

Open

Planning Committee

Agenda

6pm
Tuesday, 9th September 2014
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

	Chairman: Councillor F M Oborski
	Vice-Chairman: Councillor S J M Clee
Councillor J Aston	Councillor C Brewer
Councillor B T Glass	Councillor D R Godwin
Councillor J Greener	Councillor P B Harrison
Councillor M J Hart	Councillor R J Lloyd
Councillor B McFarland	Councillor C D Nicholls
Councillor D R Sheppard	Councillor M J Stooke
Councillor S J Williams	Councillor M J Wrench

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 and Electoral Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732733 or email susan.saunders@wyreforestdc.gov.uk

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

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By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

If you have any queries regarding this, please speak with the Council’s Legal Officer at the meeting.

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, Solicitor to the Council, 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, 9th September 2014

Council Chamber, Wyre Forest House, Finepoint Way, 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 Solicitor to the Council, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 12th August 2014.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	15
6.	Applications Pending Decision To receive a schedule of planning and related applications which are pending.	68

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>	89
8.	<p>Worcestershire County Council Green Infrastructure Strategy</p> <p>To consider a report from the Director of Economic Prosperity and Place which appraises Members of the Worcestershire County Council Green Infrastructure Strategy and seeks endorsement of the document.</p>	109
9.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
10.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

11.	<p>New Enforcement Case</p> <p>To receive a report from the Director of Economic Prosperity & Place on a new enforcement case.</p>	-
12.	<p>Enforcement Matters</p> <p>To receive a report from Director of Economic Prosperity and Place which provides Members with a summary report on enforcement matters, and specifically the volume of new complaints.</p>	-
13.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council 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>	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

12TH AUGUST 2014 (6.00PM)

Present:

Councillors: F M Oborski (Chairman), S J M Clee (Vice-Chairman), J Aston, C Brewer, B T Glass, D R Godwin, J Greener, P B Harrison, M J Hart, N Knowles, R J Lloyd, B McFarland, D R Sheppard, M J Stooke, S J Williams and M J Wrench.

Observers:

Councillors: A R Clent and P W Wooldridge.

PL.19 Apologies for Absence

Apologies for absence were received from Councillor C D Nicholls.

PL.20 Appointment of Substitutes

Councillor N Knowles was appointed as a substitute for Councillor C D Nicholls.

PL.21 Declarations of Interests by Members

Councillor M J Hart declared a Disclosable Pecuniary Interest (DPI) in application number 14/0319/FULL 15 Hafren Way, Stourport-on-Severn, as the public speaker's parents are related to his uncle and felt it was not appropriate to be part of the debate.

PL.22 Minutes

Decision: The minutes of the meeting held on 8th July 2014 be confirmed as a correct record and signed by the Chairman.

PL.23 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 523 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 523 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.24 Applications Pending Decision

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

Decision: The schedule be noted.

PL.25 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.26 Section 106 Obligation Monitoring

The Committee considered a report from the Director of Economic Prosperity & Place that gave details of the most current Section 106 Obligations which required monitoring.

Decision: The details be noted.

The meeting ended at 7.10 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

12th August 2014 Schedule 523 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 Development Manager, Wyre Forest House, Fine Point Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Councillor M J Hart left the meeting at this point, (6.14pm).

Application Reference: 14/0319/FULL
Site Address: 15 HAFREN WAY, STOURPORT-ON-SEVERN, DY13 8SJ
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B3 (Finishing materials to match). 4. Obscure glazing (north elevation – first floor) with top opening lights only.

Councillor M J Hart came back to the meeting at this point, (6.20pm).

Application Reference: 14/0343/FULL
Site Address: 40 BELBROUGHTON ROAD, BLAKEDOWN, KIDDERMINSTER, DY10 3JG
DELEGATED AUTHORITY TO APPROVE subject to no new objections being received prior to the expiry of the consultation period and the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (approved plans). 3. B3 (finishing materials to match).

Application Reference: 14/0419/FULL
Site Address: 41 STAGBOROUGH WAY, STOURPORT-ON-SEVERN, DY13 8SY
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B3 (Finishing materials to match).

Application Reference: 14/0301/FULL
Site Address: TEC ELECTRIC MOTORS LTD, BUILDING 2, RUSHOCK TRADING ESTATE, RUSHOCK, DROITWICH, WR9 0NR
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B3 (Finishing materials to match).

Application Reference: 14/0355/FULL, 14/0356/LIST
Site Address: HERONS POOL, HARVINGTON HALL LANE, HARVINGTON, KIDDERMINSTER, DY10 4LR
14/0355/FULL , APPROVAL subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B1a (Samples/details of materials). 4. B9 (Details of windows and doors). 5. No demolition. 6. Details of fencing to be submitted. 7. J1 (Removal of permitted development – residential). 8. Landfill Gas assessment. 9. Archaeological assessment. 10. Ecological mitigation. 11. Drainage to be provided prior to occupation. 12. Obscure glazing. 13. Cycle Parking.
Notes
A SN12 (Neighbours' rights).
B SN3 (Protection of species).
14/0356/LIST, APPROVAL subject to the following conditions:
<ol style="list-style-type: none"> 1. A7 (Listed Building/Conservation Area Consent). 2. A11 (Approved plans). 3. B1a (Samples/details of materials). 4. B9 (Details of windows and doors). 5. No demolition.

Application Reference: 14/0366/FULL

Site Address: ANGEL INN, 76 LOAD STREET, BEWDLEY, DY12 2AW

APPROVED subject to the variation of condition 2 and the removal of condition 4 of Planning Permission 13/0554/FULL. For the avoidance of doubt the conditions imposed as part of this application are as follows:

1. The development hereby permitted shall be begun before 16th December 2016.
2. The development hereby approved shall be carried out strictly in accordance with the following plans/drawings:

Drawing D07 01.01
Drawing D03 01.03
Drawing AP 06

stamped "Approved" unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.
3. No development shall take place until details of types and colours of all external materials, including hard surfacing 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. A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording.
 2. The programme for post investigation assessment.
 3. Provision to be made for analysis of the site investigation and recording.
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition A).

C) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured

Application Reference: 14/0367/ADVE, 14/0368/ADVE
Site Address: ANGEL INN, 76 LOAD STREET, BEWDLEY, DY12 2AW
APPROVED - 13/0367/ADVE and 13/0368/ADVE subject to the following conditions for both applications:
<ol style="list-style-type: none"> 1. L1 (Standard advertisement conditions). 2. L9 (Standard time).
Notes
<ol style="list-style-type: none"> A. Identification of Drawings. B. Brightness of illuminated signs.

Application Reference: 14/0369/FULL, 14/0371/FULL
Site Address: ANGEL INN, 76 LOAD STREET, BEWDLEY, DY12 2AW
14/0369/FULL - APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. No development shall commence until detailed designs of bollards hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
Note
In respect of condition 3 the design of the bollards shall be sympathetic to locality of Bewdley and reference to the bollards on Severn Side North, Severn Side South and Load Street will help guide the Applicant to an appropriate design.
14/0371/FULL - APPROVAL subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. Notwithstanding the approved plans, prior to any development hereby approved commencing on site, details of the design, materials and colour of the ATM surround shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
Note
Comments of the Crime Prevention Design Advisor.

Application Reference: 14/0370/FULL
Site Address: ANGEL INN, 76 LOAD STREET, BEWDLEY, DY12 2AW
APPROVAL be granted subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. Operation hours 07:00 – 23:00 for air conditioning units.

Application Reference: 14/0401/FULL
Site Address: 38 ORCHARD CLOSE, ROCK, KIDDERMINSTER, DY14 9XZ
APPROVED subject to 'no objections' from Rock Parish Council and the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B1 (Samples of materials). 4. Driveway and/or vehicular turning area (if recommended). 5. Access, turning area and parking facilities (if recommended). 6. Cycle parking (if recommended).

Application Reference: 14/0415/FULL
Site Address: WILDLIFE POOL & MEADOW AT OAK TREE FARM, KINLET ROAD, ROCK, KIDDERMINSTER, DY14 9UE
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A11 (Approved plans). 2. Additional cross sections to be provided prior to the importation of materials. 3. Landscaping scheme to be provided setting out details of species and timescales for planting. 4. No fish to be stocked in the pool. 5. No commercial use of the pool. 6. A construction method statement to be submitted and agreed setting out: <ul style="list-style-type: none"> - timetable for works; - hours of working; - inspection regime; - clay lining importation requirements. 7. Prior to the works commencing on site a method statement must be submitted to and approved in writing by the Local Planning Authority. This method statement shall detail the measures that will be taken to ensure that the works will not adversely affect (pollution and silt) the watercourse, including during the construction phase.

As silt forms a specific risk at this location the method statement should describe measures to:

- a. Divert clean surface water away from exposed soils and working areas.
- b. Minimise erosion of exposed soils.
- c. Prevent water polluted with sediment from leaving the site.

8. Prior to the works commencing on site detailed design information must be submitted to and approved in writing by the Local Planning Authority regarding all inlet and outfall structures and the proposed new soakaway. The new soakaway shall be designed and installed to conform with Building Regulations (H3 – rainwater drainage).

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

09/09/2014

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
14/0297/FULL	153 WINDERMERE WAY STOURPORT-ON-SEVERN	APPROVAL	16
14/0343/FULL	40 BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER	APPROVAL	24
14/0377/RESE	FORMER BRITISH SUGAR SITE STOURPORT ROAD KIDDERMINSTER	DELEGATED APPROVAL	32

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
14/0349/FULL	LOWETHORPE LOWE LANE KIDDERMINSTER	APPROVAL	49
14/0364/FULL	MARLEESH KINGSFORD LANE WOLVERLEY KIDDERMINSTER	DELEGATED APPROVAL	53
14/0425/TREE	28 CONFERENCE WAY STOURPORT-ON-SEVERN	APPROVAL	56
14/0466/FULL	FORGE HOUSE STOURPORT ROAD KIDDERMINSTER	DELEGATED APPROVAL	58

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH SEPTEMBER 2014

PART A

Application Reference: 14/0297/FULL **Date Received:** 28/05/2014
Ord Sheet: 380475 272794 **Expiry Date:** 23/07/2014
Case Officer: James Houghton **Ward:** Lickhill

Proposal: Retention of use of outbuilding as B1 joinery workshop and retention of a link extension

Site Address: 153 WINDERMERE WAY, STOURPORT-ON-SEVERN,
 DY13 8QH

Applicant: Mr D Rosewarne

Summary of Policy	DS01, DS03, CP11 (CS) SAL.PFSD1, SAL.GPB1, SAL.CC2, SAL.UP7 (SAAPLP) Sections 1, 11 (NPPF) Noise and Air Quality (NPPG)
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 property is a semi detached, two storey dwelling set back from the road behind a front drive and gardens. The site is within an area allocated within the Adopted Wyre Forest District Site Allocations and Policies Local Plan as “Sites for Residential Development”.
- 1.2 The property benefits from two substantial sheds within the rear garden which appear to have been erected under the permitted development rights of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as they existed at the time they were constructed. Subsequently a further building has been added which links the two pre-existing buildings. However this building exceeds the limits set out within the current version of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and requires the benefit of planning permission, which is being sought, albeit retrospectively, via the current application.

14/0297/FULL

- 1.3 The applicant has asserted that the two pre-existing sheds within the garden have provided accommodation for the operation of a joinery workshop for a period in excess of ten years.

2.0 Planning History

- 2.1 13/0644/CERTE - Certificate of lawfulness for two buildings used as a joinery workshop and store to the rear : Refused 22/01/14.

The application for a Certificate of Lawful Use or Development was refused on the grounds that:

1. When the business originally began, the use of the buildings by the Applicant was incidental to the use of 153 Windermere Way as principally residential accommodation and did not amount to a change of use requiring Planning Permission.
2. The expansion of the business to include the Applicant's son and the erection of an additional building have resulted in an intensification of the use beyond one that is incidental to the use of 153 Windermere Way as principally residential accommodation and has resulted in a change of use that requires Planning Permission.
3. The intensification of the use has occurred within the last ten years and requires Planning Permission.

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Object to the proposal and recommend refusal on the basis that the development proposed by the application is seen as an industrial use and considered to be inappropriate in an area of the town regarded as wholly residential in character.
- 3.2 Highway Authority – No objections.
- 3.3 Planning Policy Manager – The National Planning Policy Framework (NPPF) is underpinned by the presumption in favour of sustainable development which local authorities are expected to apply in determining planning applications. The Framework places a strong emphasis on the need to support economic growth. One of the 12 Core Planning Principles relates to proactively driving and supporting sustainable economic development.

14/0297/FULL

The relevant parts of the District Council's Adopted Local Plan are the Core Strategy (December 2010) and the Site Allocations and Policies Local Plan (July 2013). The Adopted Core Strategy sets out strategic policies for the development of the District up until 2026. The Site Allocations and Policies Local Plan sets out site allocations and more detailed development management policies.

Policy SAL.PFSD1 sets out the presumption in favour of sustainable development. The policy states that *"Planning applications that accord with the policies and objectives in the Development Plan will be approved as soon as possible, unless material considerations indicate otherwise."*

The site lies within an area allocated primarily for residential use on the Policies Map. Policy SAL.GPB1 refers to 'Economic Development outside of Allocated Areas'. As the proposal is for an economic use on a site which lies within an area allocated for residential development, it is appropriate to consider it against the provisions of this policy. The policy states that 'Proposals for economic development outside of the allocated areas will be assessed on their merits'. The policy goes on to set out three key considerations in assessing proposals. These are that the proposals should not have an adverse effect on the amenity of adjacent occupiers, the character of the area or the surrounding environment. Consideration should therefore be given to the effects of these proposals on those criteria.

Subject to no adverse effects being identified, it is considered that this proposal would be in accordance with the planning policies set out within the National Planning Policy Framework, the Adopted Core Strategy and the Site Allocations and Policies Local Plan.

3.4 Worcestershire Regulatory Services – Following the initial consultation on this application the following response was received:

"I have reviewed our records and can find no record of any complaint regarding noise or traffic movements in relation to this address.

If the present numbers and types of equipment and deliveries are to be maintained then I would not have any further comments regarding this application."

Following a request for additional information the following response was received:

"We would not usually endorse light industrial activities in residential areas. However with regard to this particular application given that the business has been operating for a number of years and given that we have no records of complaints about noise during this time we would have no adverse comments to make should the business continue its activities as undertaken at present.

14/0297/FULL

If you as the planning authority were minded to limit the effects of noise on neighbouring properties then it would be suggested that hours of operation could be limited, for example, to 8:00 to 17:00 Monday to Friday, 8:00 to 13:00 Saturday and not to operate on a Sunday.

Complaints, should they occur, are normally investigated and resolved through the appropriate channels by WRS under the Environmental Protection Act 1990 noise control provisions. Therefore, if residents do find that they have concerns about the noise emissions from the premises then these complaints should be directed to the noise pollution control team at WRS to deal with.”

3.5 Neighbour/Site Notice – A total of five letters have been received in response to consultation on this application. One of these letters offers support for the application and the remainder object on the grounds summarised below:

- Concerns relating to the levels of noise experienced as a result of the operation of the business use at the site.
- The use is not consistent with the residential character of the area.
- The buildings on the site are too tall.
- The use of the site as a joinery workshop has escalated in recent years and has become a much larger concern than the original hobby use.
- Disruption caused by the delivery vehicles which prevent access for the occupants of neighbouring properties.
- The use generates a quantity of dust which affects the enjoyment of neighbouring properties and their gardens.
- Concerns relating to the potential sale of the property and the business use or the addition of further employees.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the retention of the use of the outbuildings as a joinery workshop and for the retention of the more recently added timber link building as described at paragraph 1.2 of the report.
- 4.2 The accompanying planning statement provided by the applicant states that the buildings are utilised as a workshop. A number of woodworking machines are currently located within the two original sheds along with associated extraction equipment. The more recently constructed link building provides additional space for machinery but is primarily utilised as space for storage of materials and assembly.
- 4.3 The application is made up of two elements, namely the retention of the additional (link) building; and; the use of the buildings. There are addressed below.

14/0297/FULL

RETENTION OF THE ADDITIONAL BUILDING

- 4.4 The additional outbuilding has a footprint of 3.9m x 5.5m with a maximum ridge height of 3.25m. The outbuilding is within 2.0m of the site boundary and as such would exceed the 2.5m maximum height allowed through the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) hence the need for planning permission.
- 4.5 The application site is set within a residential area in which numerous dwellings in the immediate area benefit from domestic outbuildings of a similar size and scale to those found at the application site. The link building, like the longer established buildings, is of timber construction and as such would not appear atypical or unusual in the context of the area or within a domestic back garden. It is positioned a sufficient distance (approximately 15m) away from nearby dwellings to ensure that the building would have a minimal impact on the amenity enjoyed by the occupants of nearby dwelling in terms of light, privacy or outlook. The structure does not breach the 25° tilt component of the 45° Code guidelines. As a physical structure, use notwithstanding, it is not considered that the retention of the timber building would have any significant detrimental impact on the character of the area or the amenity enjoyed by the occupants of neighbouring buildings.

THE USE OF THE BUILDINGS

- 4.6 The applicant states that the property has been utilised to operate a joinery business for a period in excess of ten years. Background and supporting information has been provided on the operation of the business, and it is the case that the son of the occupant of no. 153 Windermere Way currently runs the business but he is not resident at the host dwelling. The information submitted indicates that the workshop is in use approximately 60% of the year and in the remainder of the year the items built within the workshop are assembled on site (i.e. away from the application premises). The buildings are used between 0800 and 1800 on weekdays as well as an occasional Saturday morning. Deliveries to the site are usually by van on an approximately fortnightly basis with a delivery of materials by a larger vehicle approximately every three months.
- 4.7 The consultation response provided by the Council's Planning Policy Manager sets out the policy context for the retention of the use in this location. With regard to the NPPF, the provisions of the Adopted Core Strategy and the Adopted Site Allocations and Policies Local Plan the policies state that on previously developed land applications for economic development outside of allocated areas will be considered appropriate, unless material considerations indicate otherwise and as such the development must be assessed on its merits. In this case, the application pertains to a site only part of which meets the definition of previously developed. The key issues would therefore be the impact of the use on highway safety and the impact of the operation of the business on the amenity enjoyed by the occupants of neighbouring dwellings, specifically in this case, due to the potential for noise and dust.

14/0297/FULL

4.8 It is acknowledged that the application seeks approval for a business use which is currently operating within what is undeniably a residential use. On the basis that the current scale of the business does not increase there is no empiric evidence that the use has any substantial impact on highway safety or the amenity enjoyed by the occupants of neighbouring properties. The Highway Authority has been consulted on the application and raised no objections to the use and no conditions have been recommended to limit deliveries.

4.9 Paragraph 123 of the National Planning Policy Framework requires that planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;*

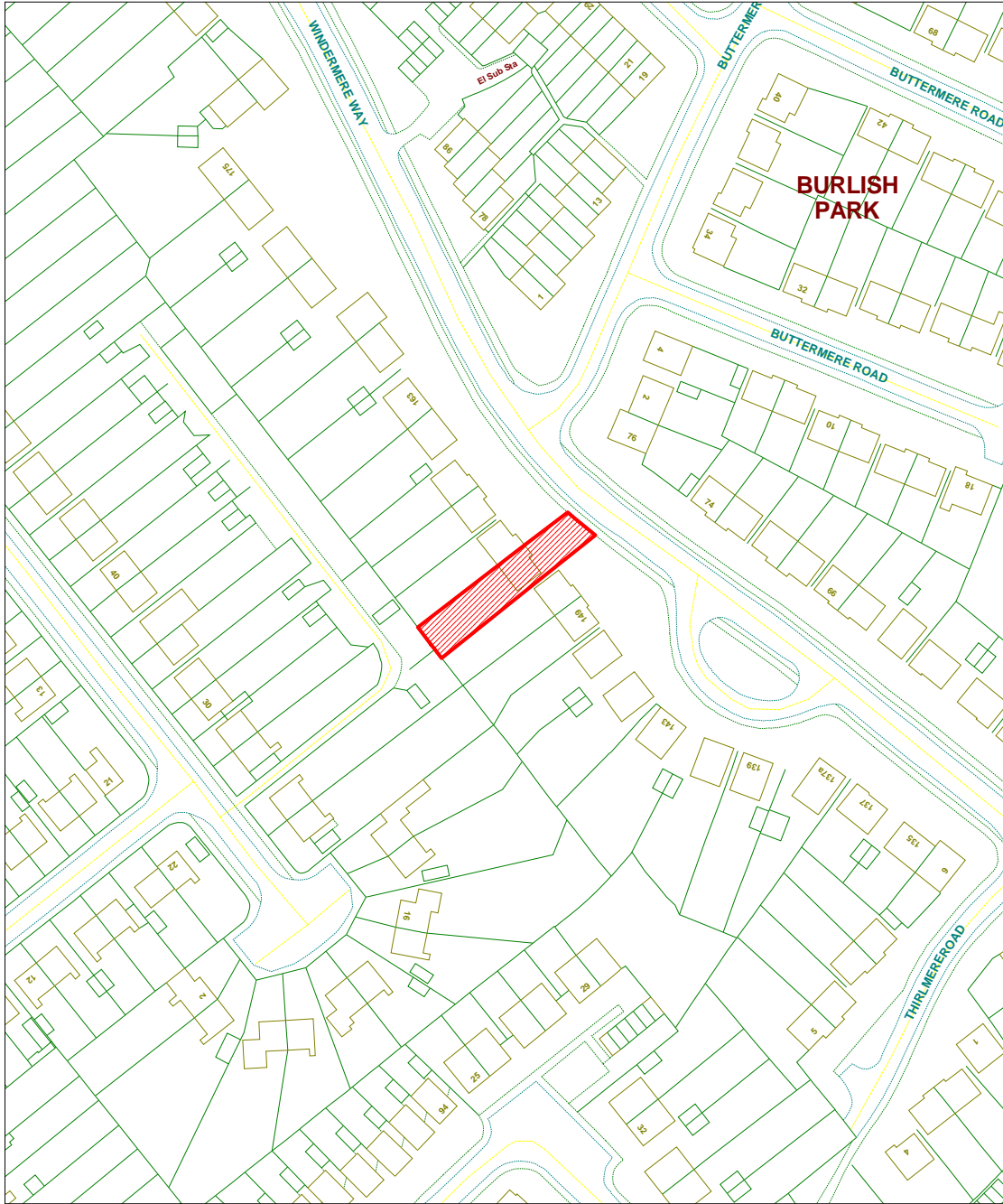
In order to ensure that the development accords with these requirements Worcestershire Regulatory Services, as the relevant Environmental Health body for this area, were consulted as part of the application process and raised no objections to the use of the site for the purpose proposed. A condition has been recommended to limit the operational hours of the business, the times suggested are similar to those already operated at the site and as such the suggested condition is considered appropriate, relevant and enforceable. It should be noted that Worcestershire Regulatory Services are able to utilise the provisions of the Environment Protection Act 1990 to address noise that constitutes a statutory nuisance where this is deemed appropriate.

4.10 The objections received have a common theme in that there is a concern that the business use could expand or be sold to a different operator. In order to ensure that the use remains as similar as possible to that in place at present it is considered appropriate to add conditions limiting the use to the applicant and family only and to also limit the number of employees. The use of the buildings should be tied to the host residential property also, to ensure that no separate self-contained planning unit is established. In addition a condition which limits the use of the building to the joinery workshop and for no other purpose whatsoever would ensure that the use of the building does not change according to the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

14/0297/FULL

5.0 Conclusions and Recommendations

- 5.1 There is no denying that this is an unusual application, promoting a business workshop use within what is a residential area. On the face of it, it is perhaps understandable why concerns have been raised by local residents. However, in accordance with National and Local Plan Policy, and in particular Policy SAL.GPB1 of the Site Allocations and Policies Local Plan, the application should be considered on the merits of this particular case.
- 5.2 Officers are of the opinion that the retention of the additional building and the retention of the use of the site for a joinery workshop is appropriate in this location. The use is considered to have no significant impact on the character of the area, the amenity enjoyed by the occupants of neighbouring dwellings or the surrounding environment. Neither the Highway Authority nor Worcestershire Regulatory Services have any objections to the scheme and it is considered that sufficient formal control can be exerted on the use by means of suitable and enforceable conditions to minimise any potential impact on the area. The development accords with the requirements of Policies DS01, DS03 and CP11 of the Adopted Wyre Forest District Core Strategy, Policies SAL.PFSD1, SAL.GPB1, SAL.CC2 and SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.3 It is therefore recommended that the application is **APPROVED** subject to the following conditions:
1. A11 (Approved plans).
 2. Personal permission linked to occupant and family of 153 Windermere Way.
 3. Limit to number of employees.
 4. The buildings hereby approved shall be used as a joinery workshop only and for no other use.
 5. Any work carried out within the site shall be limited to the buildings only, whilst work is taking place all doors and windows shall be closed. No works shall take place within the gardens of no. 153.
 6. Working hours limitations (0800 – 1800 Weekdays; 0800 – 1300 Saturdays; and at no time working on Sundays or Bank Holidays).



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

153 Windermere Way
Stourport on Severn, DY13 8QH

Date:- 19 August 2014 Scale:- 1:1250 OS Sheet:- SO8072NW Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	14/0343/FULL	Date Received:	18/06/2014
Ord Sheet:	388259 278307	Expiry Date:	13/08/2014
Case Officer:	Julia Mellor	Ward:	Blakedown and Chaddesley

Proposal: Proposed first floor rear extension

Site Address: 40 BELBROUGHTON ROAD, BLAKEDOWN, KIDDERMINSTER, DY10 3JG

Applicant: Mr J Cowley

Summary of Policy	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Design Quality SPG [2004] NPPF
Reason for Referral to Committee	Third party has registered to speak at Committee. Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site accommodates a detached property on the south side of Belbroughton Road. It is located approximately 30 metres away, and on the same side of the road as the former Blakedown Nurseries site which has recently been redeveloped for housing.
- 1.2 Members will recall that the application was considered at the August 2014 Planning Committee meeting and received delegated authority to approve subject to no new objections being received prior to the expiry of the consultation period. Since the date of the last meeting further comments have been received from neighbours and from the Parish Council, such that it is appropriate for the application to be brought back to Planning Committee.

2.0 Planning History

- 2.1 07/0092/FULL - Erection of a two storey rear extension : Withdrawn.

14/0343/FULL

3.0 Consultations and Representations

3.1 Churchill and Blakedown Parish Council (*original comments*) - Objects to the proposal. The Parish Council has concerns with the loss of privacy to adjoining residents caused by the installation of a large door/window and Juliet balcony at first floor level. It is also considered that the design of the rear elevation of the proposed extension is out of character with the rear elevations of adjoining properties.

(*Comments in response to revised plans*) – In addition to the objections raised previously, the Parish Council is concerned with the loss of privacy, which will be caused by the introduction of additional roof lights.

3.2 Neighbour – A total of 3 letters of objection has been received from the adjoining neighbour at No.38 and a further objection has been received from the neighbour at No.42.

In summary the concerns with respect to the original plans from the neighbour at No.38 are as follows:

- We do not object to the principle of a first floor extension of the scale proposed.
- The scale of the extension would dominate our patio, being so close to our boundary and with the houses built only 17 inches (44 cms) apart, being a minimal separation distance.
- For this reason we consider that the guidance applying to extensions to semi-detached houses should be taken into consideration.
- There are no recent two storey extensions at the rear of nearby houses and where there are extensions to properties at the rear the separation distance is much greater.
- Our objection is to the size of the French doors/Juliet balcony proposed at first floor with over 70% of the width of the rear first floor elevation having full height glazing. The tendency with such windows is to look down through them, ie over our patio, rather than straight through them as with a standard window design and there is also the potential for noise and disturbance. The extent of the glazing will have an oppressive impact on the most sensitive part of our patio/garden, and lead to significant and previously private areas being unreasonably overlooked. This is contrary to The District Council's own guidance in the publication "A Guide to House Extensions" which states "*As a general rule, well designed extensions will respect the privacy and outlook of neighbours.*"

14/0343/FULL

- Whilst the design of the first floor window corresponds with the ground floor bay window, this can only be seen from within the applicant's own garden, so in planning terms should be insignificant.
- We request a condition to prevent any side windows which would face directly into our bedroom and bathroom and any rooflights that may be installed in future which would be overlooked by our own loft room and would also be visible from our side bedroom window. The conditions would safeguard our privacy.

Prior to the Committee meeting last month, an additional letter from the same neighbour was received. The additional or new objections were summarised on the update sheet as follows:

- The materials and design of the extension are not as the applicant intends to build, the upper elevations will be of reclaimed brick with a mix of uPVC and oak framed windows of a mock Tudor post truss design dominating the southern elevation. Reclaimed brick will provide an ugly contrast with the untreated concrete blockwork and stretcher infills which form the ground floor extension
- The brickwork will be up to mid level of the window panes either side of the opening doors
- We were verbally advised that the Juliet balcony will be of wrought iron but the plans are ambiguous and may show glazing in front of the doors with bars either side
- We were advised that the doors shown on the plan are to "too wide" and were to be re-drawn
- The extension is to be built adjacent to our boundary and only 54cms from our existing kitchen wall
- The extension will clearly be dominant over our patio.
- In the absence of definitive plans and design details for the proposed extension we continue to object. However if amendments can be incorporated to reduce the scale and extent of the glazing in the doors and balcony and its visually overbearing effect then some of our concerns would be allayed. We therefore request that amendments to the plans are provided, otherwise we request that conditions are imposed to limit our loss of amenity.

14/0343/FULL

Since the date of the last meeting and during the re-consultation period a subsequent or third letter of objection has been received, from the neighbour at No.38. This reaffirms previous objections relating to loss of privacy, overlooking, dominance of the objectors patio area and the design of the extension. However this final letter raises the following new points:

- We believe that the only way this can properly be appreciated by the Planning Committee is from a site visit
- The plans incorrectly show the existing western elevation of the ground floor as being recessed from the side elevation of the original building. The proposed first floor is to follow this line. In reality the side elevation of the Ground floor extension and the original property are flush. So it is presumed the first floor will be too, bringing the development even closer to our boundary. If the first floor is built directly above the existing Ground floor extension they will extend outwards beyond the building line and potentially over our boundary.
- There is no proposal to treat the concrete blockwork and brick stretcher faces of the existing ground floor side elevation which is unacceptable in design terms due to the contrast with the reclaimed brickwork proposed above.

Also since the date of the last Committee meeting a letter has been received from a new objector at No.42 raising the following concerns:

- I am concerned by the provision of a roof light in the roof pitch facing my property and the extent of glazing with French doors and balcony railings to the rear. Both will appear quite dominant from my garden and I feel that both could lead to a loss of privacy.

4.0 Officer Comments

- 4.1 The proposed development comprises a first floor extension to the rear to provide a larger master bedroom. The extension would have a depth of 2.9m, and would be sited above a ground floor extension which encompasses the full width of the property, constructed under permitted development rights.
- 4.2 The proposed extension would have patio doors and a Juliet balcony to the rear. The extension would be sited adjacent to the common boundary with No.38.
- 4.3 The latest revised plans which were shown to members at Committee last month show:
- additional glazing to the rear elevation within the roof truss to the gable end a single roof light measuring approximately 400mm wide to the sloping roof facing No.42.

14/0343/FULL

- alterations to the fenestration at balcony level;
 - a reduction in the width of the proposed Juliet balcony from approximately 2.8m to 1.7m across the rear elevation; and
 - matching render to the rear elevation and side elevation facing No.42 (not the side elevation facing the objectors property at No.38).
- 4.4 The Adopted Site Allocations and Policies Local Plan has a specific Policy relating to the design of house extensions. Policy UP7 states that proposals should:
- i. accord with the 45 degree code to prevent a significant loss of light to neighbouring habitable windows,*
 - ii. be in scale and keeping with the form, materials, architectural characteristics and detailing of the original building,*
 - iii. be subservient to and not overwhelm the original building, which should retain its visual dominance, and*
 - iv. harmonise with the existing landscape or townscape and not create incongruous features.*
- 4.5 This policy is supplemented by the Supplementary Planning Guidance on Design Quality.
- 4.6 The objections received from an adjoining neighbour has raised concern regarding:
- the siting of the extension having a dominating impact upon their patio;
 - the large expanse of glazing proposed to the rear of the extension and the impact upon privacy due to overlooking;
 - the loss of privacy that would be caused by the potential for additional windows;
 - the lack of consistency with the use of materials adversely affecting the design of the extension. Render is shown to the rear and to the side elevation facing No.42 but not to the side elevation facing No.38; and
 - ambiguity in the plans and incorrect plans indicating that the existing extension is set in from the existing side elevation.
- 4.7 With respect to the originally submitted and the revised plans there would be no conflict with the 45 degree code guidance, as the position of the extension would only affect a bathroom window and a secondary bedroom window to the adjacent property.

14/0343/FULL

- 4.8 Furthermore it is considered that the originally submitted plans and the revised plans indicate an extension which has been designed to be in scale and in keeping with the architectural characteristics of the original dwelling. It is not considered that an extension with a gable end, patio doors, and a Juliet balcony would detract from the overall appearance of the house. The same is considered with respect to the amount of proposed glazing to the rear elevation. Neither would the proposed extension dominate nor overwhelm the size of the original property by itself or cumulatively with the existing single storey extension.
- 4.9 As the objector also refers, the revised plans also show that the rear and side elevation facing No.42 would be rendered to match the existing property, whilst the elevation facing the objector at No.38 would be constructed of another material, reclaimed brick has been suggested by the agent. The reason for this is due to lack of physical space between the properties to render and maintain this side elevation facing the objector, and it is not considered that an objection on the basis of un matching materials for an elevation which cannot largely be seen could be sustained.
- 4.10 Planning policy guidance referred to above together with the District Council's house extensions guidance note, to which the objector at No.38 has referred, also clearly advise that the impact upon the amenity enjoyed by neighbouring occupiers is a material consideration.
- 4.11 Whilst the proposed first floor extension, in terms of depth, would extend beyond an existing single storey extension to No.40 the projection would not be so significant (less than 1m) to dominate or seriously adversely affect the enjoyment of the neighbours' private amenity space. The objector has also suggested that the plans are incorrect insofar as they show that the existing extension is set in from the original side elevation of the property, where as in reality it is flush. This matter has been raised with the agent and amended plans are anticipated prior to Committee. Should the extension be flush with the side elevation and therefore closer to No. 38, it is still maintained that an objection to loss of amenity could not be sustained.
- 4.12 It is acknowledged that the extension would provide patio doors, a Juliet balcony at first floor and additional glazing within the gable roof truss. However, it is not considered that the potential for overlooking the adjacent gardens, albeit that the dwellings are close, would be so significant that it would be seriously detrimental to the privacy enjoyed by either neighbour.
- 4.13 The objector at No.42 also refer to the loss of privacy as a result of a small roof light to the roof slope facing her property. It is not considered that this objection could be sustained due to the angle of view out from this particular window.

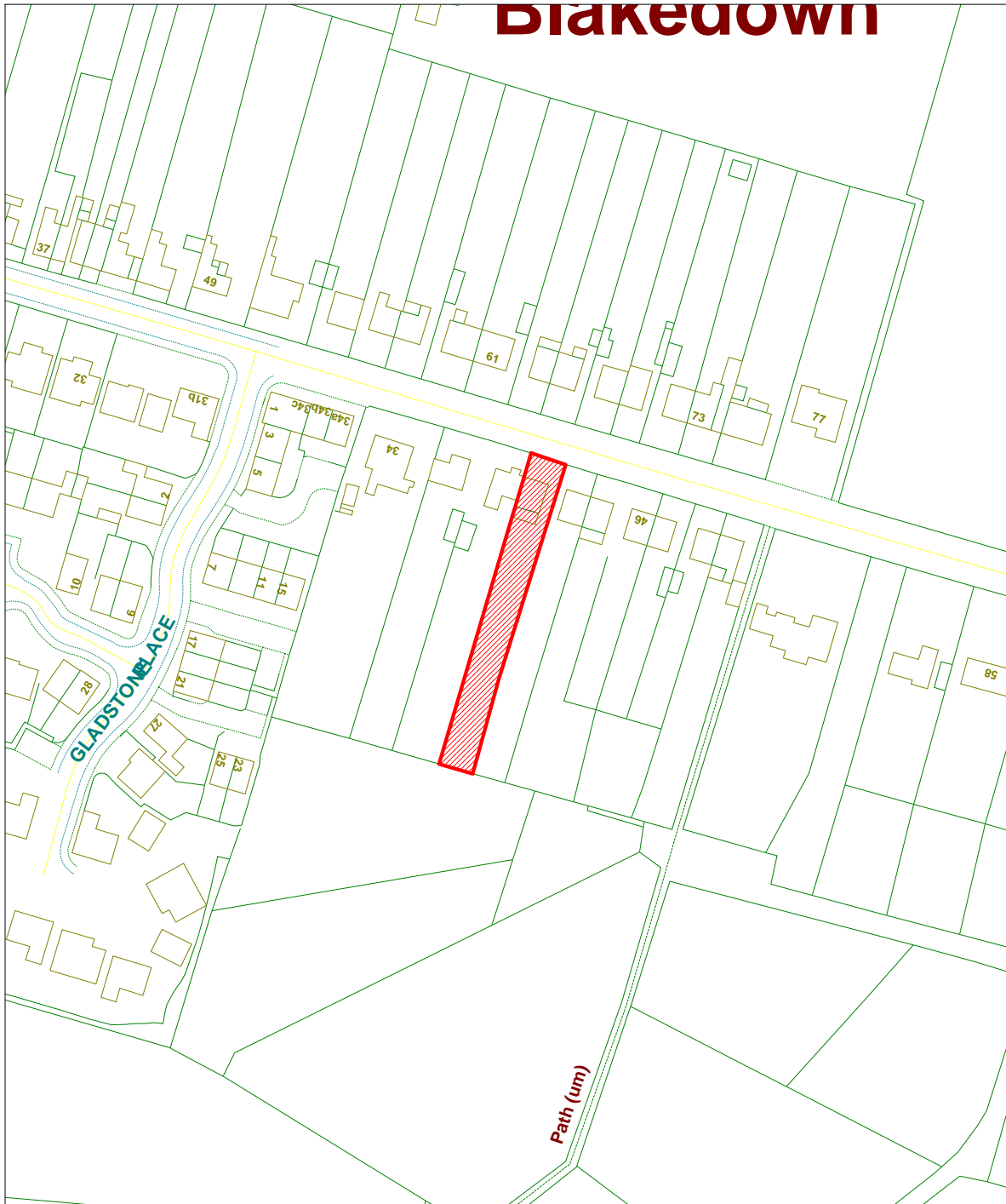
14/0343/FULL

- 4.14 The objector at No.38 also refers to the potential loss of privacy as a result of future additional windows. In response, the provision of side facing windows at first floor requires the benefit of planning permission and the plans submitted clearly do not indicate such features. It is considered that the relationship between the existing roof light to the neighbours' property at No.38 and the potential roof light to the proposed extension would not allow a significant loss of privacy to both parties.
- 4.15 Whilst noting the neighbour's request for a condition relating to future side windows, the National Planning Policy Framework (NPPF) requires all conditions to be necessary. In this particular case, the suggested conditions are not deemed to meet this test.

5.0 Conclusions and Recommendations

- 5.1 It is considered that the proposed design which has been amended meets Adopted Local Plan Policy both in terms of its aesthetics and with respect to the impact upon neighbours. The application is therefore recommended for **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters).
 2. A11 (Approved plans).
 3. Materials as shown on approved plan.

Note
SN12 (Neighbours' rights)



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**40 Belbroughton Road
Blakedown DY10 3JG**

Date:- 29 July 2014

Scale:- 1:1250

OS Sheet:- SO8878SW

Crown Copyright 100018317 2014

Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	14/0377/RESE	Date Received:	27/06/2014
Ord Sheet:	382386 274839	Expiry Date:	26/09/2014
Case Officer:	Julia Mellor	Ward:	Oldington and Foley Park

Proposal: Redevelopment of Development Block DEVA (v) within Phase 1 of the Former British Sugar Site for 100No. Residential Units of Extra Care (Class C2) and 12No. Residential Units for Adults with Learning Difficulties Extra Care (Class C2); Associated Ancillary Facilities & Accommodation, Parking, Waste Storage & Garden Areas. Reserved Matters Approval for Scale, Appearance, Landscaping & Layout and Internal

Site Address: FORMER BRITISH SUGAR SITE, STOURPORT ROAD, KIDDERMINSTER, DY11 7QA

Applicant: Wyre Forest Community Housing

Summary of Policy	DS01,CP01, CP05 (CS) SAL.DPL1, SAL.DP5, SAL.CC1, SAL.CC2, SAL.CC3, SAL.CC6, SAL.CC7, SAL.UP3, SAL.UP5, SAL.UP7, SAL.UP9, SAL.SK1, SAL.SK2 (SAAPLP) Re-Wyre Prospectus Design Quality SPG Sections 4, 6, 7, 11 (NPPF)
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site encompasses the whole of development block DEVA (v) within Phase 1 of the former British Sugar site which gained planning consent in outline for a range of land uses in December 2012 (Application reference 12/0146/EIA).
- 1.2 The application site is located to the north of the wider Phase 1 site which encompasses a total of 19 hectares extending from Stourport Road to the west, to the Staffordshire and Worcestershire Canal to the east. Since receiving outline planning consent the former British Sugar site has been rebranded as 'Silverwoods'. The outline consent approved a total of 250 dwellings on four separate development blocks within Phase 1 and following Reserved Matters applications construction by two house builders has commenced.

14/0377/RESE

- 1.3 In June 2013 the County Council received Pinch Point funding and in July 2014 the project received Local Growth Fund monies towards the provision of the Hoo Brook Link Road which will connect the Stourport Road to the Worcester Road (A442) via the former British Sugar site and the Hoo Brook Industrial Estate. A planning application for the Link Road was approved by the County Council in February 2014 and work is due to commence in December 2014/January 2015 to be open to traffic in early 2016.
- 1.4 The redevelopment of the former British Sugar Site is highlighted within the Adopted Core Strategy as part of the vision for the District, with the Development Strategy advising that it is, "*Possibly the most important site to be allocated under this DPD with regard to the regeneration of Kidderminster...*" In addition the Re-Wyre Prospectus highlights the site, also called 'The Beet', as a key action area for regeneration.
- 1.5 The 2012 outline approval for Phase 1:
 - i. agreed the point of access into the site from the Stourport Road and the main roads within Phase 1 including the route of the first part of the Hoo Brook Link Road;
 - ii. allowed the following range of uses – Class C3 residential development (up to 250 dwellings), Class B1, B2 and B8 employment development; Class A1 retail development, Class A3, A4 and A5 restaurant/café/drinking establishment/hot food take away, Class C1 hotel, Class C2 care home, Class C2 extra care facility, Class D1 crèche, a railway halt, and open space; and
 - iii. granted planning consent for a layout comprising of Development Blocks and assigned which of the above uses could be implemented within which Development Block.
- 1.6 To describe the application site within the context of Phase 1, the northern boundary has a frontage of approximately 100 metres to the Severn Valley Railway line. To the east; the site has a common boundary measuring approximately 149 metres with a plot for which the District Council has received outline planning consent to construct a Leisure Centre. To the south the site has a boundary measuring approximately 83 metres to a public footpath which leads through Phase 1 from Stourport Road, to the west, to the canal, to the east. Beyond the footpath lies a plot of land approved for 29 houses which is currently being implemented by Taylor Wimpey under reserved matters application reference 13/0227/RESE.
- 1.7 The current application seeks consent for a total of 112 extra care self contained apartments for independent living together with communal facilities. The units would be divided into two separate blocks with the larger block accommodating 100 units of extra care housing, aimed at people of 55 years of age and older, and the smaller block containing 12 units of accommodation for adults with learning disabilities.

14/0377/RESE

“The eligibility criteria require that residents have the ability to continue to live independently within their own home but require help with day to day living. Typically the needs of extra care/learning disability residents include those with physical disabilities, mental health conditions, other long term health conditions, sensory impairments and age-related frailties. Albeit targeted to older people who are more dependent, the extra care population aims to provide for varying levels of abilities and disabilities,....the ratios are balanced, as per agreements with Worcestershire County Council, as follows:

- low need – one third of residents
- medium need – one third of residents
- high need - one third of residents

The typical age profile of extra care housing is estimated as:

- 60 – 69 years – 15%.
- 70 – 79 years – 35%.
- 80 – 89 years – 35%.
- 90 years + - 15%.”

1.8 The remaining reserved matters which are to be determined as part of this application are:

- Appearance;
- Scale;
- Landscaping; and
- Layout (to include internal access).

2.0 Planning History

2.1 12/0146/EIA (Outline) - 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 : Approved 07.12.12

2.2 13/0110/RESE - Redevelopment of part of development block A(ii) within phase 1 of Former British Sugar Site for 4no. Residential dwellings. Reserved matters approval for scale, appearance, landscaping and layout and internal access with the development block following outline approval 12/0146/EIA : Approved 03.07.13

14/0377/RESE

- 2.3 13/0111/RESE - Redevelopment of part of Development Block A(ii) within Phase 1 of the Former British Sugar Site for 30no. residential dwellings including 6no. affordable units. Reserved Matters approval for scale, appearance, landscaping and layout and internal access within the development block following outline approval 12/0146/EIA : Approved 03.07.13.
- 2.4 13/0134/RESE - Provision of 2no. Service housings to serve mains electricity and gas for the redevelopment of phase 1 of the Former British Sugar Site. Reserved matters approval for scale, appearance, landscaping and layout : Approved 25.07.13.
- 2.5 13/0227/RESE - Redevelopment of development block A(iii) within Phase 1 of the Former British Sugar Site for 29no. Residential dwellings including 9no. Affordable units. Reserved matters approved for scale, appearance, landscaping and layout including internal access within the development block following outline approval 12/0146/EIA: Approved 31.07.13.
- 2.6 13/0418/RESE – Redevelopment of part of Development Block B(iii) within Phase 1 of the Former British Sugar Site for 19 no. residential dwellings and children's play area. Reserved Matters approval for scale, appearance, landscaping and layout and internal access within the development block following outline approval 12/0146/EIA : Approved 28.01.14.
- 2.7 13/0579/WCCR – Phase 2 of the development of Hoobrook Link Road. A proposed 600m extension to the development access road through the former British Sugar Site, which will complete the link from the A451 Stourport Road to the A442 Worcester Road : No objection 17.01.14. 13/000060/REG 3 - County Council application : Approved at Committee 11.02.14.
- 2.8 14/0025/RESE - Redevelopment of part of Development Block B(iii) and part of Development Block C within phase 1 of the Former British Sugar Site for 75No. Residential dwellings including 9No. affordable units and children's play area. Reserved Matters approved for scale, appearance, landscaping, layout and internal access within the Development Blocks following Outline approval 12/0146/EIA: Approved 14.04.14.
- 2.9 14/0095/OUTL: Outline Application for a New Leisure Centre and Associated Works with some Matters Reserved Approved 19.05.14.
- 2.10 14/0089/RESE - Retrospective application for the Detention Pond serving the Former British Sugar Site and Hoo Brook link road to accommodate surface water storage as approved under the surface drainage scheme and provision of amended footway linkage and landscape areas to accommodate the Hoo Brook link road; Variation of existing S.106 agreement associated with planning application Ref 12/0146/EIA – Delegated Authority to Approve granted by Planning Committee.

14/0377/RESE

- 2.11 14/0250/RESE - Redevelopment of part of Development Blocks DEV B(iii) and DEV C within Phase 1 of the former British Sugar site for 92no. dwellings including 6no. affordable units. Reserved Matters approval for scale, appearance, landscaping, layout and internal access within the Development Blocks following outline approval 12/0146/EIA - Delegated Authority to Approve granted by Planning Committee.

3.0 Consultations and Representations

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

The application proposes a new site access to the estate road which takes the form of a small bellmouth, this is not considered to be appropriate and should be replaced with a vehicle crossover design. In addition the proposed piers will obstruct the pedestrian visibility splay at the access. A 2m x 2m splay should be provided or the height reduced to 0.6m for the triangle formed.

The applicant should redesign the refuse collection facility to bring the vehicle onto the site. Presently the design requires a vehicle to obstruct the prospective highway which will obstruct the visibility splay of the proposed access. The applicant should provide details of the refuse vehicle accessing the store from within the site and remove the external gate to the proposed store.

- 3.2 Environment Agency – We note that this is a reserved matters application for 100 no. residential units of extra care and 12 no. residential units for adults with learning difficulties extra care, relating to scale, appearance, landscaping, layout and internal access, on part of the former British Sugar site granted outline approval under reference 12/0146/EIA. (*Officer Comment – This previous comment was submitted in response to the outline application reference 12/0146/EIA, when the EA removed their previous objection subject to conditions*)

We have no comments to make on the information provided as part of this application. We would refer you to our previous response to the outline application and recommend you consult with the North Worcestershire Water Management Team regarding the drainage statement submitted, as the lead on surface water matters (Lead Local Flood Authority).

- 3.3 Crime Prevention Design Advisor – No major problems identified. Whilst not strictly a planning matter I did note that the ground floor rooms have doors that open onto a small patio area. I have visited establishments such as this with similar arrangements and they have been subject to sneak in thefts because residents have left the door open/unlocked. The rooms facing the parking area will be most vulnerable. I think the operators of the premises need to be aware of this and put appropriate measures in place when the building is operational.

14/0377/RESE

- 3.4 Arboricultural Officer – No comments received.
- 3.5 Countryside & Conservation Officer – No comments received.
- 3.6 Worcestershire Regulatory Services - I have reviewed the train noise assessment submitted with this application. The report appears technically sound and I have no further comments.
- 3.7 Planning Policy Manager - Policy CP05 of the Adopted Core Strategy is of relevance to this application. Policy CP05 sets out the overarching approach to *“Meeting the Needs of Older People and those with Mobility Impairments”* and states that *“The District will support innovative housing schemes which assist older and vulnerable people to live securely and independently in sustainable locations with access to local services”*. This proposal provides supported accommodation to meet a specific need within close proximity of facilities and would therefore appear to be in conformity with this policy.

Also of relevance is Policy SAL.DPL5 in the Site Allocations and Policies Local Plan which sets out 8 criteria for extra care housing and consideration should be given to how the proposal meets these criteria.

1. Provide easy access to range of services – frequent bus service within walking distance plus on-site facilities.
 2. Minimal impact on area – level cleared site adjacent Severn Valley Railway plus new housing. Designed as landmark building, with high quality facade to railway and minimal overlooking of adjacent dwellings which are separated by cycle path.
 3. Provide adequate amenity space and parking – courtyard garden to be provided within development together with wildflower meadow alongside cycle path. 55 parking bays are to be provided.
 4. Tenure mix proposed as 80% affordable rent, 20% shared ownership but with option to provide 100% affordable rent if required.
 5. Meet lifetime homes standards – plans show this level is met.
 6. 24 hour on-site care is available – staff facilities included in proposals.
 7. Self-contained flats meet minimum size requirements – 50 sqm for 1-bed and 60 sqm for 2-bed – proposals have minimum of 53 sqm for 1-bed and 65 sqm for 2-bed flats.
 8. There should be a proportionate level of visitor accommodation – only 1 guest suite provided as 65% of provision proposed is 2-bed and people will be expected to put guests up in their own home.
- 3.8 Strategic Housing Services Manager - This project has been supported by the Strategic Housing Services Team as it will meet an identifiable need for Extra Care in the District.

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- 3.9 North Worcestershire Water Management - The drainage statement that has been submitted contains a drainage design intent drawing and includes micro drainage calculations. It is indicated on the plan that this has been prepared to illustrate design intent and that this design may be subject to change during detailed design. As the modelled peak flows are below the permitted flows approved under outline consent 12/0146/EIA no flow attenuation or storage is anticipated. The micro drainage calculations demonstrate that the proposed pipe diameters are sufficient to deal with the anticipated flows within the piped system, including the 1 in 100 year + 30 % climate change event.

I believe that the drainage proposed for this site adheres to the principles agreed as part of the overall drainage scheme for the British Sugar site.

- 3.10 Health & Safety Executive - Do not advise, on safety grounds, against the granting of planning permission in this case.
- 3.11 North Worcestershire Economic Development & Regeneration – No comments received.
- 3.12 Severn Trent Water – No objections subject to condition.
- 3.13 Natural England –
SSSI - No objection – no conditions requested. This application is in close proximity to Wilden Marsh and Meadows Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the features of interest for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Green Infrastructure - We note the inclusion of green infrastructure within the site, which includes several gardens. Green infrastructure provides multifunctional benefits including to health and wellbeing which will be beneficial to the Extra Care residents.

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

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Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Protected Species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Biodiversity Enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

3.14 Site Notice / Press Notice – No representations received.

14/0377/RESE

4.0 Officer Comments

BACKGROUND DETAILS AND THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

- 4.1 As explained previously, the proposed development would provide 100 units of extra care accommodation for people aged 55 years of age or over in one building. This four storey building would be positioned within the centre of the site. A separate two storey building would provide 12 units of extra care accommodation for adults of 18 years of age or over with learning difficulties. This building would be sited south of the main building closer to the public footpath which forms the southern boundary to the application site.
- 4.2 The concept is to provide independent living for people in self contained apartments in a secure and supportive environment. The larger block would provide the following accommodation:
35 x 1 bed (minimum 53 sq.m)
65 x 2 bed (minimum 65 sq.m)
- The smaller block for adults with learning difficulties would provide 12 x 1 bed units, again each unit would have a minimum floor space of 53 square metres.
- 4.3 In addition to the self contained apartments the development would provide the following communal facilities:
- Residents lounge
 - Dining area with kitchen
 - Cafe
 - Activity room
 - Hairdresser
 - Treatment room
 - Guest sleepover accommodation
 - Assistive bathing facilities
- It is anticipated that services such as chiropody, acupuncture, reiki, reflexology or massage could be arranged on a buy-in basis.
- 4.4 In terms of tenure it is proposed that approximately four fifths of the units would be affordable rented units with one fifth in shared ownership, however the submitted information states that, "*Alternatively, the option exists for 100% affordable rented units.*"
- 4.5 The anticipated staffing levels of the, "*core team of housing and domiciliary care staff are:*
Average of 20 staff at peak times (mornings and evenings);
Average of 12 staff during non-peak daytime hours (9am to 5pm);
Average of 8 staff at non-peak times (later evenings to early morning).

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- 4.6 The application has been submitted together with following accompanying reports:
- Design and Access Statement;
 - Drainage Statement;
 - Phase 1 Habitat Survey;
 - Travel Plan;
 - Energy Strategy & Low & Zero Carbon Technology Options;
 - Planting Schedule (to accompany the submitted landscaping plans); and
 - Train Noise Assessment.
- 4.7 The principle of the development, in terms of the use of the land for the purpose of extra care housing has been agreed via the outline consent which approved the provision of extra care housing in addition to a total of 250 dwellings within this part of Phase 1 of the wider former British Sugar site.
- 4.8 Notably Policy SAL.DPL5 in the Adopted Site Allocations and Policies Local Plan sets out 8 specific criteria for extra care housing proposals and consideration is given to these later in the report.

PROPOSED LAYOUT AND DESIGN

- 4.9 The most notable element of the proposed design is the height and bulk of the larger of the two blocks. The larger block, which would accommodate 100 self contained apartments, has its main entrance facing the access road with the elevation measuring 42m in length. Meanwhile the built frontage to the east, where the building would overlook the site where the District Council has received outline consent for a leisure centre would measure approximately 89m. It should also be noted that the application site lies at the top of a slope where there is difference in levels of approximately 4 to 6m between this site and the leisure centre plot. The majority of this larger building would be four storeys in height, measuring an overall height of approximately 14m.
- 4.10 The agent, on behalf of the applicant submits that the new building would clearly be seen from afar and would have a visual impact upon land adjoining the site and the railway. However, *“The building’s height of four storeys, necessitated as a result of the number of dwelling units has been carefully considered in terms of reducing the bulky nature.”*
- 4.11 In an attempt to reduce the overall bulk of this large building the architect has introduced articulation, or elements of relief into all of the external elevations, there would be no flat frontages and this has been combined with a mix of materials. The submitted elevations show a lighter colour of brickwork is proposed to highlight the lower three storeys together with the protruding elements of the elevations, whilst a darker brick would be implemented to reduce the prominence of the top storey and to help to recede the balconies. In addition the proposed building would have a low pitched roof. Furthermore as an aside the existing shrubs and trees along the northern boundary would partly screen the building from the Severn Valley Railway line.

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- 4.12 The west elevation presents a grand facade to announce the entrance to the building. The proposed four storey high entrance would be framed in coloured glass with an external glazed canopy. In the submitted Design and Access Statement the agent advises that parts of the design reflect elements of railway architecture. This has been expressed through the large areas of glass in the main entrance canopy; a colonnade of metal columns with spherical detailing supporting the entrance canopy, and glass and metal railings to the proposed balconies.
- 4.13 The proposed layout at ground floor has been designed to provide a central garden area, with the communal and public facilities facing out and spilling onto this open area. It would also allow people entering the building from the main entrance to see through the cafe / activity area to the garden area beyond. The detailed layout of the garden area indicates the provision of seats, a water feature, pathways and raised planters to create a relaxing and aesthetically pleasing area for residents and visitors. There would also be a perimeter path aligning the eastern boundary, overlooking the proposed leisure centre site which would form part of a circular route with places to sit and relax.
- 4.14 The smaller block providing 12 units of accommodation for adults with learning difficulties is much smaller in its appearance, with two storeys reaching an overall height of 7.5m. This building echoes the design of the larger four storey structure through the use of similar materials, articulation and roofscape. Again it would have an area of outdoor communal open space with a south facing terrace and pergola for residents to sit and relax.
- 4.15 The final and third distinctive building on site would be the detached waste and recycling building sited adjacent to the access road. With a pitched roof reaching an overall height of approximately 2.8m the agent has indicated that the inspiration for the design has been taken from a railway signal box. With a floor space of 16m by 4.7m, this is by no means a diminutive structure, however the use of a combination of brick and timber cladding with a reconstituted slate roof and rooflights would result in a not unattractive building for its particular purpose.
- 4.16 It has to be acknowledged that the four storey block would have a dramatic affect upon the skyline at this location. The approved housing within Phase 1 is at most 2½ storeys. However it is considered that this should not be a reason to restrict the height of the development at this landmark site. It is appreciated that the use of articulation and a mix of materials together with the design of the roof has not only reduced the bulk and scale of the larger building but also diminished its potential for looking institutional in its appearance; although the deference to railway architecture is not considered to be immediately apparent. It is considered that there would be no conflict with design policy.

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IMPACT UPON THE AMENITY OF EXISTING AND PROPOSED RESIDENTS

- 4.17 The proposed layout indicates that the siting of the 12 apartments for adults with learning difficulties would be close to the southern boundary of the site. Beyond the boundary is a public footpath which lies in a cutting which evolved during the use of the former site for the production of sugar. Beyond the footpath lies an area of housing currently being built out by Taylor Wimpey (TW) (under Ref. 13/0227/RESE).
- 4.18 The proposed layout shows that two of the TW residential plots would have habitable windows directly facing the proposed two storey apartment block with a shortest separation distance of approximately 15.3m between the approved habitable windows and the proposed development.
- 4.19 Taking the difference in levels (with the residential development being implemented on higher ground), and the separation distance into account it is considered that the potential occupiers of these residential plots would not suffer any significant adverse loss of amenity due to outlook or loss of privacy. The siting of the proposed development also meets the Council's 45 degree policy guideline.
- 4.20 Secondly it is acknowledged that the Severn Valley Railway (SVR) line lies as close as 9m to the northern boundary of the site; and whilst it is considered that the siting of the development would provide the future extra care residents with some fantastic views of the SVR line it is considered that the potential for noise and disturbance to the residents needs to be considered.
- 4.21 A Noise Assessment has been submitted to consider the impact of the existing and potential future use of the SVR line. The outline planning consent for the wider Former British Sugar Site (Ref. 12/0146/EIA) granted approval for a new railway halt which it is hoped once constructed would be used by SVR and main line trains in the future.
- 4.22 The Assessment considers three separate scenarios:
a - steam trains only by passing (no halt)
b - steam trains only using new halt
c - steam and main line diesel trains using halt
- 4.23 The Assessment concludes that approximately 23 of the apartments would require enhanced glazing to mitigate against the impact of noise from the trains using the existing SVR line together with the potential use of the line and proposed halt by SVR trains plus mainline trains in the future. Worcestershire Regulatory Services have raised no objections, and subject to a condition to ensure that the glazing specification is adhered to it is considered that there would be no significant loss of amenity to the future occupiers.

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HIGHWAYS

- 4.24 The proposed layout indicates that the development would be served by a single point of access leading to a car park wrapping around the front of the building which would accommodate a total of 56 parking spaces. The application has been submitted with an accompanying Travel Plan which gives details of measures which could be introduced to ensure that the car park operates efficiently and effectively, and to encourage staff to reduce the use of the private car.
- 4.25 Whilst the proposed number of parking spaces meets the County Council standards the Highway Authority have asked that the determination of the application be deferred for two reasons. These are in summary:
- i The site entrance is over designed, a simple vehicle crossover is required rather than a bellmouth; and
 - ii The existing plans refer to refuse vehicles stopping on the highway rather than entering the site which would lead to the obstruction of the highway.
- 4.26 Revised plans have been submitted to address these observations. As a result, the number of parking spaces has been reduced by 1 to 55 in total and comments in response to the revisions from the Highway Authority will be reported on the update sheet.

DRAINAGE

- 4.27 The whole of the site lies within Flood Zone 1 where there is the lowest probability of flooding. An overall drainage strategy for the wider Former British Sugar Site has been agreed via a condition attached to the outline consent (Ref. 12/0146/EIA). This strategy provides surface water discharge limits for each of the individual development blocks.
- 4.28 The Drainage Statement which accompanies the current application demonstrates that the discharge rates for all storm events would be less than the agreed allowance for this site within the wider drainage strategy and North Worcestershire Water Management concur with this view.

BIODIVERSITY

- 4.29 A Phase 1 Habitat Survey has also been submitted to accompany the current application. The Survey acknowledges that there are trees which line the northern boundary and advises that should any of these be removed it should be done outside of the bird breeding season (February to August). Otherwise no rare plants or significant habitats were noted and therefore it is considered that there are no immediate implications with regard to notable species including County or UK BAP species.

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- 4.30 The submitted Design and Access Statement indicates that the provision of swallow terraces, swift boxes, pied wagtail open fronted boxes and bat boxes could be incorporated within the building. These ecological enhancements would be in addition to the biodiversity enhancements created by the detailed landscaping scheme. It is considered that the results of the survey and the proposed ecological and biodiversity enhancements accord with policy.

SUSTAINABILITY

- 4.31 Finally an Energy Strategy and Low and Zero Carbon Technology Options report has been submitted to accompanying the application. This report explains the energy strategy and renewable and low carbon options which could be utilised within the building.

“To this end, the proposed design shall promote reduced CO2 emissions from delivered energy consumption by minimising operational energy demand through passive and best-practice measures.”

- 4.32 Key aspects of this approach are ensuring that the building is constructed in excess of Building Regulations requirements for insulation with highly efficient plant and effective control provisions. The report goes on to state that combined heat and power and solar photovoltaic would be appropriate sustainable technologies for the proposed development. It does however need to be stated that at this moment in time the applicants have not made a commitment to implementing any of the above.

5.0 Conclusions and Recommendations

- 5.1 Policy SAL.DPL5 of the Adopted Site Allocations and Policies Local Plan is specific to development of extra care provision. The reasoned justification advises that, *“In Worcestershire by 2031, there will be a 42% increase in those over 60 years old and a 136% increase in those over 85 years.”*

- 5.2 The policy states that the Council will support applications for extra care developments where it can be demonstrated that:

- i. They offer their residents and staff easy access to a range of services – the site lies close to the Stourport Road which is part of the bus priority network and close to the Foley Park Neighbourhood centre;*
- ii. They will have minimal impact on the character and amenity of the area and be acceptable in highway terms – whilst the impact upon the character of the area cannot be said to be minimal it is considered that the impact would be agreeable and, subject to the agreement of the revised plans, the impact on the highway would be acceptable;*

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- iii. *Provide adequate amenity space, incorporate a range of communal facilities and sufficient parking to meet County standards – careful thought has been given to the arrangement of the proposed communal outdoor space to provide relaxing and aesthetically pleasing usable spaces for all of the residents. A range of communal facilities is provided for whilst the there is sufficient parking to meet County standards;*
- iv. *Where appropriate incorporate a mix of dwelling type and tenure – a mix of 1 and 2 bed apartments are proposed with 80% affordable rent, 20% shared ownership (and the option to provide 100% affordable rent if required);*
- v. *Should incorporate lifetime homes standards – it is considered that the development meets this standard;*
- vi. *24 hour on-site care should be provided with staff facilities – this is included within the proposals;*
- vii. *Self-contained flats should meet minimum size requirements – 50 sq.m for 1-bed and 60 sq.m for 2-bed – these minimum standards are met; and*
- viii. *A proportionate level of visitor accommodation should be provided – only 1 guest suite is shown however 65% of the proposed apartments would be 2-bed and therefore there is adequate provision within the self contained units.*

5.3 It is considered that there is an identifiable need for this proposed development which would be constructed at a sustainable location within a landmark building. The material considerations concerning the impact of the proposed scheme upon highways, design, the amenity of future occupiers of this site and the adjoining site, drainage and ecology have been assessed and it is considered that it complies with Policy and would positively enhance the Stourport Road corridor.

5.4 The recommendation is therefore for **delegated** authority to **APPROVE** subject to:

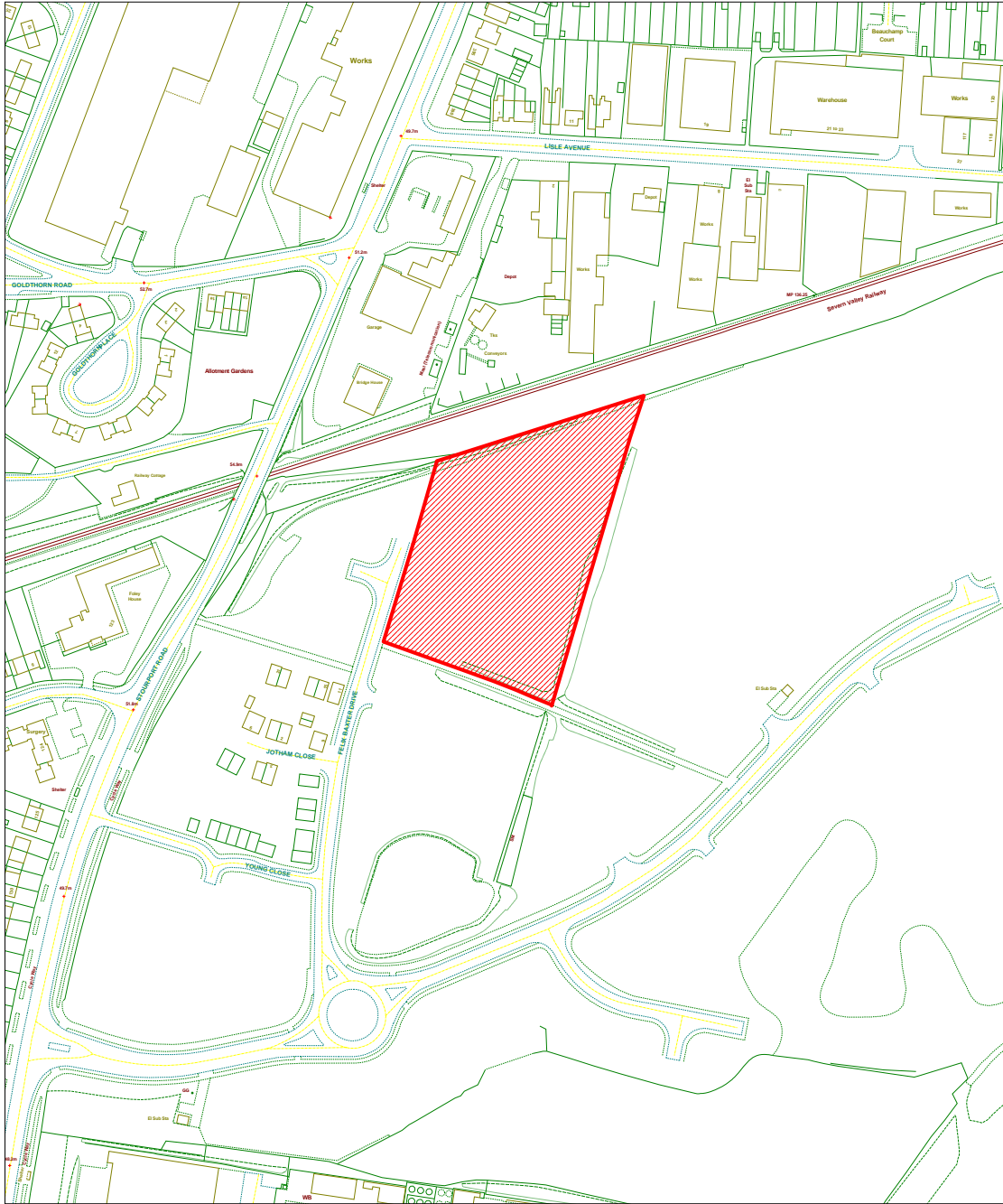
- a) no objections to revised plans from the Highway Authority or any of the other outstanding consultees within the consultation period; and
- b) the following conditions:
 - 1. This form constitutes an approval of matters reserved under Condition 2 of Planning Permission Reference 12/0146/EIA and does not constitute a planning permisison
 - 2. In accordance with approved plans
 - 3. Landscaping in accordance with plans and Planting Schedule

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4. Maintenance of landscaping in accordance with Planting Schedule
5. Materials to be agreed for all buildings including refuse / recycling store, parking areas, hard landscape areas including path
6. Details of a 'Welcome Pack'
7. All parking spaces to be available before first use of any of the buildings
8. Details of means of enclosure
9. Bird and bat mitigation in accordance with Section 10 of the Design and Access Statement
10. Glazing of particular units to mitigate noise from existing and potential use of railway and halt
11. Surface water drainage in accordance with Drainage Strategy
12. No trees on site to be removed between February and August (inclusive), i.e. the bird breeding season unless under the direction of a suitably qualified ecologist
13. Details of tree protection
14. Site levels in accordance with approved plan
15. Details of parking for site operatives
16. Notwithstanding any information submitted details of all proposed lighting
17. The access, turning area and parking facilities shown on the approved plan to be properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted

Notes

- A. This approval should be read in conjunction with the obligation entered into under Section 106 of the Town and Country Planning Act 1990 (as amended) which accompanied outline planning consent 12/0146/EIA.
- B. Attention is drawn to pre commencement conditions 23 and 40 from the outline consent (12/0146/EIA).



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Former British Sugar Site
Stourport Road, Kidderminster, DY11 7QA**

Date:- 19 August 2014 Scale:- 1:2500 OS Sheet:- SO8274NW Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH SEPTEMBER 2014

PART B

Application Reference:	14/0349/FULL	Date Received:	17/06/2014
Ord Sheet:	381813 278936	Expiry Date:	12/08/2014
Case Officer:	James Houghton	Ward:	Wolverley

Proposal: Change of use of first floor Coach House to dwelling

Site Address: LOWETHORPE, LOWE LANE, KIDDERMINSTER, DY11 5QR

Applicant: Mr Mees

Summary of Policy	DS01, DS04, CP11, CP12 (CS) SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP7, SAL.UP9, SAL.UP11 (SAAPLP)
Reason for Referral to Committee	Planning application represents a departure from the Development Plan.
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application relates to the upper floor of a coach house which has been utilised as ancillary accommodation by the occupant of Lowethorpe House. The site is within an area washed over by the West Midlands Green Belt.

2.0 Planning History

2.1 WF/0901/01 – Full: Change of use of former coach house to single dwelling : Approved 20/11/01.

2.2 06/0821/FULL – Renewal of planning permission WF/0901/01 change of use of former coach house to single dwelling : Withdrawn.

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – No objection and recommend approval.

3.2 Highway Authority – No objections.

14/0349/FULL

3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The applicant seeks approval for the change of use of the first floor of the former coach house, currently utilised as ancillary accommodation, to provide a one bedroom, self contained and separate unit of accommodation. The proposed dwelling would benefit from its own residential curtilage and parking facilities and may be utilised as a holiday let.

4.2 The building currently provides a bedroom with en suite, and two large rooms, one of which contains kitchen facilities. No physical works to the building are required.

PRINCIPLE OF DEVELOPMENT

4.3 The application site is within an area washed over by the West Midlands Green Belt and as such it is necessary to ensure any development accords with the provisions of Section 9 of the National Planning Policy Framework (NPPF). Both the NPPF and Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan set out what forms of development would be considered appropriate within the Green Belt, an acceptable form of development is the reuse of an existing permanent, substantial building.

4.4 Policy for the provision of rural housing is set out in Policy SAL.DPL2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan. It is stated within this policy that “residential development will also be permitted where it is in accordance with relevant rural development or Green Belt policies as contained within the Development Plan including policy SAL.UP11: Reuse and Adaption of Rural Buildings.

4.5 Policy SAL.UP11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan sets out the criteria for the acceptable reuse and adaptation of rural buildings that should be met by any development proposal. These criteria are:

- i. The building(s) are permanent structures which are in keeping with their surroundings and they are of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations or the addition of new buildings within the curtilage.
- ii. The building(s) can be converted without significant building works or complete reconstruction and the conversion works would have no significant detrimental effect on the fabric, character or setting of the building.
- iii. That the proposed development enhances and safeguards heritage assets.

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- iv. That suitable access arrangements can be made, without the need for extensive new access roads.
- v. That there is no adverse impact on the countryside, landscape and wildlife or local amenities.
- vi. That appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and are available for the lifetime of the development.

4.6 The policy specifically states that a building to be converted may not be a domestic outbuilding. In this case the building that forms the subject of the application is utilised as ancillary accommodation following conversion from the coach house and might now be viewed as a domestic outbuilding. It should be noted however, that the application building is a pre-1948 structure within the curtilage of Lowethorpe House adjacent to other barns and agricultural buildings. On this basis the building could be viewed as a former agricultural building and as such would be considered to comply with the requirements of the Policy. Given this history of use the application might be argued as constituting a departure from the guidance laid out in the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

SUITABILITY FOR CONVERSION AND THE EFFECT ON THE CHARACTER AND FABRIC OF THE BUILDING

4.7 The existing building currently provides accommodation similar to that which would be accommodated within the separate unit of accommodation and as such the available information supports the premise that the building is a permanent and substantial building. The proposed change of use would require no physical alterations to the building and as such would offer no substantial impact to the character and fabric of the building. It should be noted that the building in its current form is considered sufficient to provide a residence and as such permitted development rights for the erection of extensions and outbuildings should be withdrawn in line with the requirements of Policy SAL.UP11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

ACCESS AND PARKING

4.8 The unit proposed would utilise existing hardstanding and driveways to provide parking and access. This would have no additional impact on the character of the area, the setting of the nearby listed buildings or the visual amenity of the Conservation Area. The Highway Authority has no objections to the scheme as the change of use would not degrade highway safety.

14/0349/FULL

IMPACT ON BIODIVERSITY

- 4.9 The application refers to a change of use only. The land surrounding the site forms part of the existing curtilage of Lowethorpe House and as such the impact of the development on biodiversity would be negligible.

IMPACT ON NEIGHBOURING DWELLINGS

- 4.10 The application site is, with the exception of the elevation on the highway, wholly contained within the curtilage of Lowethorpe House. The proposed unit of accommodation is in excess of 22m from Lowethorpe House and as such it is not considered that the use of the building would offer any detriment to the amenity enjoyed by the occupants of nearby properties.

5.0 Conclusions and Recommendations

- 5.1 The proposed change of use of the building represents an appropriate form of development in the Green Belt. The change of use and formation of the associated curtilage would offer no significant detriment to the openness and visual amenity of the Green Belt.
- 5.2 The building conversion is capable of implementation without significant works to the former coach house which will retain its character and historic significance. The change of use would offer no harm to the character of the area or to the street scene.
- 5.3 The proposal would have no significant impact on the amenity enjoyed by the occupants of neighbouring dwellings and would have no adverse impact on highway safety and the biodiversity of this area.
- 5.4 The proposal is considered to satisfy the requirements of Policies DS01, DS04, CP11 and CP12 of the Adopted Core Strategy and Policies SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP7, SAL.UP9 and SAL.UP11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.5 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Removal of permitted development rights

Application Reference:	14/0364/FULL	Date Received:	23/06/2014
Ord Sheet:	382014 281434	Expiry Date:	18/08/2014
Case Officer:	Julia McKenzie-Watts	Ward:	Wolverley

Proposal: Proposed side and rear extensions

Site Address: MARLEESH, KINGSFORD LANE, WOLVERLEY, KIDDERMINSTER, DY11 5SN

Applicant: Mr H Keeling

Summary of Policy	CP11, CP12 (CS) SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) Section 9 (NPPF)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

1.1 Marleesh is a semi detached bungalow located on a track accessed off Kingsford Lane Wolverley. It is located within the open countryside and also the West Midlands Green Belt.

1.2 The property has previously been extended over and above the original building by way of a side extension, garage and car port. The current application proposes the demolition of some of the extensions and a re-build with more useable space.

2.0 Planning History

2.1 WF.438/77 - Kitchen & bathroom extension : Approved 24/8/77.

2.2 WF.482/79 - Garage : Approved 6/7/79.

2.3 WF.890/79 - Garage : Approved 2/10/79.

2.4 WF.717/91 - Extensions & modifications : Approved 5/11/91.

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council - Recommend refusal.

14/0364/FULL

3.2 Countryside and Conservation Officer – Views awaited.

3.3 Worcestershire Wildlife Trust - No comments received.

3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 Marleesh is a semi detached bungalow located towards the end of Lower Kingsford Lane, a track that connects the lane to Kingsford Lane in Wolverley. The area is sparsely populated by individual properties of differing sizes and designs.

4.2 The property itself is located at the rear of the site in an elevated position above the road set back behind a large detached garage. The current living accommodation comprises lounge, kitchen, 3 bedrooms, bathroom, utility, garage and car port. There have been previous extensions at the property which have doubled the original size of the property from 74 sq.m to 148 sq.m. The attached property Tall Trees gained planning approval in 2012 for a similar sized side extension with dormer to the front.

4.3 The current application proposes the removal of the existing side garage and car port which has a floor area of 42 sq.m and replacement with an extension of 40.86 sq.m in order to allow the re-organisation of the internal living space. The garage currently has a flat roof and the roof above the kitchen, bedroom and study extension is flat with a false pitch around the perimeter. The replacement extension would have a pitched roof with materials to match the existing dwelling.

4.4 Policy CP11 of the Adopted Core Strategy relates to quality design and local distinctiveness and states that new development should sensitively connect to the surrounding streets, spaces and communities. Buildings should be well designed to complement the layout through the appropriate use of scale, mass, proportions and materials.

4.5 As the property is located within the Green Belt, Policy SAL.UP1 of the Site Allocations and Policies Local Plan applies. The extension of an existing dwelling is acceptable, provided that it does not result in disproportionate additions over and above the size of the original dwelling. Applications for extensions to existing dwellings will be considered on a case by case basis. Proposals within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design.

14/0364/FULL

- 4.6 Policy SAL.UP8 of the Site Allocations and Policies Local Plan requires that residential extensions should be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features; and, not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The adopted Supplementary Planning Guidance on Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene.
- 4.7 Whilst it is acknowledged that in this case the proposals are somewhat out of scale with the original dwelling and not therefore fully compliant with Policy SAL.UP1 of the Site Allocations and Policies Local Plan, very special circumstances do apply in this case. The property has already been doubled in size and the current garage and car port are not considered to harmonise with the existing property or landscape due to their unsympathetic flat roofed design. The extension has been designed with a pitched roof to harmonise with the original, set back from the front elevation to the side of the bungalow in order to minimise its impact on the host property and sensitive landscape and as such is in compliance with Policy SAL.UP8 of the Site Allocations and Policies Local Plan and Policy CP11 of the Core Strategy.
- 4.8 Green Belt policy states that applications for extensions will be considered on a case by case basis and in this instance the resultant extended property would have less of an impact on the visual amenity of Green Belt than in its present state and is therefore considered to be acceptable.

5.0 Conclusions and Recommendations

- 5.1 The proposed development would be more in keeping with the host property than at present. The original property which would maintain its visual dominance and as a result, the building would not have any significant detrimental impact on the openness or character of the Green Belt. The extension is capable of implementation without creating an unacceptable or adverse impact upon the amenity of nearby residents or the character or appearance of open countryside and Green Belt and therefore it accords with the relevant policies of the Local Plan.
- 5.2 It is therefore recommended that **delegated APPROVAL** be granted subject to a 'no objection' response from the Countryside and Conservation Officer and the following conditions:
1. A6 (Full with no reserved matters).
 2. A11 (Approved plans).
 3. B6 (External details – approved plan).

Application Reference: 14/0425/TREE
Ord Sheet: 380492 272453
Case Officer: Alvan Kingston

Date Received: 25/07/2014
Expiry Date: 19/09/2014
Ward: Lickhill

Proposal: Fell two Pine

Site Address: 28 CONFERENCE WAY, STOURPORT-ON-SEVERN,
 DY13 8DN

Applicant: Mr J Griffin

Summary of Policy	CP14 (CS) SAL.UP9 (SAAPLP)
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The two trees within this application are located within the garden to the side of 28 Conference Way, Bewdley Road, Stourport-on-Severn. The property is part of a new development on land that once formed part of the Morgan Jones Ceramics site.
- 1.2 The application trees are part of a larger group, consisting of early mature pine and birch, which are located between dwellings of the new development and Bewdley Road. The retention of these trees was to allow for screening from both the new residents of the development and existing residents and to enhance the amenity of the street scene.

2.0 Planning History

- 2.1 Although there have been no Tree Works Applications for the application address, there have been a significant amount of planning applications on the site since outline permission (07/0469/OUTL) was granted for 150 dwellings in May 2007.
- 2.2 Of the subsequent applications submitted since May 2007, application 11/0703/RESE is the most relevant, as it gave permission for the layout of the development and therefore the construction of the applicant's property.

3.0 Consultations and Representations

- 3.1 Stourport on Severn Town Council – No objections received.

14/0425/TREE

3.2 Ward Members – No objections received.

4.0 Officer Comments

4.1 As already stated the trees, the subject of this application, are located within a larger group, which forms an important screen. However the planting distances are rather close. As a result, some of the trees within the group are suppressed and in extreme cases have died off due to intra-specific competition. This is to be expected and will have been planted in this way in line with silvicultural practice, so that the trees grow quicker and straighter. However, in any good silvicultural system, thinning would take place to remove the suppressed, dead, dying and poor quality trees.

4.2 The proposed works are to do just this, as one of the trees is suppressed and is almost completely defoliated and the other has grown with a very tight fork that is a potential weak point for the future. As the proposed works are in line with good woodland management techniques, I do not have any objections.

4.3 When permission is granted for the removal of protected trees a condition for replacement planting, on a one-for-one basis, is usually included. However as these trees are growing in a tightly packed group I feel that only one replacement tree is required, as the remaining trees in the group will quickly fill the gaps left.

5.0 Conclusions and Recommendations

5.1 The proposed works, of felling two poor quality pine trees, are considered to be acceptable, as long as a suitable replacement tree is planted to mitigate for the loss.

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 (Replacement Tree).
3. C17 (TPO Schedule of Works).

Schedule of Works

Only the following works shall be undertaken:

Fell 2 x pines

Application Reference: 14/0466/FULL **Date Received:** 11/08/2014
Ord Sheet: 381893 273680 **Expiry Date:** 10/11/2014
Case Officer: Paul Round **Ward:**

Proposal: Change of use from material recycling facility (sui generis) to die-casting forge (use class B2), re-cladding and extension.

Site Address: FORGE HOUSE, STOURPORT ROAD, KIDDERMINSTER, DY11 7QE

Applicant: Stapleford Estates Ltd & OPRD Ltd

Summary of Policy	DS01, DS02, CP03, CP08, CP11 (CS) SAL.PFSD1, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.UP7, SAL.UP8, SAL.SK1(SAAPLP) WCS 16 (WCCWCS) Wyre Forest Local Development Order Design Quality SPG Highway Design Guide (LTP3) Paragraphs 14, 123; Sections 1, 4, 7 (NPPF) Sections on Design, Noise, Travel plans, transport assessments and statements in decision-taking and Use of planning conditions (NPPG)
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The site is approximately 6 hectares in area and is located on the Stourport Road to the north of Kidderminster Town Centre. The last use of the site was a recycling and waste management facility operated by Lawrence Skip Hire Limited and has been vacant since September 2013 following a fire which caused substantial damage to the buildings.
- 1.2 The site falls within an area allocated for industrial purposes within the Adopted Wyre Forest Site Allocations and Policies Local Plan and more specifically within the allocated South Kidderminster Enterprise Park.
- 1.3 The application seeks to allow the change of use of the site for General Industrial uses with class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The site is to be separated into two distinct areas and at this stage the buildings are the only part of the site that has a specific end user, a die-casting forge. The remaining area of the site has no specified end user at this stage. The proposals include extensions and alterations to the existing building and the creation of a bund around the site.

2.0 Planning History

- 2.1 WF.0736/01 - Outline: Erection of office/industrial/warehouse units (classes B1, B2, B8) and estate road with new access following the demolition of Folkes Forge (access not a reserved matter) : Approved
- 2.2 [WCC app.] 07/000028/CM (407664) (07/0090/COUN) - Change of use of foundry to a Material Recycling facility & associated external sand & aggregate storage areas : Approved
- 2.3 [WCC app.] 09/000027/CM - Amendments to planning permission ref 407664 to permit the external operation of mobile crushing plant and external storage of materials : Withdrawn
- 2.4 10/0624/FULL - New means of access material recycling facility and alterations to external elevations of offices, comprising part demolition, alterations of window designs and new parapet fascia : Approved
- 2.5 [WCC app.] 11/000035/CM (11/0356/COUN) - Deletion of conditions 8, 9 & 10 and variation of condition 11 of planning permission 407664 to read "no operation authorised or required by this permission shall take place within the external areas of the application site outside the hours of 05:30 to 22:00 Mondays to Fridays and 05:30 to 17:30 Saturdays with no working on Sundays". External operation of a mobile crushing plant, external storage of aggregates and woodchip, external operation of soil manufacturing using compost and associated development : Withdrawn
- 2.6 [WCC app.] 11/000036/CM (11/0356/COUN) - External operation of mobile crushing plant, external storage of aggregates and woodchip, external operation of soil manufacturing using compost and associated development : Withdrawn
- 2.7 [WCC app.] 12/00040/CM (12/0491/COUN) - Variation of Condition of Planning Permission Ref no. 407664 to "within 6 months of the grant of this Planning Permission of the existing junction from the service road to the A451 shall be altered in accordance with Banners Gate drawing no" Proposed Access Improvements P550/573/01 : Approved
- 2.8 14/0446/EIASC : EIA Screening Opinion - Change of use from waste transfer station to B2 (General Industrial) : EIA Not required

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections subject to conditions.
- 3.2 Environment Agency – Views awaited.

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3.3 Worcestershire Regulatory Services – No objection subject to note in respect of construction and demolition.

3.4 North Worcestershire Economic Development and Regeneration (NWEDR) - This application is seeking a change of use of an existing vacant building on the Stourport Road in Kidderminster from the currently permitted material recycling facility (sui generis) to a die-casting forge (B2 use class). Given the proposed nature of the operation and the sites location, it is considered the following documents are pertinent to the determination of the application:

- National Planning Policy Framework
- Wyre Forest Core Strategy (Adopted December 2010)
- Wyre Forest Site Allocations and Policies Local Plan (Adopted July 2013)
- Waste Core Strategy for Worcestershire (Adopted November 2012)
- Wyre Forest Local Development Order (Adopted August 2012)

In advance of providing a commentary on the current proposals against the above framework; it is worthwhile highlighting that the application seeks a change of use to a die-casting forge, which was actually the permitted use of this particular building prior to the more recent occupation by Lawrence’s Recycling facility. Therefore, the building has, in the recent past, been used specifically for the use that is now sought via this application and it is considered this should be noted at the outset. Notwithstanding this particular point, comments are made below in relation to this application and its conformity with the current national and local policy framework. Comment is also provided in relation to the economic benefits and background to the application.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

It is considered that this proposal is in clear conformity with the principles of the NPPF. One of the core planning principles on which the NPPF is based identifies that planning should “*proactively drive and support sustainable economic development*”. The proposal would help to achieve this principle as well as meeting another which is to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land)*”.

The NPPF goes on to state that “*The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths*” and that “*The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*”. It is considered that this particular application would directly conform to the Government’s clear intentions, as outline within these paragraphs and therefore “*significant weight*” should be attributed to the economic benefit of this proposal, which would see a redundant site brought back into economic use and over 100 jobs created.

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Given the above policy position it is considered that this proposal is in conformity with one of the main ambitions of the NPPF, which is for planning to help to encourage and support sustainable economic growth.

WYRE FOREST CORE STRATEGY (ADOPTED DECEMBER 2010)

Wyre Forest District Council adopted its Core Strategy in December 2010. In this document a number of strategic policies began to shape the vision for new development within the District, including the direction for economic development.

One of the key development objectives for Wyre Forest is to “*diversify and grow the District’s economy*”, which this application will certainly achieve. In addition to this particular development objective, the Core Strategy also identifies the following policies, which are relevant to the determination of this application.

- Policy DS01: Development Locations: This policy identifies that new development “*will be concentrated on brownfield sites within the urban areas of Kidderminster*”. The policy also identifies that Kidderminster will be the main focus for new development and “*employment*” is identified as a “*suitable development*” type within this location.
- Policy DS02: Kidderminster Regeneration Area: This policy specifically covers new development within Kidderminster and identifies the fact that “*new development will focus on the regeneration opportunities present on identified brownfield sites*”. Again, the current application would provide for the redevelopment of an existing, currently vacant brownfield site, located within Kidderminster and therefore responds positively to this particular policy.
- Policy CP08: A Diverse Local Economy: This policy provides the strategic direction for new employment development within the District. This current application is considered to be in direct conformity with this policy, which states that “*Major new employment development will be located within the urban area of Kidderminster, particularly within the Stourport Road Employment Corridor. All future employment development within the urban areas will be on previously developed land and should be located in highly accessible locations. The policy goes on to state that land and premises within the District’s existing employment areas will be reserved for uses which generate employment (B1, B2 and B8 use classes).*”

The proposed re-use of the application site as a B2 die-casting facility clearly accords with the strategic policy aims identified above. This includes diversifying and growing the local economy; safeguarding existing employment land and buildings; and the re-use of an existing employment site. Furthermore, the proposal would create over 100 new jobs, which would contribute significantly to the growth of the local economy.

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SITE ALLOCATIONS AND POLICIES LOCAL PLAN (ADOPTED JULY 2013)

The strategic concepts and objectives highlighted within the Core Strategy were taken forward in further detail through the statutory plan making process and form a key part of the adopted Site Allocations and Policies Local Plan.

The plan specifically allocates, via Policy SAL.GPB1, the Folkes Forge Site for employment uses. This is further referenced on the adopted Policies Map that accompanies the plan. Policy SAL.GPB1 states that the sites identified on the Proposals Map for employment development are to be safeguarded for economic development.

In addition to this policy, the Plan also provides a specific policy that covers the South Kidderminster Area (Policy SAL.SK1), which is where the application site lies. The plan identifies that the Stourport Road Employment Corridor (SREC) which forms part of the South Kidderminster Enterprise Park is:

“a key strategic area within the District for economic development. The plan identifies that its central location makes it a sustainable and accessible area, whilst being the only high frequency bus route that exists within the District. The road is the main route between the two largest settlements in the District and provides jobs for many residents of the area. As well as providing important employment areas for the existing businesses there are also a number of former industrial sites that exist along this corridor which provide substantial opportunities for regeneration... it is therefore considered important that the existing sites within this corridor are retained and enhanced, whilst opportunities for new business and economic ventures are developed.”

Clearly there is a great synergy between the framework identified above and the current application for the former Forge site.

In addition to the above extract, Policy SAL.SK1 also provides a number of criteria that development should conform to within the South Kidderminster Enterprise Park. It is felt that this application responds positively to this policy framework and in particular would help to *“positively contribute to the economic well-being of the District”*.

The proposed re-use of the Forge is considered to be in accordance with the policies and aims of the Site Allocations and Policies Local Plan and the proposal would provide a significant employment generator on a site specifically allocated for that purpose.

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WASTE CORE STRATEGY FOR WORCESTERSHIRE (ADOPTED NOVEMBER 2012)

Due to the fact that the current permitted use of the application site is for a materials recycling facility, it is important to have due regard to the adopted Waste Core Strategy for Worcestershire. In this instance, Policy WCS16 needs to be considered as the application would see the 'loss' of an existing permitted waste management facility. Policy WCS16 identifies the following:

“Existing waste management facilities will be safeguarded from non waste-related uses where they meet local environmental and amenity considerations in the Development Plan, conform to the pollution control regime and do not pose a risk to sites protected at the European or National level.

a) Development on or adjacent to a site with planning permission or existing use rights for waste management development will be permitted:

i. where the proposed development does not prevent, hinder or unreasonably restrict the operation of the waste development; or

ii. in cases where the proposed development could prevent, hinder or unreasonably restrict the operation of the waste development, where:

- It can be satisfactorily demonstrated that there is no longer a need for the permitted waste management operation or*
- Suitable alternative provision is made for the waste operation at the same or higher level of the geographic hierarchy; or*
- The impacts can be satisfactorily mitigated.”*

Clearly this proposal would see the currently permitted use change to a B2 use and therefore the above policy position needs to be considered. It is worth noting from the outset though, that the current building has not been used as a materials recycling facility for well over a year following two fires that occurred at the site. The second fire was catastrophic and resulted in closure.

In terms of Policy WCS16, the proposed development would prevent the operation of future waste development at this site as, if approved, the site would be utilised as a B2 facility. In order to justify the current proposal against this framework, information has been provided by the applicant in relation to the marketing and the need for a waste management operation in this area. The applicants have identified that:

“The site was marketed to other waste operators, unfortunately the work required to repair the building, together with the size of the site, made it very unattractive to operators. It also seems that demand in the area is lower than remaining capacity, and so the work undertaken here has been easily absorbed by other operators locally”.

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As can be seen from the above commentary, there has been no interest from the market for this site to be reutilised as a waste management facility. It is also worth noting that the applicants are actually a waste operator themselves and are the freeholders of the site. It is quite telling, therefore, that they have not been able to bring the site back into use as a waste facility and this would strongly suggest that there isn't the need, or it is not viable, to continue to use this premises for waste related operations.

Overall, it is considered that the applicant can satisfactorily demonstrate there is no longer a need for this type of operation and, furthermore, there are serious question marks surrounding the suitability of this site to continue as a waste facility, given recent issues with the previous occupier.

WYRE FOREST LOCAL DEVELOPMENT ORDER (ADOPTED AUGUST 2012)

A Local Development Order (LDO) was implemented by Wyre Forest District Council in August 2012. The LDO covers the South Kidderminster Enterprise Park area, which is where the application site is situated. The LDO provides for a simplified planning framework to enable businesses to develop and expand, subject to certain conditions being met. The current proposal does not benefit from the permitted development contained within the LDO due to Sui-Generis nature and the size of the existing building. However, should the application receive consent the building would be able to benefit from the LDO for any future expansion plans. It is also worth noting that the LDO was prepared to boost economic growth within the South Kidderminster area and although this application sits outside the confines of the Order, the end result will see new jobs created within an area specifically identified for economic development and regeneration.

OTHER CONSIDERATIONS

It is also considered important to note that NWEDR have been in discussions with the proposed end-user of the site for a number of months. The District Council and County Council have beaten strong competition from other areas in the UK, Europe and Asia in order to attract this major inward investor. The two Councils have put together a substantial package of support and the proactive approach provided by the local authorities has been one of the main reasons for the project reaching the planning application stage. It is considered that an investor of this calibre will act as a catalyst for further investment and growth within this area of Kidderminster and Wyre Forest as a whole. This current proposal will also see in excess of 100 jobs created within the area, and this alone provides a key justification for the proposals.

CONCLUDING COMMENTS

Overall, given the clear support via the adopted policy framework and the strategic importance of the proposals, coupled with the new job creation, this application is strongly supported by North Worcestershire Economic Development and Regeneration.

3.5 Canal and River Trust – Views awaited

14/0466/FULL

- 3.6 Worcestershire County Council – On behalf of the Head of Planning I do not wish to object to the proposed change of use at the Forge from a waste management facility to a B2 use. I believe however that there are also 3 other established waste management developments within 250m of the site: Gemini recycling, and UKBF recycling, both on the GEMINI Business Park, Stourport Road, Kidderminster and the Kidderminster Sewage Treatment Works, Stourport Road. I must draw your attention to the need to apply Waste Core Strategy Policy WCS16 to these sites. A condition is proposed in order to seek an assessment to protect these sites.
- 3.7 Neighbour/Site Notice (expires 4th September 2014) – No representations received at the time of report preparation.

4.0 Officer Comments

- 4.1 The proposals for the site seek to utilise the existing redundant site for a new employment use within Use Class B2 (General Industrial) along with external alterations to the building. This report will examine the principle of development and the detailed proposals. For clarity the office building currently occupied by the Community Housing Group is not part of the application.

- 4.2 PRINCIPLE OF DEVELOPMENT AND DEVELOPMENT PLAN POLICIES
Both the Adopted Wyre Forest Core Strategy and Adopted Wyre Forest Site Allocations and Policies Local Plan provide encouragement and support for economic uses within allocated areas. Indeed the South Kidderminster Enterprise Park is the centre of the Council's focus for economic growth. Policy SAL.SK1 sets out specific criteria based policy for the South Kidderminster Enterprise Park dealing with the detailed aspects of development, which will be considered later in this report. There are no aspects of the relevant policies within the two documents referred to that resist the principle of development in this case.

- 4.3 The County Council adopted the Waste Core Strategy Local Plan in November 2012. Policy WCS 16 of that document deals with 'new development proposed on or near to existing waste management facilities'. The policy defines 'existing waste management sites' as sites with planning permission or existing uses for waste management facilities. The site falls within this definition and as such the policy requires that such facilities are safeguarded. There are exceptions included most relevant is that the circumstances where *"it can be satisfactorily demonstrated that there is no longer a need for the permitted waste operation."* The site closed in late 2013 and it has been confirmed and evidenced that although actively marketed for a waste operation, there has been no interest. Worcestershire County Council as Waste Authority have considered the application and evidence supplied and have offered no objections to the proposal. In addition the comments made by North Worcestershire Economic Development and Regeneration add to the case weighing in favour of the development.

14/0466/FULL

Even it were to be concluded that there was some way that a waste operation could continue to operate on the site, the need to safeguard the site would be clearly outweighed by the economic arguments in favour of the proposed change of use. On this basis and following due consideration of the Waste Core Strategy Local Plan, I conclude that the proposed development is acceptable in principle.

DETAILED CONSIDERATIONS

- 4.4 The existing buildings will be refurbished from their fire damaged state and extensions provided to the north elevation to increase the gross floor area from 11,094 sq m to 11,747 sq m. New ventilation cowls will be added to ridges of the buildings along with a 20m high extraction stack. The structures roofs and walls will be clad with grey steel profile sheets with flashings, gutters and doors in blue to provide highlights and contrast in the finish. The overall appearance of these works will be little different in scale although the visual appearance will be improved. The boundaries of the site will be maintained, with internal separation between the buildings and land to the rear defined with 2.4m weld mesh fencing. The southern and eastern boundaries will be treated with a earth bund to create additional screening and to reduce any noise breakout. The boundary treatment proposed is also acceptable. Given the industrial context in which the site sits, the overall design proposed is acceptable and will not cause harm to the surrounding area.
- 4.5 Notwithstanding the acceptability of industrial uses in principle within this location, the use of the premises as an open B2 (General Industrial) has to be assessed in respect of noise generation as residential properties are within the locality and can be affected particularly during night time hours. In this regard, Worcestershire Regulatory Services have been consulted and have provided advice to the applicant in respect of general usage and the specific use as a die cast forge. The use as a die cast forge is controlled by the Environmental Permitting Regime and it is the experience of Worcestershire Regulatory Services that such uses will not result in adverse environmental effects to the area. Any potential adverse impacts will be controlled through the environmental permit and the relevant environmental legislation and on this basis no similar planning conditions are recommended to restrict the use. The size of the operation will result in the Environment Agency being the determining authority for issuing the permit. Advice has been sought from the Environment Agency but at the time of writing their comments have not been received. Subject to a positive response from the Environment Agency it can be concluded that there will be no adverse environmental impact as a result on the proposed change of use.

14/0466/FULL

- 4.6 The size of the change of use requires a Transport Assessment to explain the changes in traffic movements as a result of the proposal. The Transport Assessment has been submitted with the application, following initial discussion and scoping with the Highway Authority. This assessment has been based on the generic B2 usage rather than the specific operator to allow a worst case scenario to be set out and thereby giving a robust assessment of traffic generation. The assessment concludes that the proposal will result in an increase of between 12 and 17 vehicles at peak times, however in reality it is likely that the specific operator will operate under shift working conditions which will be outside peak times. The Highway Authority has fully considered the assessment and have offered a no objection response, subject to a number of conditions. Further work is required on the travel plan, however this is addressed through the recommended conditions.
- 4.7 The economic benefits of the proposal, as set out in the response from North Worcestershire Economic Development and Regeneration, are considerable alongside the considerations of the re-use of the site, the job creation and the potential catalyst of further investment in the District. In line with Policy SAL.PFSD1 and the major emphasis of the National Planning Policy Framework to encourage growth and sustainable economies Officers consider that substantial weight should be afforded in favour of the development

5.0 Conclusions and Recommendations

- 5.1 The planning balance is clearly in favour of the development with no adverse comments arising from the consultation process. Matters of principle and detailed aspects of the proposal have been fully considered and found to be acceptable. The proposal is fully in accordance with both local and national policies and can therefore be supported.
- 5.2 It is therefore recommended that **delegated APPROVAL** be granted subject to a 'no objection' response from the Environment Agency and the following conditions:
1. A6 (Full with no reserved matters).
 2. A11 (Approved plans).
 3. B6 (External details – approved plan).
 4. External storage limited to 4m in height.
 5. Highway improvements / offsite works.
 6. Travel Plan.

Wyre Forest District Council

Planning Committee Meeting 09 September 2014

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	John Baggott
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	John Baggott

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
08/0500/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
09/0575/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
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

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
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	James Houghton
11/0647/S106	02/11/2011	28/12/2011	SEVERN ROAD STOURPORT-ON-SEVERN	Variation of Section 106 agreement to enable a change to the timescale relating to the approval and implementation of Public Art	Tesco Stores Ltd	Julia Mellor
11/0740/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
12/0126/FULL	06/03/2012	01/05/2012	OAK TREE FARM KINLET ROAD FAR FOREST KIDDERMINSTER DY149UE	Proposed timber show house and associated features.	ROBERT TAYLOR ASSOCIATES	Julia McKenzie-Watts
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
12/0266/CERTE	27/04/2012	22/06/2012	THE STABLES AT THE WOODLANDS WORCESTER ROAD CLENT STOURBRIDGE DY9 0HS	Lawful Development Certificate for an existing use or operation: Stables with self contained studio apartment above	Mr P Knowles	Julia McKenzie-Watts

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12/0411/LIST	05/07/2012	30/08/2012	PARKHALL BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER DY103NL	Extensions and alterations to Keepers Cottage including 'reinstatement' of first floor level, chimneys, loading doors and windows and addition of single storey extension to west elevation	Mr R Stevens	Julia Mellor
12/0447/FULL	17/07/2012	11/09/2012	SIX ACRES CASTLE HILL LANE WOLVERLEY KIDDERMINSTER DY115SE	Demolition and rebuild animal shelter (pig sty)	Mr S Cox	James Houghton
12/0644/S106	17/10/2012	12/12/2012	PRIMARY CARE CENTRE HUME STREET KIDDERMINSTER DY116RE	Variation to Section 106 Agreement to allow a Community Transport contribution to replace already agreed public transport contribution	Haven Health Properties Ltd Diane Darlington (Com)	Emma Anning
12/0763/FULL	07/12/2012	01/02/2013	VACCAROS 10 COMBERTON HILL KIDDERMINSTER DY101QG	Change of use to A3 Restaurant/Deli	Ms L Mares	John Baggott
13/0082/FULL	04/02/2013	06/05/2013	RIVERSIDE BUILDING FORMER CARPETS OF WORTH SITE SEVERN ROAD STOURPORT-ON-SEVERN	Demolition of existing derelict riverside building and reinstatement as eleven flats, 6No. 1 bed and 5No. 2 bed	Stourport Corporation NV	Paul Round
13/0071/FULL	13/02/2013	10/04/2013	20 SEVERN SIDE STOURPORT- ON-SEVERN DY139PJ	Single and two storey extension to rear.	Mr & Mrs Lewis	James Houghton
13/0120/OUTL	11/03/2013	10/06/2013	FORMER VICTORIA SPORTS GROUND SPENNELLS VALLEY ROAD KIDDERMINSTER INDUSTRIAL ESTATE KIDDERMINSTER	Outline Application for a new Leisure Centre and associated works with some matters reserved	WYRE FOREST DISTRICT COUNCIL & VICTORIA CARPETS PL	Julia Mellor

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13/0139/EIASC	19/03/2013	09/04/2013	TESCO STORES SEVERN ROAD STOURPORT-ON-SEVERN	Request for a Screening Opinion under Regulation 5 of Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Request for Screening Opinion in relation to the proposed development to remove the barrage and associated structures from the River Severn	TESCO STORES LTD	Julia Mellor
13/0157/CERTE	21/03/2013	16/05/2013	THE CREST RICKYARD MEADOW NORTHWOOD LANE BEWDLEY DY121AT	Certificate of lawfulness: Use of property as a permanent dwelling in excess of 4 years	Mrs R Russell	Emma Anning
13/0170/FULL	26/03/2013	21/05/2013	LAND TO WEST OF RESOLUTION WAY SITE IN RIVER SEVERN STOURPORT-ON-SEVERN	Demolition and removal of the existing old foot/access bridge from the bank of the river to the barrage wall, removal down to the water level of the concrete barrage; and remove corroded sheet piles and make good works to bridge and river bank	Tesco Stores Limited	Julia Mellor
13/0193/FULL	09/04/2013	09/07/2013	78 MILL STREET KIDDERMINSTER DY116XJ	Conversion of existing garage workshop, formerly part of the demolished mill, to 5 no. two-bed dwellings and the construction of 3no. two bedroom dwellings and 5 no. live-work units, with associated amenity and parking facilities.	Mr M Worton	Emma Anning
13/0211/CERTE	22/04/2013	17/06/2013	BARNETT HILL GARDEN & LEISURE WORCESTER ROAD CLENT STOURBRIDGE DY9 0EE	Certificate of lawfulness for existing use of land for retail purposes of specific goods and polytunnels	Neville Prest	Paul Round

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13/0321/CERTE	07/06/2013	02/08/2013	BARNETT HILL GARDEN & LEISURE WORCESTER ROAD CLENT STOURBRIDGE DY9 0EE	Use of poly-tunnels for specific retail sales in breach of Condition 16 of WF/1079/00-Certificate of Existing Lawful Use	GARDEN & LEISURE GROUP LTD	Paul Round
13/0318/FULL	10/06/2013	05/08/2013	CLOVERFIELD ROCK KIDDERMINSTER DY149XL	Proposed single storey rear extension	Mr M Brighton	James Houghton
13/0423/CAC	24/07/2013	18/09/2013	BEWDLEY MEDICAL CENTRE DOG LANE BEWDLEY DY122EG	Demolition of existing medical centre	BEWDLEY MEDICAL CENTRE PROPERTY LTD	Emma Anning
13/0553/EIA	23/10/2013	12/02/2014	LAND AT NELSON ROAD SANDY LANE STOURPORT-ON-SEVERN DY139QB	Creation of a new basin including a 408 berth marina (sui generis); provision of a new footbridge across the marina entrance; 106 holiday apartments (1 & 2 bed)(use class C3 restricted), club house including restaurant (use class A3), bar (use class A4), gym (use class D2), boat sales (use class A1), boat hire facility (sui generis) and site managers accommodation (use class C3 restricted); chandlery (use class A1), workshops (use class B1); provision of access together with parking, servicing and landscaping areas (ADDITIONAL PLANS AND INFORMATION INCLUDING RESPONSES TO ENVIRONMENT AGENCY, DISTRICT AND COUNTY COUNCIL QUERIES)	Clive Fletcher Developments	Julia Mellor
13/0575/LIST	04/11/2013	30/12/2013	17-26 VICAR STREET KIDDERMINSTER DY101DA	Proposed Residential Development to form 13 Apartments; Part conversion and part new build additional storey	Marcus King & Co (C/o Ivan Smith)	Paul Round

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13/0670/FULL	16/12/2013	25/04/2014	WEAVERS WHARF KIDDERMINSTER DY10 1AA	Full planning permission for the redevelopment of land within and adjacent to Weavers Wharf comprising; the demolition of Crown House and buildings between Lower Mill Street and Weavers Wharf (excluding McDonalds); the erection of a retail store (Use Class A1), canal side restaurants and cafes (Use Class A3), retail/restaurants (flexible use within class E for A1/A3/A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure and public realm works, car parking and associated works, including bridges over the Staffordshire and Worcestershire Canal and River Stour	Henderson UK Retail Warehouse Fund	John Baggott
14/0037/FULL	13/01/2014	10/03/2014	2A HIGH STREET STOURPORT- ON-SEVERN DY138DJ	Change of use from basement to residential	Mr A Benton	James Houghton
14/0027/OUTL	13/01/2014	14/04/2014	CHICHESTER CARAVANS VALE ROAD STOURPORT-ON-SEVERN DY138YL	Outline Application for 28No. Residential houses and apartments (Access and Layout to be determined)	Chichester Caravans	Paul Round
14/0038/LIST	13/01/2014	10/03/2014	2A HIGH STREET STOURPORT- ON-SEVERN DY138DJ	Change of use from basement to residential	Mr A Benton	James Houghton
14/0039/FULL	14/01/2014	11/03/2014	THE OLD COACH HOUSE BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER DY104PY	To provide new access to existing dwelling	Mr M Glendenning	James Houghton

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14/0089/FULL	04/02/2014	06/05/2014	FORMER BRITISH SUGAR STOURPORT ROAD KIDDERMINSTER DY11 7AQ	Retrospective application for the Detention Pond serving the Former British Sugar Site and Hoo Brook link road to accommodate surface water storage as approved under the surface drainage scheme and provision of amended footway linkage and landscape areas to accommodate the Hoo Brook link road; Variation of existing S.106 agreement associated with planning application Ref 12/0146/EIA	St Francis Group (BSK) Ltd (Mr A Plant)	Julia Mellor
13/0574/FULL	04/02/2014	06/05/2014	17-26 VICAR STREET KIDDERMINSTER DY101DA	Proposed Residential Development to form 13 Apartments; Part conversion and part new build additional storey	Marcus King & Co (C/o Ivan Smith)	Paul Round
14/0087/FULL	07/02/2014	04/04/2014	13 PARKLAND AVENUE KIDDERMINSTER DY116BX	Extension to rear and canopy to front	Mr & Mrs D Finch	Julia McKenzie-Watts
13/0573/FULL	12/02/2014	09/04/2014	COOPERS ARMS CANTERBURY ROAD KIDDERMINSTER DY116ET	CHANGE OF USE OF THE EXISTING COOPERS ARMS PH TWO STOREY BUILDING TO 3 RESIDENTIAL FLATS TOGETHER WITH ERECTION OF PAIR OF SEMI DETACHED DWELLINGS, 4 TERRACED DWELLINGS AND A FLAT, DEMOLITION OF THE EXISTING BUILDINGS TO REAR.	Mr H Sanghara	Emma Anning
14/0135/FULL	10/03/2014	05/05/2014	CALDWALL CASTLE CASTLE ROAD KIDDERMINSTER DY116TH	Single storey extension to dwelling	MR R DAVIES	James Houghton
14/0136/LIST	10/03/2014	05/05/2014	CALDWALL CASTLE CASTLE ROAD KIDDERMINSTER DY116TH	Single storey extension to dwelling	MR R DAVIES	James Houghton

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14/0183/FULL	25/03/2014	20/05/2014	46 STEATITE WAY STOURPORT-ON-SEVERN DY138PQ	First floor rear extension	Mr G Edwards	Julia McKenzie-Watts
14/0204/FULL	08/04/2014	03/06/2014	106 ST. JOHNS AVENUE KIDDERMINSTER DY116AX	Re-roofing existing rear extension	Mrs Beverley Webb	James Houghton
14/0218/FULL	10/04/2014	05/06/2014	93 BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER DY103JJ	Conversion of garage to one bed annex	Mr Michael Christopher	Julia McKenzie-Watts
14/0200/FULL	14/04/2014	09/06/2014	BLACKMANSTITCH LONGBANK BEWDLEY DY122QW	Timber framed storage building on a concrete base with brown/green profile sheet pitched roof.	Mrs M Dalloway	Julia McKenzie-Watts
14/0209/FULL	15/04/2014	10/06/2014	COURT FARM WOLVERLEY ROAD WOLVERLEY KIDDERMINSTER DY103QE	Single storey extension to rear and retention of existing outbuilding to provide ancillary accommodation	Mr R Evans	Emma Anning
14/0241/ELECO	23/04/2014	18/06/2014	HOOBROOK / FALLING SANDS KIDDERMINSTER	Application Under Section 37 of the Electricity Act 1989 for the alterations to the Stourport to Kidderminster 132Kv overhead electricity line	Western Power Distribution(Bernard Lee)	Julia Mellor
14/0250/RESE	01/05/2014	31/07/2014	FORMER BRITISH SUGAR SITE STOURPORT ROAD KIDDERMINSTER	Redevelopment of part of Development Blocks DEV B(iii) and DEV C within Phase 1 of the former British Sugar site for 92no. dwellings including 6no. affordable units. Reserved Matters approval for scale, appearance, landscaping, layout and internal access within the Development Blocks following outline approval 12/0146/EIA	Taylor Wimpey (Midlands)	Julia Mellor

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14/0297/FULL	28/05/2014	23/07/2014	153 WINDERMERE WAY STOURPORT-ON-SEVERN DY138QH	Retention of outbuilding as B1 joinery workshop and retention of a link extension	Mr D Rosewarne	James Houghton
14/3029/PNRES	28/05/2014	23/07/2014	GROUND FLOOR 46 GEORGE STREET KIDDERMINSTER DY101PY	Change of use from retail to residential	Mr & Mrs Samson	John Baggott
14/0338/ADVE	11/06/2014	06/08/2014	TESCO SEVERN ROAD STOURPORT-ON-SEVERN DY13	Proposed signage for retail store, associated car park and petrol filling station approved under Planning Application 07/1105/EIA & 10/0708/RESE	TESCO	Julia Mellor
14/0339/ADVE	11/06/2014	06/08/2014	TESCO SEVERN ROAD STOURPORT-ON-SEVERN DY13	Proposed 7m high gantry sign for new store and 5.7m high gantry sign for new petrol filling station	TESCO	Julia Mellor
14/0349/FULL	17/06/2014	12/08/2014	LOWETHORPE LOWE LANE KIDDERMINSTER DY115QR	Change of use of first floor Coach House to dwelling	Mr Mees	James Houghton
14/0347/FULL	17/06/2014	12/08/2014	2 CALDY WALK STOURPORT-ON-SEVERN DY138QX	Erection of a two storey side extension and a detached double garage to the side	Mr M Martin	James Houghton
14/0343/FULL	18/06/2014	13/08/2014	40 BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER DY103JG	Proposed first floor rear extension	Mr J Cowley	Julia Mellor
14/0340/FULL	18/06/2014	13/08/2014	9 HUNTS RISE BEWDLEY DY121HR	Two storey extension to side of house, single storey extension to rear and porch to front	MR B OWEN	Julia McKenzie-Watts
14/0355/FULL	20/06/2014	15/08/2014	HERONS POOL HARVINGTON HALL LANE HARVINGTON KIDDERMINSTER DY104LR	Conversion of barn to form one dwelling; erection of external store; external works to provide car-parking areas for Herons Pool and the barn	Mr & Mrs Pargeter	Paul Round

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14/0356/LIST	20/06/2014	15/08/2014	HERONS POOL HARVINGTON HALL LANE HARVINGTON KIDDERMINSTER DY104LR	Conversion of barn to form one dwelling	Mr & Mrs Pargeter	Paul Round
14/0363/FULL	20/06/2014	15/08/2014	4 & 5 QUEEN STREET KIDDERMINSTER DY102NJ	Conversion and extension of existing outbuildings to form 2 no. 1 bed studio apartments	Ace Day Events Ltd	Emma Anning
14/0364/FULL	23/06/2014	18/08/2014	MARLEESH KINGSFORD LANE WOLVERLEY KIDDERMINSTER DY115SN	Proposed side and rear extensions	Mr H Keeling	Julia McKenzie-Watts
14/0377/RESE	27/06/2014	26/09/2014	FORMER BRITISH SUGAR SITE STOURPORT ROAD KIDDERMINSTER DY11 7QA	Redevelopment of Development Block DEVA (v) within Phase 1 of the Former British Sugar Site for 100No. Residential Units of Extra Care (Class C2) and 12No. Residential Units for Adults with Learning Difficulties Extra Care (Class C2); Associated Ancillary Facilities & Accommodation, Parking, Waste Storage & Garden Areas. Reserved Matters Approval for Scale, Appearance, Landscaping & Layout and Internal	Wyre Forest Community Housing	Julia Mellor
14/0384/FULL	02/07/2014	27/08/2014	STOURPORT SS ESSO WORCESTER ROAD STOURPORT- ON-SEVERN DY139AN	The retention of a freestanding ATM	Cardtronics UK Ltd Trading as Cashzone	Julia McKenzie-Watts
14/0395/ADVE	03/07/2014	28/08/2014	ASTON MANOR NELSONS WHARF SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN DY139QB	1No. Halo illuminated advertisement	Aston Manor Brewery Co Ltd	Julia Mellor
14/0389/LIST	07/07/2014	01/09/2014	BRINTONS BUILDING EXCHANGE STREET KIDDERMINSTER DY10 1BT	Proposed installation of signage to external walls	Exchange Street Properties Ltd	Julia Mellor

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14/0391/LIST	07/07/2014	01/09/2014	BRINTONS BUILDING EXCHANGE STREET KIDDERMINSTER DY10 1BU	Partial demolition with reconstruction and alterations including riverside walkway and changes of use to whole premises to use classes A1/A3/A4/A5 in up to 6 units at ground floor level but including any levels above forming part of such units, with use classes A2/ B1/ C1/D2 to all upper floors including any parts at ground floor related to units at upper levels.	Exchange Street Properties Ltd	Julia Mellor
14/0390/FULL	07/07/2014	01/09/2014	BRINTONS BUILDING EXCHANGE STREET KIDDERMINSTER DY10 1BU	Partial demolition with reconstruction and alterations including riverside walkway and changes of use to whole premises to use classes A1/A3/A4/A5 in up to 6 units at ground floor level but including any levels above forming part of such units, with use classes A2/ B1/ C1/D2 to all upper floors including any parts at ground floor related to units at upper levels.	Exchange Street Properties Ltd	Julia Mellor
14/0403/FULL	07/07/2014	01/09/2014	ASDA STORES LTD NEW ROAD KIDDERMINSTER DY101HG	Replacement of seven roller shutters	Asda Stores C/o Key Electrical	Julia McKenzie-Watts
14/0399/FULL	08/07/2014	02/09/2014	39 THE RIDGEWAY STOURPORT-ON-SEVERN DY138XT	Single storey front and rear extension. New pitched roof over existing flat roof garage. Alterations to roof and addition of dormers	Mr M Kingston	James Houghton
14/0388/FULL	08/07/2014	02/09/2014	WOODLAND CARS LTD M C F COMPLEX 60 NEW ROAD KIDDERMINSTER DY101AQ	Proposed Extension for workshop and storage	WOODLAND CARS LTD	Julia McKenzie-Watts

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14/0396/ADVE	09/07/2014	03/09/2014	TYRE SALES GREENHILL INDUSTRIAL ESTATE KIDDERMINSTER DY102RN	2No. Non illuminated fascia signs, 1No. Illuminated fascia sign, 1No. Illuminated totem sign and various other non illuminated signage	Kwik Fit Ltd	Julia Mellor
14/0402/FULL	09/07/2014	03/09/2014	171 COMBERTON ROAD KIDDERMINSTER DY103DP	Change of use into offices	KING CHARLES HIGH SCHOOL	Julia McKenzie-Watts
14/0415/FULL	09/07/2014	03/09/2014	WILDLIFE POOL & MEADOW AT OAK TREE FARM KINLET ROAD ROCK KIDDERMINSTER DY149UE	Proposed Wildlife Pool and Ancillary Works	Mrs Shiela Dayus	James Houghton
14/0417/FULL	14/07/2014	08/09/2014	5 CONINGSBY DRIVE KIDDERMINSTER DY115LU	Proposed rear conservatory	Mr Bollen	Julia Mellor
14/0413/FULL	14/07/2014	08/09/2014	VALLEY HOUSE TRIMPLEY BEWDLEY DY121PG	Detached Garage Block	Mr & Mrs c Jordan	James Houghton
14/0451/FULL	14/07/2014	08/09/2014	UNIT 2 & 3 GREENHILL INDUSTRIAL ESTATE KIDDERMINSTER DY102RN	Sub-division of existing industrial unit and consequential elevational changes	Howden Joinery Properties Limited	Emma Anning
14/0418/FULL	15/07/2014	09/09/2014	78 CHESTER ROAD SOUTH KIDDERMINSTER DY101XF	Proposed single and first floor extension to rear	Mr R Barker	Julia McKenzie-Watts
14/0408/TREE	15/07/2014	09/09/2014	LAND OPPOSITE 3 LOWER PARK BEWDLEY DY122DP	Reduce one beech, two yew, two leylandii and four holly by 25%, fell one yew and two leylandii.	Mr C Griffin	Alvan Kingston
14/0430/FULL	16/07/2014	10/09/2014	RED LION 70 CASTLE ROAD COOKLEY KIDDERMINSTER DY103TB	Alterations to install shop fronts and construction of vehicular access	Mr S Singh	Emma Anning

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14/0422/LIST	17/07/2014	11/09/2014	SWAN INN THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER DY104SD	Minor external elevation alterations to existing outbuilding	Bathams (Delph) Ltd	Emma Anning
14/0427/FULL	17/07/2014	11/09/2014	MANOR ROAD PLAY AREA STOURPORT-ON-SEVERN DY139DW	Refurbishment of existing play area	OAKLEAF COMMERCIAL SERVICES	James Houghton
14/0429/FULL	18/07/2014	12/09/2014	BELMONT ROCK KIDDERMINSTER DY149XD	Replacement garage/storage building	Mr & Mrs Belmont	James Houghton
14/0420/FULL	21/07/2014	15/09/2014	4 MARLBOROUGH STREET KIDDERMINSTER DY101AY	Erection of boundary wall to rear yard	Mr M Johnson	James Houghton
14/0423/FULL	21/07/2014	15/09/2014	SWAN HOTEL CAR PARK LICKHILL ROAD STOURPORT-ON-SEVERN DY138BX	Proposed Hand Car Wash	Mr M Maroufi	Emma Anning
14/0424/FULL	21/07/2014	15/09/2014	SPRINGHILL COTTAGE MARY DRAPER LANE ROCK KIDDERMINSTER DY149XJ	Extension to existing stables for associated storage	Mr & Mrs Oldfield	Julia Mellor
14/3040/PNRES	21/07/2014	15/09/2014	HUNDRED ACRE FARM BROOME STOURBRIDGE DY9 0EU	Change of use of Agricultural Building to a Dwellinghouse	Mr D Norton	Emma Anning
14/0431/FULL	22/07/2014	16/09/2014	62 BURLISH CLOSE STOURPORT- ON-SEVERN DY138XW	Proposed alterations and extension to existing dormer window	MR B KINDON	James Houghton
14/0432/FULL	22/07/2014	16/09/2014	1 BROCKET CLOSE STOURPORT- ON-SEVERN DY138PP	Double garage	Mr S Snape	James Houghton
14/0434/FULL	23/07/2014	17/09/2014	14 ST. JOHNS AVENUE KIDDERMINSTER DY116AT	Two storey extension to front and side	Mr J Hall	Emma Anning
14/0442/FULL	23/07/2014	17/09/2014	6 REDSTART AVENUE KIDDERMINSTER DY104JR	Single storey front, side and rear extensions	MR T ALLEN	Julia McKenzie-Watts

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14/0433/FULL	23/07/2014	17/09/2014	88 HURCOTT ROAD KIDDERMINSTER DY102QT	Proposed replacement garage extension and additional dropped kerb to provide new access	Mr Thomas Cox	Julia McKenzie-Watts
14/0421/LIST	24/07/2014	18/09/2014	4 MARLBOROUGH STREET KIDDERMINSTER DY101AY	Erection of boundary wall to rear yard	Mr M Johnson	James Houghton
14/0445/FULL	24/07/2014	18/09/2014	HOLBEACHE HOUSE FARM TRIMPLEY BEWDLEY DY121PA	Alterations to raise the height of the existing Agricultural Unit for Grain Storage	MR J CORBO	Emma Anning
14/0491/FULL	24/07/2014	18/09/2014	THE OAKLANDS ROCK KIDDERMINSTER DY149DB	Reinstatement of existing barn	Mr J Tidman	James Houghton
14/0426/TREE	25/07/2014	19/09/2014	MANOR COURT STONE MANOR HOTEL STONE CHADDESLEY CORBETT KIDDERMINSTER DY104PJ	Fell Willow	TRINITY SOUTHGATE INVESTMENTS	Alvan Kingston
14/0457/FULL	25/07/2014	19/09/2014	BLUE BELL 423 HURCOTT ROAD KIDDERMINSTER DY102QQ	Rear single storey flat roof extension	Mr S Mann	Emma Anning
14/0425/TREE	25/07/2014	19/09/2014	28 Conference Way STOURPORT- ON-SEVERN DY13 8DN	Fell two Pine	Mr J Griffin	Alvan Kingston
14/3039/PNH	25/07/2014	05/09/2014	14 MAYPOLE CLOSE BEWDLEY DY121BZ	Construction of conservatory to rear elevation of property	Mr Noble	John Baggott
14/0444/FULL	28/07/2014	22/09/2014	FRANK CHAPMAN CENTRE PARK END BEWDLEY DY122TY	Installation of High Ropes and Low Ropes Course	Tumblehome and Prussik Ltd	James Houghton
14/0437/FULL	28/07/2014	22/09/2014	LAND ADJACENT 18 WYRE HILL BEWDLEY DY122UE	Erection Of 2No Bungalows With Associated Car Parking (Resubmission of 14/0299/FULL)	Mr A Evans	James Houghton

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14/0438/CERTP	28/07/2014	22/09/2014	47 COMBERTON AVENUE KIDDERMINSTER DY103EQ	Hip to gable extension and rear dormer	Mr M Betts	James Houghton
14/0440/FULL	28/07/2014	22/09/2014	15 PINTAIL GROVE KIDDERMINSTER DY104RT	Two storey side extension, single storey rear extension.	MRS L POTTER	Julia McKenzie-Watts
14/0443/FULL	28/07/2014	22/09/2014	HILLTOP HILLPOOL TOP KIDDERMINSTER DY104NJ	Single storey rear and front extensions	Mr S wellings	James Houghton
14/0453/CERTE	28/07/2014	22/09/2014	WHYTEHOUSE FARM GREENWAY ROCK KIDDERMINSTER DY149SJ	Use of land and buildings for industrial purposes within class B2 for a continuous 10 year period	Mr John Lawley	Paul Round
14/0439/FULL	29/07/2014	23/09/2014	23 BALDWIN ROAD KIDDERMINSTER DY102UA	Single storey rear extension	Ms A Collier	James Houghton
14/0436/TREE	30/07/2014	24/09/2014	17 THRELFALL DRIVE BEWDLEY DY121HU	Remove all deadwood, Remove epicormic growth to a height of 7 metres, Remove two long low limbs, Remove overextended branch back to adjoining limb and shorten back remaining branches on same limb growing towards the public footpath.	Mr T Cross	Alvan Kingston
14/0447/CERTP	30/07/2014	24/09/2014	11 ROWLAND HILL AVENUE KIDDERMINSTER DY116JB	Proposed rear dormer	Mr N Harrison	James Houghton
14/0449/FULL	30/07/2014	24/09/2014	BLUNTINGTON HOUSE BLUNTINGTON TANWOOD LANE CHADDESLEY CORBETT KIDDERMINSTER DY104NR	Proposed Kitchen and Dining Room Extension incorporating a Wet Room and Utility Room	Mr & Mrs Sewell	James Houghton
14/0460/FULL	31/07/2014	25/09/2014	ROCK FARM ROCK CROSS ROCK KIDDERMINSTER DY149SA	Agricultural building for storage of fodder, beet, grain and associated equipment.	MR WHITEMAN	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0468/TREE	31/07/2014	25/09/2014	459 CHESTER ROAD NORTH KIDDERMINSTER DY101TP	Remove low branch growing towards 460 Chester Road North from a cedar and reduce side branches by a maximum of 1.5 metres	A Mills	Alvan Kingston
14/0461/S73	31/07/2014	30/10/2014	TESCO STORE SEVERN ROAD STOURPORT-ON-SEVERN DY139AH	Variation of Condition 40 of 07/1105/EIA to allow changes in opening hours from 08.00 to 20.00 hours on Mondays to Thursdays and 08.00 to 21.00 hours on Fridays and Saturdays, to 07.00 - 22.00 Monday to Saturday and 10.00 - 16.00 on Sundays	Tesco Stores Limited	Julia Mellor
14/0452/FULL	01/08/2014	26/09/2014	PRIMROSE COTTAGE BLISS GATE ROAD ROCK KIDDERMINSTER DY149XS	Replacement dwelling with detached garage	Mr & Mrs J McConalogue	Paul Round
14/0459/FULL	01/08/2014	26/09/2014	CORNER HOUSE HOBRO WOLVERLEY KIDDERMINSTER DY115SZ	2 storey and single storey side extensions	MR G BARNETT	James Houghton
14/3042/PNH	01/08/2014	12/09/2014	21 AMBLECOTE ROAD KIDDERMINSTER DY103BB	Single storey rear extension	Mrs E Betson	John Baggott
14/0450/FULL	04/08/2014	29/09/2014	2 MOOR HALL LANE STOURPORT- ON-SEVERN DY138RA	Two extension to side and part of rear elevation, single storey extension to rear	Ms Frances Guidon-Lowell	Emma Anning
14/0464/TREE	04/08/2014	29/09/2014	THE LINKS OLDNALL ROAD KIDDERMINSTER DY103HN	Fell Sycamore	Mr G Yapp	Alvan Kingston
14/0454/FULL	04/08/2014	29/09/2014	D M S CHROMIUM PLATING LTD FIRS INDUSTRIAL ESTATE KIDDERMINSTER DY117QN	Extension to existing factory unit for use as spray painting plant	D M S CHROMIUM PLATING LTD	Julia McKenzie- Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0470/TREE	04/08/2014	29/09/2014	24 ANTON CLOSE BEWDLEY DY121HX	Fell Horse Chestnut Tree	Ms K Hartley Jones	Alvan Kingston
14/0458/FULL	05/08/2014	30/09/2014	27 HOLMAN STREET KIDDERMINSTER DY116QY	Construction of 3 bed detached dwelling	Mr I Shipman	Emma Anning
14/0463/TREE	05/08/2014	30/09/2014	32A RODEN AVENUE KIDDERMINSTER DY102RE	Shorten back branches from beech and a sycamore growing towards the property by a maximum of 2 metres	Mr A Attwood	Alvan Kingston
14/0455/FULL	05/08/2014	30/09/2014	ADAM CARPETS LTD GREENHILL WORKS BIRMINGHAM ROAD KIDDERMINSTER DY102SH	Raising of roof to Boiler House and installation of chimneys	ADAM CARPETS LTD	Paul Round
14/0465/FULL	06/08/2014	01/10/2014	ELOUERA ROCK CROSS ROCK KIDDERMINSTER DY149SF	Single storey side/rear extension	B WISNIEWSKI	Paul Round
14/0462/FULL	06/08/2014	01/10/2014	JOYDEAN HILL FARM NORTHWOOD LANE BEWDLEY DY121AT	Relocate gas tank from rear to front of property and replacement shed	MR M CLACKSON	Julia McKenzie-Watts
14/0473/FULL	06/08/2014	01/10/2014	CROSS BANK HOUSE CROSS BANK BEWDLEY DY122XB	Two storey extension to existing office and erection of a domestic garage	AFFINITY VEHICLE LEASING (MR S HOWLES)	James Houghton
14/0480/FULL	07/08/2014	02/10/2014	COLLIERS FARM SHOP TENBURY ROAD CLOWS TOP KIDDERMINSTER DY14 9HA	Extension to existing wooden farm shop	Ms W Hill	James Houghton
14/3041/PNH	07/08/2014	18/09/2014	24 WHINCHAT GROVE KIDDERMINSTER DY104TJ	Rear conservatory		John Baggott
14/0486/FULL	08/08/2014	03/10/2014	9 CEDAR CRESCENT KIDDERMINSTER DY116AQ	Replace existing garage and rear single storey extension	Mr S Chater	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0474/FULL	08/08/2014	03/10/2014	32 CLEOBURY ROAD BEWDLEY DY122QF	Dropped kerb to create access	Mr L Key	Julia McKenzie-Watts
14/0466/FULL	11/08/2014	06/10/2014	FORGE HOUSE STOURPORT ROAD KIDDERMINSTER DY117QE	Change of use from material recycling facility (sui generis) to die-casting forge (use class B2), re-cladding and extension.	Stapleford Estates Ltd & OPRD Ltd	Paul Round
14/0479/FULL	11/08/2014	06/10/2014	WHARTON PARK GOLF CLUB LONGBANK BEWDLEY DY122QW	Increase in height of "Ball Stop Fencing" to side of driving range	WHARTON PARK GOLF CLUB	Paul Round
14/0471/TREE	11/08/2014	06/10/2014	ROUSBINE CARAVAN PARK ROCK KIDDERMINSTER DY149DD	Raise crown of 3 Oaks to 7 metres	Mrs K Lunnon	Alvan Kingston
14/0481/FULL	11/08/2014	06/10/2014	WYRE FOREST COMMUNITY HOUSING 38 HIGH STREET STOURPORT-ON-SEVERN DY138BA	Change of use from B1 to A1	HAPPY STAFFIE RESCUE	Julia McKenzie-Watts
14/0478/FULL	11/08/2014	06/10/2014	DODDINGTREE CLEOBURY ROAD BEWDLEY DY122QL	Proposed rear extension	Mr J Hopley	James Houghton
14/0469/TREE	11/08/2014	06/10/2014	WARSTONE LODGE WARSTONE MEADOWS BEWDLEY DY121JB	Lift crown of Beech to 6 metres from ground level	Ms N Fincham	Alvan Kingston
14/0477/FULL	11/08/2014	06/10/2014	21 BELVEDERE CRESCENT BEWDLEY DY121JX	Proposed two storey extension to side of existing dwelling	Mrs R Green	James Houghton
14/3043/PNH	11/08/2014	22/09/2014	17 CLAINES CRESCENT KIDDERMINSTER DY103BU	Single storey rear extension	Mrs K Hardiman	John Baggott
14/0482/FULL	12/08/2014	07/10/2014	UPPER BLACKSTONE FARM STOURPORT ROAD BEWDLEY DY121PY	Construction of conservatory to rear elevation on existing farm house	Mr A Bate	Paul Round
14/0472/TREE	12/08/2014	07/10/2014	3 SHELDUCK GROVE KIDDERMINSTER DY104EF	Reduce Lime by 50%	Mr G Green	Alvan Kingston

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0483/LIST	12/08/2014	07/10/2014	UPPER BLACKSTONE FARM STOURPORT ROAD BEWDLEY DY121PY	Construction of conservatory to rear elevation on existing farm house	Mr A Bate	Paul Round
14/0475/FULL	12/08/2014	07/10/2014	20 MASON ROAD KIDDERMINSTER DY116AG	First floor rear extension	Mr & Mrs Salacinski	James Houghton
14/0476/CERTP	12/08/2014	07/10/2014	PUNCHS OAK CLEOBURY ROAD ROCK KIDDERMINSTER DY149EB	Proposed demolition of existing double garage and existing store, proposed erection of Oak framed single storey Oak framed home Office and games room, and two bay Oak car-port.	MISS M PARKER	James Houghton
14/3044/AG	12/08/2014	09/09/2014	CONNINGSWICK FARM GREENWAY ROCK KIDDERMINSTER DY149SG	Proposed Agricultural barn for Hay storage	MR N FRAZIER	Paul Round
14/0358/FULL	13/08/2014	08/10/2014	LAND ADJACENT TO 29 MITTON STREET STOURPORT-ON-SEVERN DY139AG	Proposed three 4 bed houses, four 2 bed houses and one 2 bed flat with access parking and associated works	C & L Harris	Emma Anning
14/0485/FULL	13/08/2014	08/10/2014	14 YEW TREE LANE BEWDLEY DY122QD	Extension to the front elevation of the bungalow	MR CARL DAVENPORT	Julia McKenzie-Watts
14/0487/FULL	14/08/2014	09/10/2014	11 PARKLAND AVENUE KIDDERMINSTER DY116BX	Proposed two storey and single storey extension to rear of property	MR CARL FRASCINA	Julia McKenzie-Watts
14/0490/FULL	15/08/2014	10/10/2014	THE PAVILION BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER DY103LG	Detached oak frame garage including demolition of existing	Mr P Unitt	Emma Anning
14/0496/FULL	15/08/2014	10/10/2014	HOLBEACHE HOUSE FARM TRIMPLEY BEWDLEY DY121PA	Proposed side and rear extensions	MR J CORBO	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
14/0492/FULL	15/08/2014	10/10/2014	CASA MIA CLEOBURY ROAD ROCK KIDDERMINSTER DY149EH	Extension of existing residential care home	Mr Martin Winfield	Emma Anning
14/0488/FULL	18/08/2014	13/10/2014	47 SUMMER ROAD KIDDERMINSTER DY117JS	Loft conversion with front and rear dormers	MISS J GREYBANKS	Paul Round
14/0484/TREE	18/08/2014	13/10/2014	2 SOUTHGATE CLOSE KIDDERMINSTER DY116JN	Fell Cedar	Mr A Buckley	Alvan Kingston
14/0489/FULL	18/08/2014	13/10/2014	11 FULMAR CRESCENT KIDDERMINSTER DY104HL	Proposed rear extension and alterations	MRS M WOODFIELD	Julia McKenzie-Watts
14/0494/TREE	18/08/2014	13/10/2014	43 SANDBOURNE DRIVE BEWDLEY DY121BN	lift a Norway Maple and Horse Chestnut by 2 metres and fell Silver Birch	Mr D Smith	Alvan Kingston
14/0495/FULL	20/08/2014	15/10/2014	37 STOURPORT ROAD BEWDLEY DY121BH	New Vehicular access	MRS M BURROWS	Emma Anning
14/0498/FULL	21/08/2014	16/10/2014	FIELD ADJACENT TO HILLCREST CHURCHILL KIDDERMINSTER DY103LY	Change of use of land to the keeping of horses, Erection of stable with hay barn	Mrs A Baker	Emma Anning
14/0497/TREE	21/08/2014	16/10/2014	4 PARKLAND AVENUE KIDDERMINSTER DY116BX	Prune branches from Cedar to give a 3m clearance to 4 Parkland Avenue and prune low branches encroaching on surrounding area by crown lifting to give a maximum of 5m height clearance all round. Crown lift Oak to give a 5m height clearance	Worcestershire County Council	Alvan Kingston

WYRE FOREST DISTRICT COUNCIL

Planning Committee

09 September 2014

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
WFA1417 11/0545/FULL	APP/R1845/A12/ 2183527/NWF	MRS S J SMITH	TOP ACRE OFF CURSLEY LANE SHENSTONE KIDDERMINSTER	HE 09/11/2012	21/12/2012		26/03/2013 Kidderminster & Rock Suite	Dismissed 30/07/2014
			Application under S.73 to vary conditions 1 and 2 of Planning Permission 06/1062/FULL to remove all reference to the limited time period of 5 years for the stationing of caravans for residential purposes, the laying of hardstanding and erection of a close boarded and gravel board fence					

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
WFA1434 13/0600/FULL	APP/R1845/A/14 /2217140	MRS A NICHOLLS	CORNER PADDOCK HORSELEY HILL WOLVERLEY KIDDERMINSTER Change of Use of Land to the Keeping of Horses. Erection of Stable Block.	WR 09/05/2014	20/06/2014			
WFA1435 13/0603/FULL	APP/R1845/A/14 /2217147	Mrs B Jancso	PINE & HORSELEY PADDOCKS HORSELEY HILL WOLVERLEY Change of use of land to the keeping of horses and erection of stable building with tack shed.	WR 09/05/2014	20/06/2014			

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
WFA1436 13/0640/FULL	APP/R1845/A/14 /2217152	Mrs L Henderson	SPRING PADDOCK HORSELEY HILL FARM HORSELEY HILL WOLVERLEY Change of use of land to the keeping of horses and erection of stable block	WR 09/05/2014	20/06/2014			
WFA1437 12/0784/FULL	APP/R1845/A/14 /2218688	Mr I Grant	75 MILL ROAD STOURPORT-ON- SEVERN DY139BJ Demolition of existing houses (75-77 Mill Road) and erection of 7 dwellings with associated access, parking and alteration of Public Right of Way. (Renewal of Planning Permission 08/0490/FULL)	WR 13/05/2014	24/06/2014			

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
WFA1438 13/0456/CERT	APP/R1845/X/14 /2220757	Mrs G Hunt	POUND BUNGALOW DOWLES ROAD BEWDLEY C3 Dwelling house with garden and detached garage and vehicle access from public highway	WR 14/07/2014	18/08/2014			
WFA1439 13/0689/FULL	APP/R1845/D/14 /2221306	Mr G James	OAK GRANGE CAUNSALL ROAD CAUNSALL KIDDERMINSTER Proposed ancillary outbuilding to form home study	WR 03/07/2014	07/08/2014			
WFA1440 14/0060/HHED	APP/HH/14/1380	Mr D Scriven	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER High Hedge Complaint	WR 04/08/2014	08/09/2014			



Department for
Communities and
Local Government

Mr Philip Brown
Philip Brown Associates
74 Park Road
Rugby CV21 2QX

Our Ref: APR/R1845/A/12/2183527

30 July 2014

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY MRS SARAH JANE SMITH AT TOP ACRES, CURSLEY LANE,
SHENSTONE, KIDDERMINSTER DY10 4DX
APPLICATION REF: 11/0545/FULL**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr AR Hammond MA, MSc, CEng, MIET, MRTPI, who held a hearing on 26 March 2013 into your client's appeal. The appeal was against a decision by Wyre Forest District Council ('the Council') to refuse to grant planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. The application (Application ref:11/0545/FULL) sought planning permission for the use of land at Top Acres, Off Cursley Lane, Shenstone, Kidderminster DY10 4DX for the stationing of caravans for residential purposes, the laying of hardstanding and erection of a close boarded and gravel boarded fence without complying with conditions attached to planning permission 06/1062/FULL granted on appeals Ref APPP/R1845/C/07/2039465, APP/R1845/ C/07/2039453 and Ref APP/R1845/A/07/2040181, dated 26 November 2007.
2. On 3 July 2013, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to the Town and Country Planning Act 1990 because it involves proposals for a Gypsy and Traveller site in the Green Belt.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and planning permission be granted for a further temporary period, subject to conditions. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions and dismisses the appeal. A copy of the Inspector's Report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising after the close of the Inquiry

4. Following the close of the inquiry the Secretary of State wrote to the main parties on 20 February 2014 inviting comments on:
 - a. The Adoption in July 13 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-26, and any impact this has had on the supply of Gypsy and Traveller sites, unmet need in the local authority area, and on the availability of alternatives sites for the applicant;
 - b. Other new matters or change in circumstances, including the personal circumstances of the proposed site occupants, considered to be material to the Secretary of State's further consideration of this appeal.

5. Following the issue of that letter, the Secretary of State received a response from the Council dated 11 March 2014, stating:

'The adoption of the Site Allocations and Policies Local Plan in July 2013 means that the authority has a clear vision and policy position in relation to new sites for Gypsies and Travellers. Policy SAL.DPL8 identifies the proposed land allocations for Gypsy and Traveller use within the District, in order to meet identified demand. One of these sites, Site I: 28/29 Sandy Lane, has a live, yet unimplemented, permission for 6 new pitches. Site I is in accordance with the adopted policy position and is considered to be available and deliverable as an alternative to the applicant's current site. It is therefore considered that the adoption of the Site Allocations and Policies Local Plan has continued support for new sites for Gypsies and Travellers, subject to the sites meeting the criteria identified within the Plan (Policies SAL.DPL8 and SAL.DPL10).'

6. This representation was passed to you on 4 April 2014, inviting any further comments. No reply was received in response to this invitation.
7. The Secretary of State has taken account of this response in his consideration of the appeal before him. Copies of the correspondence can be made available upon written request to the address at the foot of the first page of this letter.
8. The Secretary of State wrote again on 17 March 2014 to both you and the Council inviting comments on any implications for this case of the publication of the planning guidance on 6 March (or the consequent withdrawal of any previous planning practice guidance). No representations were received in response to this invitation.

Policy considerations

9. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case, the development plan comprises the saved policies of the Adopted Wyre Forest District Local Plan, the saved policies of the Adopted Wyre Forest Core Strategy (December 2010) and the Site Allocations and Policies Local Plan (July 2013), including Policies GB1, GB2, GB6, H2, H9, H16, D10 and TR17 of the Wyre Forest District Local Plan, and Policies CP06, CP11, CP12, DS01 and DS04 of the Wyre Forest Core Strategy.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework'); the planning practice guidance published 6 March 2014; Planning Policy for Traveller Sites (PPTS); and the Written Ministerial Statements on Planning and Travellers of 1 July 2013 and 17 January 2014.

Main issues

12. The Secretary of State agrees with the Inspector (IR1) that the main issue in this case is whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to justify the scheme on the basis of very special circumstances.

Harm to the Green Belt

13. The Secretary of State agrees with the Inspector and the parties that the use of the land for the stationing of a caravan for residential purposes in inappropriate development in the Green Belt (IR4). The Secretary of State agrees with the Inspector at IR5, in line with the Inspector in appeals Ref APPP/R1845/C/07/2039465, APP/R1845/ C/07/2039453 and Ref APP/R1845/A/07/2040181, dated 26 November 2007, that the development causes additional limited harm to the openness of the Green Belt; limited harm to the purposes of including land in the Green Belt by virtue of encroachment into the surrounding countryside; and limited harm to the visual amenity of the Green Belt. In doing so the Inspector in the 2007 appeals took into account the mitigating effect of landscaping. The Inspector in the 2007 appeals also found a small degree of additional harm to the character and appearance of the surrounding rural area contrary to the Development Plan countryside protection policies (IR6). The Secretary of State agrees that since the 2007 appeals the landscaping scheme has significantly mitigated the harm to the visual amenity of the Green Belt and the character and appearance of the surrounding area, as described in IR7. However, he further agrees that the harm by virtue of inappropriateness and the purposes of including land in the Green Belt, and the limited harm to openness, remain.

14. Having concluded that the development is inappropriate in the Green Belt the Secretary of State has gone on to consider where there are any material considerations that would clearly outweigh the harm by reason of inappropriateness and any other harm.

Whether there is a need for additional Gypsy site provision

15. The Secretary of State notes the Inspector's assessment of the need and availability of Gypsy sites at IR8-9, and his conclusion that there remains an unmet need for Gypsy sites within the District, although deliverable sites might come forward in the foreseeable future (IR10). The Inspector at IR9 gives only limited weight to draft Policies SAL.DPL8 and SAL.DPL10 relating to the provision of Gypsy sites as these were subject to objections at the time of the hearing. However, while the Secretary of State accepts the Inspector's reasoning at the time of the hearing, he concludes that the facts on which the Inspector reached that conclusion have since changed, on the grounds that the Council has put forward evidence that since the hearing it has adopted its Site Allocations and Policies Local Plan, which identified proposed land allocations for Gypsy and Traveller use within the District to meet identified need for the 2006-13 and the 2013-17 periods. As such the Secretary of State does not agree with the Inspector's conclusion at IR 10 that there remains an unmet need for Gypsy sites within the District.

The accommodation needs of the family and the availability of suitable alternative sites

16. The Secretary of State agrees with the Inspector, quoting the Inspector in the 2007 appeals, that the appellant and her family have a need for lawful accommodation (IR12) for the reasons given at IR11. However, while the Secretary of State agrees with the Inspector in the 2007 appeals that at that time the appellant and her family would have difficulties in seeking a suitable alternative site (IR12), the Secretary of State concludes that this is no longer the case, on the grounds that one of the sites identified in Policy SAL.DPL8, Site I: 28/29 Sandy Lane, has a live, yet unimplemented permission for six new pitches. The Council has stated that this site is in accordance with the adopted policy position and is considered to be available and deliverable as an alternative to the appellant's current site. The appellant has not challenged the Council's assessment as to the suitability of this site. Overall the Secretary of State is satisfied that there is a reasonable prospect of this site providing suitable alternative accommodation for the appellant and her family.

Healthcare needs of Sarah Jane Smith and Vera Smith

17. The Secretary of State agrees with the Inspector that the medical needs of Sarah Jane Smith and Vera Smith add weight in favour of the appellant, for the reasons given in IR14 and 15. However, he agrees with the Inspector in the 2007 appeals that Vera Smith's health needs are not dependent on her living at this particular site (IR14). He concludes that Sarah Jane Smith's ability to receive hospital treatment is also not dependent on residing on the appeal site specifically.

The best interests of the children

18. The Secretary of State considers that the best interests of the appellant's children are a matter of considerable weight, and as such he has taken into account the personal circumstances set out at IR16, and the school reports of Sarah Smith submitted to the hearing. He agrees with the Inspector that it is in the best interests of the children that they have a stable education and access to welfare (IR16).

Human rights

19. The Secretary of State agrees with the Inspector (IR17) that dismissal of the appeal would be likely to result in the extended family's eviction from the site. However, he does not agree with the Inspector that this would involve the loss of their home with no satisfactory alternative, for the reasons given at paragraph 16 above. As such he considers it to be proportionate to refuse planning permission in the circumstances of this case. He agrees with the Inspector (IR19) that the need to maintain a Gypsy lifestyle is an important factor in the decision making process, and that Gypsies without an authorised site face difficulties in continuing their traditional way of life within the law. However, for the reasons given at paragraph 16, he does not agree that there is a lack of available alternative accommodation in this case which would lead to the interference with the appellant and her family's right to a home and family life.
20. The Secretary of State agrees with the Inspector (IR18) that the objections to the development are serious ones, that the overall harm to the Green Belt could not be overcome by planning conditions, and that there is a need for restrictive Green Belt policies to be applied to the area and that this restriction is an appropriate proportional response to that need. He further agrees that this legitimate aim can only be safeguarded by the cessation of use (IR18).
21. The Secretary of State agrees with the Inspector that the appellant's home was established in the knowledge that it did not benefit from planning permission, and that the Inspector in the 2007 appeal stated that the grant of a temporary permission had been granted should not be regarded as setting a precedent for the determination of a future application for future permission (IR20), and he takes this into account when considering whether it would be proportionate to refuse planning permission.

Balancing exercise

22. Having had regard to the evidence, the Secretary of State has weighed the harm to the Green Belt due to inappropriateness, to the harm to the purposes of including land in the Green Belt, loss of openness, visual amenity and to the character and appearance of the area against the material considerations in favour of the development. He agrees with the Inspector at IR21 that the harm to the purposes of including land in the Green Belt, to the openness and visual amenity of the Green Belt and the character and appearance of the area are limited. However, he further agrees with the Inspector (IR21) that the harm by virtue of inappropriateness is fundamental and cannot be overcome by conditions. He therefore attaches substantial weight to these harms.

23. Against these harms the Secretary of State has weighed the considerations in favour of the appeal. He has given consideration to the healthcare needs of Sarah Jane Smith and Vera Smith. However, he gives these limited weight as he concludes that these needs could continue to be met from a lawful alternative site. For the reasons given at paragraphs 15 and 16 above he does not give any weight to the need for additional Gypsy site provision, or for the accommodation needs of the family. He further concludes that as a refusal of planning permission would not prevent the family from maintaining a Gypsy lifestyle, or result in them losing their home with no suitable alternative, for the reasons set out at paragraph 15 and 16 above. As such he concludes that their human rights have not been affected, and he gives this factor no weight.
24. The Secretary of State agrees with the Inspector at IR23 that the considerations in support of the appeal, including the best interests of the children, do not clearly outweigh the substantial harm to the Green Belt so as to justify the grant of a full planning permission on the basis of very special circumstances.

Scope for a temporary consent

25. Having concluded that it is not appropriate for permanent planning permission to be granted in this case, the Secretary of State has gone on to give careful consideration to whether temporary planning permission should be granted. He does not agree with the Inspector that the Site Allocation and Policies DPD has not been adopted for the reasons given in paragraph 15 above. He further concludes that under this circumstance leaving the site would not entail considerable hardship due to having to adopt a roadside existence, as stated by the Inspector at IR25, for the reasons given in paragraph 16 above.
26. The Secretary of State disagrees with Inspector at IR26 that the substantial harm is clearly outweighed by other consideration when for a limited period only, as he does not attach weight to the prospect of progress towards and adopted Gypsy and Traveller DPD, or to the unmet need for suitable Gypsy sites in the area, for the reasons given at paragraph 15 above. He does not attach weight to the lack of an alternative site, for the reasons given at paragraph 16 above. He gives only limited weight to the personal circumstances of the appellant and her family, as he considers that these could be met from an alternative site, and that such a suitable alternative site is available as set out at paragraph 16 above. As such he concludes that very special circumstances do not exist to justify the grant of a temporary planning permission for the period of three years.

Conditions

27. The Secretary of State has considered the proposed conditions in IR 27-28 and set out by the Inspector at Annex A of the IR. He is satisfied that these would meet the tests set out in the planning practice guidance. However, he does not consider that they overcome his reasons for dismissing this planning appeal.

Formal Decision

28. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal against a refusal to grant planning permission for the use of land at Top Acres, Off Cursley Lane, Shenstone, Kidderminster DY10 4DX for the stationing of caravans for residential purposes, the laying of hardstanding and erection of a close boarded and gravel boarded fence without complying with conditions attached to planning permission 06/1062/FULL granted on appeals Ref APPP/R1845/C/07/2039465, APP/R1845/ C/07/2039453 and Ref APP/R1845/A/07/2040181, dated 26 November 2007.

Right to challenge the decision

29. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

30. A copy of this letter has been sent to Wyre Forest District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Philip Barber
Authorised by Secretary of State to sign in that behalf



Report to the Secretary of State for Communities and Local Government

by A R Hammond MA MSc CEng MIET MRTPI

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

Date 3 July 2013

TOWN AND COUNTRY PLANNING ACT 1990

WYRE FOREST DISTRICT COUNCIL

APPEAL BY MRS SARAH JANE SMITH

Hearing held on 26 March 2013

Top Acres, Cursley Lane, Shenstone, Kidderminster DY10 4DX

File Ref: APP/R1845/A/12/2183527

File Ref: APP/R1845/A/12/2183527

Top Acres, Cursley Lane, Shenstone, Kidderminster DY10 4DX

- 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 Mrs Sarah Jane Smith against the decision of Wyre Forest District Council.
- The application Ref 11/0545/FULL, dated 15 August 2011, was refused by notice dated 16 March 2012.
- The application sought planning permission for use of the land at Top Acres, Off Cursley Lane, Shenstone, Kidderminster DY10 4DX for the stationing of caravans for residential purposes, the laying of hardstanding and erection of a close boarded and gravel board fence without complying with conditions attached to planning permission 06/1062/FULL granted on appeals Ref APP/R1845/C/07/2039465, APP/R1845/C/07/2039453 and APP/R1845/A/07/2040181, dated 26 November 2007.
- The conditions in dispute are Nos 1 and 2 which state that:
 - 1) The use hereby permitted shall be carried on only by Sarah Jane Smith, Vera Smith and their dependants and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them whichever is the shorter.
 - 2) When the premises cease to be occupied by Sarah Jane Smith, Vera Smith and their dependants, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the premises in connection with the use hereby approved shall be removed, and the land restored to its condition before the use commenced.
- The reasons given for the conditions are that the circumstances of the appeal justified the grant of a temporary planning permission on the basis of very special circumstances but did not justify the grant of permanent planning permission for inappropriate development in the Green Belt.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Main Issue

1. The main issue in this appeal is whether the harm by virtue of inappropriate development in the Green Belt, and any other harm, is clearly outweighed by other considerations so as to justify the scheme on the basis of very special circumstances.

Reasons

2. The application sought to remove all reference to five years from the conditions, thereby creating a permanent planning permission.
3. Since the previous appeal decision Planning Policy for Traveller Sites (PPTS), issued in March 2012, has replaced ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites and the National Planning Policy Framework (the Framework), also issued in March 2012, replaced most national planning guidance and statements, including PPG2: Green Belts
4. Nevertheless Government policy, as expressed in the Framework and PPTS remains that travellers sites (temporary or permanent) are inappropriate development in the Green Belt, which is, by definition, harmful and should not

be approved except in very special circumstances. It is common ground that the use of the land for the stationing of a caravan for residential purposes is inappropriate development in the Green Belt.

5. In the previous appeal decision the Inspector identified additional harm in the form of limited harm to the openness of the Green Belt; limited harm to the purposes of including land in the Green Belt by virtue of encroachment into the surrounding countryside; and limited harm to the visual amenities of the Green Belt. In reaching that conclusion the Inspector took account of the mitigating effect of landscaping that could be secured by planning condition.
6. The Inspector also concluded that there was a small degree of additional harm to the character and appearance of the surrounding rural area contrary to Development Plan countryside protection policies.
7. In the meantime a landscaping scheme has been implemented and the harm to the visual amenities of the Green Belt and to the character and appearance of the surrounding area has been significantly mitigated. However the harm by virtue of inappropriateness and the purposes of including land in the Green Belt remain and carry substantial weight.

Whether there are any material considerations that would clearly outweigh the harm by reason of inappropriateness and any other harm

Whether there is a need for additional Gypsy site provision

8. A Gypsy and Traveller Accommodation Assessment (GTAA), published in 2008, identified an unmet need for 30 residential pitches in Wyre Forest during the period 2008-2013. 20 pitches have received planning permission since the plan period started leaving a residual requirement of 10 pitches to be allocated with further 5 still required between 2013 & 2017 and an indicative need for 15 pitches for the 2017-2022 period. However of those pitches with planning permission, 2 are on a site known as Nunn's Corner located in Flood Zone 3 and 6 are on land at 28/29 Sandy Lane, Stourport-on-Severn in Flood Zone 2.
9. The Council has drawn attention to a pre-submission publication version of its Site Allocations and Policies DPD which includes allocations for an additional 17 pitches including a further 4 at Nunn's corner. However the draft Policies SAL.DPL8 and SAL.DP10 relating to the provision of Gypsy sites were subject to objections and at present carry limited weight. The timescale for the adoption of the DPD is uncertain and the pitches identified cannot be considered as available at the present.
10. There currently remains, therefore, an unmet need for Gypsy sites within the District and this is a material consideration of considerable weight as it was at the time of the previous appeal decision, albeit that deliverable sites might come forward in the foreseeable future.

The accommodation needs of the family and the availability of suitable alternative sites

11. At the time of the previous appeal decision the appellant, who was separated from her husband, was living at the appeal site with her three daughters, Sarah Jane, Chelsea and Annalese and with her Mother-in-Law Vera Smith. The

appellant's husband, Anthony, has since returned to live with her and they have a four month old baby.

12. In the previous decision the Inspector considered in detail the accommodation needs and history of Vera Smith and of Sarah Jane Smith and her 3 daughters and concluded at Paragraph 34 of the decision that "I conclude that they have a personal need for lawful accommodation and the obvious difficulties that they would experience in seeking a suitable alternative site is a material consideration that must carry considerable weight in this appeal."
13. The circumstances surrounding the accommodation needs have not changed materially except for the additional need relating to the young baby. Therefore the accommodation needs remain a consideration of considerable weight.

The healthcare needs of Sarah Jane Smith and Vera Smith.

14. The previous Inspector accepted that Vera Smith had serious health problems having had a heart attack in 2000 as well as suffering a number of other underlying health problems requiring ongoing monitoring. She has since had her gall bladder removed. The Inspector concluded that "Her access to health care facilities is not entirely dependent upon her living at this particular site but I consider that her medical problems would be far more difficult to manage if she did not have a settled base..... In my opinion, her particular medical needs should be afforded considerable weight."
15. In addition Sarah Jane Smith is currently receiving day patient hospital treatment in Kidderminster. This adds further weight in favour of the appellant.

The best interests of the children

16. The appellant's eldest daughter attends secondary school in Kidderminster and Annalese and Chelsea attend lower school in Chaddesley Corbett. They, along with Mr & Mrs Smith's baby daughter, who is currently receiving specialist eye treatment at hospital, have access to a local doctor. It is clearly in the best interest of the children that they have a stable education and access to welfare. In the current absence of an alternative site within the area for the family to move to the best interests of the children, in the form of education and access to welfare, are a matter of considerable weight as established by case law including, most recently, *AZ v. Secretary of State for Communities and Local Government and South Gloucestershire District Council* [2012] EWHC 3660.

Human Rights

17. As regards the submissions made under Article 8 of the European Convention on Human Rights, the dismissal of the appeal would be likely to result in the extended family's eviction from the site and interference with their home and private and family life. In particular, it could result in the loss of their home with no satisfactory alternative. It is necessary to consider whether it would be proportionate to refuse planning permission in all the circumstances of this case.
18. That interference and the rights of these Gypsies must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8, particularly the economic well-being of the country (which includes the preservation of the environment). The objections to the development are

serious ones. The overall harm to the Green Belt could not be overcome by planning conditions. There is a need for Green Belt restrictive policies to be applied to the area and this restriction is an appropriate proportional response to that need. I am satisfied that this legitimate aim can only be safeguarded by the cessation of the use.

19. The need to maintain a Gypsy lifestyle is an important factor in the decision-making process. Those Gypsies without an authorised site face difficulties in endeavouring to continue their traditional way of life within the law. There is no suitable site presently available for occupation by the appellant in the District. The lack of available alternative accommodation makes the interference more serious.
20. The appellant's home was originally established in the knowledge that it did not benefit from planning permission and was subsequently granted temporary planning permission for a period of 5 years, the Inspector stating at Paragraph 52 that the fact that temporary permission had been granted should not be regarded as setting a precedent for the determination of a future application for full permission. This is a matter which should be taken into account when considering whether it would be proportionate to refuse planning permission.

Summary and overall conclusions

21. The harm to the purposes of including land in the Green Belt, to the openness and visual amenity of the Green Belt and to the character and appearance of the area is limited. However, the harm by virtue of inappropriateness is fundamental and cannot be overcome by conditions.
22. The appellant therefore needs to show that other considerations clearly outweigh the harm to the Green Belt and other harm so as to justify the development on the basis of very special circumstances. It is necessary to balance all factors that weigh in favour of the grant of planning permission in this case against the harm to the Green Belt by reason of inappropriateness and any other harm.
23. Although the appellant now has one more child and Vera Smith now has additional health problems, the circumstances and needs of the family have not changed substantially. Those considerations in support of the appeal, including the best interests of the children, taken together, do not clearly outweigh the substantial harm to the Green Belt so as to justify the grant of a full planning permission on the basis of very special circumstances. In all the circumstances it is not disproportionate to refuse the grant of permanent planning permission.
24. The previous appeal was allowed and temporary planning permission granted on the basis that the planning circumstances would change and that the Site Allocation and Policies DPD were intended to be adopted in 2011. That has not happened but considerable progress has been made towards the adoption of the DPD and it is likely that suitable and deliverable sites outside the Green Belt will become available in the next few years. These expected changes in circumstances significantly alter the balance in this case.
25. Circular 11/95: *The Use of Conditions in Planning Permissions* cautions against the grant of a second temporary planning permission. However in the circumstances surrounding this appeal the grant of a further temporary planning

permission for a period of 3 years would enable the process of identifying suitable sites to be concluded and in the meantime the family would not have to leave the site and suffer the considerable hardship that the likely living at the roadside would entail.

26. I conclude that the substantial harm, when for a limited period, is clearly outweighed by other considerations including the current unmet need for suitable Gypsy sites in the area, the present lack of a suitable alternative site, the personal needs and circumstances of this particular Gypsy family and the prospect of progress towards an adopted Gypsy and Traveller DPD over the temporary period. Very special circumstances therefore exist to justify the grant of a temporary planning permission for the period of 3 years.

Planning Conditions

27. Allowing the appeal would create a new planning permission. For the reasons given above the permission should be for a temporary period and personal to Vera Smith, Anthony Smith and Sarah Jane Smith and their dependants. Since a personal condition is being imposed it is not necessary to impose a Gypsy-occupancy condition.
28. So as to uphold the purposes and preserve the openness of the Green Belt and to protect the rural character and appearance of the surroundings it is necessary to impose conditions limiting the number of caravans on the site, controlling the siting within the plot, preventing other structures or buildings being brought onto site, maintaining the approved landscaping scheme and the approved scheme for the storage and disposal of waste.

Recommendation

29. I recommend that the appeal be allowed and temporary planning permission be granted subject to the conditions in the attached schedule.

Andrew Hammond

INSPECTOR

Schedule of conditions

- 1) The use hereby permitted shall be carried on only by Vera Smith and by Anthony Smith and Sarah Jane Smith and their dependants and shall be for a limited period being the period of 3 years from the date of this decision or the period during which the site is occupied by them, whichever is the shorter.
- 2) When the site ceases to be occupied by Vera Smith, Anthony Smith and Sarah Jane Smith and their dependants, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the premises in connection with the use hereby approved shall be removed, and the land restored to its condition before the use commenced.
- 3) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home), shall be stationed on the site at any time.
- 4) No temporary or permanent or mobile buildings, or other structures or erections of any kind for use in association with, or ancillary to, the use of the site hereby permitted, shall be brought onto the site or constructed or erected upon the site without the prior written permission of the local planning authority.
- 5) The hard and soft landscaping scheme shall be maintained as approved by the Council in accordance with Condition 5 of the planning permission 06/1062/FULL granted on appeals Ref APP/R1845/C/07/2039465, APP/R1845/C/07/2039453 and APP/R1845/A/07/2040181, dated 26 November 2007. Any approved trees or plants which during the period of occupation of the site by Vera Smith and Anthony and Sarah Jane Smith and their dependants as a residential caravan site pursuant to this permission are removed, die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) The siting of the caravans shall be as approved by the Council in accordance with Condition 7 of the planning permission 06/1062/FULL granted on appeals Ref APP/R1845/C/07/2039465, APP/R1845/C/07/2039453 and APP/R1845/A/07/2040181, dated 26 November 2007.
- 7) All waste shall be stored and disposed of in accordance with the scheme as approved by the Council in accordance with Condition 10 of the planning permission 06/1062/FULL granted on appeals Ref APP/R1845/C/07/2039465, APP/R1845/C/07/2039453 and APP/R1845/A/07/2040181, dated 26 November 2007.

APPEARANCES

FOR THE APPELLANT:

Philip Brown

Philip Brown Associates, 74 Park Road, Rugby
CV21 2QX

Anthony Smith
Sarah Jane Smith

FOR THE LOCAL PLANNING AUTHORITY:

John Baggott
Jonathan Elmer

Wyre Forest District Council
Wyre Forest District Council



Department for
Communities and
Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

WYRE FOREST DISTRICT COUNCIL
PLANNING COMMITTEE

9TH SEPTEMBER 2014

Worcestershire County Council Green Infrastructure Strategy

OPEN	
RESPONSIBLE OFFICER:	Director of Economic Prosperity and Place
CONTACT OFFICER:	Maria Dunn – Ext. 2551 Maria.dunn@wyreforestdc.gov.uk
APPENDICES:	Appendix 1: Worcestershire County Council Green Infrastructure Strategy <i>The appendix to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</i>

1. PURPOSE OF REPORT

- 1.1 To apprise members of the Worcestershire County Council Green Infrastructure Strategy and seek endorsement of the document as a material consideration in the determination of planning applications and as part of the Local Plan evidence base.

2. RECOMMENDATION

The Committee is asked to DECIDE that:

- 2.1 The Worcestershire County Council Green Infrastructure Strategy is endorsed.**

3. BACKGROUND

- 3.1 The Worcestershire Green Infrastructure Partnership is a cross-disciplinary partnership of statutory agencies, voluntary organisations, local District Councils and the County Council. Wyre Forest District Council has been represented on the GI Partnership since it was established. The purpose of the Partnership is to optimise planning and delivery of green infrastructure (GI) in Worcestershire. The partners represent a diverse range of interests, all focused on the natural and historic environment but encompassing sustainability, recreation and transport.
- 3.2 One of the Partnership's roles is to develop the Worcestershire Green Infrastructure Strategy. The Strategy is a non-statutory county-wide guidance document which aims to:
- direct and drive the delivery of GI in Worcestershire; and
 - inform relevant strategies and plans of partner organisations over the next five years.

- 3.3 The Worcestershire Green Infrastructure Strategy is supported by four evidence base documents which cover the following issues:
- **GI Framework Document 1** – establishes GI concept and policy context for Worcestershire
 - **GI Framework Document 2** – establishes the Environmental Character Areas based on natural environment datasets
 - **GI Framework Document 3** – explores the supply, potential need and capacity of strategic recreational assets
 - **GI Framework Document 4** – investigates the economic, health and climate change benefits of GI
- 3.4 The Strategy contains high-level priorities which should be explored in more detail at the local and site level.

4. KEY ISSUES

- 4.1 The purpose of the Green Infrastructure Strategy is to drive forward the delivery of GI in the County. It sets out the County-scale principles to inform plans and strategies being prepared by partner organisations, to enable a coherent approach to delivery across a range of initiatives. The Green Infrastructure Strategy sets out a definition of GI as well as a strategic vision for GI in Worcestershire and objectives for delivering that vision.
- 4.2 The Green Infrastructure Strategy has been informed by environmental character analysis and socio economic analysis. One of the key ambitions of the Strategy is to deliver multi-functional GI, this is green space which delivers on a number of goals, for example, it could enhance landscape character, provide opportunities for outdoor recreation and provide safe and pleasant walking and cycling routes. The Strategy identifies four key opportunities for the delivery of new GI. Whilst it is recognised that these are not the only opportunities for delivery, the Strategy focuses around them as they are seen as the key delivery opportunities within Worcestershire. These are:
- **New Development** such as housing and employment related development.
 - **Land management initiatives** such as agri-environment and woodland grant schemes.
 - **Minerals extraction and restoration**
 - **Infrastructure developments** such as transport, renewable energy and water related projects.
- 4.3 The Strategy is focused on these four key delivery opportunities. It sets out:
- the rationale for delivering GI through each of these opportunities;
 - the principles that should be applied and the priorities to take into account; and
 - the mechanisms that exist to assist with delivery.
- It also considers a number of cross-cutting principles that apply to all of these opportunities, namely:
- Sustainable development and
 - Multi-functionality
- 4.4 Following the endorsement of the Green Infrastructure Strategy by members of the Partnership, organisations will be responsible for taking forward the implementation of the strategy through their own structures. For Wyre Forest District Council this will

mean ensuring that GI is appropriately supported through the Local Plan and in the determination of planning applications. The District already has a Green Infrastructure Study and Green Infrastructure Strategy, the former was prepared to support the Core Strategy and the latter to support the Site Allocations and Policies Local Plan and Kidderminster Central Area Action Plan. These documents will need to be refreshed as part of the preparation of evidence base for the District's Local Plan Review, the issues and options consultation for which is expected to take place in Summer 2015.

- 4.5 The Green Infrastructure Partnership is also preparing a Delivery Plan which will set out the projects which are contributing to the delivery of GI around the County. One of the key opportunities for the delivery of larger scale GI is through the Minerals Local Plan taking on a restoration-led approach. Worcestershire County Council is currently preparing a Minerals Local Plan and will be undertaking further consultation in early 2015.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications associated with the endorsement of the Green Infrastructure Strategy.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The green Infrastructure Strategy is not a legally required document. However, it is a useful evidence base document in the preparation of the District's Local Plan.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 There are no equality impact needs assessment issues arising from this report.

8. RISK MANAGEMENT

- 8.1 There are no risks associated with this report.

9. CONCLUSION

- 9.1 The County Green Infrastructure Strategy, subject to member endorsement, will inform the refresh of the Wyre Forest District Green Infrastructure Study and Strategy and the determination of planning applications.

10. CONSULTEES

- 10.1 Development Manager.
Solicitor to the Council.

11. BACKGROUND PAPERS

- 11.1 Wyre Forest District Green Infrastructure Study
<http://www.wyreforestdc.gov.uk/media/105935/Final-Green-Infrastruture-Study.pdf>
- 11.2 Wyre Forest District Green Infrastructure Strategy
http://www.wyreforestdc.gov.uk/media/105947/EB047Final-GI-Strategy_opt.pdf