

Open

Planning Committee

Agenda

6pm
Tuesday, 14th April 2015
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 the Council’s 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.

WEBCASTING NOTICE

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council’s website for 6 months and shall be retained in accordance with the Council’s published policy.

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, 14th April 2015

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, 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 10 th March 2015.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	13
6.	Planning and Related Appeals 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.	72
7.	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.	

8.	<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>	
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Part 2

Not open to the Press and Public

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>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

10TH MARCH 2015 (6.00 PM)

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, V Higgs, R J Lloyd, C D Nicholls, D R Sheppard, M J Stooke, S J Williams and M J Wrench.

Observers:

There were no members present as observers.

PL.72 Apologies for Absence

Apologies for absence were received from Councillor B McFarland.

PL.73 Appointment of Substitutes

Councillor V Higgs was appointed as a substitute for Councillor B McFarland.

PL.74 Declarations of Interests by Members

Councillor M J Wrench declared an Other Disclosable Interest (ODI) in application number 14/0501/FULL, 197 Birmingham Road, Kidderminster as the Chairman of the local group of UKIP is one of the objectors.

Councillor M J Stooke declared an Other Disclosable Interest (ODI) in application number 14/0501/FULL, 197 Birmingham Road, Kidderminster as the Chairman of the local group of UKIP is one of the objectors.

PL.75 Minutes

Decision: The minutes of the meeting held on 10th February 2015 be confirmed as a correct record and signed by the Chairman.

PL.76 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 529 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 529 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.77 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.

The meeting ended at 18.57 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

10th March 2015 Schedule 529 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.

Councillors M Stooke and M Wrench left the meeting at this point, (18.04pm).

Application Reference 14/0501/FULL
Site Address: 197 BIRMINGHAM ROAD, KIDDERMINSTER, DY10 2SD
APPROVED subject to the following conditions: <ol style="list-style-type: none">1. A6 (Full with no reserved matters).2. A11 (Approved plans).3. Within one month of the date of this permission a site management plan shall be submitted to, and approved in writing by, the Local Planning Authority, which should include (as a minimum):<ul style="list-style-type: none">• A protocol for minimising the use of sirens within the curtilage of the site;• Details of what days and at what times routine testing of sirens is to take place;• Details of any alterations or enhancements to the vehicular access/egress; and,• Details of any additional signage proposed to reinforce the above mentioned protocol. <p>Thereafter, the site shall be used strictly in accordance with the approved management plan and no variation shall take place without the written consent of the Local Planning Authority.</p>

Councillors M Stooke and M Wrench came back to the meeting at this point, (18.31pm).

Application Reference 15/0015/RESE
Site Address: LAND AT SILVERWOODS, STOURPORT ROAD, KIDDERMINSTER
APPROVED subject to the following conditions: <ol style="list-style-type: none">1. Approved plans.2. This approval constitutes a consent of reserved matters under condition 3 of 14/0095/OUTL.3. Materials in accordance with details submitted.4. Planting in accordance with approved scheme.5. C8 (Landscaping maintenance).6. The approved tree planting shall be undertaken in accordance with the

details shown on submitted plans.

7. The parking spaces shown on the approved plan to be implemented and available for use prior to the first use of the building or outdoor pitches.
8. All means of enclosure to be implemented in accordance with approved plans.
9. The lighting scheme shall be implemented in accordance with submitted scheme and retained. No additional lights shall be implemented unless otherwise agreed in writing.
10. The building hereby approved shall not be brought into use until an additional noise assessment has been submitted to and agreed in writing by the Local Planning Authority. This additional noise assessment shall provide details of:
 - Existing Background noise levels;
 - All proposed mechanical plant and machinery and an indication of its position within the site;
 - Predicted noise levels based on the proposed plant and machinery;
 - Suggested means of mitigation if deemed to be necessary.The mechanical plant and machinery shall be installed in accordance with the agreed details and any means of mitigation implemented before the first use of the building.
11. Notwithstanding the above the area indicated on the Revised Landscaping Plan as 'Bank To Be Landscaped By Others' shall be planted in accordance with the details agreed under condition 24 of the outline planning consent 12/0146/EIA under condition discharge reference 13/2030/CR.
12. The ecological protection shall be implemented in full in accordance with Table 1 – Proposed phased ecological protection within the Ecological Update dated 3rd March 2015 prior to the first use of the building hereby approved.
13. Disabled Parking Need - Notwithstanding the details submitted 16 car parking spaces shall be provided on the site for the use by the disabled in a location to be agreed in writing by the Local Planning Authority. Such spaces shall be satisfactorily identified and reserved solely for that purpose and shall be made available prior to the developments first use.
14. Cycle Parking - Prior to the first use of the development hereby approved secure parking for 32 cycles to comply with the Council's standards shall be provided within the curtilage of the development and these facilities shall thereafter be retained for the parking of cycles only.
15. Motorcycle Parking - Prior to the first use of the development hereby approved secure parking for 16 Motorcycle cycles to comply with the Council's standards shall be provided within the curtilage of the development and these facilities shall thereafter

To clarify condition 1 of the outline consent, the condition is to ensure that the proposal is utilised for the benefit of the Council as required by Regulation 9 of the Town and County Planning General Regulations.

The above conditions are in addition to the conditions imposed at the outline stage (Ref. 14/0095/OUTL), some of which are in the process of being discharged.

- (1) This permission shall ensure for the benefit of the applicants only.
- (2) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two

- years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (3) The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called “the reserved matters”) before any development is commenced:
 - Appearance
 - Layout
 - Landscaping
 - (4) Application for approval of the reserved matters shall be made years from the date of this permission.
 - (5) The development hereby approved shall be carried out strictly in accordance with the approved drawing.
 - (6) The plans and particulars of the reserved matters shall show a building(s) with a gross internal floor area not exceeding 5,900 square metres.
 - (7) The first submission of an application for the approval of reserved matters shall be accompanied by a noise assessment.
 - (8) The first submission of an application for the approval of reserved matters shall be accompanied by details of the proposed lighting scheme for the development.
 - (9) The first submission of an application for the approval of reserved matters shall be accompanied by an updated Phase 1 Habitat survey of the site and details of any proposed mitigation measures.
 - (10) Prior to the first use of the building or site a Travel Plan incorporating targets for sustainable travel to and from the site by staff and patrons shall be submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall include details of how staff and patron travel habits are to be recorded and reviewed on an annual basis.
 - (11) Site investigation details of proposed remediation.
 - (12) Following the completion of the measures identified in the remediation scheme approved under condition 11 above, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and agreed in writing by the Local Planning Authority prior to the first use of site.
 - (13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.
 - (14) Notwithstanding any details previously submitted, prior to the commencement of development details of a foul and surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority.
 - (15) Notwithstanding any details previously submitted, no development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings, have been submitted to and approved in writing by the Local Planning Authority.
 - (16) All clearance works within the site shall take place between September and January only (i.e. outside the bird breeding season).

Note

The operator of the sports pitches is advised to have regard to the management of the use of the pitches (in terms of hours of use and age of patrons) to ensure that there is no loss of amenity as a result of noise and disturbance to surrounding residential occupiers).

Application Reference 14/0632/FULL

Site Address: RICKSTONE, RECTORY LANE, STOURPORT-ON-SEVERN, DY13 0TB

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. B6 (External details – approved plan).

Application Reference 14/0720/FULL

Site Address: 48 BRINTON CRESCENT, KIDDERMINSTER, DY11 6NT

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. B6 (External details – approved plan).

Application Reference 14/0734/FULL

Site Address: 61 SPENCER STREET, KIDDERMINSTER, DY11 6NF

APPROVED subject to the following conditions:

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

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

14/04/2015

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
15/0053/FULL	26 RECTORY LANE ROCK KIDDERMINSTER	APPROVAL	14
15/0090/OUTL	BROAD STREET CAR PARK KIDDERMINSTER	APPROVAL	19
15/0113/FULL	CRUNDALLS COTTAGE CRUNDALLS LANE BEWDLEY	APPROVAL	30
15/0129/FULL	CAR PARK AT THE SWAN 9 BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER	REFUSAL	35

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
15/0013/S73	BURLISH PARK GOLF CLUB ZORTECH AVENUE KIDDERMINSTER	REFUSAL	59
15/0061/LIST	BROUGHTON COTTAGE THE VIILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	64
15/0089/FULL	BANNUT TREE FARM CROSS BANK BEWDLEY	APPROVAL	68

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
14TH APRIL 2015

PART A

Application Reference: 15/0053/FULL **Date Received:** 02/02/2015
Ord Sheet: 373208 271479 **Expiry Date:** 30/03/2015
Case Officer: James Houghton **Ward:** Rock

Proposal: Proposed extensions to dwelling (Resubmission of 14/0592/FULL)

Site Address: 26 RECTORY LANE, ROCK, KIDDERMINSTER, DY149RS

Applicant: Ms A Payne

Summary of Policy	CP11 (CS) SAL.DP2, SAL.UP7, SAL.UP8 (SAAPLP) Section 9 (NPPF)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a pitched roofed, three bed dwelling set back from Rectory Lane behind a front drive and gardens. The property sits within a staggered building line and the front elevation of the property is set back from the front elevations of the dwellings either side.
- 1.2 To the rear of the property is a change in ground level. The garden drops away from the property to the east a terrace is found to the rear. This terrace is formed by means of a retaining wall and appears to contain the shared sewer and drains for properties fronting Rectory Lane. Given the constraints of these services and the potential for impact on neighbouring properties through breach of the 45° code guidelines, the usable space for extensions to the rear of the application site is limited.

15/0053/FULL

2.0 Planning History

2.1 14/0592/FULL – Two storey side extension and single storey rear extension: Withdrawn.

3.0 Consultations and Representations

3.1 Rock Parish Council – No objection and recommend approval.

3.2 Highway Authority – No objections.

3.3 Neighbour/Site Notice – Two letters of objection have been received. The objections are on the basis that:

- the extension may restrict the levels of light currently enjoyed at neighbouring properties;
- views along the street may be restricting;
- the extension is considered uncharacteristic given the staggered building line on Rectory Lane;
- concern that precedent would be set for the conversion of a link detached dwelling to a semi detached dwelling;
- the extensions proposed would result in the property becoming linked to the neighbouring dwelling resulting in a loss of privacy and an increase in noise;
- it appears that the extension proposed would be constructed off walls not within the applicants property; and
- it is alleged that the plans submitted are inaccurate.

4.0 Officer Comments

4.1 The applicant seeks approval for the addition of a two storey front extension to the property. The extension would provide an enlarged porch, lounge and garage at ground floor and provide sufficient space (along with associated internal reconfiguration) for an additional bedroom at first floor. The proposed extension would require the removal of the existing roof and the addition of a new roof with the same pitch as the existing roof and the same ridge height. In addition to the front extension a single storey extension is proposed to the rear of the existing garage which would provide additional kitchen space. This element of the scheme falls within the limits specified within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and would not, in isolation, require the benefit of planning permission.

15/0053/FULL

- 4.2 The current application differs from the previous withdrawn submission (14/0592/FULL) in that the proposed extensions have been relocated to the front of the property, not the rear. The potential for extensions to the rear of the property is limited by the topography of the site, services (specifically sewers and drains) and the impact on neighbouring properties through loss of light and breach of the 45° code guidelines.
- 4.3 At present the application property is set back from the properties either side. At ground floor the property is set back 1.1m from the front of no. 28 and 2.15m from the front of no. 24, at first floor the building is set back 1.9m from the front elevation of no. 28 and 2.25m from the front of no. 24. The proposed extension would result in the ground floor of the building being set back 0.2m from the front of no. 24, although a bay window would project 0.35m forward of no. 24. The ground floor would be set 0.8m forward of the front elevation of no. 28. At first floor the extension would project 0.5m forward of the first floor of no. 24 and 0.85m forward of no. 28. Whilst the development would alter the building line at this point the building line in this area is already staggered. The forward projection of the first floor element would be 0.5m beyond the two storey front elevation of no. 24 which, given the separation between the application and neighbouring properties and the context of the immediate area, would appear neither prominent or incongruous. The front extension proposed would result in a property with a similar appearance to those found along the east side of Rectory Lane and as such the extension would be considered to offer no detriment to the character of the area or the street scene.
- 4.4 Given that the application and neighbouring properties are separated by their attached garages it is considered that the proposed extensions would offer no detriment to the amenity currently enjoyed by the residents of neighbouring properties. There would be no impact on privacy, light or outlook and the 45° Code guidelines would not be breached.
- 4.5 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan states that extensions must “be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building” and the extension should be “subservient to and not overwhelm the original building, which should retain its visual dominance”. The proposed development would, by virtue of subsuming the existing property and effectively replacing all parts of the front elevation visible from the highway, overwhelm the appearance of the original dwelling which would, therefore, lose its visual dominance. By providing a front elevation which would not appear incongruous or uncharacteristic for this area the development would accord with the remainder of Policy SAL.UP8 in that the extended property would “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”.

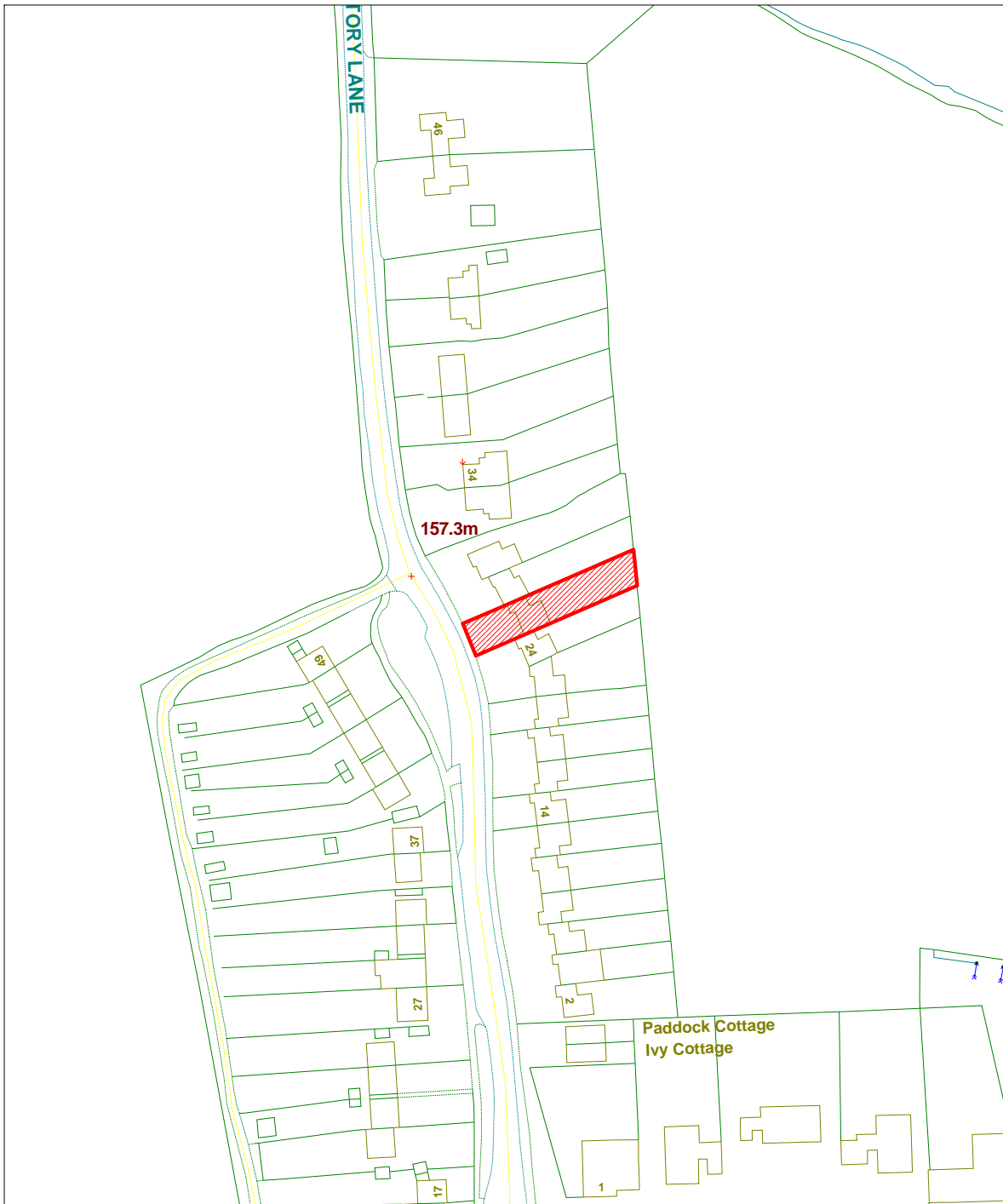
15/0053/FULL

- 4.6 The scale of the extensions is extensive enough that the development is comparable to a replacement dwelling and as such the breach of Policy SAL.UP8 is considered acceptable given that an application for a new dwelling in this location with the form of the extended dwelling would be acceptable in terms of Policies SAL.DPL2 and SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 4.7 The concerns of those objecting to the scheme which relate to the ownership of walls and structures which may be integral to the implementation of the scheme are noted. A note should be added to any consent issued which reminds the applicant that the decision notice does not confer on the right to build on or over land owned by a third party without the third party's consent.
- 4.8 Whilst the concerns of those objecting to the scheme relating to the loss of views and the formation of a semi detached dwelling are noted, these issues would not be material considerations in determining this application.

5.0 Conclusions and Recommendations

- 5.1 The extensions and alterations to the property are felt to be tantamount to a new dwelling. The size, design and position of the extensions dwelling are considered, on balance, to be acceptable although the development is strictly contrary to some of the provisions of Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan. The proposals will offer no harm to the street scene, the character of the area or the amenity enjoyed by the occupants of neighbouring properties and as such would accord with the requirements of Policies SAL.DPL2 and SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.2 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters).
 2. A11 (Approved plans).
 3. B1 (Samples of materials).

Note
SN12 (Neighbours' rights).



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

26 Rectory Lane
Rock, Kidderminster, DY14 9RS

Date:- 31 March 2015 Scale:- 1:1250 OS Sheet:- S07371SW Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	15/0090/OUTL	Date Received:	10/02/2015
Ord Sheet:	383297 277223	Expiry Date:	07/04/2015
Case Officer:	Paul Round	Ward:	Broadwaters

Proposal: Residential Development (up to 5No. Units)
(All Matters Reserved)

Site Address: BROAD STREET CAR PARK, KIDDERMINSTER, DY102LZ

Applicant: North Worcestershire EDR

Summary of Policy	DS01, DS02, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7, SAL.UP9 (SAAPLP) KCA.PFSD1, KCA.CC1, KCA.CC2, KCA.UP1, KCA.Ch1 (KCAAP) Churchfields Masterplan SPD Planning Obligations SPD Design Quality SPG Paragraph 14, Section 6, 7 (NPPF) Planning Practice Guidance
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council. Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site forms a public pay and display car park on Broad Street, Kidderminster. The car park is situated close to the Horsefair shopping area, and was originally constructed on the site of the former community centre to replace the loss of car parking as a result of development by Wyre Forest Community Housing. The site is bounded to the north, south and east by residential properties, to the west (opposite) by industrial buildings and children's playground to the north-west.
- 1.2 The site is allocated as car parking within the Adopted Kidderminster Central Area Action Plan and is also falls within the Churchfields Masterplan boundary.
- 1.3 The application seeks for outline permission for residential development on the site.

15/0090/OUTL

2.0 Planning History

- 2.1 WF/0924/03 - Erection of two storey houses and flats and three storey flats and car parking, relocation of Local Authority car park (total number of residential units = 27). Demolition of shop : Approved 09.12.2003

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to conditions and notes
- 3.2 Planning Policy Manager - The NPPF was published in 2012 and provides the national planning policy context. The NPPF sets out the presumption in favour of sustainable development.

Part 6 of the NPPF relates to ‘delivering a wide choice of high quality homes’. This sets out how the Government expect Local Planning Authorities to ensure that housing needs are met. It states that ‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.

Policy DS01 of the Adopted Core Strategy (2010) includes a settlement hierarchy which directs 60% of future residential development towards Kidderminster. It indicates that development will be focussed on brownfield sites. The sequential approach towards development within the District favours key regeneration sites within the Kidderminster Central Area. The site is brownfield and lies within the Kidderminster Central Area and therefore is in accordance with the requirements of this policy. Policy DS02 sets out the strategic approach to Kidderminster and reiterates that it is the focus for development.

The site lies within the area covered by the Kidderminster Central Area Action Plan (2013). It also lies within the area covered by the Churchfields Masterplan (2011). Policy KCA.DPL1 (Sites for Housing) identifies that residential development will be encouraged within the KCAAP area and the District Council will seek to provide at least 900 dwellings within the plan period. It goes on to state that *“Development for residential uses will be acceptable throughout the KCAAP subject to the provisions of site specific policies, and on previously developed land not subject to site specific policies providing that proposals are in accordance with all other relevant policies in the Development Plan”*.

15/0090/OUTL

In addition to this general policy framework, this site is located within the Churchfields area of the town and therefore Policy KCA.Ch1 (Churchfields Masterplan) is also of relevance. This policy identifies that new development will be expected to conform to the overall aims of the Churchfields Masterplan SPD. It goes on to say "*that proposals must be guided by the Masterplan and should demonstrate how they have met the expectation for the site*". The Churchfields Masterplan includes an aspiration for residential development on the site as shown in figure 27.

The Site Allocations and Policies Local Plan (2013) includes two policies of specific relevance to this application. Policy SAL.DPL1 reiterates that residential development will be permitted on sites identified within the KCAAP.

Policy SAL.CC2 relates to car-parking. The site in question is allocated as a car park on the Policies Map (2013) and therefore, this policy is of specific importance in determining the application. The policy states that '*Proposals involving the development of car parks will be considered on a site-by-site basis. Any proposed reduction in the amount of car parking spaces as a result of development will need to be fully justified.*'

In conclusion, it is not considered that residential use on this site would cause conflict with the national or local policy framework, however, it remains for the decision taker to be satisfied that appropriate justification is provided for the loss of car-parking in accordance with Policy SAL.CC2.

- 3.3 Severn Trent Water – No objection subject to condition.
- 3.4 Worcestershire Archive & Archaeology Service - The proposed development lies on the edge of the post medieval town, in an area of urban expansion fuelled by the economic expansion of the town in the mid nineteenth century. In the late eighteenth century this area appears to be still agricultural, but in response to the booming carpet industry was soon developed into housing to support the workers and support industries. Jerusalem Walk was established with housing and a school. There has been little archaeological investigation of these early Victorian suburbs much of which was demolished and redeveloped in the mid twentieth century.

Given the scale of the development, and the anticipated archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works

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The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 141, and Local Plan Policy SAL.UP6 (Safeguarding the Historic Environment).

NPPF states "... They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.³⁰ However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

- 3.5 Worcestershire Regulatory Services - The history of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented. Little information is known or has been provided on this site and consequently a Phase I study is recommended.

- 3.6 Neighbour/Site Notice -

LETTER OF OBJECTION RECEIVED FROM THE HORSEFAIR TRADERS PARTNERSHIP:
Our Partnership mandate is to uphold and preserve the interests of local businesses to ensure that the Horsefair Local Centre is an attractive and welcoming destination for all shoppers whether arriving on foot or by car.

We have previously launched several campaigns to protect car parking in the local area. Convenient local car parking is an essential component in encouraging people to come in to the Horsefair.

I refer to the above mentioned application, which is effectively a proposal to remove 34 car parking spaces, which serve the local centre. On page 7 of the Planning Statement under the heading, 'Justification for loss of Car Parking Spaces' it is suggested that the car park is under used and that usage of the same is in decline. It is also stated that the car park is hidden from view of the main road. However, we strongly disagree with that assessment.

15/0090/OUTL

Customers of shops in the Horsefair regularly use the Broad Street car park. In view of the type and nature of businesses in the Horsefair, most customers would not need to stay in the car park for more than 30 minutes. As the first hour of parking is free, this frequent use of the car park would not register in any calculation of revenues generated by the car park. The reference in the Planning Statement to the reduction in the revenue stream is therefore flawed as it does not give an accurate account of the actual use of the car park.

The assertion that the car park is hidden from view of the main road is also misleading. In fact, the car park is very clearly sign posted from all directions approaching the town centre.

The Planning Statement also states that the running of the car park is actually costing the council money to retain the facility. A simple solution to that would be to make it a permanently free car park in which case it would not need to be monitored by wardens for the meagre revenue collected. Making the car park permanently free would also help to alleviate on road car parking congestion, particularly on Broad Street and Radford Avenue.

There are several local small manufacturing businesses (of the type that really should be encouraged and supported to stay in the Horsefair) whose clients and employees find it very difficult to find convenient local car parking spaces. One example is MG Sportswear, which has 25 employees and hosts clients from all around Europe. It is also a major exporter to the continent. In addition, as a result of our hard work and promotion of the Horsefair a new firm of solicitors has also recently moved into the local centre. Once again, this type of business will bring clients to the area and therefore requires short to medium stay local car parking options.

In view of the above, another idea could be for the council to issue parking permits to allow local employees to park in the car park to prevent any abuse of the car park by people who have no connection with local business.

It is accepted that there are 5 car parking bays near to the Horsefair Local Centre and the provision of these spaces has thrown a lifeline to local businesses, which are now able to attract vital passing trade and encourage shoppers to pull over and come into their shops. The spaces are short stay and predominately cater for convenience shopping. It would not be possible for example, for a local employee or a client of the sportswear manufacturing company or solicitor to park there, all of whom would need a longer stay option.

15/0090/OUTL

We are not opposed to residential development but this should not be at the cost of a valuable local car parking facility, which could help (by looking at alternative options such as permanently free or permit regulated parking) to support and encourage more businesses to set up in the Horsefair Local Centre, which now has the potential to once again become the vibrant and bustling trading centre that it once was.

Any proposed loss of car parking spaces in the Horsefair Local Centre must be carefully considered in the context of the reasons set out above.

If the Planning Committee are of a mind to allow this application there should at the very least be consideration given, to putting in place an undertaking to replace the lost car parking spaces elsewhere in the Horsefair, either on road or an alternative location.

3 SEPARATE LETTERS OF OBJECTION RECEIVED RAISING THE FOLLOWING POINTS:

1. This lack of apparent parking was a point of discussion amongst the several new traders who have invested time and money on taking on empty shops and traders like myself in the area for nearly 40 years. In the hope of getting proper signs I approached various people in the Council and after various discussions [I was] informed [that] signs would be put up early this year. Not ideal, a few years too late to put them up, but at last we were being considered. No signs appeared and without any consultation or warning we read of the housing proposal in the local paper. We feel to say the least cheated and deceived by, as removing the car park, rather than adding signs, is very bad news for the areas traders and residents

The Car Park on Broad Street is an important local amenity, and should be valued as such not a number of square yards of tarmac with a land value and anticipated earning power i.e. cash source be it parking fees or as is suggested sell off value.

It is an amenity to support the many local businesses in their daily attempt to survive and improve the trading area where they work. It is crucial it is not closed and sold.

The proposal by the council does not take this broader picture into account and should be rejected, and the promised signs to be erected as promised and as soon as possible.

2. I wish to object to the loss of Broad Street Car Park which will leave only 6 parking spaces on the Horsefair. We have already lost the car park on the corner of Blackwell street and Radford Avenue. The revenue from the car park might be low but most people use the FREE 30 minutes to get to the Horsefair shops and Post Office when the 6 parking slots are full.

15/0090/OUTL

3. The change of use from an Amenity Car Park to residential usage will have a serious impact on our business and our ability to attract new business from surrounding areas. Our specific objections are as follows:
 - As a new business owner one positive point of the Horsefair is the Amenity Car Park that is advertised on our literature.
 - Perhaps if the Car Park was signed sufficiently more customers would be attracted to the area providing a further boost for businesses
 - The lack of car park space will deter present customers
 - Without good Car Parking It will be more difficult to attract new and future customers from surrounding areas
 - The negative side of the Horsefair is the Underpass where customers are reluctant to cross from Kidderminster Town Centre to the Horsefair and the only way of persuading them is to use the Amenity Car Park in Broad Street

4.0 Officer Comments

- 4.1 The outline application has been submitted with all matters reserved for up to 5 dwellings on the site. As such the only consideration at this stage is the principle of residential development.
- 4.2 The key policies for this consideration fall within the Adopted Kidderminster Central Area Action Plan. Policy KCA.DPL1 encourages residential development within the Kidderminster Central Area Action Plan boundary in order to achieve the target of at least 900 units within the plan period. This application conforms to the aims of the Adopted Wyre Forest Core Strategy, Adopted Wyre Forest Site Allocations and Policies Local Plan and the Government objective of boosting housing supply as contained with the National Planning Policy Framework. Development of car parks is permitted by Policy SAL.CC2 which requires any reduction to be justified and proposals to be considered on a site by site basis.
- 4.3 The following justification has been received from North Worcestershire Economic Development and Regeneration:

The car park provides 34 spaces. This car park was developed originally as compensation for the loss of parking from a site that sits to the south of this location, which now forms a residential development. However, since the relocation of the car park the numbers using it have reduced dramatically (the pictures included in this planning statement of the car park reflect a common occurrence). Anecdotal evidence also suggests that many people decide to park on street in the area, rather than using the designated car park, due to the fact there are no yellow lines on Broad Street.

15/0090/OUTL

Aside from this anecdotal evidence, there are also compelling reasons as to why it is considered that this car park is no longer viable to continue in its current form and should be considered for alternative uses. These are as follows:

- The car park is hidden from view of the main road that passes to the south of the site. The result of this is that the car park is not heavily patronised and does not perform the role of a car park for the adjoining local centre (Horsefair);*
- The use of the Car Park has been ever decreasing since it opened. A yearly total of £310 was received via the machine in 2011/12 and this dropped to £265 in 2013/14. This revenue stream from the car park means that it is actually costing the Council money to retain the facility.*
- There are parking bays located near to the Horsefair Local Centre that are highly visible and convenient and help to support the traders in this location. These spaces provide a much more attractive and more heavily patronised solution than the car park that is the subject of this application;*

It is also worth noting that future transport proposals within this area should help to provide spaces in closer proximity to the businesses that exist within the Horsefair. This could be achieved through the alterations to make the A451 (Stourbridge Road) one way as part of the wider transport improvements suggested through the Churchfields Masterplan.

- 4.4 The financial case is compelling showing a decrease in revenues to approximately £5.10 per week. It is evident however that such justification will not be able to take account of the free short term periods which may be utilised. Further justification of car parking levels has been sought and a car parking survey is being undertaken and will be provided to the Committee via the Addenda and Corrections sheet. However it is not anticipated that these results will show high usage, as based on Officer's knowledge this is not a highly utilised asset.
- 4.5 The comments raised by local businesses are noted and I have sympathy with their position. However there is no balancing evidence that has been provided to show that the car parking is an essential resource for them to continue to operate their businesses or provides an essential provision. I agree that it may be desirable to retain car parking in this location, even on a completely free basis, however it is clear that it is not a practicable solution for the District Council. Alternative car parking is available on street and 6 spaces are available fronting onto to Horsefair.

15/0090/OUTL

- 4.6 The Churchfields Masterplan sets out the Council's aim for this area in terms of long term development. The major part of the strategy is to encourage the building of homes within this locality and increase the design quality of the area. The existing car park does negatively impact on the design of the area and impacts on the flow of the streetscene. The Masterplan shows development of the car park as part of the wider regeneration and it is clear that this would result in some visual benefits, along with removal of the opportunities of anti-social behaviour.
- 4.7 Planning decisions are based on the material circumstances that are manifest at the time and are often based on a balancing of these issues. When matters are finely balanced as with this case, the National Planning Policy Framework sets out that there should be a clear presumption in favour of sustainable development should add to the weight in favour.
- 4.8 Having balanced all the issues in this case, I have to conclude that the principle of the development for residential development and the loss of this car parking facility is acceptable and can be approved as being in conformity with Local and National Policies.
- 4.9 Matters of detail will be dealt with as a separate application for reserved matters.
- 4.10 There are no other issues, including highways as confirmed under paragraph 3.1, that would result in a differing view to be taken.

5.0 Conclusions and Recommendations

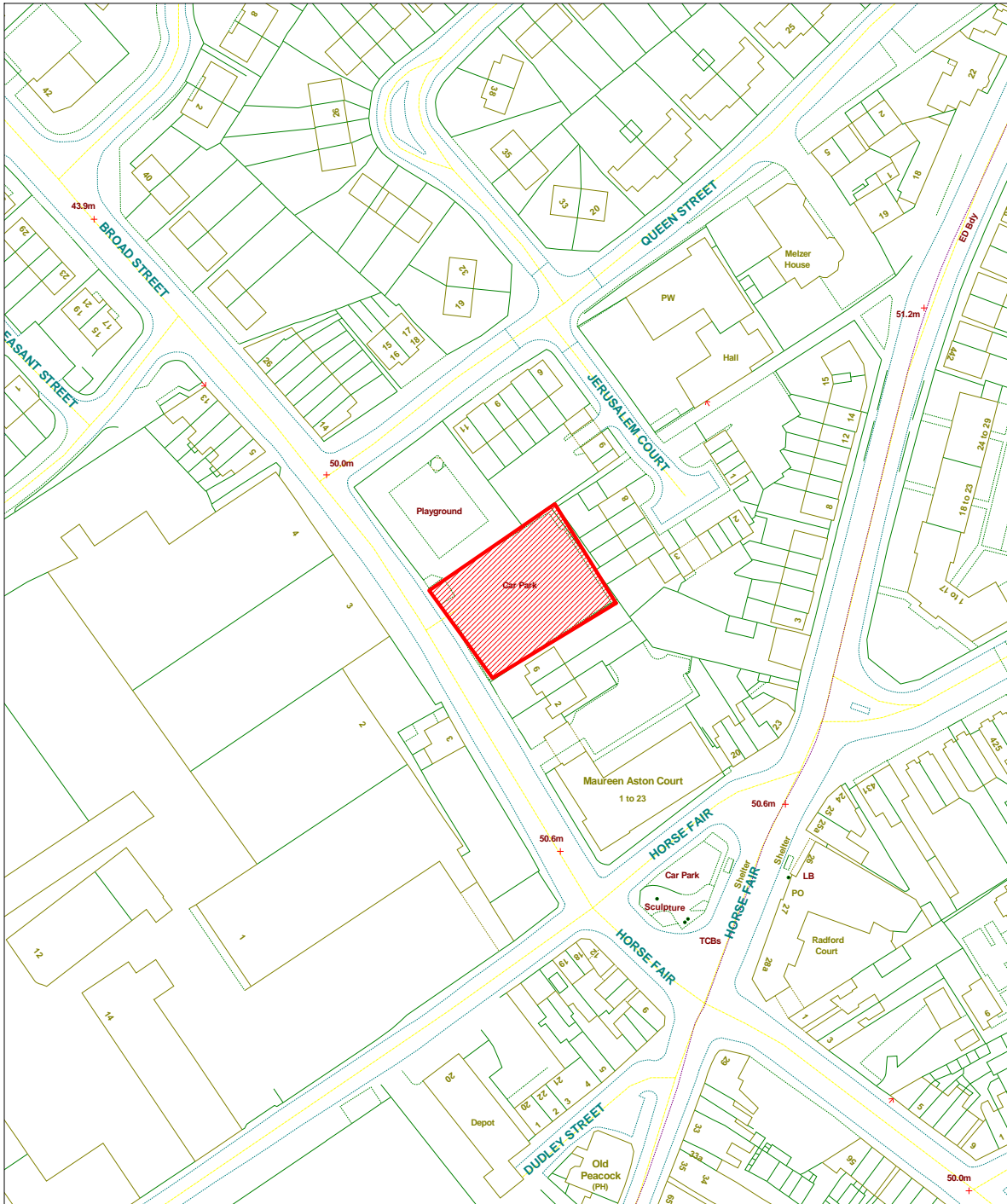
- 5.1 The development is considered to be acceptable in principle and can proceed as been compliant to established policies. The comments raised by local businesses have been fully considered however it is concluded that the proposal would meet the requirements for sustainable development and would provide additional residential units within the area, adhering to the aims and objectives of the Churchfields Masterplan.
- 5.2 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A1 (Standard outline).
 2. A2 (Standard outline – reserved matters).
 3. A3 (Submission of reserved matters).
 4. A11 (Approved plans).
 5. A12 (No approval of layout).
 6. B1 (Samples/details of materials).
 7. B11 (Details of enclosure).
 8. B13 (Levels details).

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9. C6 (Landscaping – small scheme).
10. C8 (Landscape implementation).
11. E2 (Foul and surface water).
12. F5 (Construction site noise/vibration).
13. J9 (Open plan frontages).
14. Contaminated Land.
15. Archaeology.
16. Visibility splays.
17. Parking estate development – (1 + house).
18. Cycle Parking (Multi Unit).
19. Highway improvements / offsite works.

Notes

- A. Mud on highway.
- B. Private Apparatus within the Highway.
- C. Section 278 Agreement.
- D. No drainage to discharge to highway.
- E. Protection of visibility splays.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Broad Street Car Park
Kidderminster, DY10 2LZ**



Date:- 31 March 2015 Scale:- 1:1250 OS Sheet:- SO8377SW Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556

Application Reference: 15/0113/FULL	Date Received: 24/02/2015
Ord Sheet: 378661 276514	Expiry Date: 21/04/2015
Case Officer: James Houghton	Ward: Wribbenhall

Proposal: Retrospective application to seek retention of extensions to property as built

Site Address: CRUNDALLS COTTAGE, CRUNDALLS LANE, BEWDLEY, DY121NB

Applicant: Mr M Richardson

Summary of Policy	CP11 (CS) SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) Section 9 (NPPF)
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application property is a detached two storey dwelling set back from the road behind a front drive and gardens. The property has been substantially extended, these extensions form the basis of this retrospective application.
- 1.2 The property is within an area washed over by the West Midlands Green Belt.

2.0 Planning History

- 2.1 12/0655/FULL – Single storey side extension : Approved 21/02/13.

3.0 Consultations and Representations

- 3.1 Kidderminster Foreign Parish Council – Object to the proposal and recommend refusal on the basis that “the unauthorised extensions as built now are not in keeping with the character of the original cottage. We therefore cannot support this retrospective application”.

15/0113/FULL

- 3.2 Neighbour/Site Notice – One letter of objection has been received. The objection is on the grounds that the building has been developed over and above the scheme approved through the existing consent. In addition there are concerns that works have been carried out for the erection of a double garage close to the boundary with a neighbouring dwelling which may, depending on its form, have a significant impact on the levels of light enjoyed at a kitchen window.

Three letters of support have been received (two of which have been supplied through the applicant).

4.0 Officer Comments

- 4.1 Permission was granted for the addition of a pitch roofed, single storey side extension providing a garage, utility room and w.c through application 12/0655/FULL. The extension had been designed to appear subservient to the original dwelling, the front elevation was to be set back from the front of the existing porch and the roof was to have a lower pitch than that of the host property. The approved extension resulted in an increase in volume over the original building of approximately 65%.
- 4.2 The applicant seeks retrospective approval for the erection of a two storey side/rear extension which provides a dining room and living room at ground floor and provides sufficient space to allow an increase in first floor accommodation from two bedrooms to three bedrooms, a bedroom/study, a bathroom, en suite and a dressing room. The extensions approved through application 12/0655/FULL have been incorporated and subsumed into the development which forms the subject of the current application.
- 4.3 Section 9 of the National Planning Policy Framework (NPPF) sets out guidance for the forms of development considered acceptable within the Green Belt. Paragraph 89 of the NPPF contains the relevant policy for extensions to existing properties within the Green Belt and states that appropriate development would include:

“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”

This national policy is replicated through Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan which provides support *“for the extension of an existing dwelling, providing 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.”*

15/0113/FULL

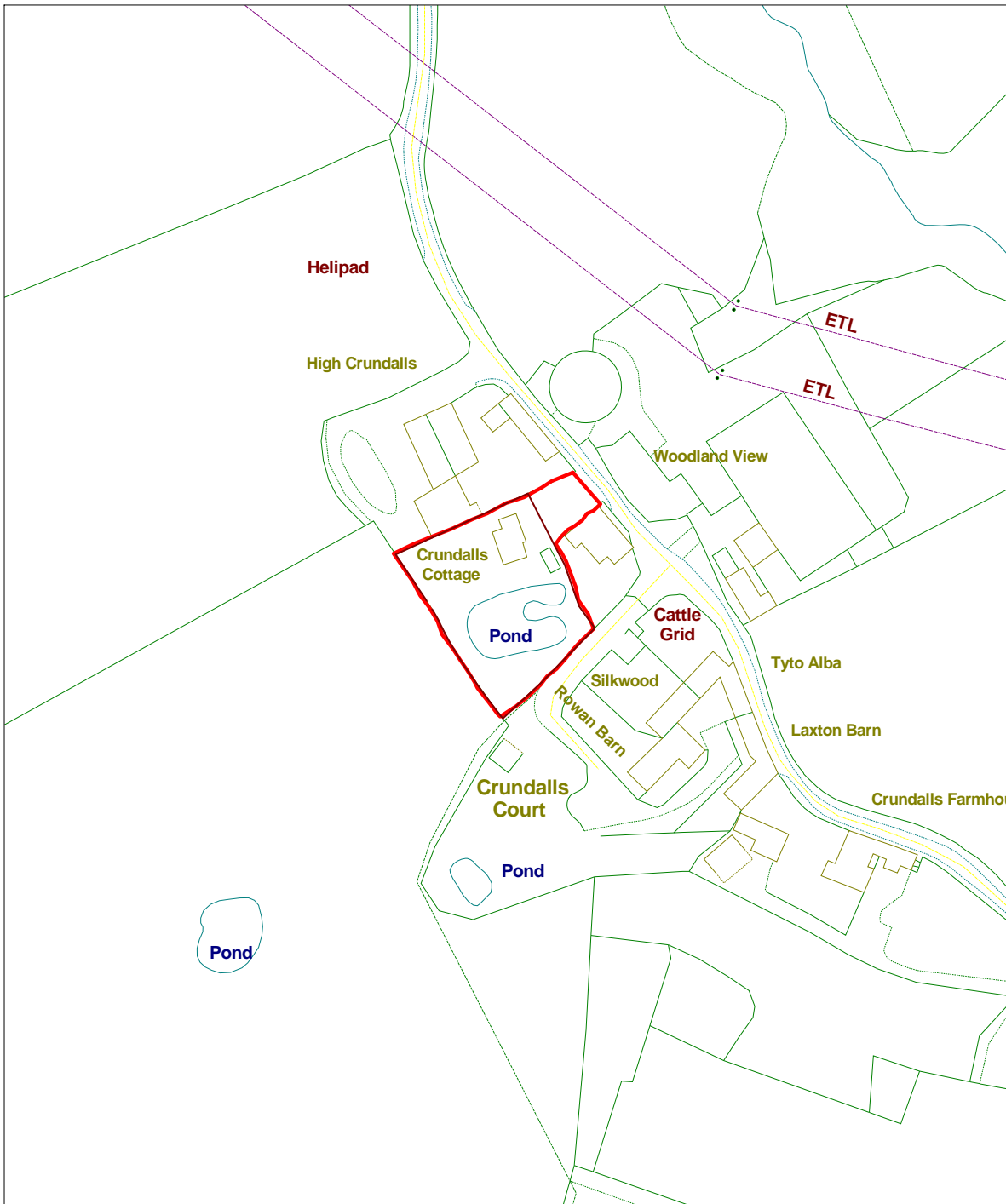
- 4.4 The extensions that form the subject of this application are not considered appropriate in terms of either scale or design. The cumulative scale of the extensions is the key issue in determining this application. The extensions represent an increase in volume over and above the original building of approximately 132% (The previously approved scheme granted consent for extensions amounting to 65%). In this case the cumulative volume and increase in massing added by the extension are considered to constitute inappropriate development within the Green Belt which is harmful by definition. No very special circumstances have been provided to outweigh the harm to the character, openness and visual amenity of the Green Belt.
- 4.5 Policies SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan require that additions to a property are in scale and keeping with the form, materials, architectural characteristics and detailing of the original building and should be subservient to and not overwhelm the original building, which should retain its visual dominance.
- 4.6 The ridge line of the two storey side extension replicates that of the original dwelling and the planes of the roof run seamlessly into the original roofs. The extensions provide no visual differentiation between the original structure and the extensions and as such do not meet the requirements of the policy. In addition the sheer size of the two storey extension fails to accord with these requirements and the cumulative impact of the extensions is considered excessive given the character of the area and the existing development in the vicinity.

5.0 Conclusions and Recommendations

- 5.1 The combined volume of the extensions results in disproportionate additions over and above the size of the original building which are considered to constitute inappropriate development within the Green Belt and is harmful by definition. No very special circumstances have been provided to support this level of development and as such the proposals are considered contrary to the guidance laid out in Section 9 of the National Planning Policy Framework and Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.2 The scale and design of the extensions result in disproportionate and overwhelming additions to the property which are considered to have a detrimental impact on appearance of the original dwelling as well as adjacent existing development and the character of the area. The development is not considered to accord with the requirements of Policies SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

15/0113/FULL

- 5.3 It is recommended that the application be **REFUSED** for the following reasons:
1. The combined volume of the extensions has resulted in disproportionate additions over and above the size of the original building which are considered to constitute inappropriate development within the Green Belt and is harmful by definition. No very special circumstances have been provided and as such the proposals are contrary to the guidance laid out in Section 9 of the National Planning Policy Framework and Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
 2. The scale and design of the extensions result in disproportionate and overwhelming additions to the property which have a detrimental impact on appearance of the original dwelling as well as existing development in the vicinity and the character of the area. The development is not considered to accord with the requirements of Policies SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

Crundalls Cottage
Crundalls Lane, Bewdley, DY12 1NB



Date:- 31 March 2015 Scale:- 1:1250 OS Sheet:- S07876SE Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556

Application Reference:	15/0129/FULL	Date Received:	04/03/2015
Ord Sheet:	387712 278322	Expiry Date:	29/04/2015
Case Officer:	Julia Mellor	Ward:	Blakedown and Chaddesley

Proposal: Construction of Class A1 Convenience Store including ATM with dedicated external serving, refuse and plant area, associated car parking, access arrangements and landscaping

Site Address: CAR PARK AT THE SWAN, 9 BIRMINGHAM ROAD, BLAKEDOWN, KIDDERMINSTER, DY103JD

Applicant: NewRiver Retail Property Unit Trust

Summary of Policy	DS01, DS04, CP01, CP03, CP07, CP09, CP11 (CS) SAL.PFSD1, SAL.DPL11, SAL.GPB3, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) Sections 1, 2, 4, 7, 8, 10, 12 (NPPF)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site comprises of a surfaced car park to the north east of the locally listed public house, The Swan, which it currently serves. The site of the public house accommodates 3 protected trees, one of which is a mature Yew tree and lies within the current application site, the other two are a Norway Spruce and a Yew Tree and are located beyond the application site boundary.
- 1.2 The site lies within a predominantly residential area. To the north of the application site is the Kidderminster to Birmingham railway line, to the east lies the residential dwelling at No.15 Birmingham Road. To the south is the A456 Birmingham Road
- 1.3 In summary, the application proposes the construction of an A1 use class retail store providing 310 sq.m of gross floor space and a net sales area of 185 sq.m. The proposed standalone unit would measure approximately 23.3m by 15m. It would have a hipped roof reaching 6.87m at its highest point. An ATM is proposed within the front elevation facing the 17 space car park proposed to serve both the store and the existing public house.

15/0129/FULL

2.0 Planning History

- 2.1 KR.258/71 – Extension to car park : Approved
- 2.2 WF.909/74 – Extension of lounge and provision of covered off-sales area : Approved
- 2.3 WF.91/88 – Extension, conservatory, toilets and cellar : Approved
- 2.4 WF.256/92 – Siting of recycling containers : Approved
- 2.5 WF/0428/04 - Full: Erection of canopy and timber decking (for beer garden) [part retrospective] : Refused 01.07.04
- 2.6 WF/0247/05 - Full: Retention of timber decking and canopy with proposed canopy extension and tree irrigation : Refused 18.05.05
- 2.7 WF/0704/05 - Full: Retention of external canopy and decking and extension to balustrading : Approved 09.08.05
- 2.8 08/0641/FULL - Retrospective application for timber decking to front & smoking shelter to side elevation : Approved 12.09.08

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – Strongly objects to the planning application on the following grounds. The application contrary to the following policies:

Site Allocations and Policies Local Plan (Adopted July 2013)

- Policy SAL.GPB3 – Protecting and enhancing Local Retail Services. This development will result in the loss of two businesses, The Swan public house and the ‘Crumbs’ the village shop, in which the Post Office is located.
- Policy SAL.PFSD1 – Presumption in favour of sustainable development. This application will not contribute to the economic, social and environmental well-being of the area.
- Policy SAL.DPL11 – Community Facilities. The application does not meet this criteria and will result in loss of community facilities.
- Policy SAL.UP6 – Safeguarding the Historic Environment. This application would not safeguard the historic environment, it would destroy it.
- Policy SAL.UP7 – Quality Design and Local Distinctiveness. The proposal does not meet the requirements of this policy, the materials and design do not fit in with the character of the site. The Yew Tree in the grounds of the car park would not be safeguarded and is a distinctive feature of the site.

15/0129/FULL

- Policy SAL.CC2 – States proposals involving the development of car parks will be considered on a site-by-site basis. The proposal provides insufficient parking the public house and there is inadequate space for service vehicles to manoeuvre. There is no scope of off-site parking being that the A456 is an extremely busy road. There is huge concern regarding increased traffic movements, access and egress from the site and any traffic spill causing inappropriate parking on the A456.

Core Strategy (Adopted December 2010)

- Policy DS04:4 – Rural Regeneration states the network of shops and public houses will be safeguarded. This application is contrary to that statement.
- Policy CP07 – Delivering Community Wellbeing states the Council resist the loss and any community, services and facilities including rural public houses. This application would result in the loss of the shop and The Swan which is contrary to this

Heritage Asset

The Swan is a locally listed building with an historic well within the grounds and the design of the proposed store will be out of keeping with the character of the site. The Swan would become unviable as a public house.

Churchill and Blakedown Parish Council also objects on the following planning material considerations

- Refusal of planning application 07/0920/TREE to fell one Yew Tree on site
- Overlooking/loss of privacy for residents
- Visual amenity
- Inadequate parking/loading/turning of vehicles
- Highway safety
- Traffic generation
- Road Access
- Noise and disturbance resulting from use
- Loss of trees
- Effect on locally listed building
- Design, appearance and materials

In addition nearly 60 residents attended Parish Council meetings in February and March 2015 to express in the strongest terms their objection to this application. They feel it is not in keeping with the site, there is a Tree Preservation Order on two trees on the car park, they are concerned about traffic issues and they feel very strongly that this application, if granted, will effectively close the local shop and also The Swan public house. They do not want this development to go ahead and believe the application to develop the site is to provide services to passing trade and not the local residents of Blakedown

15/0129/FULL

- 3.2 Highway Authority – The application is not considered to be suitable in its current form. The applicant has provided a transport statement to support the application but it does not address key issues of car parking provision. The applicant cites Guidance on Transport Assessments and PPG13, both of which are superseded and should refer to NPPG and the Local Transport Plan (LTP).

The application should consider the car parking requirements for the existing public house and the proposed retail unit. The LTP details the parking standards for A1 and A4 Use Classes, therefore the applicant should have provided an analysis of The Swan car parking requirement based on floor area and the same for the A1 unit, it is considered that these uses will simultaneously occur and therefore the parking areas should be considered independently.

Pre application work suggested the Swan provides 195m² and therefore 39 parking spaces would be expected; presently there are 31 spaces and 2 disabled spaces, as this is below the parking standard there should be no reduction in this provision. The proposed A1 use is 279m² and therefore requires 11 car parking spaces. The application proposes 13 spaces, 3 disabled spaces and 1 parent and child space, this is a considerable reduction on the current parking levels and does not adequately provide space for both uses. In addition there is no dedicated delivery space so when the delivery vehicle or dray are on site a significant number of these spaces will not be available.

The LTP allows for reduced parking standards in sustainable areas such as town centres and indicates that the provision can be negotiated. In this instance we are not in a highly sustainable environment and there will be a strong usage by pass by trips so car parking requirement should be close to the maximum provision, it is considered that the site cannot cater for the needs of both uses and there is little opportunity to share provision based on the overlapping hours of operation.

The absence of suitable car parking facilities will result in the displacement of vehicles onto the surrounding road network which is the A456 and a route of strategic importance, or vehicles queuing to enter the site will have to wait in a live carriageway. Both are contrary to the purpose of ensuring a safe free flowing highway network. The application fails to accord with the adopted Local Transport Plan or the NPPF as the impact of this shortfall will have a severe impact on the highway network.

15/0129/FULL

Recommends that the permission be Refused for the following reason:-

The absence of suitable car parking facilities would result in the displacement of vehicles on to the surrounding road network including the A456 Birmingham Road, a route of strategic importance. It would also lead to vehicles queuing on a live carriageway waiting to enter the site. Insufficient evidence has been submitted to demonstrate that the adopted parking standards should be reduced for the proposed development. As such the proposal is contrary to the purpose of ensuring a safe free flowing highway network and therefore fails to accord with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan, the Adopted Local Transport Plan and the NPPF as the impact of this shortfall will have a severe detrimental impact on the highway network.

3.3 Planning Policy Manager – The National Planning Policy Framework establishes the presumption in favour of sustainable development.

Planning applications which accord with an up-to-date plan should be approved, where the plan is absent or silent on an issue, planning applications should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework which indicate development should be restricted.

The relevant local planning policies are set out within the Wyre Forest District Adopted Core Strategy (2010) and the Site Allocations and Policies Local Plan (2013).

The Adopted Core Strategy sets out the development strategy for the District (Policy DS01). This focuses development on the main urban areas of Kidderminster and Stourport-on-Severn. The settlement hierarchy identifies suitable development in the villages as housing to meet local needs, local services and small scale rural employment.

Policy DS04 – Rural Regeneration states that '*Developments that provide the rural community with essential services and facilities will be supported in principle. The network of local groups of shops and public houses will be safeguarded in order to support nearby settlements and reduce the need to travel.*'

The Site Allocations and Policies Local Plan sets out further policy relating to protecting and enhancing local retail services (SAL.GPB3). The Policy identifies Blakedown as a Village Centre and states that 'Support will be given to new retail development in neighbourhood or village centres comprising the conversion or extension of existing facilities, provided that the floor space proposed does not exceed 185sqm net.

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The proposed store is 279sqm net and therefore the principle of the development is in accordance with the Adopted Core Strategy and the Site Allocations and Policies Local Plan.

In determining the application, consideration should be given as to how the proposals meet the requirements of policy SAL.UP7 of the Site Allocations and Policies Local Plan which relates to design quality and local distinctiveness.

3.4 Aboricultural Officer – Comments awaited

3.5 Conservation Officer –

BACKGROUND

The Swan Public House is included on the Local Heritage List for Churchill and Blakedown reference CB015. It is of brick and tile construction and probably dates from the latter half of the 18th century. Although much altered internally on the ground floor, and having been extended to provide additional restaurant accommodation, as one of the oldest surviving buildings in Blakedown the building generally retains its historic, architectural and cultural significance.

The construction of the Oxford Worcester and Wolverhampton Railway c.1850 brought the earthwork embankment extremely close to the rear of the building and it is fortunate that the realignment of the line in the 1880's (when the original timber trestle viaduct was replaced by the present engineering blue brick one) was to the north and not the south, otherwise the pub would have had to be demolished.

Immediately to the east of The Swan lies the present-day car park. Originally this was two parcels of land. The first, adjoining the road, appears to have been an orchard in 1884, and remained a separate plot on the 1939 map. The second plot, again fronting the road but stretching right back to the railway embankment contained two small semi-detached cottages, which probably pre-dated the railway and survived well into the middle of the 20th century. These have now been demolished and it is more or less exactly on this plot that the proposed development is to take place. I assume that upon demolition the opportunity was taken to extend the pub car park to cater for passing motorists which appear to make up a large proportion of its clientele.

SETTING

I have referred to the 1891 census and the occupation of the inhabitants of the two cottages appears to be railway related. Historically, therefore, there seems to be little connection between The Swan and the site proposed for the convenience store, other than a visual link between the two cottages and the pub across the orchard.

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The Swan is a landmark building on the approach to Blakedown from the western (Kidderminster) direction. As the proposed development is of a considerably larger scale than any other building in this part of Blakedown, it will undoubtedly draw the eye of motorists approaching from the west, but the degree of separation between the buildings means that it will not overwhelm the heritage asset.

The degree of harm caused to the setting of the undesignated heritage asset is thus less than substantial, and no physical impact will be caused to the asset.

In my opinion the significance of The Swan will be very slightly diminished as it will no longer be the most dominant building on the approach to Blakedown. In this case paragraph 135 of the NPPF is a relevant consideration: any public benefits arising from the proposal need to be assessed against the degree of harm caused to the setting of the undesignated heritage asset.

I am aware of the concerns voiced by local residents and the tenants of the pub about the impact that removing some of the car parking spaces will have on their trade, however this in itself is not a relevant consideration in terms of the impact of the proposal on the significance of the heritage asset.

OTHER ISSUES

The loss of the yew tree removes what is probably the last surviving remnant of the gardens to the semi-detached cottages – the tree may have been planted when the cottages were built. I suggest that should the application be approved and the tree felled, the age of the tree be determined and this information be placed on record at the Worcestershire HER, along with any information forthcoming from the archaeological excavations recommended by the County Historic Environment Planning Officer.

SUMMARY

The proposal does have a slightly detrimental impact on the setting of the heritage asset, and thus technically fails to fully satisfy Policy SAL.UP6. Therefore you should be seeking clear and convincing justification for the proposals which can outweigh this less than substantial harm, including any public benefits and securing the optimum use of the site.

Although Policy SAL.UP6 is not fully satisfied I believe that there are no over-riding conservation reasons to object to the proposal.

- 3.6 Crime Prevention Design Advisor – No comments received
- 3.7 Worcestershire Regulatory Services – I am happy with the noise assessment. All recommendations should be implemented.
- 3.8 Severn Trent Water – No objections subject to condition.

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- 3.9 Worcestershire Archive & Archaeology Service - I have checked the County Historic Environment Record and this application affects or may effect a heritage asset or area of archaeological potential. The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above-ground evidence including buildings of historic and architectural interest.

The proposed development is supported by a heritage statement that considers the schemes impact on the adjacent locally listed inn. However no consideration of the archaeological impact of the development has been submitted. Historic mapping shows a number of former buildings on the site that are likely to have pre-nineteenth century origins. Given the scale of the development, and the anticipated archaeological potential, the likely impact on any below ground remains caused by this development may be offset by the implementation of a conditional programme of archaeological works. This will entail two stages, the first trial trenching to determine the extent, significance and preservation of any remains present, followed, if necessary by a programme of excavation and recording.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 141, and Local Plan Policy SAL.UP6 (Safeguarding the Historic Environment).

NPPF states "... They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted." In order to comply with policy, the following two conditions should be attached to any consent

- 1) 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:
 - a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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2) The development shall not be occupied until the site investigation and post investigation assessment has been 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.

3.10 Neighbour/Site Notice – At the time of preparing the report 132 letters of objection have been received. A summary of the comments made within additional letters of objection will be reported on the Addenda and Corrections sheet.

The objections raised have been divided into the following matters:

NEED FOR PROPOSED STORE AND IMPACT UPON EXISTING PUBLIC HOUSE

- The Swan offers a meeting place not only for friends and neighbours but for local community groups, its closure would represent the loss of a much loved and community asset.
- The proposed store would not allow the existing pub to function as a sustainable business alongside it, despite the claims of the landowners. A rural pub like the Swan relies heavily on customers who travel to it by car and require adequate parking facilities. If the store is built the number of parking spaces would be reduced so much that the Swan's business would be adversely affected.
- If the existing convenience store which also includes the post office should close we would inevitably lose the post office. This would be a disaster for the village. None of us would want to go into Hagley every time we needed to post a letter or parcel.
- The village store (Crumbs) provides a more than adequate food requirement for the villagers and if not, then 2 miles away in Hagley there is both a Spar and Co-op store, 1 mile away there is the Hodge Hill Farm Shop and if that is not enough Kidderminster has everything just 3 miles away.
- The Swan is at the heart of the community, yes there is another pub but it does not provide a children's play area and a large garden.
- Unfair competition for our small village store which could force the future closure of both businesses.
- The Swan and the Old House at Home attract different clientele and effectively complement rather than compete with each other. This choice brings a good balance to life in the village and helps residents maintain a sense of community.

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- There is another pub in the village but that too is popular and couldn't absorb the additional custom.
- It would cause the loss of the existing convenience store which provides a personal service to customers such as newspaper delivery
- The existing local shop (Crumbs) could not compete with the buying power of a Co-op store.
- Any resident requiring a more extensive choice is within 3 to 4 miles of Hagley, Kidderminster and Stourbridge, between them offering a choice of all the main supermarkets; Sainsburys, Morrisons, Aldi, Tesco, Lidl and others including local Co-op stores.
- Anyone requiring ATM services can find these just 3 miles away in Hagley or at bigger supermarkets in Stourbridge and Kidderminster.
- With a diminished car park the bar and restaurant trade would undoubtedly be lost.
- The building measures 279sqm; the development plan sets no justification for the threshold of 280sqm, and the proposed size of the unit can only have been arrived upon to make it acceptable in principle in respect of Policy SAL.GPB3; nevertheless, the impact of the scheme on economic, social and environmental well-being will be no less than if it were one sqm larger.
- Policy CP07, entitled 'Delivering Community Wellbeing' deals with both existing and improved community facilities, and providing community infrastructure. "The Council will resist the loss of any community services and facilities including rural public houses unless an appropriate alternative is provided or, evidence is presented that the facility is no longer required and suitable alternative uses have been considered ...". "New development proposals must contribute towards the retention and formation of sustainable communities within the District."
- Accordingly, Policy SAL.DPL11 'Community Facilities' states that the Council will resist the loss of community services and facilities within the District unless certain criteria are met. The proposal does not meet any of these criteria, and will result in the loss of these facilities.

DESIGN OF STORE AND IMPACT UPON LOCALLY LISTED BUILDING AND CHARACTER OF VILLAGE

- Proposed development would be out of character with the immediate vicinity,

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- I hope the Council will not be unduly influenced by the strength of a large retail business which is simply out to change the character of so many of our villages and turn them into clones of one another.
- A purpose built convenience store would detract from the appearance of the village, it is a residential area characterised by mainly older properties.
- A new build store would not be in keeping with the local environment.
- The store would be lit up at night and this would be extremely unattractive and annoying to local residents.
- Development will spoil the character of an old landmark and adversely through noise and pollution ruin the ambience of the village and its attraction to outside visitors.
- The character and visual outlook of the village would be changed for the worst.
- The design of the proposed shop is detrimental to the locally listed public house and out of character with anything else in Blakedown, let alone in the setting of a locally listed building.
- The design represents over-massing on the site.
- I fear that drivers particularly the HGV drivers will park on the grass verge opposite and destroy the grass and vegetation which I have maintained for 17 years and is home to a stone mile marker dating back approximately 150 years.
- The proposal leads to the loss of the well within the grounds, closely associated with the history of the public house.
- Policy SAL.UP6 'Safeguarding the Historic Environment' requires that any development proposal affecting heritage assets or their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced, utilising Heritage Assessments submitted with applications. The policy sets a series of criteria that such assessments should fulfil, including that: "iv. Proposals which secure the long-term future of a heritage asset at risk will specifically be encouraged." The proposal does the opposite.
- The design of the store is basic, at best; its crown roof is not typical of the area and it could be located anywhere, paying no regard to its location within a village, let alone in the setting of a locally listed building.

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- Paragraph 4.4 of the planning statement refers to the removal of part of the unattractive car park as a benefit, however the view that the retail store will improve the visual appearance of the site and complement the character of the village is unqualified at best.

IMPACT UPON PROTECTED TREE

- The protected Yew tree would have to be felled and it is a much loved feature of the village.
- The inevitable loss of the big Yew tree in the car park and other mature trees merely takes away a bit more of the character and rural nature of the village.
- As a resident in the village in a property surrounded by trees we have to maintain our garden within the parameters of the Tree Preservation Order that covers Blakedown. I would expect that any future development should also have to respect that Preservation Order. The felling of the tree in the car park is unacceptable. There cannot be one set of rules for existing residents and another for developers.
- Can I remind the Council of a previous attempt to remove the Yew tree. This resulted in the present Protection Order being placed upon it.
- An application for removal of another Yew tree at the Swan was refused in 2007.
- The Arboricultural Assessment notes the Yew tree (T2) as “an attractive tree situated within the centre of the car park. Slightly thinning crown”. With more than 40 years life. In terms of retention category, it is noted as B1 without any indication why it should not be classified as A. No replacement is or can be proposed, given the proposed overdevelopment of the site.

HIGHWAYS

- The A456 is a trunk road through the village and is already tremendously busy carrying a lot of HGVs as well as commuter traffic. The Parish Council have been at pains to enforce a 30 mph speed limit through the village as have the Safer Roads Partnership with their regular cameras at either end of the village.
- With limited access to/from the car park and no pedestrian crossing the likelihood of a serious accident becomes greatly increased.
- Passing trade can only add to congestion problems in the village. The peak time for such a store would inevitably coincide with rush hour traffic and the school traffic.

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- Cars using the store and not wanting to get stuck on the car park may well start parking on the road which would lead to serious congestion along what it is a major route for emergency vehicles.
- Only one joint entry/exit point (to serve both the existing public house and the proposed store) is specified in the plans and this will be wholly inadequate
- The store would require multiple visits by large delivery vehicles every day and this would add to local traffic and cause disturbance to people living nearby.
- Serious safety implications for pedestrians crossing the road in order to use the store. The nearest pedestrian crossing is in the centre of Blakedown quite some distance away.
- The development needs to be designed such that cars will not be parked on the main road or obstruct traffic on the main road. This is a significant issue relating to the Tesco convenience store on a garage forecourt at Oldswinford Cross in Stourbridge (outside Wyre Forest District).
- The car park at The Swan is regularly full as many of the customers have to drive to the location or arise from passing trade. Reducing the parking spaces available will leave customers with no choice but to park on the road or go elsewhere.
- Please note that the A456 will have vastly increased traffic from 200 houses being built in Hagley and 44 retirement apartments due for release later this year.
- Paragraph 5.42 of the Adopted Site Allocations and Policies Plan refers to the need to reduce travel and at paragraph 5.43 to the mobility levels of an elderly population. The proposal does not comply with these policies, being away from the village centre and a circa 1 mile walk (uphill home) for the main concentration of elderly residents living to the north west of the village. Almost 20% of Churchill and Blakedown's population was stated in the 2011 Census as being retired, so the peripheral location of the proposed development does little to provide for them.
- The Swan is a food pub rather than a drinkers pub and many customers travel there by car.
- The County Council's Parking Standards require 1 space per 25 sqm for A1 retail use; for 279 sqm this would require 11-12 spaces, not the 9 suggested by the Highway Consultants.

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- The Standards require 1 space per 5 sqm GFA for the pub, plus appropriate parking for any associated living accommodation for the landlord. The 8 spaces proposed are wholly inadequate.
- Any on street parking adjacent to the proposed ATM will be within the proposed junction's sight lines. While this may be a traffic enforcement issue rather than a planning ground, surely the intention of planning law is to prevent bad design and the creation of problems?
- Servicing of the pub and store by goods vehicles and refuse vehicles is inadequate.
- Provision for employees or licensee's parking is not addressed in the TA.
- The application refers to 800 metre and 2 km walking catchments but most journeys for last minute or convenience items will be car-borne.
- The TA 5km cycle isochrome is non-sensical as it includes the built up areas of Kidderminster and Hagley which have a far greater shopping provision already.
- The applicant's Transport Survey is contrary to records kept by The Swan and anyone with local knowledge will verify how well used the car park is. The Transport Survey notes that nearby streets or the village's shoppers car park could be used for overspill parking. There is no pedestrian crossing on the A456 to allow safe access to the site over the A456 from the eastern side of Birmingham Road, Belbroughton Road, Gladstone Place, etc. The overall result of this is for the proposed store to serve the through traffic on the A456, with little benefit for the local community.
- I have school aged children and have grave concerns about the current volume and speed of traffic passing through the village during school morning drop off and afternoon pick up times. Our safest route to and from school involves walking along the pavement adjacent to the Swan. The increased traffic that the proposed construction would bring to an already busy commuter road troubles me greatly.
- The parking need for the pub is backed up by the survey. This shows that over the 18 days of the survey:
 - between the hours of noon-midnight, more than the 8 spaces which the scheme allocates to the pub would be required more than half of the time;
 - between Friday and Sunday, more than 8 spaces were used for more than $\frac{3}{4}$ of the time.

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- The position is exacerbated if the A1 use does require 12 spaces in accordance with the County Council's standards. The pub needs 6 or more spaces between the hours of noon to midnight 2/3rds of the time.
- Whilst expressed as a maximum, in this case the parking requirement is especially important, because contrary to the case put forward with the application, the store will attract a great deal of car borne traffic, given its prominent location on the A456 between Birmingham and Kidderminster.
- Little thought is given to the potential for issues arising from servicing of both the pub and the store, and the effect on car parking during this time. There is no parking bay for service vehicles. The pub has a dray once a week, as well as daily visits by vans and other vehicles bringing produce for the restaurant. The vehicle serving the store is likely to be a lorry.

OTHER

- The proposed opening hours and a 24 hour a day ATM will attract many people from outside the village causing extra noise, nuisance and inconvenience for people who live in the village.
- Blakedown's Neighbourhood Plan states that commercial development should be focused on the centre of the village and not at its outskirts.
- There would be a litter problem and a risk of unsociable behaviour outside the shop during the evening.
- There are plenty of empty premises waiting for new tenants if the Co-op want to compete with established businesses.
- The ATM will attract criminals being in such an isolated locality.
- There is nothing in the current Village Plan to support additional retail developments in the village.
- The application site is not within the village centre which is clearly marked in the Adopted Site Allocations and Policies Local Plan as being the historic and geographic centre of the village. This is reinforced in the Plan by a photograph of the existing shop and post office.
- Risk of vermin, noise, odour, litter risk and antisocial behaviour in an unmanaged car park
- Possibly a better proposal would be based around the redevelopment of the village store

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- Where does the responsibility for the car park fall to once the car park is shared?
- Light pollution from store signage
- There will be a significant increase in the ambient light which will directly affect the outlook at night from my daughter's bedroom, this includes the addition of a totem sign 4 metres off the ground and 1.5 metres wide which I assume will be illuminated.
- I do not believe there will be enough volume of business to generate £2 million per annum, this equates to approximately £5,500 per day or £340 per hour, if as stated the store is open from 7 am to 11 pm, this means that the average shop is a basket or top up shop equating to £10 there will be 34 customers an hour or an additional 3,800 visits to this area of Blakedown every week! If as stated the visits by car would be less than 40%, which I also find hard to believe, this still means extra traffic of 1,520 vehicles.

4.0 Officer Comments

- 4.1 In accordance with planning law and as reiterated within the NPPF planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case is the Adopted Core Strategy and the Adopted Site Allocations and Policies Local Plan.
- 4.2 It is considered that the appropriate starting point for considering the application is the principle of the proposed use at the chosen location followed further by the consideration of issues regarding highways and parking, design, and the Yew tree covered by a Tree Preservation Order.

PRINCIPLE OF USE

- 4.3 Policy DS01 of the Adopted Core Strategy entitled 'Development Locations', states that,

"Proposals for new development should be located in accordance with the District's settlement hierarchy.... This will ensure that development contributes to the regeneration priorities for the area, reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement."

- 4.4 The application site lies within the settlement boundary to Blakedown. Policy DS01 lists Blakedown as a village where local services are described as suitable development.

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- 4.5 Furthermore Blakedown is defined in Policy GPB3 of the Adopted Site Allocations and Policies Local Plan as a Village Centre where support is given in principle for new retail development provided that the floorspace does not exceed 280sq.m.net. The current scheme proposing a net sales area of 185 sq.m, (not 279sq.m as suggested in some of the objections submitted), meets this floorspace restriction.
- 4.6 There has been some confusion between the terms 'village centre' and 'settlement boundary'. The former is indicated by a single red dot on the Adopted Site Allocations and Policies Local Plan Proposals Map, the latter is defined by a continuous broader brown line enclosing the majority of the village. It is acknowledged that the application site does not sit upon the red dot as shown on the Proposals Map but it is considered that for the purposes of Policy SAL.GPB3, the Policy supports retail development, in principle, within the settlement boundary. It is not considered reasonable to presume that support would be given only for new retail development solely located on the site defined by the red dot, in this case a site allocated for car parking. A point which was clarified by the Inspector at the recent appeal hearing regarding The Squirrel public house at Areley Kings, a 'neighbourhood / village centre'.
- 4.7 The NPPF gives support to economic growth in rural areas in order to create jobs and prosperity. The agent has advised that a store of the size proposed typically employs 6 full time and 14 part time staff with 10 temporary jobs during the construction phase, and that,
- "The proposed food store constitutes an inward investment of over £1 million. It will enhance the range of local facilities and amenities and help to ensure that a higher proportion of locally-generated retail expenditure is spent within the area."*
- 4.8 However a significant proportion of the objections received refer to the potential loss the existing public house due to the loss of parking spaces, which would result in customers taking their trade elsewhere. Whilst these fears are acknowledged there is no evidence to demonstrate that they would be realised and therefore I am not convinced that the potential loss of the existing community facility would form a robust reason for refusal. The separate matter regarding parking provision and highway safety is discussed below.
- 4.9 In addition many objectors have raised concern questioning the need for the proposed store and the potential impact upon the existing convenience store known as Crumbs within the village. Due to the proposed location and net floorspace a retail impact assessment, which would consider this question, is not required. Again competition with existing stores is not considered to be a robust reason for refusal.

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IMPACT UPON THE HIGHWAY & CAR PARKING

4.10 The siting of the store is proposed within the car park serving the existing public house. The existing and proposed number of parking spaces has been expressed in the following table; in short, a total of 30 spaces is proposed to be reduced to 13 however this excludes the provision for disabled spaces and a parent and child space. The proposed spaces would serve both the existing public house and the proposed retail store.

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	30	13	-17
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	2	3	1
Cycle spaces	0	3	3
Other (e.g. Bus)	0	1	1
Short description of Other	Parent and child		

4.11 In addition the existing access arrangement would also be altered from a separate ingress and egress point to a single point of access.

4.12 The application has been accompanied by a Transport Assessment (TA) which first considers the accessibility of the site. Using the Department for Transport’s guidance entitled ‘Manual for Streets’ (2007) for reference the TA advises that a significant proportion of Blakedown residents live within the advised 800m walking distance. In addition there are eastbound and westbound bus stops located on the Birmingham Road at a distance of approximately 200m. Furthermore all of the settlement lies within the 2km cycling distance as advised by Sustrans in their ‘Travel Behaviour Research Baseline Survey – 2004’. The Planning Statement advises that,

“Stores of the size proposed by the application typically serve, in the main, the local resident population within a catchment area of approximately 500m, where over half of customer journeys are carried out non foot. This is expected to be the case at the application site.

The proposed Co-op will attract an element of trade from residents of the area outside the main catchment. The store may thus benefit from some ‘pass by’ trade from uses of Birmingham Road.

As the Transport Statement prepared by the Connect Consultants makes clear, typically, of the visits to the stores of this type, 55% are made on foot, and fewer than 40% of visits are by private car.”

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- 4.13 There may be some doubts regarding the proportion of visits made by the private car particularly, as the TA acknowledges, taking into account the location of the application site on an arterial route, where officers consider there would be trips made by vehicles passing by.
- 4.14 The TA goes on to consider the road collision data between 2010 and 2012; the proposed servicing arrangement, the proposed parking provision and the potential trip attraction of the proposed development.
- 4.15 It concludes that the proposed servicing arrangements would be acceptable for a 10.1m rigid lorry, and this is supported by a swept path diagram showing how such a vehicle would manoeuvre into and out of the site.
- 4.16 The TA gives details of a parking assessment carried out in Blakedown between Friday 6th and Sunday 8th June 2014 where there was a peak of 10 vehicles using the public house car park. The parking survey also recorded local on-street parking and parking at the pay and display car park which is located at a distance of approximately 200m east of the application site. The information gained from the parking survey has been combined with parking data from the TRICS database; an information source which holds traffic data regarding different types and sizes of commercial development. On the basis of this information the TA states,

“The capacity assessment indicates that the proposed convenience store car park will have sufficient capacity to accommodate the calculated demand.”

- 4.17 Furthermore it is suggested that should the demand for parking exceed the total provided on site customers would park on street.
- 4.18 Finally the TA considers the potential trip attraction of the proposed development using data from the TRICS database which indicates that the peak for vehicle movements would at the following times:

Peak Hour	Arrivals	Departures	Total
am (08:00-09:00)	19	18	37
pm (17:00-18:00)	24	24	48
Sat (12:00-13:00)	18	15	33

- 4.19 On the basis that the development would generate an additional 48 vehicle movements at its peak the TA concludes that the development would be unlikely to have a noticeable traffic impact, particularly as a significant proportion of the trips to and from the site would already be utilising the local road network.

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- 4.20 Having considered the TA the Highway Authority has submitted an objection to the current scheme. In summary this is on the basis that the existing public house and proposed retail store would have parking requirements which would occur simultaneously; and that the proposed car park with 17 spaces in total would not be sufficient. In addition there is no designated parking space for delivery vehicles. As a result it is likely that vehicles would both park and queue to enter the site on the A456 Birmingham Road which would be detrimental to highway safety.
- 4.21 It is considered that the TA does not provide sufficient evidence to demonstrate that Adopted Parking Standards should be reduced in this case, and therefore this objection should be sustained.

PROPOSED DESIGN AND IMPACT UPON SETTING OF LOCALLY LISTED PUBLIC HOUSE

- 4.22 The application site is located close to the Swan public house, described in the Local List entry as an 18th century inn of brick and tile construction. It is a two story building which is considered to be a landmark building within the village due to scale, its siting and the space afforded around it.
- 4.23 The proposed brick and tile single storey retail store is proposed to be positioned at the other end of the existing car park, adjacent to the common boundary with No.15 Birmingham Road, with the gable end of the store facing the main road.
- 4.24 It is considered that the proposed simple design of the store with a mix of render and brick work and a dark coloured grey tile roof would be appropriate to the locality. Furthermore due its footprint, overall height and separation distance from the Swan, measuring in excess of 31m at its closest point it would not compete with or overwhelm the existing building.
- 4.25 Paragraph 135 of the NPPF advises that the effect upon a heritage asset should be taken into account and a balanced judgment will be required having regard to the scale of any harm and the significance of the asset. The Conservation Officer has raised no objections and advises that the harm to the locally listed building is less than substantial. Taking the NPPF and the comments from the Conservation Officer's into account it is not considered that a reason for refusal on the basis of the design of the development and its impact upon the appearance or the character of the village or its impact upon the setting of the locally listed building could be sustained.

IMPACT UPON RESIDENTIAL AMENITY

- 4.26 The agent has submitted a Noise Impact Assessment which assesses the potential noise from deliveries to the store and from the external plant and machinery upon the adjacent residential occupiers.

15/0129/FULL

- 4.27 A noise assessment was undertaken for a 24 hour period between 3rd November and 4th November 2014.
- 4.28 It is stated that the proposed store would require 2 deliveries each day, and an assessment has been made, based on existing deliveries to other stores undertaken by the operator to predict the noise levels associated with this activity. The type of noise ranges from the lorry driving into the site, to moving roll cages inside the lorry to lowering the tail lift ramp. The noise assessment concludes that the predicted increase of 0.1 dB during the night time would be acceptable.
- 4.29 The second part of the assessment focuses on the potential noise from the external plant which would be sited in the proposed service yard to the north of the building:
- 1no. condenser
 - 2 no. standard heat pumps
 - 1 no. air conditioning units
- 4.30 It concludes that in order to meet expected levels of privacy, and in addition to the proposed 2.7m high acoustics fence around the service yard; the plant would also require acoustic enclosures to reduce the resulting noise.
- 4.31 Worcestershire Regulatory Services, as the relevant Environmental Health authority, find the submitted noise assessment and proposed mitigation acceptable. The proposed mitigation via the installation of the acoustic fence plus the acoustic enclosures to the external plant and machinery could be required via suitably worded conditions.
- 4.32 Objections have also been raised regarding the potential for antisocial behaviour in the car park. It should be acknowledged that the existing public house has the potential to generate noise from deliveries, existing plant and from customers and vehicles into the late evening. Worcestershire Regulatory Services have raised no objections although clarification is being sought regarding restricting deliveries to 08:00 to 21:00 rather than 06:00 to 21:00 as submitted within the application.

IMPACT UPON EXISTING PROTECTED TREE

- 4.33 The proposed site layout quite clearly shows the loss of a Yew tree within the existing car park. The Yew tree is one of three trees protected by Tree Preservation Order No.282, confirmed in 2004. The Arboricultural Assessment submitted to accompany the application describes the tree as a mature tree of moderate quality with in excess of 40 years of remaining safe useful life

15/0129/FULL

- 4.34 Letters of objection have referred to previous applications at the site when permission for a canopy and timber decking were refused because of the impact upon a protected tree. In these cases the affected tree, again a protected Yew tree, was sited to the west of The Swan. At the third attempt, a revised application (WF/0704/05), which firstly removed a previously proposed canopy which would have wrapped around the tree and secondly proposed an irrigation scheme, was approved.
- 4.35 At the time of preparing the report the formal comments from the Council's Arboricultural Officer are awaited and will be reported on the Addenda and Corrections sheet.

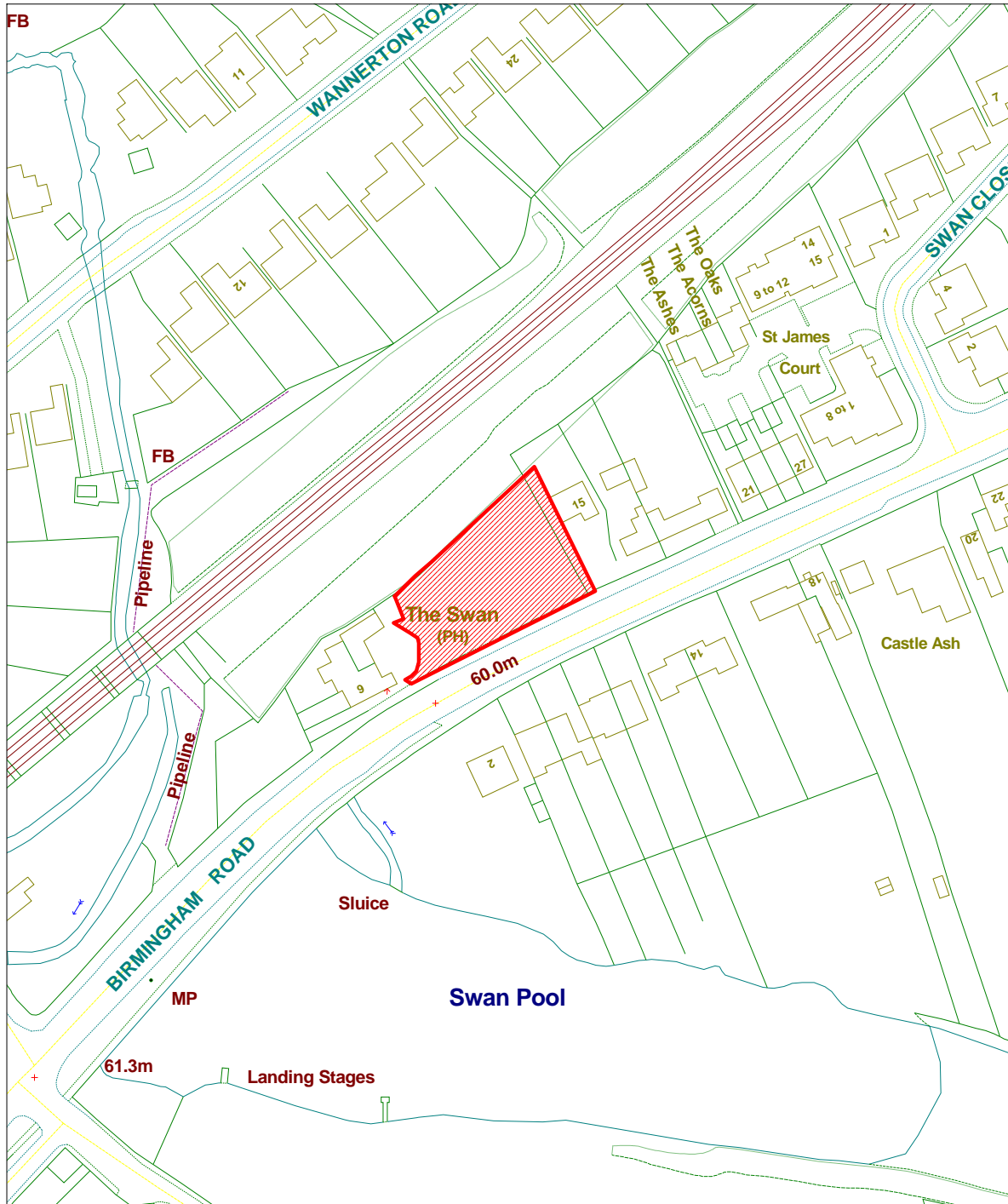
5.0 Conclusions and Recommendations

- 5.1 Members may be aware that in February a nomination was submitted by the Friends and Residents of Blakedown to have the Swan Public House and Car Park registered as an Asset of Community Value (AVC). It is anticipated that the outcome will be determined before the date of the Committee meeting and this will be reported on the Addenda and Corrections sheet.
- 5.2 Should the site be registered as an AVC then previous permitted development rights would be removed. As such planning permission would then be required for the change of use of the public house to a shop, a restaurant or cafe or to financial or professional services. Demolition would also require consent. These new regulations will have come into force on 6th April and will stand for a period of 5 years.
- 5.3 The current application has been considered in the light of the policies of the development plan and relevant material considerations raised by objectors assessed. Therefore, whilst it is considered that reasons for refusal regarding the principle of development; its impact upon the character or appearance of the village; its design and the impact upon residential amenity could not be sustained, there remains the impact upon highway safety as a result of the reduction in car parking provision.
- 5.4 Notably, also comments from the Council's Arboricultural Officer are awaited.

15/0129/FULL

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

1. The absence of suitable car parking facilities would result in the displacement of vehicles on to the surrounding road network including the A456 Birmingham Road, a route of strategic importance. It would also lead to vehicles queuing on a live carriageway waiting to enter the site. Insufficient evidence has been submitted to demonstrate that the adopted parking standards should be reduced for the proposed development. As such the proposal is contrary to the purpose of ensuring a safe free flowing highway network and therefore fails to accord with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan, the Adopted Local Transport Plan and the NPPF as the impact of this shortfall will have a severe detrimental impact on the highway network.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Car Park at The Swan
9 Birmingham Road, Blakedown, DY10 3JD**

Date:- 31 March 2015 Scale:- 1:1250 OS Sheet:- SO8778SE 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
14TH APRIL 2015

PART B

Application Reference:	15/0013/S73	Date Received:	14/01/2015
Ord Sheet:	381148 273646	Expiry Date:	15/04/2015
Case Officer:	Paul Round	Ward:	Lickhill

Proposal: Variation of condition 11 of Planning Permission 12/0739/FULL to allow importation of material between 7:00 - 8:30 and 9:30 - 18:00 (Monday to Friday) and 7:30 - 13:30 (Saturday)

Site Address: BURLISH PARK GOLF CLUB, ZORTECH AVENUE, KIDDERMINSTER, DY117DY

Applicant: BURLISH PARK GOLF CLUB - MR T PLUMMER

Summary of Policy	CP03 (CS) CC1 (SAAPLP) Section 4, Paragraphs 203, 206 (NPPF) Planning Practice Guidance 'Use of Planning Conditions'
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site forms the Burlish Park Golf Club, situated on land between Zortech Avenue, Minster Road and Kingsway. The land is utilised as a Golf Course and lies within the West Midlands Green Belt. Vehicular access is gained from Zortech Avenue.
- 1.2 The land is owned by the District Council and is leased to the applicant.
- 1.3 Planning permission was granted in 2013 for remodelling of the golf course through the importation of material to create a number of bunds and landscaped areas to increase the interest and complexity of the course. A number of restrictive conditions were imposed as part of this permission and this application seeks to vary the condition in respect of importation times.

15/0013/S73

2.0 Planning History (of relevance)

2.1 12/0739/FULL - Re-modelling of existing golf course : Approved 13.11.13

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Recommend refusal. The Council considers that the time periods proposed would adversely impact on the highway network, resulting in a deterioration of highway safety, particularly around peak times, and would not give the enforceability required of the existing planning condition number 11.

3.2 Highway Authority – Recommends that permission is Refused for the following reason:
To prevent HGV movements on the highway at peak traffic hours in accordance with Policy SAL.CC1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

3.3 Environment Agency – Under the Environmental Permitting (England and Wales) Regulations (EPR) 2010 an Environmental Permit (EP) was issued on 13 January 2015, to authorise the use of waste on the proposed site. The EP will remain in force until the operator applies to surrender the EP.

As part of the EP we do not regulate operational hours and on this basis, we do not wish to comment on the proposed variation of condition application.

3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 Planning permission was given in November 2013 for re-modelling of the existing Golf Course. The permission imposed a number of conditions to restrict the importation of materials required for the works. Condition 11, to which this application seeks to vary, restricted hours of material importation as follows:

(11) No deliveries shall be made to the site prior to 09:30 and after 15:30.

The condition was recommended by the Highway Authority and was imposed in order to prevent HGV movements on the highway at peak traffic hours.

15/0013/S73

- 4.2 The applicants propose a varied condition to allow importation during the followings hours; 7:00 - 8:30 and 9:30 - 18:00 (Monday to Friday) and 7:30 - 13:30 (Saturday). A supporting letter submitted with the applications highlights the following reasons for the proposed change;
1. *Most construction sites start work at 7/7.30am therefore the first loads will be loaded then, the closer the sites the earlier they will want to deliver to our site.*
 2. *Most construction sites and waste facilities work on a Saturday morning.*
 3. *Most haulage companies that will be delivering to our site will start on the road at 6/6.30 if not earlier, they do this to purposely miss traffic on the roads and get some deliveries done before rush hour, then have their breaks, which they have to do by law, during rush hour periods.*
 4. *Sometimes to get another load off site haulage compiles load up on the site that are working on and take the lorry back to their yard loaded overnight, they then need to off load this as soon as possible in the morning so the lorry becomes operational again.*
 5. *The golf club need the works completing as quick as possible to keep their current amount of members, the longer it takes the more members they will lose.*
 6. *We are recovering the waste from around the area so they don't have to go to landfill and I'm sure one of your councils directives is to recycle.*
 7. *If we condense the delivery hours we stand more chance of causing nuisance on the dual carriageway with traffic backing up towards Stourbridge [sic] with lorry's queuing waiting for us to open at 9.30hrs.*
 8. *We have adjusted the morning opening times in consideration of the local school drop off times.*
 9. *We will attract less recyclable fill material if these hours are imposed and the contract will take longer.*
 10. *Most of the time our operation will stop work at 16.30hrs but there may be some occasions, throughout the summer months, where we may stay open to 18.00hrs.*
- 4.3 Access to the site is via the A451 Minster Road, which is a dual carriageway carrying a national speed limit. Members will no doubt be aware of the nature of this road. However this part of the road cannot be looked in isolation and the surrounding network needs to be considered including the Stourport Road and the section of Minster Road that serves Kingsway and Windermere Way where local schools are located.

15/0013/S73

- 4.4 These sections of road are notoriously congested during peak times, indeed data received from the County Council shows that on average 6864 vehicles go past the entrance to the site during weekdays between 7am to 7pm, with a concentration of on average of 760 vehicles between 8am and 9am and 569 vehicles between 3pm and 4pm. The position of the entrance on the northbound carriageway results in lorries having to either traverse through Stourport-on-Severn or undertake a U-turn at the junction with Kingsway. Both of these options results in highway difficulties at peak times.
- 4.5 Whilst it is appreciated there are times outside those specified by the condition (9:30 and 15:30) both before and after peak traffic flows that would be suitable for lorry movement the Local Planning Authority need to consider the enforceability of such a condition, a requirement of both the National Planning Policy Framework and Planning Practice Guidance. The Planning Practice Guidance provides the following explanation in respect of enforceability; *“Would it be practicably possible to enforce the condition? Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control.”*
- 4.6 It was originally considered by the Highway Authority and endorsed by the Local Planning Authority that a single time period provides a clear, unmistakable time period in which material can be imported, and in which the condition can be enforced. Staggered or variable time times do not give external companies delivering to the site the same distinction and any delay or confusion is outside the control of the applicant, and results in the inability of the Local Planning Authority to practically enforce the condition. The simple fact remains that a single hour closure such as would occur were this application to be approved will not be easily controllable by the applicant or the Local Planning Authority. The failure to meet this part of the national tests of a planning condition results in the proposed condition being unacceptable and contrary to national planning guidance.
- 4.7 In addition the proposal to not close during times of afternoon school pick up and evening rush hour is highly likely to result in a deterioration of highway safety at the entrance to the site particularly in view of the type of the vehicles using the access and the characteristics of the highway network at this point.
- 4.8 The matters advanced in support of the application have been fully considered and taken into account. However, they do not provide sufficient reasons to deviate from the condition as originally imposed as they do not outweigh the harm that is likely to be caused to highway safety.

15/0013/S73

5.0 Conclusions and Recommendations

5.1 The variation of the condition as proposed has been fully considered however it is felt that the change would not safeguard highway safety and would not be practicably possible to enforce the condition.

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

1. The proposed variation of condition would result in lorry movements on the highway network during times of high concentration of traffic flows and due to the split nature of times proposed would provide a condition that could be easily breached and it would not be practicably possible to enforce the condition. To approve the variation of condition under these circumstances would be in conflict with Policy SAL.CC1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.

Application Reference:	15/0061/LIST	Date Received:	04/02/2015
Ord Sheet:	389268 273707	Expiry Date:	01/04/2015
Case Officer:	James Houghton	Ward:	Blakedown and Chaddesley

Proposal: Single storey extension to rear with internal modifications to create separate living accommodation; replacement of rear flat roof with pitched truss gable roof; single storey extension to side to provide entrance to accommodation.

Site Address: BROUGHTON COTTAGE, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104SA

Applicant: Miss V Pavlovic

Summary of Policy	CP11 (CS) SAL.UP6 (SAAPLP)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application property is a Grade II listed building originally a dwelling but now utilised as a hairdressing and beauty salon. Above the salon is a two bedroom flat. The property is within the Chaddesley Corbett Conservation Area and has previously been extended to the rear, and also benefits from a flat roofed double garage.

2.0 Planning History

2.1 11/0458/FULL - Single storey extension to rear with internal modifications to create separate living accommodation, replacement of rear flat roof with pitched truss gable roof, single storey extension to side to provide entrance to flats : Approved 29/06/12.

2.2 11/0460/LIST - Single storey extension to rear with internal modifications to create separate living accommodation, replacement of rear flat roof with pitched truss gable roof, single storey extension to side to provide entrance to flats : Approved 29/06/12.

2.3 13/0217/LIST - Replacement of all existing windows with hardwood painted timber window frames and double glazed units : Approved 09/08/13.

15/0061/LIST

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Object to the proposal and recommend refusal on the following grounds:

“The proposed application represents overdevelopment in the Conservation Area. There would be a reduction in the amount of retail space available possibly resulting in future loss of this business facility in the future. Access at the rear of the property for vehicles would be restricted by the addition of another wall, resulting in non use of the car park by customers. In addition, the development would further reduce parking facilities for the business, resulting in additional vehicles on the village street.”

- 3.2 Conservation Officer – This application is very similar to that approved under WF/11/0460/LIST, with minor adaptations to create a first floor gallery sleeping area.

It is appropriate to reiterate the comments provided in relation to the previous application in terms of the overall impact on the listed building and Conservation Area:

“This proposal impacts upon the Chaddesley Corbett Conservation Area. It will be visible from the public domain from both the main street and the alleyway running up to the end of Hemming Way. The introduction of a pitched roof to the existing garages to some extent reintroduces the form of the cottage that stood on that part of the site until 1965 and I can see no reason to object to this element of the scheme. The use of plain clay tiles and render is compatible with the adjacent buildings. I would advocate use of a lime-based render to add some character and texture to what otherwise could appear very stark plain expanses of new wall. Whilst the cumulative impact of the successive extensions is still considerable I think the introduction of pitched roofs to replace flat roofs serves to preserve and enhance the character of the conservation area, and thus I have no objections to it.

This current application is very well detailed and comprehensively explains the scheme proposed, however it does not address the impact the bins could have on the Conservation Area. I think that screening should be provided for the bins which will otherwise be permanently visible from the main street and Conservation Area, and will detract from its appearance.

The officer has no objections in principle and recommends that a condition is added requiring details the materials to be used in the exterior of the development and details of screens to be provided for the bin store.

- 3.3 Neighbour/Site Notice – No representations received.

15/0061/LIST

4.0 Officer Comments

- 4.1 The applicant seeks to amend the internal layout of the extensions previously approved through applications 11/0458/FULL and 11/0460/LIST, to allow the creation of an additional bedroom within the roof space over the existing garage space. The proposed alterations would include the introduction of four roof lights, two on the south slope and two on the north slope of the pitched, truss gable roof over the existing flat roofed garage. No other external alterations are proposed.
- 4.2 The application submitted is for Listed Building Consent and as such the relevant Policies against which the development must be assessed pertain to the impact of the scheme on the fabric, character, setting and special architectural or historic interest of the listed building or on the character, visual amenity and setting of the Conservation Area. As such the comments of the Parish Council are noted but cannot be material considerations in determining the application.
- 4.3 Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan sets out the criteria for assessing the suitability of works to Listed Buildings. Extensions and alterations to buildings should have no detrimental impact on the significance of the Heritage Asset or its setting. It is also required that the any extension takes into account the materials, styles and techniques used in the construction of the original building.
- 4.4 The proposed alterations are considered appropriate as they would offer no detriment to the fabric, character, setting and special architectural or historic interest of the listed building. The alterations proposed would have a minimal impact on the character, visual amenity or setting of the Conservation Area. The Conservation Officer raises no objection to the proposals, but recommends a condition requiring the submission of details of a screen to conceal the bin store to the front of the building. It is considered appropriate to add this condition to minimise any potential impact on the Conservation Area.

5.0 Conclusions and Recommendations

- 5.1 The proposed works are considered appropriate and would offer no detriment to the heritage asset or its setting and would not result in a reduction or loss of the building's significance. The development would have a minimal impact on the character, visual amenity and setting of the Conservation Area. The proposed development would be considered to accord with the requirements of Policy CP11 of the Adopted Wyre Forest District Core Strategy and Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

15/0061/LIST

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

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. B1 (Samples)
4. The flats formed as a result of this development shall not be brought into use until details of screens to be fitted to the bin store area have been submitted to and approved by the Local Planning Authority. These screens shall be installed prior to first occupation of the flats and shall be retained thereafter.

Application Reference: 15/0089/FULL **Date Received:** 12/02/2015
Ord Sheet: 375305 273624 **Expiry Date:** 09/04/2015
Case Officer: Paul Round **Ward:** Rock

Proposal: Removal of condition 3 of Planning Permission 06/1275/FULL to provide an unfettered residential unit

Site Address: BANNUT TREE FARM, CROSS BANK, BEWDLEY, DY122XB

Applicant: Mr I Brooks

Summary of Policy	DS04, CP02, CP03, CP11, CP12 (CS) SAL.PFSD1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP7, SAL.UP9, SAL.UP11 (SAAPLP) Sections 4, 6, 7; Paragraph 14 (NPPF) 'Use of Planning Conditions' (Planning Practice Guidance)
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Bannut Tree Farm is located at Cross Bank to the south-west of Bewdley consisting of a residential property and stone barn which has been converted into a residential property, currently restricted by a 6 month letting condition. The barn is a two bedroomed property with a lounge, kitchen, bathroom and en-suite. Storage is provided by a detached garden shed. Access is provided via a shared driveway leading to a separate garden and parking area.
- 1.2 The property is outside the settlement boundaries and within the open countryside.
- 1.3 The proposal seeks to vary the condition imposed in 2006 to allow the converted barn to be occupied as a full time residential property.

2.0 Planning History

- 2.1 WF.882/88 – Conversion of barn to dwelling : Refused subsequent appeal dismissed
- 2.2 WF.965/99 – Conversion of barn to ancillary residential accommodation : Approved

15/0089/FULL

- 2.3 06/1275/FULL – Variation of Condition 2 of WF 965/99 to allow use of dwelling for short term letting (maximum 6 month periods)

3.0 Consultations and Representations

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

4.0 Officer Comments

- 4.1 The building to which this application relates has a history of planning applications, going back to the late 1980's. It is worthwhile setting out this history in order to establish the context of why the condition in question was originally imposed.
- 4.2 In 1988 the application to convert this building was refused by the Council on the basis of the impact on the Landscape and the degree of alterations and new buildings proposed. The subsequent appeal was dismissed by the Secretary of State in 1989 citing similar reasons to the Council. 10 years later, in 2000, approval was given to convert the building into ancillary accommodation in conjunction with Bannut Tree Farm. The Case Officer stated at the time *"The previous refusal was based on County Structure Plan policies which have now been superseded by the Wyre Forest District Local Plan conversion policies with which this application now complies"*. Conditions imposed to connect the building to the Bannut Tree Farm were imposed. Permitted development rights were removed as part of this approval to prevent extensions or other works taking place.
- 4.3 In 2006 during implementation of the approval given in 2000 an application was submitted to vary the ancillary condition as the owner had no need for the additional accommodation and instead wished to utilise the building as 6 month rental property. At this time the Officer stated *"The principle of the conversion has been agreed and implemented through planning approval WF.965/99. It is considered that the proposed conversion to a short term let would accord with the Conversion and Adaptation of Rural Buildings policies and would cause no harm to the appearance of the landscape."*
- 4.4 Although the connection with Bannut Tree Farm was removed, the following condition (no. 3) was imposed:

The barn shall only be used as short term let accommodation for a maximum period of 6 months and shall at no time be used as a separate unit of residential accommodation.

15/0089/FULL

- 4.5 The reason for the condition was *“To define the permission”*. The Officer’s report relates to the application as applied for and did not impose this condition for any other reason. It is worthy of note that permitted development rights were not removed by this permission, allowing extensions, alterations and outbuildings to be constructed without the need for planning permission.
- 4.6 The application as currently submitted seeks for the removal of the 2006 restrictive condition to allow the dwelling to be occupied as a full residential unit. Consideration must be given to the policies of the Development Plan as to whether the use of this building as residential property is acceptable. In a similar vein to 2006 the principle of conversion works has been accepted. Adequate access, parking, amenity and storage are already provided and the severance can be carried out without an adverse impact on the landscape. There are no issues with regard to neighbouring properties or other interests of acknowledged importance. It then falls to consider whether there is support for the retention of short term lets in rural areas.
- 4.7 There is clear support for the conversion of buildings to residential dwellings within both national and local policy documents. However there is no policy requirement for the provision or retention of short term lets within the District. Whilst it may be desirable to provide such accommodation, without policy support at either local or national level, it is Officer opinion that the removal of the condition cannot be reasonably resisted. Given the current emphasis from Government in providing more homes, and the presumption in favour of sustainable development where local policies are silent, the proposal is considered to be acceptable and should be supported.
- 4.8 Government advice in the Planning Practice Guidance on applications for variation of condition states that Local Planning Authority’s should “...repeat the relevant conditions from the original planning permission, unless they have already been discharged.” In this case there are no conditions that require repeating as they have all been discharged. However, the opportunity to impose a condition to remove permitted development rights to safeguard the character of the barn should now be taken, as it will now be used as a separate, full time, residential property.

5.0 Conclusions and Recommendations

- 5.1 The proposed removal of the condition is considered to be acceptable. The use of the barn as a full time residential property is in accordance with established policy and there is no national or local policy grounds to retain a short term let. The presumption in favour of sustainable development and the provision of new housing should therefore prevail.

15/0089/FULL

5.2 It is recommended that the application be **APPROVED** subject to the following condition:

1. J1(Removal of permitted development – residential).

Note

Identification of approved drawings

WYRE FOREST DISTRICT COUNCIL

Planning Committee

14 April 2015

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
WFA 1445 14/0476/CERT/3000296	APP/R1845/X/14	Miss M Parker	PUNCHS OAK CLEOBURY ROAD ROCK KIDDERMINSTER 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.	WR 18/11/2014	23/12/2014			

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
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			Dismissed 18/02/2015
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			

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
WFA1446 14/0246/FULL	APP/R1845/A/14 /2229001	Mr R Blunt	125 BRINDLEY STREET STOURPORT-ON-SEVERN DY138JW Proposed new 3 bedroom dwelling	WR 10/12/2014	14/01/2015			
WFA1447 14/3072/PNH	APP/R1845/D/15 /3002565	Mr T Morgan	40 AGGBOROUGH CRESCENT KIDDERMINSTER DY101LQ Single storey rear extension	WR 26/02/2015	02/04/2015			
WFA1448 14/0631/TREE	APP/TPO/R1845/ 4372	Mr M Bradshaw Fell Oak Tree	10 KITTIWAKE DRIVE KIDDERMINSTER DY104RS	HE 29/01/2015	05/03/2015		07/10/2015 Stourport on Severn and Bewdley Rooms	

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
WFA1449 14/0611/FULL	APP/R1845/W/1 5/3005681	Mr Robert Simmonds	FOREST VIEW RETREAT CHAPEL LANE ROCK KIDDERMINSTER Proposed re-siting and re-design of store; re-positioning of Fourth cabin as approved under 07/0866/FULL with permanent residential occupation for owners	WR 12/03/2015	16/04/2015			

Appeal Decision

Site visit made on 26 January 2015

by R J Yuille Msc DipTP MRTPI

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

Decision date: 18 February 2015

Appeal Ref: APP/R1845/A/14/2218688
75-77 Mill Road, Stourport-on-Severn, DY13 9BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission on an application for the extension to the time limit for implementing a planning permission.
 - The appeal is made by Mr Ian Grant against the decision of Wyre Forest District Council.
 - The application Ref: 12/0784/FULL, dated 10/12/12, was refused by notice dated 27/11/13.
 - The development proposed is 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).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr I Grant against Wyre Forest District Council. This application is the subject of a separate Decision.

Background

3. The applicant has submitted a signed Unilateral Undertaking but queries whether this is required. This will be dealt with subsequently in this decision.

Main Issues

4. The main issues in this appeal are, firstly, whether the proposed development would be consistent with the Council's policy of concentrating housing development on brownfield sites in Stourport-on-Severn; and secondly, whether adequate justification has been provided for the proposed demolition of the locally listed buildings on the site.

Reasons

Housing Policy

5. Since planning permission was originally granted for development on this site in 2009, planning policy has changed in a number of ways that are relevant to this appeal. Firstly, the Wyre Forest Core Strategy was adopted in 2010 and the Wyre Forest Site Allocations and Policies Local Plan was adopted in 2013. Policy DS01 of the former plan and Policy SAL.DPL1 of the latter establish, amongst other things, that new housing development will be concentrated on

- previously developed land (or brownfield land as it is referred to in Policy DS01) within areas allocated for residential development within the urban area of Stourport-on-Severn.
6. The second policy change of relevance to this appeal is that it has now been established in the National Planning Policy Framework, published in 2012, that land in built up areas such as private residential gardens do not fall within the definition of previously developed land. It is not disputed that the appeal site is in a built up area and that the appeal scheme proposes development on garden land within that site.
 7. To that extent the proposed development is in breach of Policy DS01 and Policy SAL.DPL1 which seek to concentrate development on previously developed land rather than garden land. These policies, particularly the latter, have only been adopted recently and no suggestion has been made that they are not up-to-date. No particular justification is put forward as to why these policies should be breached other than that the condition of the site, its unused state and its planning history mean that it is more comparable to a development site than to garden land. I do not agree. It was clear from the site inspection that the southern part of the site is an overgrown garden and, as such, is not previously developed land.
 8. The point is also made that a scheme of 7 houses will not of itself have a great impact on the implementation of such policies but such an argument could be made too often and, if successful, would cumulatively undermine the aims of the Policies DS01 and SAL.DPL1 which seek to promote the regeneration of towns such as Stourport-on-Severn. I consider, therefore, that the proposed development would conflict with the aims of policy DS01 and Policy SAL.DPL1.

Demolition of the Locally Listed Building

9. It is proposed to demolish 75-77 Mill Road. These buildings are included on the Local Heritage List for Stourport and are thus to be treated as Heritage Assets under the terms of Policy SAL.UP6 of the Wyre Forest District Site Allocations and Policies Local Plan. This Policy requires that schemes which relate to Heritage Assets should be accompanied by a Heritage Statement. When the Council determined the appeal application no such statement had been prepared but one was submitted with the appeal documentation.
10. That document establishes that parts of these buildings date from the 18th rather than 19th century as indicated in the Local Heritage List but that the buildings are in a very poor state of repair and it would be difficult to retain much of their historic fabric. Indeed in parts of the building almost no historic fabric remains, for example little remains of the windows and openings of N^o 75 and without evidence of their original configuration any reinstatement would involve a degree of supposition. That might be appropriate in some situations or indeed in some situations it might be appropriate to insert modern windows and doors as a way of revealing the significance of the historic fabric. However, in this instance, given the difficulty of retaining much of the historic fabric, such approaches would, in my judgement, achieve little in conservation terms.
11. It is also the case that the setting of these buildings has been seriously compromised by modern housing development which has paid little regard to their historic significance.

12. Clearly, these buildings, with their raised parapet gable ends and massive central chimney – both of which are common in 18th century buildings in the area – have some significance as a remnant of the former hamlet of Jenny Hole in which they once stood, but for the reasons set out above I consider this significance to be marginal.
13. In a situation such as this where it is proposed to demolish a Heritage Asset, albeit one of marginal significance, Policy SAL.UP6 requires that a balanced judgement be made as to whether the reasons for or benefits of the proposed development would outweigh the loss of these buildings. While there is no pressing need for additional housing in the area I consider there would be substantial public benefits in bringing this unused, unsightly, overgrown and semi-derelict site back into use. The Council accepts that the proposed new housing is of a striking modern design and I consider that this mitigates to some extent against the loss of this Heritage Asset. It is also the case that it would be possible to reveal something of the origins of this building by careful dismantling and recording – something that could be required by way of a planning condition. This would also provide an element of mitigation.
14. In this instance, therefore, I consider that the loss of the Heritage Asset is outweighed by the benefits of bringing the site back into use and thus consistent with the relevant aim of Policy SAL.UP6.

Unilateral Undertaking

15. The appellant has submitted a Unilateral Undertaking whereby an Education Contribution and a Public Open Space Contribution would be paid in the event of planning permission being granted for the appeal scheme. A similar Unilateral Undertaking was attached to the original planning permission on the site granted in 2009.
16. In this instance the appeal scheme is for less than 10 dwellings and has a combined gross floorspace of less than 1,000sqm. Recent changes to Planning Practice Guidance states that 'tariff' style planning obligations should not be sought from such developments. However, noting correspondence addressing these recent changes and given that my decision is to dismiss the appeal anyway, I consider that the provision of the Unilateral Undertaking is a 'neutral' factor in the overall balance I must reach (so could not be determinative in any event) and I have not placed weight on it.

Other Matters

17. A public footpath (SV-547) adjoins the appeal site. If planning permission were granted for the appeal scheme the appellant would need to seek an order to stop up that part of the footpath affected by the development. The appellant submitted a Development Appraisal Statement and a Valuation Report which between them seek to demonstrate that the retention of the locally listed buildings is not viable even if three new houses were provided as enabling development. However, as the Council points out, these documents are not conclusive as it would accept a greater number of enabling units on the site.

Conclusions

18. The appeal scheme is an application to extend the time limit for implementing a scheme for which the Council has previously granted planning permission.

However such an application must be determined in the light of current planning policy and this indicates that while the demolition of locally listed buildings on the site is justified, the appeal scheme as a whole conflicts with the aim of concentrating new housing development on previously developed land in Stourport-on-Severn. For this reason I conclude that the appeal should be dismissed.

RJ Yuille

Inspector

Costs Decision

Site visit made on 26 January 2015

by R J Yuille Msc DipTP MRTPI

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

Decision date: 18 February 2015

Costs application in relation to Appeal Ref: APP/R1845/A/14/2218688 75-77 Mill Road, Stourport-on-Severn, DY13 9BJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ian Grant for a partial award of costs against Wyre Forest District Council.
 - The appeal was against the refusal to grant planning permission on an extension to the time limit for implementing a planning permission.
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Decision

1. The application for an award of costs is refused.

Reasons

2. National Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appeal proceedings to which this costs claim relate deal with an application to extend the time limit for implementing a planning permission which was previously granted by the Council. Nonetheless that appeal must be determined in the light of current planning policy and the relevant parts of that policy (Policy SAL.UP6 of the Wyre Forest District Site Allocations and Policies Local Plan and paragraph 128 of the National Planning Policy Framework) require that in determining planning applications which would result in the loss of heritage assets a Heritage Statement should be sought. There is, therefore, nothing unreasonable in the Council seeking such a statement.
4. I do not agree that it was naïve of the Council to think that the buildings on the site could be viably retained. In making its decision the Council took into account the advice of its Conservation Architect who, based on his experience as an Architect and Historic Buildings Adviser including his experience in project managing historic renovations, considered that a suitable conservation scheme could be achieved. While the appellant has produced evidence from a Quantity Surveyor and Valuation Surveyor which comes to a different view, this is not conclusive as it assumes only three dwellings would be allowed as enabling development whereas the Council has indicated that more could be allowed. I do not, therefore, consider that the Council was unreasonable in taking the approach that it did.

5. I find, therefore, that unreasonable behaviour resulting in unnecessary or wasted expense, as described in National Planning Practice Guidance, has not been demonstrated.

RJ Yuille

Inspector