantial leylandii hedge which runs along the south-east boundary of the site, the boundary shared with Hill Grove Crescent and minimal information has been provided as to the extent and intensity of existing light spill.
- 4.10 On balance it is considered that the proposed lighting scheme is likely to represent a reduction in the intensity of the light spilled from the application site. The hedge should continue to fulfil its roll of reducing the amount of light which should spill from the site onto the public highway. As such, officers are of the opinion that the proposed scheme is unlikely to offer substantial detriment to highway safety, above the current levels of light spillage experienced.

12/0127/FULL

OTHER OBJECTIONS

- 4.11 Whilst the concerns of the objectors relating to noise and disturbance are noted, this application relates to the installation of altered lights and the erection of fences and not to a change of use. The Astroturf pitch is in place and is lawful and the proposals to re-lay the pitch do not require the benefit of any further permission. As such, these elements of alleged or potential disturbance cannot be controlled through this planning application. However, it is considered reasonable to utilise the condition originally attached to the development requiring that the floodlights are not used after 2200.

5.0 Conclusions and Recommendations

- 5.1 In considering the merits of the application it has been necessary to balance the aspirations of the school to improve facilities against the concerns of local residents. 8no. floodlighting columns are already present on site onto which are fixed a total number of 32 floodlights. The proposed development would see the columns repositioned and new floodlights mounted thereon with 2 floodlights per column (total number of 16 floodlights) thereby halving the number of lights.
- 5.2 Lighting technology has moved on since the existing lights were installed and the proposed lights would be so angled as to concentrate light where it is required and just as importantly direct the light away from where it is not needed.
- 5.3 The use of the Astroturf pitch is lawful and whilst appreciating the concerns raised by near neighbours, subject to an appropriate hours condition requiring the lighting to be turned off to match the hours of use previously permitted for the pitch (i.e. 22:00 hours) officers are of the opinion that the proposal is supportable. Those matters raised by the neighbours relating to trespass and anti-social behaviour are matters for the school and the security measures they have in place.
- 5.4 On balance, and having given consideration to the rights enjoyed by the occupiers of the neighbouring dwellings under the provisions of Protocol 1, Article 1 and Article 8 of the Human Rights Act 1998, it is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. No lights after 2200 on any day.
 4. No clearance or tree works during bird breeding season.
 5. Any vegetation removed in order to implement the scheme should be replaced on a like for like basis.

12/0127/FULL

Reason for Approval

The design and layout of the proposed lighting scheme and fences are considered to be appropriate given the context of the site and the minimal impact of the development on the amenity enjoyed by the occupants of neighbouring dwellings. The lights and fencing would have no significant impact on the biodiversity or ecology of the area. The proposed scheme is likely to represent a considerable improvement over the existing lighting and is unlikely to have any greater impact than the existing system on highways safety. The development is considered to be in accordance with Policies D.10, D.18 and NR.12 of the Adopted Wyre Forest District Local Plan and Policies CP11 and CP12 of the Adopted Wyre Forest Core Strategy.

PLANNING COMMITTEE

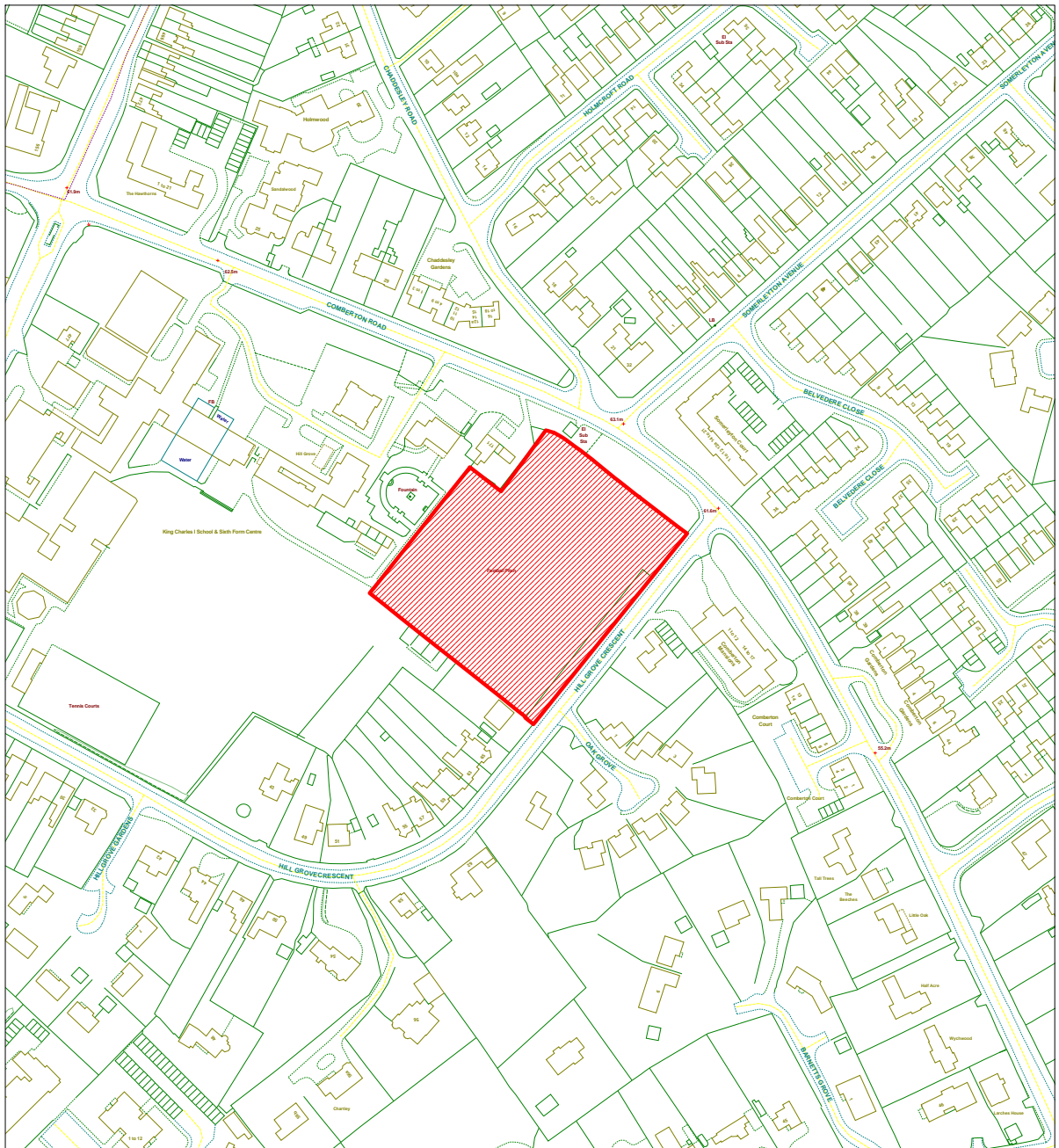
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Date:- 29 May 2012

OS sheet:- SO8476SW

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ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**King Charles High School
Hill Grove House, Comberton Road
Kidderminster DY10 1XA**



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

Agenda Item No. 5

Application Reference: 12/0144/FULL **Date Received:** 12/03/2012
Ord Sheet: 384532 279666 **Expiry Date:** 07/05/2012
Case Officer: James Houghton **Ward:** Cookley

Proposal: Erection of wooden buildings for housing goats and hay and food store

Site Address: LAND ADJACENT TO 29 CASTLE ROAD, COOKLEY, KIDDERMINSTER, DY10 3TH

Applicant: Ms K Dalloway

Summary of Policy	GB.1, GB.2, GB.3, GB.6 (AWFDLP) CP11, CP12 (AWFCS) CTC.1, CTC.2, D.39 (WCSP) QE.1, QE.6 (WMRSS) Section 9 (NPPF)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is a field within the West Midlands Green Belt. The field shares a boundary with the domestic curtilage of no. 29 Castle Road Cookley. The field has been utilised for the keeping of animals.

2.0 Planning History

2.1 WF.275/75 – Two bungalows: Refused.

2.2 WF.467/78 – Two bungalows : Refused.

2.3 WF.505/86 – Two bungalows : Refused; Appeal Dismissed.

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Recommend approval.

3.2 Highway Authority – No objections.

3.3 Worcestershire Regulatory Services (Environmental Health) – No objections or suggested conditions.

12/0144/FULL

- 3.4 Neighbour/Site Notice – Letters of objection have been received from the occupant of the neighbouring dwelling. The objections are on the grounds that the proposed development would have a detrimental impact on the visual amenity currently enjoyed by the residents of that neighbouring dwelling. In addition the correspondent believes that the development would give rise to nuisance and annoyance. In addition the objector refers to the removal of trees, the potential for odour, the impact of the development on visual amenity, risk of the production of hazardous waste (animal bedding primarily) and the addition of a building where previously there was none. The letter submitted contains a substantial amount of information relating to previous complaints on the ground of noise and other disturbance relating to the keeping of animals on the application site. The letter acknowledges that there are long standing neighbour disputes relating to the use of the land.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the erection of two timber sheds, the sheds would be without windows and would incorporate plastic panels into felt finished roofs to supply lighting. No electrical supply is proposed. These sheds would both have a maximum ridge height of 2.5m and would measure 5.4m x 3.6m and 3m x 2.4m. The sheds would be positioned at the rear of the site, the larger shed is proposed on the western boundary and the smaller shed on the northern boundary. The proposed use of the larger shed is to provide shelter for seven goats and the smaller shed would be utilised for the storage of hay and feed bins.
- 4.2 Although in 1986 the land was described as an orchard, the land has been used for a number of years for the keeping of animals on a hobby basis, albeit on a small scale and as such the keeping of animals on this land would require no specific consent. The proposed buildings would be for purposes ancillary to this established use. The application site is within the West Midlands Green Belt. Established planning policy on Green Belt, re-enforced by the NPPF, allows the provision of buildings for agricultural or leisure purposes. It is considered that the erection of buildings for the keeping of animals would be considered appropriate. The buildings appear to be of the smallest size necessary to serve their purpose and would not conflict with the purposes of including land in the Green Belt. As such the development would accord with the provisions of Section 9 of the National Planning Policy Framework, Policies GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan (2004) and Policies CP11 and CP12 of the Adopted Core Strategy (2010).

12/0144/FULL

- 4.3 The scale and design of the buildings are considered acceptable. The proposed buildings would have no significant impact on the character, appearance or openness of the Green Belt or the local area and would offer no detriment to the appearance of the site or to the street scene.
- 4.4 The siting of the buildings is considered appropriate. The buildings are adjacent to boundaries at the rear of the site and are positioned close to a gateway which provides access to the rear of the site. Although the smaller of the sheds is adjacent to the residential garden of the neighbouring property, this is proposed for storage only, and can be conditioned as such
- 4.5 The objector raises a number of issues which relate to previous uses of the site, which included the keeping of chickens and pigs. Complaints were received by Worcestershire Regulatory Services relating to the odour of the pigs, noise of cockerels, flies due to the keeping of pigs, the noise of pigs and the noise of caged birds. In addition the objector refers to the removal of trees, the potential for odour, the impact of the development on visual amenity, risk of the production of hazardous waste (animal bedding primarily) and the addition of a building where previously there was none. The use of this parcel of land has had an impact on the amenity enjoyed by the occupants of the neighbouring dwelling. As such Worcestershire Regulatory Services has been consulted. It is the opinion of Worcestershire Regulatory Services that although there have been numerous substantiated complaints, they have no objections or recommended conditions that could be offered. It should be noted that the proposed use is unlikely to have any significant impact on the amenity enjoyed by the occupants of neighbouring properties, the proposed keeping of goats is likely to produce less noise and odour than the keeping of pigs and less noise than the keeping of birds. Any additional issues will be dealt with under Environmental Health legislation. Where matters are dealt with under separate legislation, additional conditions restricting these matters cannot be imposed. As such, conditions regarding smells and noise cannot be added, however details of waste storage and removal can be imposed. There is great sympathy with the neighbour, however based on the proposals a refusal on loss of amenity cannot be substantiated.

12/0144/FULL

5.0 Conclusions and Recommendations

5.1 It is recommended that delegated authority be given to **APPROVE** this application subject to the following conditions:

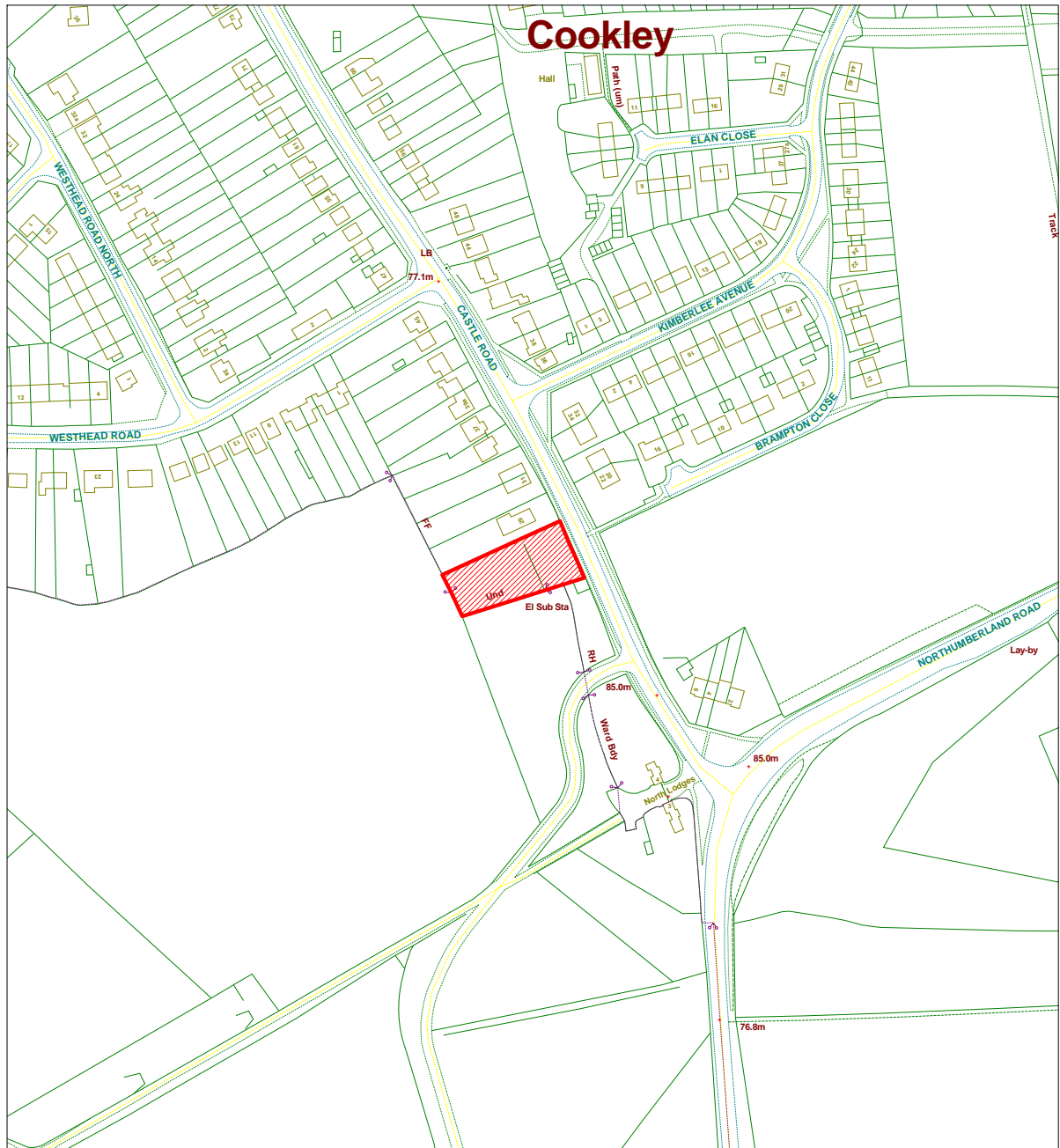
1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. B6 (External details – approved plan).
4. Use of building as shown on approved plan. No change without formal consent.
5. J35 (Manure/storage disposal).

Note

SN12 (Neighbours' rights)

Reason for Approval

The provision of buildings for agricultural purposes within the Green Belt is appropriate, the sheds proposed are of the smallest size possible to provide the necessary facilities. The buildings would be positioned adjacent to the boundaries of the site, would be constructed of materials appropriate for the location and would be adjacent to an existing entrance. The buildings proposed would have no significant impact on the character, openness or appearance of the Green Belt, the character of the area or the street scene. The proposed building would be considered to offer no significant detriment to the amenity currently enjoyed by the occupants of the neighbouring dwelling. The development would be considered to accord with the requirements of Policies GB.1, GB.2, GB.3 and GB.6 of the Adopted Wyre Forest District Local Plan (2004), Policies CP11 and CP12 of the Adopted Wyre Forest Core Strategy (2010) and Section 9 of the National Planning Policy Framework.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Land adjacent to 29 Castle Road
Cookley
DY10 3TH**



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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

12TH JUNE 2012

PART B

Application Reference: 12/0067/FULL **Date Received:** 07/02/2012
Ord Sheet: 382424 275195 **Expiry Date:** 03/04/2012
Case Officer: Paul Wrigglesworth **Ward:** Oldington and
 Foley Park

Proposal: Demolition of existing public house and proposed development of pet store (A1) and veterinary surgery (D1) with 2No two bed flats over

Site Address: THE PARK INN, 409 STOURPORT ROAD, KIDDERMINSTER, DY11 7BG

Applicant: Worcester & Regional Properties Ltd

Summary of Policy	H.2, D.4, D10, D11, D17, NR2, NR11, AR3, RT2, RT6 (AWFDLP) CP02, CP03, CP09, CP11, CP13, CP14, DS01,DS02, DS03 (AWFCS) Policy 10, Policy 11 (Site Allocations and Policies Preferred Options Paper) QE.3 (WMRSS) Sections 2, 7 and Annex 1 (NPPF)
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The Park Inn is located on the Stourport Road between the junctions of Reservoir Road (on the opposite side of the road) and Beauchamp Avenue. The application site is formed by the grounds of the Park Inn which is situated between a commercial property (with flat above) and a dwelling house. Beyond the rear of the site is a garage forecourt and residential properties located in Neville Avenue. On the northern side, the application site is flanked by a public footpath that links Neville Avenue with the Stourport Road.

12/0067/FULL

1.2 The site is allocated for residential purposes.

2.0 Planning History of relevance

2.1 10/0623/FULL - Car park for the Park Inn : Approved.

2.2 11/0597/FULL - Demolition of existing public house and proposed pet store and veterinary surgery with 2 two bed flats above : Withdrawn.

3.0 Consultations and Representations

3.1 Highway Authority – No objection subject to conditions.

3.2 Worcestershire Regulatory Services - The rear of the above application (to the east) lies within 250m of the Beauchamp Avenue Landfill site, however the area concerned is to be car parking and landscaping. Provided that this does not change then I have no adverse comments to the application’.

3.3 Countryside Conservation Officer – ‘The survey is out of season but does focus on looking for bat potential and is very comprehensive. The surveyor, who is suitably qualified holding a Natural England bat licence, is happy that if evidence of bat activity was to be found it would have been found, but none was. Hence I am happy that we can consent for this application to move forward from a biodiversity point of view as it presents a very small risk of being injurious to bats, other protected species or wider biodiversity.’

3.4 Worcestershire County Council (Historic Environment and Archaeology Service) - ‘...The Park Inn dates from between 1902 and 1924 and is a purpose built public house constructed to serve the expanding suburban growth of the area. While not of great historic or architectural merit, buildings of this type are of local historic interest, but it is not of such significance to be listed either nationally or locally. Therefore I have no objection in principle to the buildings demolition and replacement, but would advise that as a condition of planning consent, that a basic photographic record be provided subject to demolition....’

3.5 Neighbour/Site Notice : 169 letters received (copies of standard letter), raising the following issues:

- Applicant states that should have a minimum separation distance from competitors of at least 1 mile. Strongly oppose application which is within 0.2 miles of Wyre Forest Pet Foods Ltd’ an established pet retailer – Application by ‘Pets Corner’ totally contradicts this point.

12/0067/FULL

- Makes no viable or credible sense to encourage businesses away from town centre where there are an increasing number of unoccupied units with A1 consent. 'Pets Corner' is one of top 5 pet retailers in UK – application proposal reflects average value goods and need for low cost floor space –other major stores such as 'Pets at Home' and 'Just For Pets' sell the same range of goods yet they locate in 'prime' locations.
- Kidderminster is saturated with pet shops and vets –will dramatically increase the financial pressures that business owners experiencing in current crisis creating hardship and suffering – resulted in two local pet retailers closing –more unoccupied units means less business rates –implications for public services.
- Town centres designated for retail, commercial areas for manufacturing and residential to provide more affordable housing – housing highly unsuitable for a town centre retail unit.
- Slow moving traffic on Stourport Road –already enough traffic chaos created with poor parking and lorries driving/reversing in and out of shop entrances. Main ambulance station is also on Stourport Road – already hampered by heavy congestion will not be easier if planning permission granted especially as it is in close proximity to vital emergency service.
- Application should be rejected.

Four separate letters of objection were received raising the following issues;

- This stretch of Stourport Road largely unchanged since the 1920's. No structural reasons to demolish –should be converted rather than replace with pseudo Victorian building. Park Inn example of original timber framed structure- may have reached its centenary and be considered for listing –another piece of history will be lost. I am director of Wyre Forest Pet Foods Ltd –company has been established for 22 years –opening a multi national company to open an outlet less than 0.2 miles away – worked tirelessly to create with personal financial investment - is a threat to myself, fellow directors, staff and customers. Two independent pet shops have already been forced to close recently – no wish to follow their example placing my family into personal financial strife. Shoppers already have a huge choice of where they can purchase their goods Pets at Home, Just for Pets, Donna Leigh Saddlery, Morrisons , Sainsbury's, Tesco B&Q The Range Hooty's Wilkinsons and many more – Stourport and Bewdley offer more options within 3 miles –my customers are asking why on earth do we need another pet supermarket and vets?

12/0067/FULL

- Suggested they speak to Council –some of my customers are incensed, most are very annoyed but all are voters! It would be sad for all if we were put out of business –come and visit our store and see how we operate. I guess all our customers including many councillors who are loyal to us would be forced to shop at supermarket style impersonal alternatives. Application should be rejected permanently and help protect my business.
- Already have thriving pet store in Lisle Avenue a few minutes walk away – not even included in application. Just for Pets is also less than a mile away. Kidderminster cannot support another vets or pet shop.
- Application for garden to be turned into a car park was turned down because of access over the pavement – busy with pedestrians, pensioners, disabled on buggies visiting doctors (Northumberland Avenue) the Post Office and parents and children going to school. Is consideration being given to these issues and traffic queues on Stourport Road? Extra traffic and parking problems to residents and ambulances. (*Officer Comment – This is not the case. The application for the car park was approved*)
- Land to rear was one of best bowling greens in the area until bulldozed over to make it appear as a car park.
- Strong feeling in area that the building should be retained.
- New building is just one metre from our boundary that narrows to 700mm – extremely close to boundary (*Officer Comment – Revised plans show increased distance to boundary*)
- If there is to be a 1 metre gap will it be a pathway –if so is it to have secure gates to prevent unauthorised access which could compromise our security? (*Officer Comment - A security gate is shown on the revised plan*)
- Some small trees adjoin our boundary –will they be retained? Seeing the building is to be so close we assume they are to be removed – please confirm? All other trees appear to be retained.
- Loss of pubs operation for a century.
- Should be listed, not destroyed on the altar of more retail madness.
- As a result of Pets at Home on Crossley Retail Park, Pet Deli the only pet shop left in town centre went into receivership. Market saturated.
- More congestion/delivery lorries on Stourport Road.
- Vets would involve disposal of hazardous waste, needles/drugs not covered in application.
- Effect on employment in existing vets.

12/0067/FULL

- 3.6 In addition to the sequential test, the following additional representations have been received from the applicant's agent:

'Background and policy context

The Adopted Wyre Forest Local Plan at para 13.31 introduces the threshold figure of 250 sq.m. as a local initiative. However there is no evidence or analysis as to how this precise figure was set. Para 13.31 was explanatory text for Policy RT1, which is now superseded by Adopted Core Strategy Policies DS01 and CP09 (see App C of Core Strategy).

1 The figure of 250 sq.m. also appears in Local Plan policy RT4, but this does not apply to application 12/0067.

It appears in Policy RT6, but only for a proposal "involving the enhancement or modest extension (less than 250 sq.m.) of existing retail premises for (A1) shopping in Local Centres or Other Groups". This policy does not apply to application 12/0067.

Policy RT8 of the Local Plan requires "new small scale retail (A1) of less than 250 sq.m." to not undermine the retail strategy "or have a detrimental impact on a nearby centre or grouping". It is only by implication from this wording that an impact analysis is needed for a "new small scale retail (A1)" of more than 250 sq.m.

2 In the Adopted Core Strategy, Policy DS01 requires a sequential approach to be taken, and this has already been submitted for application 12/0067.

Policy CP09 also requires a sequential test, the aim being "to safeguarding, maintaining and enhancing the vitality and viability of the existing retail centres..."

The requirement for an impact assessment is not specific.

3 Therefore nowhere in the Residual Local Plan nor the Adopted Core Strategy is there a policy specifically and expressly requiring an impact assessment for a new retail development of the scale suggested in WF 12/0067, in such a location.

4 In the Site Allocations and Policies Preferred Options Paper of May 2011, the threshold figure of 250 sq.m. appears at para 5.23. There is now a footnote defining □net floorspace□. However, as with the Adopted Local Plan, this figure is not supported by evidence or analysis.

12/0067/FULL

Draft Policy 10 requires a sequential test for “new retail development” (of more than 250 sq.m. net) and for application WF 12/0067 this has already been submitted.

At Policy 10c it states “if out of centre, that there will not be an adverse impact on the existing centre....”.

The subsequent reference to PPS4 is now superseded by the NPPF at para 23. At para 24 the sequential approach is mentioned, but as noted in previous submissions on the sequential test, the NPPF states that:

“When considering..... out of centre proposals ... preference should be given to accessible sites that are well connect to the town centre”.

The site of WF 12/0067 conforms to this preference.

5 The NPPF at paras 26 and 27 deals with impact assessments. Para 26 allows locally set floorspace thresholds below the default figure of 2,500 sq.m. but any local threshold must be “proportionate”.

Para 27 states clearly that any adverse impact must be “significant” for it to be a material reason for refusal.

6 Doubtless the LPA will justify the 250 sq.m. threshold at the public inquiry into the next stage of the Local Plan, but in the meantime WF 12/0067 must be determined against the policy framework set out above.

The potential impact of WF 12/0067 on the vitality and viability of Kidderminster Town Centre

7 The application for 12/0067 states that existing gross internal floor space is 150 sq.m. This is an A4 Use which could change to A1 by virtue of the Use Classes Order.

Such a change is evidenced by the LPA granting WF 11/0401/CERTP for The Old Bear Public House on Stourbridge Road, Kidderminster, which is currently being converted to an (A1) Tesco store.

On Drawing 2471-02 for WF 12/0067 and from the application form, Unit 2 (the proposed Veterinary Surgery has a gross internal floor area of 167 sq.m. This use is D1, or perhaps Sui Generis and that use can be controlled by condition. That area does not require an Impact analysis.

12/0067/FULL

The same Drawing shows a proposed A1 retail area of 275 sq.m. with an “Internal layout indicative only”. Nonetheless this indicative layout shows a considerable □ stores □ area and an □ office □, neither of which would fall within the definition of Net Floorspace set out as footnote 5 on Page 40 of the Preferred Options document.

It is most unlikely that the office and stores area will be less than 25 sq.m., so pushing the net floorspace figure to under the 250 sq.m. threshold. If the LPA is concerned over this it could apply a condition stating that within Unit 1, net floorspace as defined by footnote 5 shall not exceed 250 sq.m.

Conclusion

8 Given the scale of what is proposed as net A1, and considering this in relation to the established A1 uses in Kidderminster Centre, and that some 1486 sq.m. of new retail comparison space is required by 2016 (Core Strategy 8.23, page 73) it is concluded that any impact of the proposal for A1 use under WF 12/0067 is so minimal that it will have no material impact on the vitality or viability of that centre.

9 Also, returning to Policy RT8, the proposed increase in A1 floorspace is so small that it will not undermine the retail strategy or have a detrimental impact on any nearby centre or grouping’.

4.0 Officer Comments

- 4.1 The application seeks planning permission to demolish the Park Inn Public House and erect a new building in its place to house a veterinary surgery and pet shop on the ground floor and two flats above. To the rear, the area is proposed to be laid out as a car park with vehicular access from the Stourport Road.
- 4.2 The key considerations in determining this application are treated under the following headings:
1. The principle of allowing the development.
 2. The design of the building and the effect of the scheme on the visual amenity of the area.
 3. The effect on neighbouring property.
 4. Highway issues.
 5. Other matters.

12/0067/FULL

THE PRINCIPLE OF ALLOWING THE DEVELOPMENT

- 4.3 The public house is not a Listed building and is not on the Local List of buildings of special interest. Policy CP07 of the Core Strategy does not seek to protect public houses in urban areas and in any event there are alternative public houses along this road. In addition, according to the owner of the Park Inn, this public house it is not a viable proposition (the public house is not generating any rental income). To demolish the public house in these circumstances would not be contrary to Development Plan policies.
- 4.4 The floor space of the retail shop is described as 275 sq m which exceeds the 250 sq metre threshold in Policy RT.6 of the adopted Wyre Forest District Local Plan and Policy 10 of the Site Allocations and Policies Preferred Options Paper (SAP DPD). Retail premises that exceed this floor space are required to demonstrate through a sequential test that there is no site within the town centre that could be utilised. A retail impact assessment is also required to demonstrate that the development will not adversely affect the vitality of the town centre.
- 4.5 A sequential test has been produced by the applicant that adequately demonstrates that there is no site available with the necessary car parking spaces for a retail unit with a veterinary surgery adjacent. There has also been much debate as to the requirement for a retail impact assessment with the applicant's agent arguing that one is not required on the basis that full weight cannot be given to the Local Plan policies following the publication of the National Planning Policy Framework (NPPF) as the Local Plan was adopted before the Town and Country Planning Compulsory Purchase Act and because in any case the Local Plan is not in conformity with the NPPF which sets a much higher threshold of 2,500 sq m for an assessment. These and other arguments however have now been resolved as the applicant has agreed to a condition which would restrict the retail floor space to less than 250 sq m. This is entirely possible because the internal floor space submitted with the application shows only an illustrative internal layout and when account is taken of storage space, office space and toilets it could easily be less than 250 sq m net. This figure is the recommended measurement as set out in paragraph 5.23 of the SAP DPD which states:

'Throughout the retail section of the document a number of policies have regard to a threshold of 250 sqm(net). This permissive approach towards small scale development is a local initiative to provide flexibility to existing retailers and to promote appropriate community shopping facilities.'

12/0067/FULL

- 4.6 Policy 11 of the SAP DPD indicates that support will be given to development of new A1 uses with a threshold of less than 250 sq m net subject to criteria, one of which is the requirement for demonstrating a local need. However, not much weight can be assigned to this Policy (due to paragraph 216 of the NPPF) as there have been objections to it. In any event, the local need requirement has been removed in the draft revision to this policy.
- 4.7 When considering the principle of allowing the retail element of this application account should also be taken of the fact that this public house could be changed into a pet shop without planning permission. Although the floor space at ground floor is approximately 165 sq m it could be subsequently extended. Recent examples of public houses that have or are in the process of being converted into retail outlets are the former Jacksons public house at the end of Marlpool Lane and The Old Bear on the Stourbridge Road.
- 4.8 A veterinary use is comparable in nature to dental practices and medical centres and the Stourport Road has been the subject of various applications which have been accepted for these and other similar uses over the years. It should also be mentioned with regards to the location of this use that the Stourport Road is a high frequency bus corridor
- 4.9 The residential accommodation proposed at first floor level is in accordance with the residential land use allocation for the area.
- 4.10 In conclusion the development is considered to be in principle in accordance with the Local Plan emerging policy and the NPPF.

THE DESIGN OF THE BUILDING AND THE EFFECT OF THE SCHEME ON THE VISUAL AMENITY OF THE AREA

- 4.11 A previous application was withdrawn, partly because of criticisms associated with the design of the building not being appropriate to this location. The current application shows a much improved front elevation which incorporates attractive shop front detailing; a slate roof with chimneys, gabled dormers and double mock sash windows. When viewed from the Stourport Road the building now proposed should complement the appearance of the street scene.

12/0067/FULL

- 4.12 To the rear, the proposed building will have a large single storey wing that extends back approximately 19.8 metres on the one side and 12.8 metres on the footpath side. This wing, which was previously shown with a flat roof, now incorporates a dummy pitched roof all the way around the extension which will hide a central area of flat roof. Recessed brick panels are shown to be incorporated into this wing in order to add interest
- 4.13 Revised plans have been submitted which show a close boarded fence flanking the proposed landscaped car parking area along the boundary with the footpath to Neville Avenue. This footpath has until recently been lined with a fence, however the applicant has agreed to a condition to secure a low wall with a fence on top which will be a more attractive feature.
- 4.14 With the wall and fence arrangement in place and because the footpath channel is at a slightly lower level than the site the rear of the building will not be very visible from most vantage points along this route.
- 4.15 The development of the rear of the site for car parking (21 spaces) has already been approved previously (10/0623/FULL) and overall the building with the described measures in place should be in keeping with the character and appearance of the area.

THE EFFECT ON NEIGHBOURING PROPERTY

- 4.16 The proposed building affects the neighbouring property to the south more than any other. This adjacent property has been extended to the side and the wall of the proposed two storey element will be approximately 2 metres away and should project to the rear of the neighbour's extension by no more than a metre. The single storey element of the development will however project further down the garden by almost 20 metres. The eaves of the single storey roof in the vicinity of the neighbours house are 2.5 metres high and 4 metres at the ridge level (2 metres further back) but the neighbours property at this point is set about 600mm higher which will reduce these dimensions when measured from the neighbours side. At the far end of the extension the eaves increase to 3 metres in height and the top of the roof to 4.85 metres in height relative to ground levels on the application site due to a fall in land levels.
- 4.17 The development will be compliant with the Council's guidance known as the 45 degree code. With regards to loss of light, the development is on the north side of the neighbouring house and the existing two storey element of the public house though further away extends further back than the two storey element now proposed and so the loss in amenity arising from the impact on light is I feel within acceptable tolerances.

12/0067/FULL

- 4.18 There are no windows shown on the proposed development facing towards this neighbouring property other than a first floor landing window which would be directed towards the gable end of the neighbouring house and consequently there will be no loss of privacy arising from the building.
- 4.19 The proposed single storey/rear wing will however exert an influence on the neighbouring garden. Revised plans have been received which show the building further away from the boundary (i.e. 1.5 m at the closest point where the boundary tapers rather than 700mm) which improves the relationship in my view to an acceptable degree when taking account of the other factors mentioned and the large extent of the neighbouring garden.
- 4.20 Other properties including a flat above a neighbouring shop located in Stourport Road and properties in Neville Avenue and Beauchamp Avenue are further away and the impacts are less of an issue.

HIGHWAY ISSUES

- 4.21 The Highway Authority is satisfied with the development which shows 19 car parking spaces with turning facilities for the vets and pet shop and a further two spaces for the flats. The scheme also provides for four Sheffield cycle stands to accommodate 8 cycles at the front of the site where there is also a disabled parking space.
- 4.22 As stated previously a public house car park was approved in 2010 and that scheme showed a vehicular access at the same point.

OTHER MATTERS

- 4.23 The application has resulted in a considerable number of copies of a letter against the development. The premises that these letters refer to is located in an industrial estate on Lisle Avenue and unfortunately the business in question according to a sign on the door has since closed down. However, and still taking it into account, it should be acknowledged that the Lisle Avenue location is no closer to the town centre than that proposed and there are no policies affecting Kidderminster that ensures the protection of existing businesses in these locations from competition from others. Whilst acknowledging the depth of feeling and the concern for the effect of this development on that business and others, there are a considerable number of outlets where pet food can be acquired in Kidderminster and there are also a few existing pet shops and because of this accumulation, the effect on the town centre, (which contains no pet shops within the primary shopping area) of developments like the one proposed is lessened.

12/0067/FULL

- 4.24 The scheme does not result in a need for contributions under the Council's Planning Obligations Supplementary Planning Document.

5.0 Conclusions and Recommendations

- 5.1 The proposal is considered to be in accordance with the Development Plan and is recommended for **APPROVAL** subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. Details of wall and fence to footpath to be submitted and approved before any other work on site commences.
4. C6 (Landscaping – small section).
5. C3 (Tree protection during construction).
6. F5 (Construction site noise/vibration).
7. Archaeological condition.
8. Obscure windows to side facing first floor windows.
9. Sound insulation.
10. Highway conditions.
11. Severn Trent Water condition.

Reason for Approval

The application has been carefully considered with regards to the principle of allowing the development in this out of centre location; the design and external appearance of the building and its effect on the character and appearance of the area, the effect on neighbouring property, highway safety and after taking account of these and other issues the development is considered to be acceptable and in accordance with the above mentioned policies in the Development Plan.

Agenda Item No. 5

Application Reference: 12/0232/FULL **Date Received:** 20/04/2012
Ord Sheet: 384138 277153 **Expiry Date:** 15/06/2012
Case Officer: James Houghton **Ward:** Greenhill

Proposal: Provision of new vehicular access and driveway for registered disabled person

Site Address: WESTLAND, 35 BIRMINGHAM ROAD, KIDDERMINSTER, DY102DA

Applicant: Mr J Leavesley

Summary of Policy	CP11 (AWFCS) QE3 (WMRSS) Worcestershire County Council Highways Design Guide Section 4 (NPPF)
Reason for Referral to Committee	Statutory or Non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is a two storey, pitch roofed, terraced dwelling set back from the road behind a walled front garden, fronting Birmingham Road to the east of Kidderminster town centre.
- 1.2 The majority of other properties within the immediate area benefit from parking provided with a layout similar to that which forms the basis of this applications.

2.0 Planning History

- 2.1 11/0370/FULL – Provision of new vehicular access and driveway : Refused 15/08/11.

3.0 Consultations and Representations

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

12/0232/FULL

The proposed new vehicle access and driveway does not comply with the County Council's adopted design guide for the following reasons. It is a requirement of properties proposing to access off a classified road to ensure that vehicles enter and exit the site in a forward gear and in this instance there is insufficient space to allow that to occur. There is also inadequate space to park a vehicle in the curtilage of property as each car parking space must be 4.8m long and the largest space shown is substandard which will result in vehicles parking over the footway reducing the available pedestrian space. There is no pedestrian visibility splays demonstrated and due to the drive being proposed up to the site boundaries there is no scope to provide a 2m by 45 degree splay.

The application will have a detrimental impact on highway safety due to vehicles reversing onto or off the highway, and pedestrians will be adversely effected due to reduced pavement width and the lack of visibility splays to see vehicles leaving the site and for those vehicles to see any passing pedestrians.

3.2 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The applicant seeks approval for the addition of a dropped kerb to the front of the property to allow use of the black paved frontage of the dwelling. Sufficient space exists to comfortably park a single vehicle within this space and also allows a small visibility splay for pedestrians.

4.2 The comments of the Highway Authority are noted. However of the 13 properties which front Birmingham Road between the junctions with Chester Road North and Roden Avenue only 3 properties do not benefit from dropped kerbs, one of these properties has a walled front garden, one appears to utilise the front for parking without the dropped kerb and the third is the application site. As such it is considered that the proposed dropped kerb would offer no greater detriment to road safety in this area than is the case at present.

4.3 11 of the 13 properties between nos. 29 and 41 Birmingham Road benefit from parking to the front and as such the proposed parking area and drop kerb would not appear atypical or alien in this setting. The development proposed would offer no significant detriment to the amenity currently enjoyed by the occupants of neighbouring properties.

12/0232/FULL

5.0 Conclusions and Recommendations

5.1 It is recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).

Reason for Approval

The proposed drop kerb is considered acceptable; the access would not appear atypical or incongruous in the context of the street scene or the character of the area. It has been demonstrated that sufficient space exists within the site to provide a parking space and as such it is considered that the development would have no significant impact on highway safety. The development would be considered to accord with the requirements of Policy CP11 of the Adopted Wyre Forest Core Strategy (2010).

Agenda Item No. 5

Application Reference: 12/0245/TREE **Date Received:** 24/04/2012
Ord Sheet: 386571 279189 **Expiry Date:** 19/06/2012
Case Officer: Alvan Kingston **Ward:** Blakedown and Chaddesley

Proposal: Remove one oak tree at front of property

Site Address: THE SPINNEY, WAGGON LANE, KIDDERMINSTER,
DY10 3PN

Applicant: Mr C Sharratt

Summary of Policy	D.4 (AWFDLP) CP14 (AWFCS)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The tree within this application is one of a number of mature trees located on land to the front of The Spinney, which is a rural property situated on Waggon Lane, Ismere.
- 1.2 Due to its rural location the area is very well furnished with trees, hedges and area of woodlands.

2.0 Planning History

- 2.1 None relevant.

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – Objection received. The Parish Council is concerned that a gate pillar has been built in a position that means that a protected tree is affected to the extent that its removal is sought. The Parish Council consider that this new access/gate pillar and the tree are within the area of the “Worcester Ancient Rides” and, therefore, the access and pillar encroach on to the highway land. The Parish Council suggest that the tree should not be felled, but the pillar should be relocated.
- 3.2 Ward Members – No representations received.

12/0245/TREE

4.0 Officer Comments

- 4.1 The proposed work is to fell a Common Oak (*Quercus robur*), which is one of a number of mature oaks situated on land to the front of The Spinney, Waggon Lane, Ismere.
- 4.2 The tree could be two trees growing together or one double stem tree. Either way they have grown as one large tree and have grafted together at around 1m up the stem.
- 4.3 The reason for the proposed work is due to the applicant having a new column constructed next to the tree as part of a new gate at the entrance to his property. Unfortunately the column was built so close to the tree that when the tree sways in the wind it is touching the column.
- 4.4 As a result I feel I have no option but to recommend approval to the works. Fortunately the tree is not one of the better specimens within the group and I would have recommended approval had an application been submitted to fell the tree prior to the construction works.

5.0 Conclusions and Recommendations

- 5.1 Although I sympathise with the Parish Council's stance on this matter, as the tree is not one of the better specimens within the group, I feel that its removal is acceptable as long as a replacement tree is planted in a suitable location to mitigate for the loss of this tree.
- 5.2 It is therefore recommended that **APPROVAL** be granted, subject to the following conditions:
 1. TPO1 (Non-standard Condition '2 year restriction of Consent Notice').
 2. C16 (TPO replacement trees); tree (the next planting season) (*Quercus robur*) (14-16 cm girth at 1.5 metres up the stem) (in a location to be agreed).
 3. C17 (TPO Schedule of Works).

Schedule of Works.

Only the following works shall be undertaken:

Fell one twin stem Common Oak

Agenda Item No. 5

Application Reference: 12/0261/FULL **Date Received:** 30/04/2012
Ord Sheet: 383253 281677 **Expiry Date:** 25/06/2012
Case Officer: Julia McKenzie- **Ward:** Wolverley
Watts

Proposal: Proposed single storey rear extension

Site Address: THE CROFT, BLAKESHALL, WOLVERLEY,
KIDDERMINSTER, DY11 5XR

Applicant: Mr M Thompson

Summary of Policy	D.17, GB.1, GB.2 (AWFDLP) CP11, CP12 (AWFCS) D38, D.39 (WCSP) QE3 (WMRSS) Design Quality SPG Sections 7 & 9 (NPPF)
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is located on the west side of Blakeshall Lane about 1500mm from the entrance to Kingsford Country Park. The property sits in a large curtilage and is screened well from all sides. It is within the open countryside and also the West Midlands Green Belt.

2.0 Planning History

- 2.1 KR.62/69/0 – Erection of private dwelling house : Approved.
- 2.2 KR.315/70 - Proposed extension to provide lounge, kitchen, bathroom : Approved.
- 2.3 WF.515/04 - Single & two storey rear extension, single storey side extension, bay windows to front, rear chimney : Approved 13.7.04.
- 2.4 WF.550/04 - Creation of new vehicular access : Approved 19.7.04.
- 2.5 WF.899/04 - Erection of two storey rear/side extension, single storey extension and alteration : Refused; Allowed on Appeal 11/4/05.

12/0261/FULL

- 2.6 07/0803/FULL - Erection of rear conservatory : Refused; Dismissed on Appeal 3/10/07.

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Views awaited.
- 3.2 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 An application for the erection of two storey rear/side extension, single storey extension and alterations to create enlarged bay windows, inglenook fireplace, enlarged chimney, dining area at ground floor level and dressing room above was approved in 2004 as the proposals were considered to be in scale and character with the original property.
- 4.2 A further application in 2004 sought permission for the erection of a first floor shower room was refused and allowed on appeal. The agent submitted supporting evidence showing what they considered to be the original building. However, calculations undertaken by the planning department suggested that the original was smaller than shown in these plans.
- 4.3 The original building consisted of a lounge, kitchen and hallway at ground floor and two bedrooms and bathroom above, (52.5m²). Previous extensions at the property added 45.76m² and the additional volume of the then proposed first floor element would have added a further 9.7m² resulting in total additions of 55.46m², an increase in total volume of 108%. The inspector disagreed with the figures quoted and felt that that the fundamental point in this case was ‘what is disproportionate and therefore inappropriate development in the green belt?’ He also felt that there was no guidance within the local plan as to what was disproportionate in relation to the original dwelling. He considered the appellant’s interpretation of what the size of the original property was and that the original had only been extended by 63.5%. The appeal was allowed.

12/0261/FULL

- 4.4 In 2007, a further application was submitted for the erection of a large rear/side conservatory. It was felt that the proposed further extension in terms of its size and footprint would be in conflict with the local plan policies in place at the time. The cumulative impact of a further extension was considered likely to result in disproportionate additions to the original dwelling which would be harmful to the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open and therefore the proposal was refused and subsequently dismissed on appeal as the volume of the property with the conservatory in addition to all previous extensions would have resulted in 142% volume. The Inspector commented that the cumulative extension would harm openness and a purpose to the Green Belt and as such would be inappropriate.
- 4.5 The current proposal is for the addition of a small single storey rear extension which would infill either side of an existing breakfast area bay window which would be removed. The proposal to the rear or the existing utility would measure 1.0 x 2.6m and the family room extension would measure 1.0m x 3.7m. A pitched roof would span across the entire new extension to a height of 3.4m.
- 4.6 Due to the previous issues with the volume of the original and previous and proposed additions, it is difficult to accurately calculate the volume of the property in terms of a percentage of the original that the current proposal would add. However, it is clear that the proposal is small in nature compared with what was refused and subsequently dismissed on appeal. The resulting design of the extension would add an aesthetically pleasing and more useable space which would match with the existing and would not harm the character or openness of the Green Belt and would not result in disproportionate additions.
- 4.7 Notwithstanding the previous decision and successful appeal outcome for a more significant extension, it is considered that the latest, modest, proposal can be supported.

5.0 Conclusions and Recommendations

- 5.1 It is recommended that **APPROVAL** be granted subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B3 (Finishing materials to match)

12/0261/FULL

Reason for Approval

The extension is considered appropriate in terms of scale and design. The development offers no detriment to the character of the area or the street scene and the impact on the amenity currently enjoyed by the occupants of neighbouring properties is minimal. The extension would accord with the provisions of Policy D.17 of the Adopted Wyre Forest District Local Plan (2004), Policy CP11 of the Adopted Wyre Forest Core Strategy (2010) and Sections 7 and 9 of the National Planning Policy Framework (2012).

Agenda Item No. 5

Application Reference: 12/0279/FULL **Date Received:** 09/05/2012
Ord Sheet: 380708 279141 **Expiry Date:** 04/07/2012
Case Officer: James Houghton **Ward:** Wribbenhall

Proposal: Erection of wooden storage/amenity building to be used in conjunction with existing land use

Site Address: LAND OFF HOLLIES LANE, KIDDERMINSTER, DY11 5RW

Applicant: Mr P Lawley

Summary of Policy	GB.1, GB.2, GB.6 (AWFDLP) CP11, CP12 (AWFCS) CTC.1, CTC.2, D.39 (WCSP) QE.1, QE.6 (WMRSS) Section 9 (NPPF)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is a field of nearly 2.5 hectares in area within the West Midlands Green Belt. The site has been utilised for forestry and the keeping of livestock and approximately 1800 trees have been planted. The landscape is open in character with the nearest dwelling located over 80m from the boundary of the site.
- 1.2 The site currently contains a static caravan and a play house which is set above ground level on wooden legs.

2.0 Planning History

- 2.1 None relevant.

12/0279/FULL

3.0 Consultations and Representations

- 3.1 Kidderminster Foreign Town Council – We would strongly recommend the Planning Committee to refuse permission. We do not see the need for a store on site (applicant lives very close to the site) and the forestry being undertaken does not require constant supervision. We are extremely concerned and strongly suspect that this is leading up to creeping development and would quote two instances where this has been the case in recent years in Wyre Forest:

11/0634 - Shed put up as rabbit breeding shed. No dwelling on site. Was granted permission to convert to a new dwelling in the green belt, where no previous dwelling had existing.

02/0621 - Building erected as a calf pen - application to convert to a bungalow. Went to appeal but withdrawn. We have suspicions that this building is being used as a dwelling. There was no building on site prior to the calf pen, and certainly no dwelling.

We feel that the end result in this instance will be the same - the creation of a dwelling where there was none before, and in a green belt area. A neighbour of the site, who wanted to erect a stable, was also made to put it adjacent to the lane, not in a corner some distance away from Hollies Lane track. Also, the applicant has some unauthorised structure/caravan already on site which was recently sited, and only brought to the attention of the District Council by Parish Council.

If the planning committee cannot see our reasoning on this, we at Parish level are very disappointed. If, however, they are minded to grant permission, could a clause be inserted that this is never, ever (in perpetuity) to be granted permission for conversion to a dwelling? And what is the "life" of such a clause? i.e. - can the clause become "out of date" after a period of years, and thence unenforceable?

You can see from our comments that feelings against this application are very strong.

- 3.2 Highway Authority – No objections.
- 3.3 Neighbour/Site Notice – One letter of objection has been received; the correspondent has concerns that the use of the land may become residential. The objection refers to a lack of need for an agricultural storage building given the minimal activity on the site. In particular there are concerns that the existing caravan on site is the first step in obtaining permission for a new dwelling.

12/0279/FULL

4.0 Officer Comments

- 4.1 The applicant seeks approval to erect a 4.5m x 8.0m building on the site replacing an existing unauthorised static caravan. The building would have a maximum height of 3.5m and an eaves height of 2.5m. The proposed building would provide a shelter/storage area as well as a work bench area to be used for purposes ancillary to the forestry use of the land. The storage space would be used for a small tractor and rotivator, a mower, chain saw, tree netter, strimmer, fencing and tree prop materials. In addition, the building would contain a toilet, sink and shower. No cooking facilities are proposed.
- 4.2 The applicant states that it is intended to continue to use of the site for forestry. So far 1500 Christmas trees have been planted (with a further 500 to follow each October), and a further 300 trees of various species including walnut (to sell for wood), holly (for the production of Christmas wreaths) and 10 fruit trees have also been planted. A further 25 holly trees are to be planted on an annual basis and approximately 40 fruit trees are to be planted by the Autumn. It is intended that the first harvest of fruit trees would be in 2015 and the first harvest of Christmas trees would be during 2016/17.
- 4.3 Section 3 of the National Planning Policy Framework states that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development and that local plans should endeavour to promote the development and diversification of agriculture and land-based rural businesses. Similarly, Policy DS04 of the Adopted Core Strategy promotes development which contributes to traditional rural employment sectors as well as encouraging appropriate farm diversification schemes. The forestry use of the site would accord with the aims and objectives of these policies.
- 4.4 Policies GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan and Section 9 of the National Planning Policy Framework relate to Green Belt land. Both layers of policy explain that in principle the erection of buildings within the Green Belt for the purposes of agriculture or forestry are considered appropriate.
- 4.5 The proposed building is considered appropriate in terms of both scale and design. The building is of an appropriate size given the requirement to store materials and to provide a space for preparing trees.
- 4.6 Both the Parish Council and the objector express concern that the building could be utilised as living accommodation. The change of use of a building or the creation of a unit for residential purposes would require the benefit of planning consent and as such a condition to prevent this from occurring is not necessary.

12/0279/FULL

- 4.7 The Parish Council also refer to two previous planning applications. Planning application reference 11/0634/FULL, approved earlier this year was for the conversion of an existing redundant agricultural building to a new dwelling on land off Grey Green Lane, Bewdley. In that case the agricultural building, built in 1992, was constructed of blockwork. It was therefore considered to meet the current Adopted Local Plan rural buildings policy relating to conversions as the building was of a permanent and substantial construction. With respect to the current application it is proposed to impose a condition which requires details of materials to be agreed prior to the commencement of development. This is to ensure that the building is appropriate for its proposed use and would appear acceptable within the landscape. As such it is anticipated that it would not be of such a permanent and substantial construction to permit its conversion in the future.
- 4.8 The second application was at Oak Meadow Farm at Honeybrook Lane, where in 2002 an application for the conversion of the agricultural building to a bungalow was refused. It was considered that the development would detract from the openness of the Green Belt, harm the character of the landscape and conflict with the adaptation of rural buildings policies of the then Local Plan. There was also a highways reason for refusal. An appeal was submitted but subsequently withdrawn.

5.0 Conclusions and Recommendations

- 5.1 I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters).
 2. A11 (Approved plans – building to be constructed where marked on the plan).
 3. Notwithstanding the information submitted, no development shall take place until details of types and colours of all external materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 4. No alterations to the external appearance shall be made without the prior written agreement of the LPA.
 5. Following the construction of the building and prior to the first retail sale thereafter, details of access, parking and manoeuvring to serve the land shall be submitted to and agreed in writing. Details to be implemented.
 6. Prior to the commencement of development details of drainage to be submitted.

12/0279/FULL

Reason for Approval

The provision of buildings for forestry within the Green Belt is considered appropriate and the building proposed is of a suitable size to provide the necessary facilities. The building would be constructed of materials appropriate for the location and would utilise an existing site access. The building proposed would have no significant impact on the character, openness or appearance of the Green Belt, the character of the area or the street scene. The proposed building would be considered to offer no significant detriment to the amenity currently enjoyed by the occupants of any nearby dwelling. The development would be considered to accord with the requirements of Policies GB.1, GB.2, GB.3 and GB.6 of the Adopted Wyre Forest District Local Plan (2004), Policies CP11 and CP12 of the Adopted Wyre Forest Core Strategy (2010) and Section 9 of the National Planning Policy.

Wyre Forest District Council

Planning Committee Meeting 12 June 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
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
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

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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
10/0598/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
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

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11/0458/FULL	27/07/2011	21/09/2011	THE SALON BROUGHTON COTTAGE THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Single storey extension to rear with internal modifications to create separate living accommodation; 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
11/0534/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 and Class B Employment (Reserved Matters following Outline Approval 09/0588/OUTL – Access, Appearance, Landscaping, Layout and Scale to be considered)	STOURPORT CORPORATION NV	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
11/0647/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

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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
11/0696/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
11/0740/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
12/0007/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
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
12/0035/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

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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
12/0067/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
12/0075/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
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
12/0093/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
12/0097/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
12/0102/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

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12/0125/FULL	28/02/2012	24/04/2012	8 BRIAR HILL CHADDESLEY CORBETT KIDDERMINSTER DY104SQ	Proposed single storey front/side extension.	Mr & Mrs D Warren	James Houghton
12/0114/FULL	29/02/2012	30/05/2012	FORMER BLAKEDOWN NURSERIES BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER DY103JH	Proposed change of use from former Garden Centre / Nurseries with shop and office accommodation to residential use with 42 No. dwellings comprising of 7 bungalows, 33 houses and 2 flats together with parking.	Barratt West Midlands	Julia Mellor
12/3006/DEM	29/02/2012	28/03/2012	BLAKEDOWN SIGNAL BOX MILL LANE BLAKEDOWN KIDDERMINSTER DY103LF	Demolition of Blakedown signal box	Network Rail Infrastructure Ltd	Stuart Allum
12/0121/ADVE	02/03/2012	27/04/2012	CHAINWIRE SOCIAL CLUB ZORTECH AVENUE KIDDERMINSTER DY117DY	3 No. Directional Signs	STOURBRIDGE COLLEGE	Julia McKenzie-Watts
12/0122/FULL	05/03/2012	30/04/2012	POUND BUNGALOW DOWLES ROAD BEWDLEY DY122RD	Replacement dwelling with integral garage	N & A Guildford Ltd	Stuart Allum
12/0123/FULL	06/03/2012	01/05/2012	11 YORK STREET STOURPORT- ON-SEVERN DY139EF	Conversion of upper floor to form 2 No. flats	Mr M Crump	Stuart Allum
12/0126/FULL	06/03/2012	01/05/2012	OAK TREE FARM KINLET ROAD FAR FOREST KIDDERMINSTER DY149UE	Proposed temporary dwelling/office	Mrs S Dayus	Julia McKenzie-Watts
12/0127/FULL	08/03/2012	03/05/2012	KING CHARLES HIGH SCHOOL HILL GROVE HOUSE COMBERTON ROAD KIDDERMINSTER DY101XA	Up grade of existing facility to include new floodlighting and fencing to pitch	KING CHARLES HIGH SCHOOL	James Houghton
12/0143/FULL	12/03/2012	07/05/2012	CAMBRIAN HOUSE RESIDENTIAL HOME 294-295 CHESTER ROAD NORTH KIDDERMINSTER DY102RR	Extension to existing care home to provide additional lounge space at ground floor and 4 No. bedrooms over at first floor	Mr S Pawar	Stuart Allum

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12/0144/FULL	12/03/2012	07/05/2012	LAND ADJACENT TO 29 CASTLE ROAD COOKLEY KIDDERMINSTER DY103TH	Erection of wooden buildings for housing goats and hay and food store	Ms K Dalloway	James Houghton
12/0146/EIA	13/03/2012	03/07/2012	FORMER BRITISH SUGAR SITE STOURPORT ROAD KIDDERMINSTER	An outline application for the redevelopment of the British Sugar Factory (phase 1), including access and Phase 1 link road with all other matters reserved, comprising: demolition of any remaining existing structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycleways; and open space	St Francis Group	Julia Mellor
12/0155/FULL	15/03/2012	10/05/2012	LAND TO THE REAR OF 10 YORK STREET & 31 HIGH STREET STOURPORT-ON-SEVERN DY139EG	Conversion of rear buildings to form 3 No. two-bedroom flats and 2 No. one-bedroom flats	Mr D Allcock	Julia Mellor
12/0156/LIST	15/03/2012	10/05/2012	LAND TO THE REAR OF 10 YORK STREET & 31 HIGH STREET STOURPORT-ON-SEVERN DY139EG	Internal and external alterations for the proposed conversion of rear buildings to form 3 No. two-bedroom flats and 2 No. one-bedroom flats	Mr D Allcock	Julia Mellor
12/0172/FULL	15/03/2012	10/05/2012	ASHFIELD HOUSE SUGAR LOAF LANE IVERLEY KIDDERMINSTER DY103PB	Proposed Car Park at Ashfield House, Sugar Loaf Lane, Iverley, Kidderminster. Change of use from grassed area	Mr J Keown	Stuart Allum

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12/0161/FULL	19/03/2012	14/05/2012	15-17 COVENTRY STREET KIDDERMINSTER DY102BG	Change of use from A2 to A3 restaurant with external flue to rear	Mr T Gandhi	James Houghton
12/0168/FULL	21/03/2012	16/05/2012	34 BIRMINGHAM ROAD KIDDERMINSTER DY102DA	Second floor rear extension to form additional bedrooms	Mr A McAdam	Stuart Allum
12/0169/WCCR	21/03/2012	11/04/2012	KIDDERMINSTER LIBRARY MARKET STREET KIDDERMINSTER DY101AB	Change of use of second floor of existing library to office accommodation and provision of covered cycle racks	Worcestershire County Council	Stuart Allum
12/0170/FULL	22/03/2012	17/05/2012	SWANCOTE BUNGALOW TANWOOD LANE BLUNTINGTON CHADDESLEY CORBETT KIDDERMINSTER DY104NR	Proposed new bungalow and garage	Mr M Titman	Stuart Allum
12/0171/FULL	22/03/2012	17/05/2012	LAWSONS WORCESTER ROAD HARVINGTON KIDDERMINSTER DY104LX	Two storey and single storey side extensions	Mr M Hilton	Stuart Allum
12/0197/FULL	29/03/2012	24/05/2012	1 BALDWIN ROAD BEWDLEY DY122BP	Extension and modification, new vehicular access	Mr J Wilkes	Stuart Allum
12/0193/FULL	30/03/2012	25/05/2012	15 MERLIN DRIVE KIDDERMINSTER DY104AQ	Extensions and alterations (Resubmission of 11/0746/FULL with revised plans)	Mr & Mrs D Harrison	Stuart Allum
12/0196/FULL	02/04/2012	28/05/2012	6 BRIDGE STREET KIDDERMINSTER DY101BN	Fit a single metal roller shutter to cover the ground floor windows and door of the shop front, with the shop name (The Jewellery Workshop) on the shutter box	Mr S Rogers	Julia McKenzie-Watts
12/0198/FULL	02/04/2012	28/05/2012	PHILIP LOCKWOOD 71 COVENTRY STREET KIDDERMINSTER DY102BS	Change of use of ground floor office to one bed flat	Mr Philip Lockwood	Stuart Allum

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12/0199/ADVE	03/04/2012	29/05/2012	T K MAXX UNIT 11 WEAVERS WHARF KIDDERMINSTER DY101AA	Change of livery to five signs and change of position of one sign with new livery (Signs internally illuminated)	Henderson Global Investors	Stuart Allum
12/0200/FULL	03/04/2012	29/05/2012	HORNBEAM BARN WORCESTER ROAD CLOWS TOP KIDDERMINSTER DY149PB	Retention of garden walls/fences and hard-standing area including diversion of public right of way	Mrs S Martyn-Smith	Paul Round
12/0201/FULL	03/04/2012	29/05/2012	166 BEWDLEY HILL KIDDERMINSTER DY116BS	Internal conversion of three storey house into 3 x one bedroom flats (no external alterations) conversion of three garages to provide 3 x off road parking spaces at garages at 3 Pineridge Drive, Kidderminster	Mr & Mrs Barstow	Stuart Allum
12/0204/FULL	04/04/2012	30/05/2012	WILLOW LODGE HOARSTONE COURT HOARSTONE LANE BEWDLEY DY121RB	Alterations and extension of existing barn conversion to create sun lounge	Mr D Sherwood	James Houghton
12/0205/LIST	04/04/2012	30/05/2012	WILLOW LODGE HOARSTONE COURT HOARSTONE LANE BEWDLEY DY121RB	Alterations of existing barn conversion to create sun lounge	Mr D Sherwood	James Houghton
12/0203/FULL	05/04/2012	31/05/2012	CHANTERS HOLLOW 26 WHITEHILL ROAD KIDDERMINSTER DY116JJ	Extension to existing garage with games room and study in loft	Mr J Bowen	Stuart Allum
12/0206/FULL	05/04/2012	31/05/2012	22 LARCHES ROAD KIDDERMINSTER DY117AB	Proposed rear extension	Mr & Mrs J Brooks	Julia McKenzie-Watts
12/0202/TREE	10/04/2012	05/06/2012	6 HIGHGATE CLOSE KIDDERMINSTER DY116JL	Fell a sycamore	Mr P Marsh	Alvan Kingston
12/0208/FULL	10/04/2012	05/06/2012	OLD SCHOOL HOUSE NEW ROAD FAR FOREST KIDDERMINSTER DY149TQ	Two storey rear extension	Mr A Hoare	Stuart Allum

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12/0209/FULL	10/04/2012	05/06/2012	16 NURSERY ROAD BEWDLEY DY121AL	Front porch extension	Mr S Lyon	Julia McKenzie-Watts
12/0210/FULL	10/04/2012	05/06/2012	23 PINEDENE STOURPORT-ON- SEVERN DY139NG	Proposed side extension and conversion of garage to create kitchen/utility extension	Mr A Rutter	Julia McKenzie-Watts
12/0215/ADVE	10/04/2012	05/06/2012	S C S UNIT E CARPET TRADES WAY CROSSLEY RETAIL PARK KIDDERMINSTER DY116DY	1 No. internally illuminated sign (11.5m x 5.11m)	A Share & Sons Ltd	Julia McKenzie-Watts
12/0214/FULL	11/04/2012	06/06/2012	JOANS HOLE DUNLEY STOURPORT-ON-SEVERN DY130UJ	Proposed extensions and alterations	Mr T Newbold	Paul Round
12/0216/FULL	11/04/2012	06/06/2012	40 RICHMOND ROAD BEWDLEY DY122BG	Extension to side of bungalow to form bedrooms	Mr G Thomas	Julia McKenzie-Watts
12/0217/FULL	12/04/2012	07/06/2012	27A DOG LANE BEWDLEY DY122EF	Change of use to Pet Shop and Consultancy Veterinary Practice	Severn Edge Veterinary Group	Paul Round
12/0219/FULL	13/04/2012	08/06/2012	10 BRIDGE STREET KIDDERMINSTER DY101BN	Erection of new entrance steps	Raj Thakerar	Julia McKenzie-Watts
12/0220/ADVE	13/04/2012	08/06/2012	10 BRIDGE STREET KIDDERMINSTER DY101BN	2 no. internally illuminated signs, one on the building, one hanging double sided from ceiling of walkway	Raj Thakerar	Julia McKenzie-Watts
12/0221/FULL	13/04/2012	08/06/2012	17 LANSDOWN GREEN KIDDERMINSTER DY116PX	First floor side extension to side of dwelling to provide additional bedroom	Mr & Mrs Littleton	Stuart Allum
12/0222/FULL	16/04/2012	11/06/2012	11 CLAUGHTON COURT KIDDERMINSTER DY116BL	Two storey extension to the side	Mr & Mrs Livesey	Julia McKenzie-Watts
12/0224/FULL	16/04/2012	11/06/2012	RYE COTTAGE SPRING GROVE BEWDLEY BYPASS BEWDLEY DY121LQ	Insertion of new doors in brickwork to north elevation of dwelling	Mr & Mrs G MacDougall	Stuart Allum

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12/0225/LIST	16/04/2012	11/06/2012	RYE COTTAGE SPRING GROVE BEWDLEY BYPASS BEWDLEY DY121LQ	Insertion of new doors in brickwork to north elevation of dwelling	Mr & Mrs G MacDougall	Stuart Allum
12/0226/FULL	16/04/2012	11/06/2012	SHIPWAYS 4 CARLTON HOUSE MARLBOROUGH STREET KIDDERMINSTER DY101AY	Replacement shopfront	Sequence (UK) Ltd	Paul Wrigglesworth
12/0227/ADVE	16/04/2012	11/06/2012	SHIPWAYS 4 CARLTON HOUSE MARLBOROUGH STREET KIDDERMINSTER DY101AY	Replacement shopfront & New signage to main elevation	Sequence (UK) Ltd	Paul Wrigglesworth
12/0229/LIST	17/04/2012	12/06/2012	THE OLD POST OFFICE 13-14 LOAD STREET BEWDLEY DY122AE	Part demolition and re-construction of chimney	Mrs M Tolley	Stuart Allum
12/0230/FULL	19/04/2012	14/06/2012	15 GALAHAD WAY STOURPORT- ON-SEVERN DY138SQ	Single storey rear extension	Mr & Mrs Liggins	Julia McKenzie- Watts
12/0232/FULL	20/04/2012	15/06/2012	WESTLAND 35 BIRMINGHAM ROAD KIDDERMINSTER DY102DA	Provision of new vehicular access and driveway for registered disabled person	Mr J Leavesley	James Houghton
12/0234/FULL	20/04/2012	15/06/2012	UNIT 2 19 STOURBRIDGE ROAD KIDDERMINSTER DY102PN	Change empty vacant shop unit to A5 Hot food Takeaway (To provide Fish & Chip, Pies, Kebab's and Burgers)	Mr S Singh	James Houghton
12/0240/FULL	20/04/2012	15/06/2012	38 WILLOWFIELD DRIVE KIDDERMINSTER DY115DN	Proposed two storey side extension	Mr & Mrs A Hunt	Julia McKenzie- Watts
12/0233/FULL	23/04/2012	18/06/2012	REAR OF HILLS FORD WORCESTER ROAD KIDDERMINSTER DY101JB	Proposed storage building	MTCR Marketing Ltd	Paul Wrigglesworth
12/0235/FULL	23/04/2012	18/06/2012	OFFMORE ROAD GARAGE 84 OFFMORE ROAD KIDDERMINSTER DY101SU	Demolition of two existing store buildings and rebuild two storage buildings	Mr I Meredith	Stuart Allum

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12/0236/FULL	23/04/2012	18/06/2012	KIDDERMINSTER TENNIS CLUB BAXTER GARDENS BIRMINGHAM ROAD KIDDERMINSTER DY102HD	Proposed modification and extension of clubhouse plus installation of outdoor sports lighting	Mr T Hollis	James Houghton
12/0237/FULL	23/04/2012	18/06/2012	THE BUNGALOW ROCK MOOR FARM ROCK KIDDERMINSTER DY14 9SD	Single store rear extension for additional lounge and conservatory with garage conversion for bedroom	Mr J Morton	Stuart Allum
12/0238/FULL	23/04/2012	18/06/2012	97 BEECHFIELD DRIVE KIDDERMINSTER DY115HQ	Conservatory to front elevation	Mr Abbotts	Julia McKenzie-Watts
12/0241/FULL	23/04/2012	18/06/2012	OPPOSITE 3 WESTBOURNE STREET BEWDLEY DY121BS	Retrospective application for the installation of 1 x BT DSLAM telecommunications equipment cabinet	BT PLC	James Houghton
12/0242/FULL	23/04/2012	18/06/2012	GLENHURST PLEASANT HARBOUR BEWDLEY DY121AD	Garden shed and log store	Mr M Thorpe	Stuart Allum
12/0239/FULL	24/04/2012	19/06/2012	44 CHAFFINCH DRIVE KIDDERMINSTER DY104SY	Conversion of ground floor garage and new first floor extension over to create utility room and bedroom with en-suite	Mr M Jones	Stuart Allum
12/0243/FULL	24/04/2012	19/06/2012	45 ELAN AVENUE STOURPORT- ON-SEVERN DY138LR	Proposed side elevation dormer, front extension and rear conservatory	Mr B Currier	James Houghton
12/0244/FULL	24/04/2012	19/06/2012	11 LARCHES ROAD KIDDERMINSTER DY117AB	Proposed single and two storey rear extension	Mr & Mrs S Reeves	James Houghton
12/0245/TREE	24/04/2012	19/06/2012	THE SPINNEY WAGGON LANE KIDDERMINSTER DY103PN	Remove one oak tree at front of property	Mr C Sharratt	Alvan Kingston

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12/0247/FULL	25/04/2012	25/07/2012	UPPER MOOR SMALLHOLDING TIMBER LANE STOURPORT-ON- SEVERN DY139LU	Change of use to Gypsy Caravan Site to create maximum 15 pitches, amenity blocks and service road.	Mr Loveridge	Paul Round
12/0248/FULL	25/04/2012	20/06/2012	LOWER HOLLIN PENSAX ABBERLEY WORCESTER WR6 6AJ	Retention of playhouse and erection of detached garage. Internal alterations, replacement windows and rainwater goods and repairs to roof	Mr A Cox	James Houghton
12/0249/LIST	25/04/2012	20/06/2012	LOWER HOLLIN PENSAX ABBERLEY WORCESTER WR6 6AJ	Internal alterations, replacement windows and rainwater goods and repairs to roof	Mr A Cox	James Houghton
12/0251/CERTP	25/04/2012	20/06/2012	MANDERVILLE HOUSE 35 LARCHES ROAD KIDDERMINSTER DY117AB	The use of home for mentally handicapped people for use to be changed to home for children in need of care (Children aged 6-18 years old maximum number 7)	Pathways Care Group	Paul Wrigglesworth
12/0250/TREE	26/04/2012	21/06/2012	34 SKYLARK WAY KIDDERMINSTER DY104EN	Reduce size of Oak Tree	Mrs E Goodwin	Alvan Kingston
12/0260/LIST	27/04/2012	22/06/2012	13 SEVERN SIDE SOUTH BEWDLEY DY122DX	Take down existing brick garden wall adjacent Long Alley and rebuild as traditional brick cavity wall for length of proposed Garden Room Extension [PP Ref 11/0650/FULL & 11/0651/LIST] and addition of new small window to 2nd Floor Landing on rear elevation of main house.	Mr S Kocher	Stuart Allum
12/0266/CERTE	27/04/2012	22/06/2012	THE STABLES AT THE WOODLANDS WORCESTER ROAD CLEN STOURBRIDGE DY9 0HS	Lawful Development Certificate for an existing use or operation: Stables with self contained studio apartment above	Mr P Knowles	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0252/FULL	30/04/2012	25/06/2012	YEW TREE COTTAGE CLATTERCUT LANE RUSHOCK DROITWICH WR9 0NN	Alterations to existing building to form self contained ancillary accommodation, new pitched roof and associated works	Mr R Kendrick	Stuart Allum
12/0256/FULL	30/04/2012	25/06/2012	11 COLLEGE ROAD KIDDERMINSTER DY101LU	Proposed single storey side extension	Mrs D Jeavons	Julia McKenzie-Watts
12/0261/FULL	30/04/2012	25/06/2012	THE CROFT BLAKESHALL WOLVERLEY KIDDERMINSTER DY115XR	Proposed single storey rear extension	Mr M Thompson	Julia McKenzie-Watts
12/0262/FULL	30/04/2012	25/06/2012	1 WATERLOO ROAD BEWDLEY DY122JL	Convert flat roof to pitched roof, including extensions to bathroom and bedroom	Mr C Mountain	Julia McKenzie-Watts
12/0267/FULL	30/04/2012	25/06/2012	WRIBBENHALL PARISH ROOMS KIDDERMINSTER ROAD BEWDLEY DY121DQ	Reconfigure internal layout to improve toilet facilities, allowing external access from church. Develop redundant exterior yard at rear top provide additional accommodation with glazed roof.	Mr K Young	James Houghton
12/0257/TREE	01/05/2012	26/06/2012	6 PARKLAND AVENUE KIDDERMINSTER DY116BX	Fell oak tree	Mr J Edmonds	Alvan Kingston
12/0258/TREE	01/05/2012	26/06/2012	KING CHARLES HIGH SCHOOL HILL GROVE HOUSE COMBERTON ROAD KIDDERMINSTER DY101XA	Various tree works	Miss S Knight	Alvan Kingston
12/0259/EIASC	01/05/2012	05/06/2012	MARINA QUAYS LLEWELLYN CLOSE STOURPORT-ON-SEVERN	Request for an Environmental Impact Assessment Scoping Opinion. New 400 berth marina (including boat storage, dry stack facilities, hoist dock, slipway, fuel storage and waste disposal area); reception building with club house facilities; 100 holiday let units; workshops, chandlery, laundrette and associated car parking	Clive Fletcher Dev/Thomas Vale Construction	Julia Mellor

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0263/FULL	01/05/2012	26/06/2012	ELFORDS HEIGHTINGTON BEWDLEY DY122XW	Proposed side conservatory and rear utility	Mr A Darley	James Houghton
12/0264/LIST	01/05/2012	26/06/2012	ELFORDS HEIGHTINGTON BEWDLEY DY122XW	Proposed side conservatory and rear utility	Mr A Darley	James Houghton
12/0265/TREE	02/05/2012	27/06/2012	9 CHURCH WALK STOURPORT- ON-SEVERN DY130AL	Remove two lime tree	Mr D Gough	Alvan Kingston
12/3010/TE	02/05/2012	27/06/2012	BEWDLEY CRICKET CLUB LOWER PARK BEWDLEY DY122DP	The proposed development is for a 15m high telecommunications wooden column with 3 no. antennas and 2 no. dishes located at the top of the column and six equipment cabinets and ancillary development thereto.	Everything Everywhere Ltd	Paul Round
12/0269/FULL	03/05/2012	28/06/2012	4 FAIRFIELD LANE WOLVERLEY KIDDERMINSTER DY115QH	Proposed two storey side and rear extension to dwelling	Mr P Lambe	Julia McKenzie- Watts
12/0268/S106	04/05/2012	29/06/2012	MORGANITE ADVANCED CERAMICS BEWDLEY ROAD STOURPORT-ON-SEVERN DY138QR	Variation of S106 to allow revised affordable housing percentage (24%) and mix	Mr M Marsh	Paul Round
12/0270/LIST	08/05/2012	03/07/2012	THE HORN & TRUMPET PARK LANE KIDDERMINSTER DY116TQ	Amendment to Listed Building Consent 08/0971/LIST	Mr R Whitehouse	James Houghton
12/0271/FULL	08/05/2012	03/07/2012	101 ABBERLEY AVENUE STOURPORT-ON-SEVERN DY130LY	Retention of balcony at first floor level	Mr R Bates	James Houghton
12/0272/FULL	08/05/2012	03/07/2012	39 BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER DY103JG	Rear ground and first floor extension	Mr D Clamp	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0274/CERTE	08/05/2012	03/07/2012	65 CAUNSALL ROAD CAUNSALL KIDDERMINSTER DY115YH	Occupation of the dwelling in breach of Agricultural Workers condition (b) of Planning Approval KR 182/65/O	Mr R Lee	Paul Round
12/0275/FULL	08/05/2012	03/07/2012	FAR FOREST TENNIS CLUB CALLOW HILL ROCK KIDDERMINSTER DY149DB	Extension and reorientation of 2 tennis courts including resurfacing and replacement chain link fencing	Mr M Wright	James Houghton
12/0314/FULL	08/05/2012	03/07/2012	BAXTER UNITED REFORMED CHURCH BULL RING KIDDERMINSTER DY102AA	Disabled access and alteration to the front elevation	BAXTER UNITED REFORMED CHURCH	Paul Wrigglesworth
12/3011/AG	08/05/2012	05/06/2012	LAND AT BRICKYARD COTTAGE BLACKSTONE BEWDLEY DY121QD	Storage building	MR M HINKS	Paul Round
12/0273/FULL	09/05/2012	04/07/2012	WALLFLOWERS INTERIORS 28 BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER DY103JN	Change of use of ground floor from A1 (retail) to D2 (personal training studio)	Mr C Gardner	Julia McKenzie-Watts
12/0276/TREE	09/05/2012	04/07/2012	166 SUTTON PARK ROAD KIDDERMINSTER DY116LF	Lop and trim 3 Silver Birch	Mr P Webb	Alvan Kingston
12/0277/FULL	09/05/2012	04/07/2012	THE OLD BAKERY THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Replace existing single storey flat roof extension with larger single storey extension incorporating pitched roof construction.	Mr B Stockford	James Houghton
12/0278/LIST	09/05/2012	04/07/2012	THE OLD BAKERY THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SA	Replace existing single storey flat roof extension with larger single storey extension incorporating pitched roof construction.	Mr B Stockford	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0279/FULL	09/05/2012	04/07/2012	LAND OFF HOLLIES LANE KIDDERMINSTER DY115RW	Erection of wooden storage/amenity building to be used in conjunction with existing land use	Mr P Lawley	James Houghton
12/0280/FULL	10/05/2012	05/07/2012	69 CRUNDALLS LANE BEWDLEY DY121JN	Single storey front extension; first floor side extension with extensions to front and rear dormers; and single storey rear extensions	Miss A Norwood	Stuart Allum
12/0282/FULL	11/05/2012	06/07/2012	83 BEWDLEY ROAD NORTH STOURPORT-ON-SEVERN DY138PX	Erection of detached outbuilding with basement	Mr M Follett	James Houghton
12/0283/FULL	11/05/2012	06/07/2012	21 BIGBURY LANE STOURPORT- ON-SEVERN DY139JU	Proposed detached garage	Mr M Packer	Julia McKenzie-Watts
12/0284/FULL	14/05/2012	13/08/2012	O G L COMPUTER SERVICES GROUP WORCESTER ROAD STOURPORT-ON-SEVERN DY139AT	Part demolition of existing Customer Services Building and addition of new first floor over the same; Addition of new three storey wing to main office building ; and formation of additional parking areas and bridge link between both buildings.	O G L COMPUTER SERVICES GROUP	Paul Round
12/0285/FULL	14/05/2012	09/07/2012	41 BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER DY103JG	Single storey ground floor extension and a first floor extension to the rear of the property	Mrs E Handslip	Julia McKenzie-Watts
12/0286/FULL	14/05/2012	09/07/2012	106 LICKHILL ROAD STOURPORT- ON-SEVERN DY138SF	Proposed rear conservatory	Mr Lane	Stuart Allum
12/0287/FULL	14/05/2012	09/07/2012	109 THE GROVE STOURPORT-ON- SEVERN DY139ND	Proposed new roof construction over existing garage and hallway	Mr C Smith	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0309/FULL	14/05/2012	09/07/2012	ROUND HILL WORCESTER ROAD HARVINGTON KIDDERMINSTER DY104LY	Change of use from a residential dwelling to a daytime nursery	Miss E Evans	Julia McKenzie- Watts
12/0288/TREE	15/05/2012	10/07/2012	2 SHELDUCK GROVE KIDDERMINSTER DY104EF	Reduce height of holly hedge (adjacent to 18 Greenfinch Close)	Mr S Riley	Alvan Kingston
12/0289/TREE	15/05/2012	10/07/2012	2 KINGFISHER GROVE KIDDERMINSTER DY104AG	Fell one Silver Birch	Mrs J Lynch	Alvan Kingston
12/0290/TREE	15/05/2012	10/07/2012	LAWNSWOOD HOUSE CHURCH AVENUE STOURPORT-ON- SEVERN DY139DX	Reduce height and prune a cypress leylandii and a cypress	Miss K Gregory	Alvan Kingston
12/0291/FULL	15/05/2012	10/07/2012	ALMA HOUSE PORCHBROOK ROCK KIDDERMINSTER DY149RZ	Single storey extension	Mr R Plant	Paul Round
12/0292/FULL	15/05/2012	10/07/2012	35 WOODTHORPE DRIVE BEWDLEY DY122RH	Two storey side and single storey rear extensions	Mr & Mrs T Evans	James Houghton
12/0293/FULL	15/05/2012	10/07/2012	LITTLE HOLLOWAY THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SD	Replacement of flat roof to bay window and porch with pitched roof	Mr & Mrs D Hislop	Julia McKenzie- Watts
12/0294/LIST	15/05/2012	10/07/2012	68 KIDDERMINSTER ROAD BEWDLEY DY121BY	Alterations to existing painted timber fixed light window to form painted timber french doors	Mr & Mrs T Willis	Stuart Allum
12/0295/TREE	15/05/2012	10/07/2012	23 THE CROFT KIDDERMINSTER DY116LX	Cut down a Common Yew, a Common Oak and an English Elm	Mr T Stevens	Alvan Kingston
12/0296/TREE	16/05/2012	11/07/2012	REDROW SITE (FORMER MORGANITE ADVANCED CERAMICS) BEWDLEY ROAD STOURPORT-ON-SEVERN DY138QR	Fell Horse Chestnut (T9)	Mr S Duffin	Alvan Kingston

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0298/FULL	16/05/2012	11/07/2012	53 BLACKWELL STREET KIDDERMINSTER DY102EE	Single storey rear extension to shop	Mr Q Alam	James Houghton
12/0297/TREE	17/05/2012	12/07/2012	13 CORNWALL AVENUE KIDDERMINSTER DY115JF	Fell Sycamore Tree	Mr E Knight	Alvan Kingston
12/0300/FULL	18/05/2012	13/07/2012	26 MIDDLETON ROAD KIDDERMINSTER DY115EY	Proposed 3 bedroom detached dwelling	Mr K O'Reilly	James Houghton
12/0301/FULL	18/05/2012	13/07/2012	SION LODGE HILLPOOL KIDDERMINSTER DY104PG	Proposed extension and alterations to rear	Mrs J Hanlon	Julia McKenzie-Watts
12/0302/FULL	18/05/2012	13/07/2012	15 NEWTON CLOSE BEWDLEY DY122PZ	Proposed front lounge extension	Mr A Beard	James Houghton
12/0310/FULL	18/05/2012	13/07/2012	WYRE FOREST GYMNAS TIC SCHOOL UNIT 1 4 LISLE AVENUE KIDDERMINSTER DY117DL	Proposed single storey side extension	Wyre Forest Gymnastic School	Paul Wrigglesworth
12/0303/FULL	21/05/2012	16/07/2012	7 MALVERN VIEW WHITTALL DRIVE EAST KIDDERMINSTER DY117EQ	Extension to provide wet room for dependant relative, revision of previous approval 11/0350/FULL	Mr P Kautzner	Julia McKenzie-Watts
12/0304/FULL	21/05/2012	16/07/2012	19 KITTIWAKE DRIVE KIDDERMINSTER DY104RS	Erection of conservatory to the side elevation	Mr Arnott	Julia McKenzie-Watts
12/0306/FULL	21/05/2012	16/07/2012	PLOT A RUSHOCK TRADING ESTATE RUSHOCK DROITWICH WR9 0NR	Change of use of land for the storage and sales of HGV's. Steel framed storage building and hardstanding. Temporary building and associated drainage	PM Commercials	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0317/FULL	21/05/2012	20/08/2012	LUCY BALDWIN HOSPITAL OLIVE GROVE STOURPORT-ON-SEVERN DY138XY	Demolition of existing main building; construction of 37 new residential dwellings and change of use and conversion of existing lodge building into 4 residential dwellings to comprise 41 dwelling in total to served via the existing access from Olive Grove; landscaping; car parking; earthworks to facilitate drainage and other ancillary works	Taylor Wimpey	Paul Round
12/0307/TREE	22/05/2012	17/07/2012	1 BEVERLEY COURT LICKHILL ROAD STOURPORT-ON-SEVERN DY138SB	Reduce canopy and thin out branches of a cedar in back garden	Mr T Ingham	Alvan Kingston
12/0308/TREE	22/05/2012	17/07/2012	2 BEVERLEY COURT LICKHILL ROAD STOURPORT-ON-SEVERN DY138SB	Crown lift a Scots Pine in back garden	Mr J Sheppard	Alvan Kingston
12/0311/FULL	22/05/2012	17/07/2012	TRIANGLE FIELDS STATION ROAD FAR FOREST ROCK KIDDERMINSTER DY149UD	Proposed extension to form 2 bedrooms and bathroom to existing bungalow	Mr & Mrs R Taylor	Paul Round
12/0313/FULL	22/05/2012	17/07/2012	ALTON HOUSE 56 HILLGROVE CRESCENT KIDDERMINSTER DY103AR	Erection of dwelling with associated works	Mr A Davis	James Houghton
12/0312/RESE	23/05/2012	22/08/2012	108 & 109 BEWDLEY HILL KIDDERMINSTER DY116JE	Reserved matters application for the design and external appearance of the buildings and landscaping following the granting of outline planning permission (08/0977) for the demolition of bungalow and erection of 13 dwellings and retention of 108 Bewdley Hill, Kidderminster	Bromford Group	Paul Wrigglesworth
12/0315/FULL	23/05/2012	18/07/2012	SIERRA LEONE 13 LOWE LANE KIDDERMINSTER DY115QR	Proposed single storey extension to the side	Mr B Peters	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
12/0316/TREE	24/05/2012	19/07/2012	101 STOURPORT ROAD KIDDERMINSTER DY117BQ	Fell chestnut and reduce lower crown of Lime tree by 2.5 metres	Mrs K Donnell	Alvan Kingston
12/0318/FULL	24/05/2012	19/07/2012	125 ST. JOHNS AVENUE KIDDERMINSTER DY116AU	Two storey extension to side of existing dwelling, with single storey extension to the rear	Mr d Barnes	James Houghton
12/0319/FULL	24/05/2012	23/08/2012	HEATHFIELD SCHOOL WOLVERLEY ROAD WOLVERLEY KIDDERMINSTER DY103QE	Phase 2 of school redevelopment. Single storey building comprising music room with 3no practice rooms and 2 changing rooms with associated showers, toilets and referee change	HEATHFIELD EDUCATIONAL TRUST	Paul Round
12/0320/FULL	24/05/2012	19/07/2012	2 WALKER DRIVE KIDDERMINSTER DY102YW	Porch to front elevation, side extension to former garage to form study	H Vickers	Julia McKenzie-Watts
12/0321/FULL	25/05/2012	20/07/2012	UNIT 2 GREENACRES LANE BEWDLEY DY122RE	Demolition of existing industrial unit and offices, and construction of a three bedroom detached house and associated works	Mr M Harding	James Houghton

WYRE FOREST DISTRICT COUNCIL

Planning Committee

12 June 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
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		14/05/2012	Allowed With Conditions 16/05/2012

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
WFA1406 12/0104/ENF	APP/R1845/C/12 /2171393	Nicola Cox	SIX ACRES CASTLE HILL LANE WOLVERLEY KIDDERMINSTER Unauthorised stationing of caravan and portacabin and change of use of the land from agricultural to residential (Enforcement Case 10/0058/ENF)	WR 28/02/2012	10/04/2012		14/05/2012	Dismissed 25/05/2012 Enforcement Notice Varied
WFA1407 11/0398/FULL	APP/R1845/A/11 /2166655	Mr J Evans	7 LICKHILL MEADOW MOOR HALL LANE STOURPORT-ON- Modification of Condition No. 3 of Planning Permission reference SU.109/63 to Allow Occupation / Use for 11 months in any one year	WR 02/03/2012	27/04/2012		14/05/2012	Dismissed 25/05/2012



Appeal Decision

Site visit made on 14 May 2012

by Andrew Hammond MA MSc CEng MIET MRTPI

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

Decision date: 16 May 2012

Appeal Ref: APP/R1845/A/12/2169009

Rushmere, Bliss Gate Road, Callow Hill, Rock, Kidderminster DY14 9XS

- 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 John Greasley against the decision of Wyre Forest District Council.
 - The application Ref 11/0454/FUL, dated 25 July 2007, was refused by notice dated 16 November 2011.
 - The development proposed is use of existing caravan by carer for two (2) years.
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Decision

1. The appeal is allowed and planning permission is granted for residential use of existing caravan by carer for two (2) years at Rushmere, Bliss Gate Road, Callow Hill, Rock, Kidderminster DY14 9XS in accordance with the terms of the application, Ref 11/0454/FUL, dated 25 July 2011, and the unnumbered plan submitted with it, subject to the following conditions:
 - 1) The occupation of the caravan shall be limited to a person occupied full time providing care facilities for Mr and/or Mrs J R Greasley. When the caravan ceases to be occupied by a carer for Mr and/or Mrs Greasley or when there is no need for a carer, the use shall cease.
 - 2) The occupation of the caravan for residential purposes shall be limited to a period of two (2) years from the date of this permission.
 - 3) Notwithstanding the approved plan there shall be no separate access formed from Mary Draper Lane.
 - 4) There shall be no subdivision of curtilage either by boundary treatment or by landscape.
 - 5) The caravan shall not be replaced without the written permission of the local planning authority.

Procedural matter

2. The application and the Council's decision describe the proposal as use of existing caravan by carer for two (2) years. That description is ambiguous and could be interpreted as a use for any purpose. It is clear from all the documentation and the Council's consideration of the application that what was proposed was specifically residential use. The description used in the decision above makes clear that the permission is for residential use.

Main Issue

3. The main issue in this appeal is whether there are material considerations which outweigh development plan policies which seek to protect the open countryside from sporadic development.

Reasons

4. The appeal site is located outside any settlement boundary. Development plan policies that control development to protect the intrinsic character and appearance of the countryside therefore apply.
5. The appellant, Mr Greasley, acts as carer for his wife. In the judgment of their doctor both Mr and Mrs Greasley are suffering significant medical problems which affect their mobility and ability to function safely on a daily basis in their own home. It is the opinion of the doctor that they are in urgent need of additional support but that Mr Greasley's condition would be adversely affected by a carer living within the house, a modest bungalow.
6. The personal circumstances of an appellant can be a material planning consideration but rarely carry significant weight in relation to permanent development, which would remain long after the justifying circumstances ceased to exist, the appeal relates to temporary occupation of a caravan and the personal circumstances of the appellant can be afforded significant weight.
7. There have been a number of previous applications to accommodate a carer on the appeal site. Application 07/1078/FUL was refused and dismissed on appeal, Ref. APP/R1845/A/2078867. However, that application was for a lodge style 'park home', with a pitched roof and providing 2 bedrooms as well as living room, kitchen/diner and bathroom. Furthermore the proposal was not for a temporary building or use.
8. The appeal proposal is to use an existing caravan on the site to accommodate a carer for a temporary period. The Council do not contend that the presence of the caravan on the site is in itself unlawful or that it requires planning permission, only that it requires planning permission for change of use to a unit of residential accommodation. The proposal is, therefore, fundamentally different to that previously refused planning permission and dismissed on appeal.
9. A change of use of the existing caravan would not significantly impact on the character and appearance of the open countryside nor would it introduce a significant increase in the need to travel, as the carer would be located at the appeal site as opposed to regularly travelling from and to another location. In contrast with the previous appeal proposal for a larger and more permanent mobile home, it would not be in conflict with development plan policies and emerging policy aimed at protecting the open countryside or saved Policy TR.9 of the Wyre Forest District Local Plan 2004 (LP) which relates to the impact of proposals on the highway network.
10. Saved LP Policy H.16 cites circumstances where the use of caravans or mobile homes as temporary full time homes may be permitted. Whilst the use to temporarily accommodate a carer is not listed, the supporting text explains that they have a useful role in meeting short term temporary housing needs. The proposal is to meet a temporary need, albeit that it may continue for a

- number of years should a further temporary permission be granted after two years.
11. Saved LP Policy H.18 relates to the provision of accommodation for elderly or disabled dependents by way of an annex extension and states that such an annex will only be permitted where it is physically incorporated into the main dwelling, with a shared entrance; both dwelling and annex share vehicular and pedestrian access; and that the accommodation normally includes only one bedroom.
 12. Whilst the policy refers specifically to accommodation for dependants, I agree with the previous Inspector in his conclusion that "it relates overall to the care of the elderly, disabled or the chronically sick and I see no reason why the same principles and approach should not apply to a resident carer."
 13. Whilst the appeal proposal would be contrary to a strict interpretation of Policy H.18, the supporting text explains that the purpose of the policy is to ensure that annexes do not, inappropriately, become separate dwellings and to avoid problems arising from the creation of a separate dwelling where new dwellings would not normally be permitted.
 14. By the imposition of appropriate conditions the same effect can be achieved and a new permanent residential unit would not result.
 15. For the reasons given above, and taking account of all material planning issues raised, I conclude the personal circumstances of the appellant outweigh any conflict with development plan policy and that the appeal should be allowed.

National Planning Policy Framework

16. The Government published, on 27 March 2012, the National Planning Policy Framework (the Framework) which constitutes guidance for local planning authorities and decision takers as a material consideration in determining applications.
17. At the heart of the Framework is a presumption in favour of sustainable development such that development proposals that accord with the development plan should be approved without delay.
18. At paragraph 196, the Framework states "The Planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations dictate otherwise. This Framework is a material consideration in planning decisions."
19. The appellant has suggested that little weight can be afforded to LP policies given that they were adopted prior to the enactment of the Planning and Compensation Act 2004. Whilst the Framework, at paragraph 214, states that for 12 months from the date of publication full weight should be given to relevant policies adopted since 2004, it nevertheless makes clear, at paragraph 215, that in other cases, and following the 12 month period, due weight should be given to policies in existing plans according to their consistency with the Framework.
20. Due weight has been given to all relevant LP policies and the publication of the Framework has not affected the conclusion reached above.

Conditions

21. In order to ensure that the caravan is occupied by a person acting as an essential carer for Mr and/or Mrs Greasley it is necessary to impose a condition limiting the occupation to someone acting as such on a full time basis. It is not necessary, however, to restrict occupation to a person in a caring, nursing or medical profession, as suggested by the Council, as this might preclude occupation by a close family member.
22. It is also necessary to impose a condition restricting occupation to a period of two years to ensure that it is temporary and to enable the circumstances to be reviewed at that time.
23. In order to ensure that the caravan does not become occupied as a separate unit of accommodation, conditions are also necessary to prevent the sub-division of the domestic curtilage or the creation of a separate access. Whilst the appellant suggests that the latter is not necessary as the access is defined by the application, there would otherwise be nothing preventing the creation of a second access as permitted development.
24. Finally a condition is necessary requiring the approval of the Council for the replacement of the caravan, to ensure that a substantially larger caravan is not brought to site, to the detriment of the character and appearance of the open countryside.

Andrew Hammond

INSPECTOR



Appeal Decision

Site visit made on 14 May 2012

by Andrew Hammond MA MSc CEng MIET MRTPI

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

Decision date: 25 May 2012

Appeal Ref: APP/R1845/C/12/2171393

**Land at Six Acres, Castle Hill Lane, Wolverley, Kidderminster,
Worcestershire DY11 5SF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Nicola Cox against an enforcement notice issued by Wyre Forest District Council.
 - The Council's reference is 12/0104/ENF (WFA1406).
 - The notice was issued on 30 January 2012.
 - The breach of planning control as alleged in the notice is
 1. Without planning permission, the stationing of a static caravan and portacabin on the land;
 2. Without planning permission the change of use of the land from agricultural to residential.
 - The requirements of the notice are cease the use of the land for residential purposes and the stationing of caravans and remove the caravan and portacabin from the land.
 - The period for compliance with the requirements is 3 Months after the Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (f) & (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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Decision

1. The appeal is allowed on ground (g).
2. The enforcement notice is corrected by the deletion of the words "change of use of the land from agricultural to residential" from the second allegation and the substitution thereof by the words "change of use of the land from agriculture to a mixed use of agriculture and residential" and varied by the deletion of "3 months" from the period for compliance and the substitution of "6 months".
3. The plan attached to the enforcement notice is corrected by the substitution thereof by the plan attached to this decision.
4. Subject to these corrections and variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matters

5. The Enforcement Notice alleges change of use from agriculture to residential. There is no dispute that the land remains in agricultural use or that the caravan and portacabin are in residential use, albeit that the appellant argues, under ground (b), that the residential use of the caravan is not in breach of planning control as it is an agricultural workers' dwelling. The correct allegation should be the change of use from agriculture to a mixed use of agriculture and residential and, given the circumstances of this appeal, no injustice would be caused by the correction of the allegation in this respect.
6. The appellant has drawn attention to the fact that the plan attached to the Enforcement Notice does not cover the full extent of the appeal site. It was clear on the site visit that that is the case and no injustice would be caused by the substitution of a plan provided by the appellant.

The Ground (b) Appeal

7. At the site visit it was established that the 'portacabin' was in use as a laundry/utility room and for storage of mainly domestic items.
8. Under ground (b) the appellant pleads that there has not been a breach of planning control in that the caravan and portacabin are in use as a temporary agricultural worker's dwelling.
9. The Town and Country Planning (General Permitted Development) Order 1995 (GPDO), as amended, grants planning permission for a variety of operational developments and changes of use of land as specified within that Order.
10. Class A of Schedule 2 Part 6 of the GPDO relates to agricultural units of 5 hectares or more and grants permission for the erection on the agricultural land of a building which is reasonably necessary for the purposes of agriculture within that unit. However it is made clear that development is not permitted if it would consist of, or include, the erection, alteration or extension of a dwelling. Notwithstanding the above, the agricultural unit at the appeal site is less than 5 hectares in area and Class A does not apply.
11. Class B of Schedule 2 Part 6 of the GPDO relates to units of less than 5 hectares. However nothing within that part of the GPDO permits the erection of a dwelling or the use of the land, or part of the land, for the siting of a caravan as a temporary agricultural workers dwelling.
12. Schedule 2 Part 3 of the GPDO relates to changes of use. However nothing within that part of the GPDO permits the change of use of land to a use or mixed use which includes the siting of a caravan for residential purposes.
13. Schedule 2 Part 4 of the GPDO relates to temporary buildings and uses. However nothing in that part of the GPDO permits the siting of a caravan as a temporary agricultural worker's dwelling.
14. There is no part of the GPDO that permits the use of land for the siting of a caravan or other structure as a temporary agricultural worker's dwelling and it follows that planning permission is required for the siting of the caravan and portacabin that are the subject of this appeal. The appellant states that the caravan replaced one which had the benefit of planning permission but has not produced any evidence of such permission. Neither has the Council any record of such a permission.

15. Therefore a breach of planning control has occurred and the ground (b) appeal fails.

The Ground (a) Appeal

Main Issue

16. The main issue in the ground (a) appeal is whether the siting of the caravan and portacabin constitute inappropriate development in the Green Belt and, if so, whether the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

Reasons

17. The Government published, on 27 March 2012, the National Planning Policy Framework (the Framework) which constitutes guidance for local planning authorities and decision takers as a material consideration in determining applications.
18. At the heart of the Framework is a presumption in favour of sustainable development such that development proposals that accord with the development plan should be approved without delay.
19. At paragraph 196, the Framework states "The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations dictate otherwise. This Framework is a material consideration in planning decisions."
20. The appeal site is located within the West Midlands Green Belt. Paragraph 87 of the Framework states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
21. At paragraph 89 the Framework states that local planning authorities should regard the construction of new buildings in Green Belt is inappropriate and then lists a number of exceptions, including buildings for agriculture and forestry. Paragraph 90 lists other forms of development which are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
22. 'Buildings for agriculture and forestry' does not include dwellings, even for an agricultural worker's dwelling. 'Development' as defined in the Town and Country Planning Act 1990 includes material change of use and the stationing of a caravan for an agricultural worker's dwelling is not listed in paragraph 90.
23. Saved Policy GB.1 of the Wyre Forest District Local Plan 2004 (LP) reflects the provisions of paragraphs 87, 88 and 89.
24. It follows that the change of use of land at the appeal site to a mixed use of agriculture and residential is inappropriate development in the Green Belt contrary to LP Policy and, by definition, harmful. In addition, the introduction of the caravan and portacabin is detrimental to the openness of the Green Belt, introducing additional harm.
25. The appellant refers to emerging policy in the form of the Site Allocations and Policies Preferred Options Paper, which although not an adopted Development

Plan Document, carries significant weight. Policy 2.2 states that agricultural workers dwellings will be permitted where it can be clearly demonstrated that there is clearly an established functional need; that the need relates to a full time worker, or one person solely or mainly employed locally in agriculture or forestry; the proposed dwelling is of a size commensurate with the functional requirement and financial capabilities of the enterprise; and wherever possible, the dwelling is sited within, and designed in relation to the main farm building complex or a nearby group of dwellings.

26. The appellant breeds oxford sandy back pigs at the appeal site with up to 50 piglets, together with laying hens, guinea fowl, turkeys and geese and, as she has found the pigs alone not to be financially viable, intends to breed and rear pheasants building up to 5000 birds over 3 years.
27. Whilst it is apparent that the appellant and Mr Cox are attempting to establish a financially viable enterprise on the land and have made considerable efforts to improve the site and buildings upon it, to the benefit of its appearance, no evidence of any substance has been produced to establish that the enterprise has been planned on a sound financial basis. Nor has it been demonstrated that there is a functional need for an agricultural worker to be present at all times. There is reference in the appellant's statement to the potential for loss of electricity supply but it is not clear what a worker on site would need to, or be able to, achieve in the event of a loss of supply.
28. Furthermore no evidence has been provided to demonstrate that the appellant or Mr Cox is employed solely or mainly in agriculture.
29. Whilst there may be considerable benefit in living on the site nothing has been provided which establishes that there is, or will be, an essential need to be present on the site at all times.
30. The tests of the Preferred Options Paper Policy 2.2 to justify an agricultural worker's dwelling have not been met.
31. The harm to the Green Belt by virtue of inappropriateness, and harm to the openness of the Green Belt are not clearly outweighed by the benefits to the appellant and Mr Cox by virtue of being resident on the site. Therefore very special circumstances necessary to justify the development do not exist.
32. The appeal on ground (a) must therefore fail.

The Ground (f) Appeal

33. Under ground (f) the appellant pleads that the requirements of the notice are excessive in that permission exists for temporary accommodation and the removal of the caravan and portacabin would be excessive when permission already exists for buildings of the same size and type.
34. As reasoned above, the appellant has not been able to produce evidence that any structures previously on site benefited from planning permission and the Council have no record of such permission.
35. In the appeal statement the appellant pleads that the requirement is excessive in that prior to the siting of the caravan and portacabin there was a caravan and ramshackle buildings on the site. Removing the caravan and portacabin would not restore the land to its previous state.

36. Section 173(4) of the Town and Country Planning Act 1990 enables the LPA to specify different categories of remedial requirement in an enforcement notice to either:-
- (a) Remedy the breach by:
- making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land,
 - discontinuing any use of the land, or
 - restoring the land to its condition before the breach took place. OR
- (b) Remedy any injury to amenity which has been caused by the breach.
37. The Enforcement Notice seeks to remedy the breach of planning control by discontinuing the use of the land for residential purpose and removing the caravan and portacabin from the site.
38. The requirements of the notice are, therefore, not excessive and the appeal on ground (f) fails.

The Ground (g) Appeal

39. On ground (g) the appellant pleads that 3 months is insufficient time to find alternative accommodation and suggests that 6 months is a more reasonable time scale. In the appeal statement the appellant adds that her ten year old son attends a local school and extends the suggested timescale to 12 months.
40. The Council contend that the appellant has stated that the caravan is not used for full time accommodation and that 3 months is more than adequate to comply with the notice.
41. However it would appear that the Council's contention may arise from a misunderstanding relating to the response to the Planning Contravention Notice (PCN) and its interpretation. The appellant responded that the use of the caravan was accommodation in connection with smallholding whilst caring for animals. The appellant also gave her address as a house in Dudley. The Council appear to interpret this as indicating that the appellant was not living at the appeal site. However on the PCN the appellant also gave her address as the appeal site and later explained that the house in Dudley was that of a relative.
42. Whether or not the appellant is in permanent residence at the appeal site it is clearly necessary to have accommodation within a reasonable distance in order to satisfactorily manage the agricultural unit and in order not to unduly disrupt the appellant's son's schooling.
43. Whilst 3 months may prove insufficient time to seek alternative accommodation, 6 months, as requested in the grounds of appeal, would be adequate and the appeal on ground (g) succeeds and the period for compliance is extended to 6 months.

Andrew Hammond
INSPECTOR

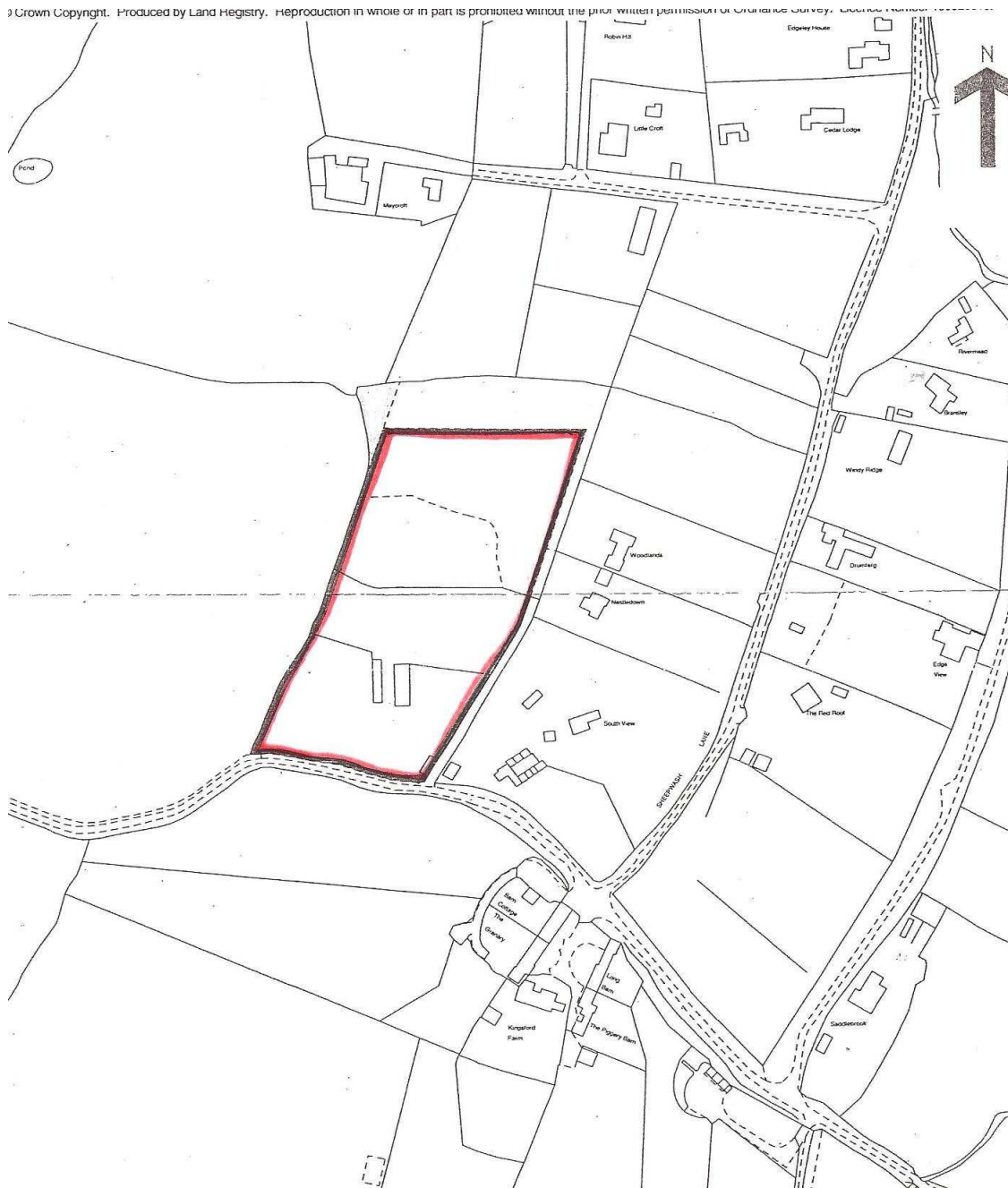
Plan

This is the plan referred to in my decision dated: 25.05.2012

by **Andrew Hammond MA MSc CEng MIET MRTPI**

**Land at: Six Acres, Castle Hill Lane, Wolverley, Kidderminster, Worcestershire
DY11 5SF Reference: APP/ R1845/C/12/2171393**

Scale: Not to scale





Appeal Decision

Site visit made on 14 May 2012

by Andrew Hammond MA MSc CEng MIET MRTPI

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

Decision date: 25 May 2012

Appeal Ref: APP/R1845/A/11/2166655

7 Lickhill Meadow, Moor Hall Lane, Stourport-on-Severn DY13 8RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr John Evans against the decision of Wyre Forest District Council.
 - The application Ref 11/0398/FUL, dated 24 June 2011, was refused by notice dated 15 September 2011.
 - The application sought planning permission for a prefabricated bungalow without complying with a condition attached to planning permission Ref SU.109/63, dated 16 August 1963.
 - The condition in dispute is No 3 which states that: the building shall be used for holiday purposes only and the use shall be restricted to the period between Good Friday and 30th September in any one year.
 - The reason given for the condition is: To preclude the use of the building for permanent accommodation and thereby avoid prejudicing the rural character of the area.
-

Decision

1. The appeal is dismissed.

The proposal

2. The application in effect sought the relaxation of restrictions on the period of occupation such that 7 Lickhill Meadow could be occupied for a period of 11 months in any one year.

Main Issue

3. The main issue in this appeal is the flood risk implications of the proposed relaxation in the restriction of the occupancy period.

Reasons

4. Lickhill Meadow is development of bungalows, chalets and caravans managed by the Stourport Motor Yacht and Bungalow Association (SMYBA). The restriction on occupancy of No. 7 was modified by planning permission WF.987/99 to a period from 1 March to 30 October.
5. A significant part of Lickhill Meadow is located within Flood Zone 3 of the River Severn, that is an area identified by the Environment Agency as having a 1 in 100 years (1%) or greater risk of flooding. The appeal premises are located on a slight mound such that they are above the 1% flood level.

6. In a 1% event flood water would approach the site from downstream across local authority playing fields and car parks alongside Moor Hall Lane, the vehicular access to Lickhill Meadow, which in turn would flood, as would much of Lickhill Meadow.
7. An assessment by the Environment Agency indicates that in a 1 in 100 year event water levels along Moor Hall Lane would be up to 2m and even a 1 in 5 year event would result in flood depths in excess of 1m.
8. The Government published, on 27 March 2012, the National Planning Policy Framework (the Framework) which constitutes guidance for local planning authorities and decision takers as a material consideration in determining applications.
9. At the heart of the Framework is a presumption in favour of sustainable development such that development proposals that accord with the development plan should be approved without delay.
10. However the Framework states, at paragraph 100 that local plans should apply a sequential, risk based approach to the location of development to avoid, where possible, flood risk to people and property and to manage any residual risk. The aim of the sequential test is to steer development to the areas with the lowest probability of flooding.
11. It may be argued that, as the appeal premises already exist, the sequential test does not apply. Paragraph 102 of the Framework states that if it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.
12. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; AND a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users.
13. Furthermore, the Technical Guidance to the framework defines caravans, mobile homes and park homes as highly vulnerable, requiring that the Exception Test be met in Zone 2 and stating that such development should not be permitted in Zone 3a or 3b.
14. The Framework also states, at paragraph 103, that local planning authorities should only consider development appropriate in areas at risk of flooding where it can be demonstrated that the development is appropriately flood resilient and resistant including safe access and escape routes where required.
15. The above national policy framework is reflected in Policy CP02 of the Wyre Forest District adopted Core Strategy.
16. The appellant has produced an Emergency Flood Plan based on early warnings and knowledge of how the river floods such that evacuation could take place before Moor Hall Lane became flooded. The evacuation route identified is along Moor Hall Lane for a distance of some 500m before rising to higher ground away from the river. In the event of it becoming necessary, residents could seek refuge on the higher ground behind No. 7 or use one of a number of boats that are available.

17. However no details have been provided as to how the evacuation would be organised or as to hazards along the route. No thorough emergency plan has been provided. No full site-specific flood risk assessment has been produced which demonstrates a clear understanding of the risks involved in safe egress from the site or access for the emergency services. Nor has any information been provided as to the depth and flow of floodwater or the times and duration of inundation of the access route.
18. On all the information available the site would not be safe in a 1% plus climate change flood event and the proposal to extend the occupancy of the property into the winter months would increase the risk that the occupiers would be isolated in times of flood, placing an additional burden on the emergency services and potential rescuers, increasing the risk to life, contrary to national and local policy on development and flood risk.
19. It is noted that recent incidents of flooding along the River Severn have occurred during the summer months. However that does not justify extending the period of occupation into the winter months when there is generally a higher risk of flooding.
20. It is also noted that some of the bungalows at Lickhill Meadow already have occupancy restricted to 11 months and that some of them may be occupied year round. It is also noted that other developments in the area with similar circumstances have been granted planning permission. No information is available on the circumstances surrounding any planning permissions for these properties which, in any event do not justify the introduction of the additional risks above.
21. It is further noted that the appellants wish to reside for the most part of the year in what is their only home and that they have never required the assistance of the emergency services. However this does not outweigh the harm described above.
22. For the reasons given above, and taking account of all material planning issues raised, the appeal is dismissed.

Andrew Hammond
INSPECTOR

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

12TH JUNE 2012

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

OPEN	
DIRECTOR:	Director of Economic Prosperity and Place
CONTACT OFFICER:	John Baggott – Extension 2515 John.Baggott@wyreforestdc.gov.uk
APPENDICES:	None

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

- 2.1 **That the report be noted**

3. BACKGROUND

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

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

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

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

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

4. PERFORMANCE

Major applications

4.1 The following table shows the quarterly performance figures for major applications for the period from 1st January 2010 to 31st March 2012. It also shows performance at the time of compiling the report within the 1st Quarter of 2012/13 although the relevant period does not end until 30th June 2012, and as such these figures may be subject to future 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 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	7	2	28.57%
1 April – 30 June 2012 (figures taken 28 May 2012)	1	1	100%

Minor applications

4.3 The following table shows the quarterly performance figures for minor applications for the period from 1st January 2010 to 31st March 2012. It also shows performance at the time of compiling the report within the 1st Quarter of 2012/13 although the relevant period does not end until 30th June 2012, and as such these figures may be subject to future change.

4.4 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	47	32	68.09%
1 April – 30 June 2012 (figures taken 28 May 2012)	22	17	77.27%

Other applications

4.5 The following table shows the quarterly performance figures for other applications for the period from 1st January 2010 to 31st March 2012. It also shows performance at the time of compiling the report within the 1st Quarter of 2012/13 although the relevant period does not end until 30th June 2012, and as such these figures may be subject to future change.

- 4.6 Performance in this category has consistently met, or been close to meeting, the national targets, but in managing performance during the 1st Quarter of 2011/12 an unusually high number of older applications came to final determination at the end of the Quarter. These had to be suitably managed, with the result being a significant proportion of these applications were determined at the start of the 2nd Quarter of 2011/12, which has had a direct impact upon the performance figures for the 2nd Quarter. This trend continued into 3rd Quarter. The 4th Quarter of 2011/12, however, saw an improvement in performance with the national target exceeded.

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	86	72	83.72%
1 April – 30 June 2012 (figures taken 28 May 2012)	57	49	85.96%

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. Every effort is being made, insofar as is possible, to manage new applications within all categories effectively to ensure that performance in all areas 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 1st January 2011. The impact of this lost post is now being felt within Development Control which in turn is having an adverse impact upon performance in all categories of applications. Added to which, the numbers of chargeable pre-application enquiries and applications which are not recorded under the NI 157 (e.g. discharge of conditions and non-material amendments) has shown a marked increase in recent months, which in turn has had an knock-on effect upon 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 – May 2012).
- DCLG : Planning Performance Statistics – Planning Committee (August 2009 – May 2012).