

Open

Planning Committee

Agenda

6pm
Tuesday, 18th August 2015
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

	Chairman: Councillor S J Williams
	Vice-Chairman: Councillor G C Yarranton
Councillor J Aston	Councillor S J M Clee
Councillor J Greener	Councillor J A Hart
Councillor M J Hart	Councillor D Little
Councillor F M Oborski MBE	Councillor M Rayner
Councillor C Rogers	Councillor J A Shaw

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 Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@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.

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

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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, 18th August 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 21st July 2015.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	12
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.	62

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>	

Part 2

Not open to the Press and Public

9.	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.	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

21ST JULY 2015 (6.00 PM)

Present:

Councillors: S J Williams (Chairman), G C Yarranton (Vice-Chairman), J Aston, S J M Clee, J Greener, J A Hart, M J Hart, D Little, F M Oborski MBE, M Rayner, C Rogers and J A Shaw.

Observers:

Councillor I Hardiman.

PL.1 Apologies for Absence

There were no apologies for absence.

PL.2 Appointment of Substitutes

No substitutes were appointed.

PL.3 Declarations of Interests by Members

There were no declarations of interests.

PL.4 Minutes

Decision: The minutes of the meeting held on 14th April 2015 be confirmed as a correct record and signed by the Chairman.

PL.5 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 531 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 531 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL.6 Planning and Related Appeals

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

Decision: The details be noted.

PL.7 Section 106 Obligation Monitoring

A report was considered from the Director of Economic Prosperity and Place that gave details of the most current Section 106 Obligations which required monitoring.

Decision: The details be noted.

PL.8 Exclusion of the Press and Public

Decision: That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

PL.9 New Enforcement Case

The Committee received a report from the Director of Economic Prosperity and Place on a new enforcement case.

Decision: Delegated authority be granted to the Solicitor to the Council to serve or withhold an Enforcement Notice and a Stop Notice or solely an Enforcement Notice for the reason detailed in the confidential report to the Planning Committee.

PL.10 Enforcement Matters

The Committee received a report from the Director of Economic Prosperity and Place which provided Members with a summary report on enforcement matters, and specifically the volume of new complaints.

Decision: The information be noted.

The meeting ended at 18.24 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

21st July 2015 Schedule 533 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, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Application Reference 14/0661/OUTL
Site Address: LAND AT STATION YARD, OFF LYNWOOD DRIVE, BLAKEDOWN, KIDDERMINSTER, DY10 3JZ
REFUSED for the following reasons:
<ol style="list-style-type: none"> 1. The proposed residential development site for market housing is outside areas identified for residential purposes within Policies SAL.DPL1 and SAL.DPL2. It is considered that there are no material circumstances in this case that would outweigh these objectives, particularly given that the Council has in excess of the requisite 5 year supply of housing land, the lack of social benefits afforded by the scheme; and, additional harm that would be caused through issues identified in reasons 2 and 3 below. To allow the proposed development of this site in these circumstances would therefore be contrary to Policies DS01 and DS04 of the Adopted Wyre Forest Core Strategy, Policies SAL.DPL1 and SAL.DPL2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and the Government Guidance as set out in the National Planning Policy Framework. 2. The site is located adjacent a busy railway line. The submitted noise assessment has identified high levels of noise that will have an adverse impact on the proposed development of the site. The proposed mitigation strategy will not provide adequate quiet amenity space for the proposed dwellings and will result in an unacceptable environment for future occupiers of the proposed dwelling houses. To allow the development in these circumstances would be contrary to paragraph 123 of the National Planning Policy Framework and the Noise Policy Statement for England. 3. The south-western part of the development site is at a higher level than properties in Swan Close. Due to the interrelationship of these dwellings, the difference in levels, proposed boundary treatment and position of plot 16 it is considered that significant loss of amenity will occur, particularly to No.19 Swan Close, by virtue of overlooking and a dominating impact. To allow the development in these circumstances would be contrary to Policy CP11 of the Adopted Wyre Forest Core Strategy, Policy SAL.UP7 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, The Design Guidance SPD and Government Advice in the National Planning Policy Framework.

Application Reference 15/0292/FULL
Site Address: 50 JAMES ROAD, KIDDERMINSTER, DY10 2TR
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters). 2. A11 (Approved plans). 3. B3 (Finishing materials to match).

Application Reference 15/0302/ADVE
Site Address: WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER, DY11 7WF
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. L1 (Standard advertisement conditions). 2. L2 (Removal of rights to advertise). 3. L9 (Standard time).

Application Reference 15/0305/OUTL
Site Address: SITE OF FORMER SION HILL MIDDLE SCHOOL, SION HILL, KIDDERMINSTER, DY10 2XT
APPLICATION DEFERRED.

Application Reference 15/0316/ADVE
Site Address: BEWDLEY BYPASS/CLEOBURY ROAD, BEWDLEY, DY12 2QN
APPROVAL subject to the following conditions:
<ol style="list-style-type: none"> 1. L1 (Standard advertisement conditions). 2. L2 (Removal of rights to advertise). 3. L9 (Standard time). 4. Details of sign appearance and location to be submitted prior to installation.
Notes
<ol style="list-style-type: none"> A. Identification of drawings. B. The roundabout is publicly maintained highway to which Worcestershire County Council is the custodian. The installation of sponsorship signs is acceptable so long as they are part of a landscaping scheme where their presence is considered to be de minimis. The applicant must agree a landscaping scheme and obtain a licence from the Highway Authority to plant the roundabout prior to the implementation of the proposed signs. The applicant should discuss the sign design and location with the Highway Authority to ensure they have complied with the prescribed restrictions.

Application Reference 15/0336/FULL

Site Address: THE SCOUT HUT, PARK ALLEY, BEWDLEY, DY12 2TD

DELEGATED APPROVAL subject to:

- a) the expiry of the neighbour consultation period and no new issues being raised that have not been considered within this report; and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters).
 - 2. A11 (Approved plans).
 - 3. B1a (Samples/details of materials).

Notes

- A. Public Rights of Way.
- B. Asbestos.

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

18/08/2015

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
15/0173/FULL	STOURPORT PRIMARY SCHOOL TAN LANE STOURPORT-ON-SEVERN	APPROVAL	13
15/0306/FULL	17 RODEN AVENUE KIDDERMINSTER	APPROVAL	26

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
15/0305/OUTL	SITE OF FORMER SION HILL MIDDLE SCHOOL SION HILL KIDDERMINSTER	DELEGATED APPROVAL	31
15/0348/FULL	SWAN HOTEL (CAR PARK) 56 HIGH STREET STOURPORT-ON-SEVERN	APPROVAL	56

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
18TH AUGUST 2015

PART A

Application Reference:	15/0173/FULL	Date Received:	25/03/2015
Ord Sheet:	381086 271651	Expiry Date:	24/06/2015
Case Officer:	Emma Anning	Ward:	Mitton

Proposal: Development of New Extra Care Residential Retirement Facility for 60No. Apartments with associated landscaping and car parking, including the retention of and change of use of the former Tan Lane Primary School building to residential use.

Site Address: STOURPORT PRIMARY SCHOOL, TAN LANE, STOURPORT-ON-SEVERN, DY138HD

Applicant: Bromford Home Ownership Ltd & Matrix Harborne Investments Ltd

Summary of Policy	DS01, DS03, DS05, CP01, CP02, CP03, CP04, CP05, CP07, CP11 CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL5, SAL.CC1, SAL.CC2, SAL.CC6, SAL.CC7, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.STC2 (SAAPLP) Design Guidance SPD Planning Obligations SPD NPPF
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is part of the identified 'Tan Lane and County Buildings' redevelopment site under Policy SAL.STC2 of the Site Allocations and Policies Local Plan. The application site measures 0.67ha covering the site of the former Tan Lane School but excluding the existing retail units fronting Lombard Street.
- 1.2 The original Victorian school building still stands on the west of the site on the corner of Tan Lane and Vernon Road. The building is included on the Local Heritage List for Stourport on Severn.

15/0173/FULL

- 1.3 The site is relatively flat, however there is a known susceptibility to surface water flooding.
- 1.4 The northern boundaries of the site are shared with existing residential properties and one community building (Christadelphian Hall); the eastern boundary is shared with the rear of the retail units fronting Lombard Street; the southern boundary fronts Tan Lane and the western boundary, in part, fronts Vernon Road and in parts is shared with the rear boundaries of 31-51 Vernon Road.

2.0 Planning History

- 2.1 None relevant

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Views awaited
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Environment Agency – No comments received
- 3.4 Stourport Civic Trust – No comments received
- 3.5 Arboricultural Officer – Unfortunately all the large trees on the site have already been removed so there is not any individual tree on the site worthy of protection or retention. The hedge on the east boundary will act as a decent screen to the new development, but is not worthy of a TPO.

I am happy with the proposed distances to protect the hedge known as G4, however details of protective fencing is required.

Details of landscaping are also required with planting plans, tree pit design for the new trees and establishment for the new soft landscaping for at least 3 years.

- 3.6 Countryside and Conservation Officer – This application has been submitted with an appropriate ecological survey that has identified some biodiversity issues that will need to be addressed through condition. The applicants have recognised this and include the measures they propose to take in their design and access statement.

15/0173/FULL

There are some invasive cotoneaster species on site. These will need to be removed permanently from the development site. The plant spreads via birds distributing its berries. The appropriate treatment of these plants and the measures to be put in place to protect mammal species from harm during the development phase needs to be incorporated into a Construction Environmental Management Plan (CEMP) and this could be a condition.

The applicants need to have a bat survey before any works commence. This may lead to mitigation which may well require an enhanced landscaping plan. The provision of built-in roosts have an impact on a lighting scheme. Hence this needs to be conditioned to take place before any works commence including any site clearance works.

Hence a landscaping proposal needs to be produced which should include native species to help benefit the local biodiversity. A lighting plan is also required that reflects the findings of the bat report.

- 3.7 Conservation Officer – The former Tan Lane Primary School building is an undesignated heritage asset included on the Local Heritage List for Stourport on Severn ref: SS235 which describes the building as follows: Mid-C19th school building. Full height Dutch gables on all sides, with two such gables to front elevation. Large timber sash windows. Red brick construction with gabled roofs, covered in plain clay tiles. Forms important social and visual focal point.

The application is supported by a heritage statement which provides historic photographs of the school in its context on the edge of the town, close to the large tannery. The scale of the surviving locally listed building is thus understood in relation to the much larger tannery buildings which once stood opposite.

The building is locally significant: not only possesses attractive Victorian architectural features, but it was also for many years was the focal point for the local community.

I am pleased to note that the proposals for the extra care residential development have retained the external envelope of the building almost unaltered. These accord with WFDC Policies SAL.UP6 and SAL.STC2.

I support the decision to clearly define any new fenestration as a modern intervention, whilst retaining the original windows which contribute much character to the building.

Although the interior of the building will be much altered during the conversion into three flats, the principal architectural features such as the roof trusses will remain unaltered, albeit concealed from view as these will now form part of a void attic space.

15/0173/FULL

I think that the less than substantial harm caused by the loss of some of the historic interior layout is more than compensated for by the restrained and considered proposals for the exterior of the building, including a lightweight link to the principal new building. I think the public benefits of retaining a landmark and well-known historic building, and securing its ongoing beneficial use outweighs any less than substantial harm, and would accord with NPPF paragraph 135.

No objections. Suggest a photographic record of the interior of the building is submitted to the Worcestershire Historic Environment Record (HER) prior to commencement on site

- 3.8 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 indicate development should be restricted. It includes a chapter entitled 'Delivering a wide choice of high quality homes'. This chapter requires local authorities to '*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*'.

The Adopted Core Strategy (2010) includes a settlement hierarchy for the District (Policy DS01). This policy sets out a sequential approach to development which favours brownfield sites in Kidderminster and Stourport-on-Severn. Stourport-on-Severn is identified as a 'Large Market Town' and residential development is identified as a suitable development within Stourport-on-Severn. Paragraph 5.8 includes a table which directs approximately 30% of new residential development to Stourport-on-Severn. This allocation of development is further emphasised within Policy DS03: Market Towns.

Policy DS05 of the Adopted Core Strategy specifically support housing to meet the needs of older people, stating that: '*The District Council will support innovative housing schemes which assist older and vulnerable people to live securely and independently in sustainable locations with access to services*'. The proposed site is within easy reach of services and facilities within Stourport-on-Severn and is therefore considered to be a sustainable location within the context of this policy.

15/0173/FULL

The site is allocated as part of a two phase site allocation under policy SAL.STC2 of the Site Allocations and Policies Local Plan. The site forms part of phase one and the policy states that the site should provide a suitable mix of uses, which could include: residential, community uses (D1), small scale retail development (replacement provision for any loss through redevelopment) and commercial use (B1) subject to residential amenity and car parking considerations. The ambition set out within paragraph 12.8 is for a holistic approach to the redevelopment of the wider Tan Lane site. The mix of uses is also applicable to the wider site. There is nothing within the policy which prevents part of the site coming forward in advance of the remainder. It is not considered that the proposals would prevent the remainder of the site coming forward to deliver a mix of uses across the wider site at a later date.

Policy SAL.STC2 also sets out four specific criteria which development on the site should meet and consideration should be given to these requirements when determining the application.

Policy DS04 of the Adopted Core Strategy requires a 30% affordable housing contribution from residential developments of 10 units or more within Stourport-on-Severn. The Ministerial Statement of 28th November 2014 set out the Government's requirement for Local Planning Authorities to only seek affordable housing contributions and other tariff style obligations on sites of 11 dwellings or more with certain exceptions for rural areas. A Policy Position Statement (February 2015) has been issued by Wyre Forest DC to clarify the implications of the statement. Therefore, the threshold is now 11 dwellings in Stourport-on-Severn. The Affordable Housing SPD (July 2014) sets out more detailed guidance on the procedure for securing affordable homes.

In conclusion, the principle of development is considered to be acceptable in policy terms subject to the case officer being happy that the specific requirements of Policy SAL.STC2 have been met. Further consideration should be given as to how the development meets the requirements of the District Council's affordable housing policies.

- 3.9 Strategic Housing Services Manager - I am supportive of this development
- 3.10 North Worcestershire Water Management - I would recommend a drainage condition to any consent given as the detailed design of the proposed drainage features (cellular soakaway and trench soakaway) would need to be informed by appropriate permeability testing on the site (infiltration rate currently assumed). This should be secured by condition.

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- 3.11 Worcestershire Archive and Archaeology Service - The locally listed school building that is affected by the proposed development has been identified as a heritage asset. We were consulted pre application regarding the proposals and provided the applicants with the English Heritage publication '*The Future of Historic School Buildings*'. The proposals to retain the school building and incorporate the structure into the development is supported, however the massing and design of the adjacent care home will dominate the building and surrounding streetscape. Should however, the planning committee be minded to grant approval for this application, it is advised that the impact caused by the development may be offset by the imposition of a negative planning condition requiring a Programme of Historic Building Recording and Interpretation. This recording must also record the setting, streetscapes and views that the building contributes to.
- 3.12 Crime Prevention Design Advisor – No comments received
- 3.13 Severn Trent Water - No objection subject to drainage condition
- 3.14 Disability Action Wyre Forest (DAWF) – No comments received
- 3.15 Neighbour/Site Notice – No representations received

4.0 Officer Comments

PROPOSAL

- 4.1 Planning permission is sought for the redevelopment of the former Tan Lane Primary School site (including refurbishment and conversion of the Victorian school building) to form an extra care residential retirement facility comprising 60 apartments with associated ancillary accommodation, parking and amenity space.
- 4.2 The proposed plans show that the development would be an L-shaped building with 'arms' branching from a central entrance area. The development would sit in the centre of the site with amenity areas wrapping around its perimeter. One area of car parking is proposed which would sit between the existing school building and 31 Vernon Road and would provide for 28 car parking spaces.
- 4.3 The proposed building would largely be three storey in scale and is designed as individual interlinked 'blocks' constructed of brick and tile with elements of render finish and with various roof designs including traditional pitched as well as flat roofs and mono-pitch designs. The Victorian element of the Tan Lane Primary School building would be retained and linked to the new building via a modest timber and glazed link.

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- 4.4 Vehicular access and egress would be via the existing school site off Vernon Road. Two pedestrian access points are proposed, one shared with the vehicular access and the other a gated pedestrian entrance off Tan Lane.

PRINCIPLE OF DEVELOPMENT

- 4.5 The application site is part of a wider identified redevelopment site which benefits from a site specific policy in the Site Allocations and Policies Local Plan. Policy SAL.STC2 of the Site Allocations and Policies Local Plan identifies the Tan Lane site as being suitable for a mix of uses including residential. The policy also seeks that any proposal should:
- i. retain and enhance the existing school building;
 - ii. front onto existing and proposed highways;
 - iii. where possible provide a link through to Bewdley Road/Lombard Street;
 - iv. ensure appropriate remediation, drainage and design to deal with any land contamination.

Given that Policy SAL.STC2 supports the use of the site for residential development then subject to criteria i to iv being addressed, I consider the principle of the proposed scheme to be acceptable.

LAYOUT, SCALE & DESIGN

- 4.6 The layout of the proposed scheme is considered to be acceptable. It provides for a building with a footprint appropriate to the size of the site and allows for sufficient external amenity space so as not to result in a scheme which would amount to a cramped overdevelopment of the site. In following the natural L-shape of the site the building would respect the building line and frontage to Tan Lane whilst making the most effective use of the large area of land in the centre of the site. Policy SAL.STC4 stipulates that new development should front onto existing (or proposed) highways. The proposal would satisfy this requirement as the south elevation would run parallel to Tan Lane creating a new street frontage between the old school site and the existing retail units.
- 4.7 Policy SAL.UP7 of the Site Allocations and Policies Local Plan requires that new development should be in scale and in keeping with its setting so as not to result in the creation of an incongruous development harmful to its surroundings. Properties surrounding the application site vary in terms of their scale. Two storey residential dwellings run to the north and west of the site; along the eastern boundary is the rear of properties fronting Lombard Street which are largely two storey along the main shopping frontage rising to three storey at the junction of Bewdley Road with Vernon Road. Across from the southern boundary of the site, on the opposite side of Tan Lane, is the Co-operative supermarket which, despite being single storey, is a substantial building due to its truncated-hip roof design.

15/0173/FULL

- 4.8 This part of Stourport on Severn town centre is not dominated by three storey buildings and two storey properties are most common. However, there is a mix of building types, sizes and scales (including three storey) and for this reason a three storey property would not, in my view, be out of keeping in principle. Introducing a three storey frontage to Tan Lane between the single storey school building and the two storey retail units would serve to create some variety in building height. The proposal to 'bridge' the gap between the single storey school building and the main body of the three storey proposal with new single and two storey 'links' would allow the new development to join harmoniously with the existing built form. For this reason the scale of the proposed development insofar as it relates to the impact on the Tan Lane street scene is considered acceptable. The Council's Conservation Officer has not raised any objection to development focussing on the impact of the proposal on the setting of the Locally Listed Building.
- 4.9 Whilst the Tan Lane frontage would be the most visually imposing, the development would also be seen from Lombard Street, Bewdley Road and Vernon Road behind the existing buildings. Given that the part of the proposed development which would be visible from Lombard Street, Bewdley Road and Vernon Road would be set back into the centre of the application site the visual impact on the street scene would be less prominent and would, in my view, have an acceptable appearance that would not be overly dominant on the existing townscape.
- 4.10 The impact of the scale of the proposal on neighbouring occupiers has been carefully assessed. There would be a minimum separation distance of 35m between residential properties in Vernon Road and the proposed development and an average separation of approximately 40m between the proposal and the rear of the retail properties fronting Lombard Street. It is therefore unlikely that the proposal would be visually overbearing to occupiers of these properties. Properties 1-7 Bewdley Road would be closest to the proposed development, having an average separation distance in excess of 20m between buildings and a distance to the shared boundary of approximately 14m. Whilst the majority of these properties are commercial buildings 7 Bewdley Road is a residential dwelling and, as such, careful consideration has been given to the impact of the proposal on this property. Whilst the separation distances are considered appropriate I consider that the fact that the development would not sit directly to the rear of 7 Bewdley Road but would instead be offset at an angle would prevent the new development being visually overbearing for occupiers of this dwelling. I am satisfied that the scale of the proposal relative to adjoining development would be acceptable and would not result in a development which is over dominant or overbearing on its surroundings.

15/0173/FULL

- 4.11 The nature of the development proposed would mean that, despite having private self-contained apartments, residents of the proposed development would share external amenity space. The proposal would incorporate outdoor space for the residents and indeed outdoor areas are regarded by the developer as being a crucial element of a successful scheme due to the physical and psychological benefits it brings to their residents. In terms of the amenity of the prospective occupants I consider the proposal would serve them well.
- 4.12 The design of the proposed development is acceptable. Being of traditional brick and tile construction would allow the development to harmonise with its surroundings and the introduction of render panels and glazed features would add interest to the building. Given that there is no dominant building style which should be respected in this locality I find it acceptable to introduce a new contemporary style of building to the town centre. Possibly the most important design consideration is the relationship of the new building with the Locally Listed School Building, which is discussed below.

IMPACT ON HERITAGE ASSETS

- 4.13 In accordance with Policy SAL.STC4 the proposal seeks to retain and re-use the existing Victorian school building to provide three apartments. The advice of the Conservation Officer has been sought in relation to the impact of the proposed development on the heritage asset. Based on the comments of the Conservation Officer detailed at Paragraph 3.7, I am satisfied that the proposed scheme is acceptable in terms of the impact on the fabric and setting of this locally listed building in accordance with Policy SAL.UP6 of the Site Allocations and Policies Local Plan. The Conservation Officer has recommended that a condition should be included on any permission which would require a photographic record of the building (in particular the internal features) be submitted to the Local Planning Authority prior to any works being carried out, to ensure that a historic record can be maintained. I consider this a reasonable condition to secure a record of a building of local historic interest and one which would overcome the concerns raised by Worcestershire Archive and Archaeology Service.

HIGHWAY SAFETY

- 4.14 No new vehicular access points are proposed. The development would utilise the existing access and egress off Vernon Road which would lead to a 28 space car park which would sit to the front of the main entrance. The Highway Authority do not object to this proposal, therefore I am satisfied that sufficient car parking would be provided and that no harm to highway safety would arise as a result of this scheme. Conditions suggested by the Highway Authority would:
- i. require the closure of the existing access to Tan Lane,
 - ii. secure the removal of any school related signage
 - iii. require the developer to provide and maintain suitable access, turning and parking areas both during and post construction

15/0173/FULL

- iv. encourage the developer/operator to devise and maintain a travel plan to reduce vehicle movements and promote sustainable access

I consider these to be reasonable and necessary conditions which should be included on any permission in the interests of highway safety and sustainability.

LANDSCAPING & BIODIVERSITY

- 4.15 An indicative landscaping plan has been provided and has been considered by the Council's Arboricultural Officer whose comments are detailed at Paragraph 3.5. As no formal landscaping plan or maintenance schedule has been provided it would be considered necessary, in the interests of visual amenity and to protect retained trees on site, to include a condition on any permission. A full landscaping plan with maintenance schedule shall be submitted and agreed prior to first occupation of the development in accordance with the recommendations of the Arboricultural Officer.
- 4.16 During pre-application talks it was suggested that the site, due to it being unused for some time, has good potential for bat roost and as such a full ecological survey has been submitted and considered by the Council's Countryside and Conservation Officer whose comments are contained in Paragraph 3.6. In summary the report shows that the site has good potential for bat roosts; that there is a need to retain the existing hedgerows and that there is an invasive species of plant on site which should be managed correctly. The recommendations made in the report are summarised as follows:
 - i. Biodiversity enhancement measures should be incorporated into the landscaping scheme to maximise the ecological value of the site.
 - ii. The boundary hedges and any early mature trees should be retained where possible.
 - iii. A daytime bat survey to the site and the mature apple tree should be carried out.
 - iv. A lighting strategy should be submitted to ensure that areas of potentially high bat activity (hedgerows and trees) are not compromised.
 - v. The clearance of vegetation and any buildings should be carried out outside of the nesting bird season or be supervised by an ecologist.
 - vi. A scheme for the protection of terrestrial mammals (badger and hedgehog) during construction should be provided.
 - vii. There is an invasive species of plant identified on site which should either not be disturbed or a strategy for its safe removal be provided.

Given the comments made by the Council's Countryside and Conservation Officer in Paragraph 3.6 and that the matters above can satisfactorily be covered by condition, I am satisfied that it would be possible to ensure no harm to ecology or biodiversity would arise as a result of this proposal subject to the inclusion of suitable conditions informed by the ecology report on any permission issued.

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WATER MANAGEMENT/SuDS

- 4.17 The proposed scheme has been assessed by the Senior Water Management Officer of North Worcestershire Water Management who identified the need for a flood risk assessment due to the site being known surface water flooding and being within Source Protection Zone III. Such information was considered essential to ensure that the proposed drainage strategy for the site would be acceptable, would ensure that the development would be safe from flooding for its lifetime, and that it would not result in the exacerbation of flood risk elsewhere. The applicants have provided a flood risk assessment which has been fully considered by the Senior Water Management Officer who has commented as detailed at Paragraph 3.10.
- 4.18 In light of the comments made by the Senior Water Management Officer I am satisfied that suitable drainage systems for this site can be secured by condition. In line with the recommendations made, the applicants will be encouraged to consider the suitability/feasibility of a SuDS scheme in the first instance in accordance with Policy SAL.CC7 of the Site Allocations and Policies Local Plan.

AFFORDABLE HOUSING

- 4.19 As detailed in the comments of the Planning Policy Team in Paragraph 3.8, the adopted Planning Obligations SPD would require a contribution towards affordable housing be provided on a scheme of 11 dwellings or more at a proportion of 30%. The proposal is to provide 60 units with 11 rented units and 49 for shared ownership, giving the scheme a 100% affordable housing provision. This would more than satisfy the requirement of 30% set out in the development plan. However, whilst normal practice would be to secure the 30% affordable provision through a legal agreement under Section 106 of the Planning Act 1990, the applicants in this instance have requested that a S106 Agreement not be made and that the provision of affordable housing to meet local need is secured by condition. This request has been made due to difficulties with the funding mechanisms being used for the project. The applicants' intention is to draw down recycled capital grant funding via the Homes and Communities Agency (HCA) but when securing funding on this basis the Council is advised that the HCA will not entertain a consent fettered by a S106 Agreement. The Council's Principal Strategic Housing Officer has been able to confirm that this is the case. In this instance therefore it had to be considered whether a condition to secure the necessary 30% affordable housing as a minimum would be possible, firstly to allow the development to proceed and secondly to secure the Council's required affordable housing contribution. Lengthy discussions between the applicants and the Council's Planning, Housing and Legal Teams have taken place and, on balance, it is considered feasible to use a planning condition to secure the affordable housing required in this instance.

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- 4.20 The applicants, in agreement with the Council's Housing Team, have agreed that of the 60 units proposed a minimum of 18 would remain as affordable units (11 rented and 7 shared ownership). Whilst it is the intention of the applicants that the remaining units would remain as 'affordable' housing also, other than being controlled by the terms of any grant funding arrangements with the HCA, it would be possible in the future that the remaining units could be offered to the private market. If this were to be the case however, the scheme would, by virtue of a planning condition, still have secured the affordable housing required by the Planning Obligations SPD.

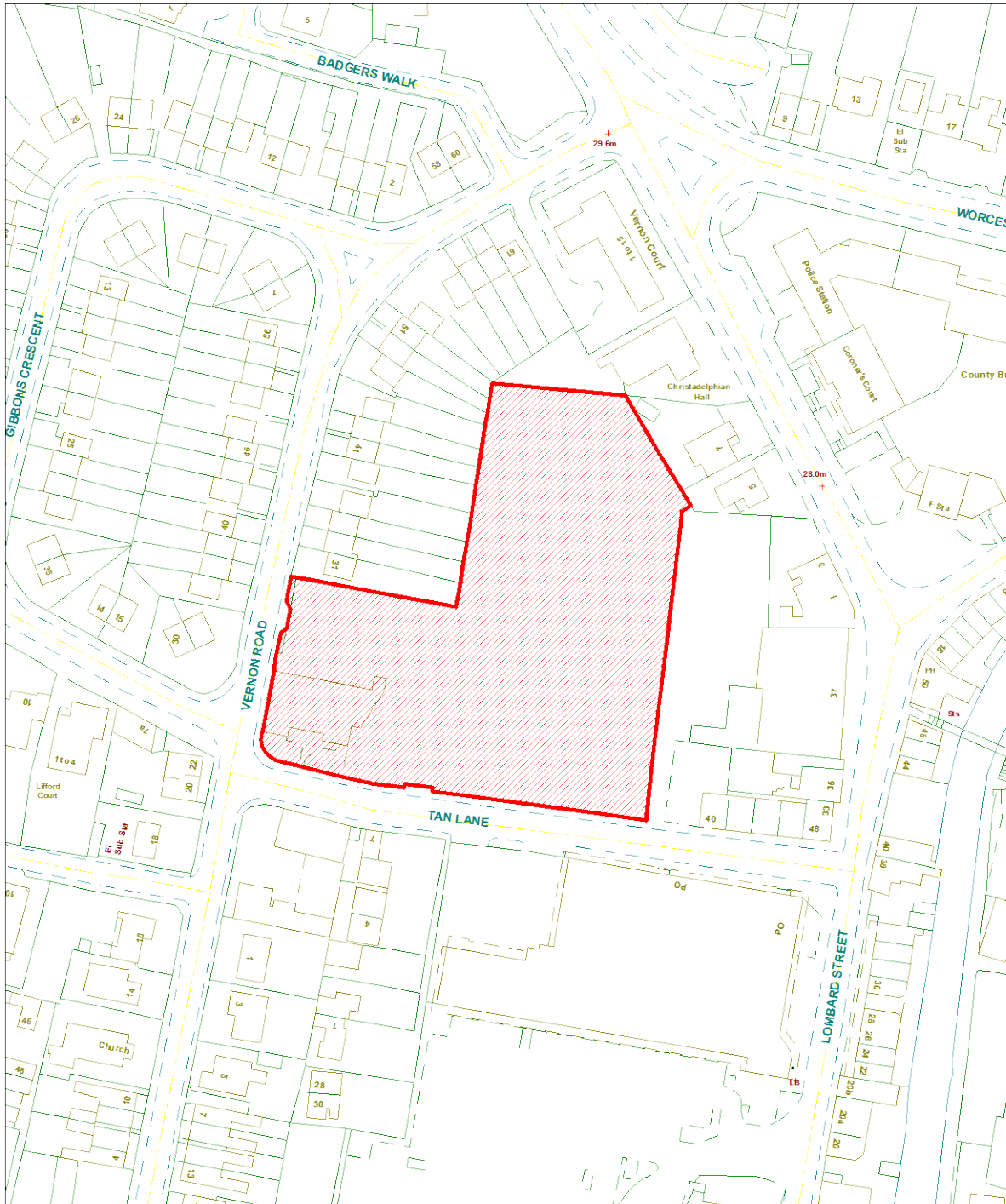
5.0 Conclusions and Recommendations

- 5.1 The principle of residential development on this site accords with the policies of the Development Plan. The proposal is capable of being carried out without detriment to highway safety, visual amenity, residential amenity and without harm to ecology or biodiversity. For these reasons 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. Materials (including hard surfacing) to be agreed
4. Development shall be for 'extra care' only
5. Affordable housing at 30%
6. Details tree protection for retained trees (protective fencing) to be agreed
7. Hedgerows to be retained
8. Landscaping plan and 3 year management plan to be agreed
9. Landscaping works to British Standard
10. CEMP to be agreed (irradiation of invasive species, protection of mammals)
11. No development until bat survey carried out. The landscaping plan referred to in Condition 8 shall be design to have strict regard to the bat survey requirements.
12. Lighting plan required which takes account of findings of the bat report required by condition 11.
13. Historic photographic record/Historic building recording record to be submitted.
14. Existing vehicular access to Tan Lane to be closed prior to occupation
15. Existing redundant signage/road markings to be removed
16. Cycle parking to be provided
17. Travel plan to be provided
18. Parking for site operatives (during construction)
19. Drainage plans to be submitted

Notes

- A. Private Apparatus within the Highway
- B. Section 278 Agreement
- C. Temporary direction signs to housing development



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

Stourport Primary School
Tan Lane, Stourport on Severn, DY13 8HD

Date:- 05 August 2015 Scale:- 1:1250 OS Sheet:- SO8171NW Crown Copyright 100018317 2014
Wyre Forest House, Finepoint Way, Kiddeminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	15/0306/FULL	Date Received:	10/06/2015
Ord Sheet:	384017 277210	Expiry Date:	05/08/2015
Case Officer:	James Houghton	Ward:	Broadwaters

Proposal: Two storey rear extension, dormer extension to side

Site Address: 17 RODEN AVENUE, KIDDERMINSTER, DY102RF

Applicant: KAW Securities Ltd

Summary of Policy	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP)
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 detached, two storey, hip roofed dwelling set back from the road behind a front drive. It is located on Roden Avenue, which runs between Birmingham Road and Hurcott Road in Kidderminster.
- 1.2 The property is within an established residential area, being surrounded by residential properties.
- 1.3 The proposal seeks for extensions to the existing property.

2.0 Planning History

- 2.1 None.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections subject to the addition of a condition requiring the retention of the existing parking area.
- 3.2 Neighbour/Site Notice – A total of seven letters and emails have been submitted by the occupants of properties near the application site. The issues raised in these letters include:
 - The proposed dormer would have an impact on the levels of light currently experienced through the side facing windows at the neighbouring property;

15/0306/FULL

- There are concerns that the windows proposed for the dormer would result in the loss of privacy through the side facing windows at the neighbouring property;
- The form of the dormer proposed would not be characteristic for this area;
- Whilst it is acknowledged that the rear two storey extension meets the requirements of the 45° code the structure would restrict the views currently enjoyed to the rear of the property;
- The scale of the rear extension would be considered to overwhelm the original structure and to represent overdevelopment of the site;
- The design of the extension to the rear is criticised as the side elevations of the structure visible over garden fences would be relatively featureless, largely comprising brick, broken only by high level obscure glazed windows, in addition the building would project past the rear of neighbouring dwellings;
- The extension would not be of a type characteristic for this area; and
- There are concerns of increased noise nuisance as a result of the extension.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the addition of a two storey, hip roofed rear extension which would provide a garden room at ground floor and an additional bedroom along with some reconfiguration of existing space at first floor. In addition it is proposed to add a first floor side extension over the existing garage which would provide space for two en suite bathrooms.

TWO STOREY REAR EXTENSION

- 4.2 The proposed rear extension would project 5.0m from the rear wall of the house and would replicate the eaves height of the host building. The ridge of the extension would be set lower than that of the original in order to ensure that the extension is not visible from the highway.
- 4.3 The proposed rear extension, whilst considerable in size, would not be visible from the street and as such would have no significant detrimental impact on the character of the area or the street scene. The extension meets the requirements of the 45° code from the principal habitable room windows at both neighbouring properties, as such it would be considered that this element of the development would have no significant impact on the amenity enjoyed by the occupants of neighbouring dwellings, specifically in terms of light and outlook. Side facing windows are proposed in both the north and south elevations of the extension. The ground floor windows would have little impact on privacy as the boundary treatment would minimise the chance of any potential overlooking, at first floor it is proposed to fit high level, obscure glazed windows which would, again, minimise any potential overlooking issue. The requirement for obscure glazing should form the basis of a condition.

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DORMER EXTENSION

- 4.4 The scheme initially submitted differed from that currently being considered in that the first floor side extension was to comprise a dormer which sat within the roof slope. A dormer of this type could be introduced without the need for planning permission as it meets the requirements of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. The current scheme includes a more traditional first floor side extension which would utilise the space above the existing garage. This extension would be in close proximity to the side facing windows at no.19 Roden Avenue.
- 4.5 The potential for this element of the scheme to have an impact on the amenity enjoyed by the occupants of neighbouring properties is greater than for the rear extension. This is due to the four side facing windows at no. 19 Roden Avenue, serving bedrooms at first floor and serving a lounge and dining room at ground floor. It should be noted that these four windows are secondary to principal windows located on the front or rear elevations of the property and are estimated to be around a third of the size, in terms of area. The Council's guidance leaflet on the application of the 45° Code states:

*“The 45° line applies equally to ground and first floor windows as well as to side windows where they provide **the only** source of light to a habitable room.”*

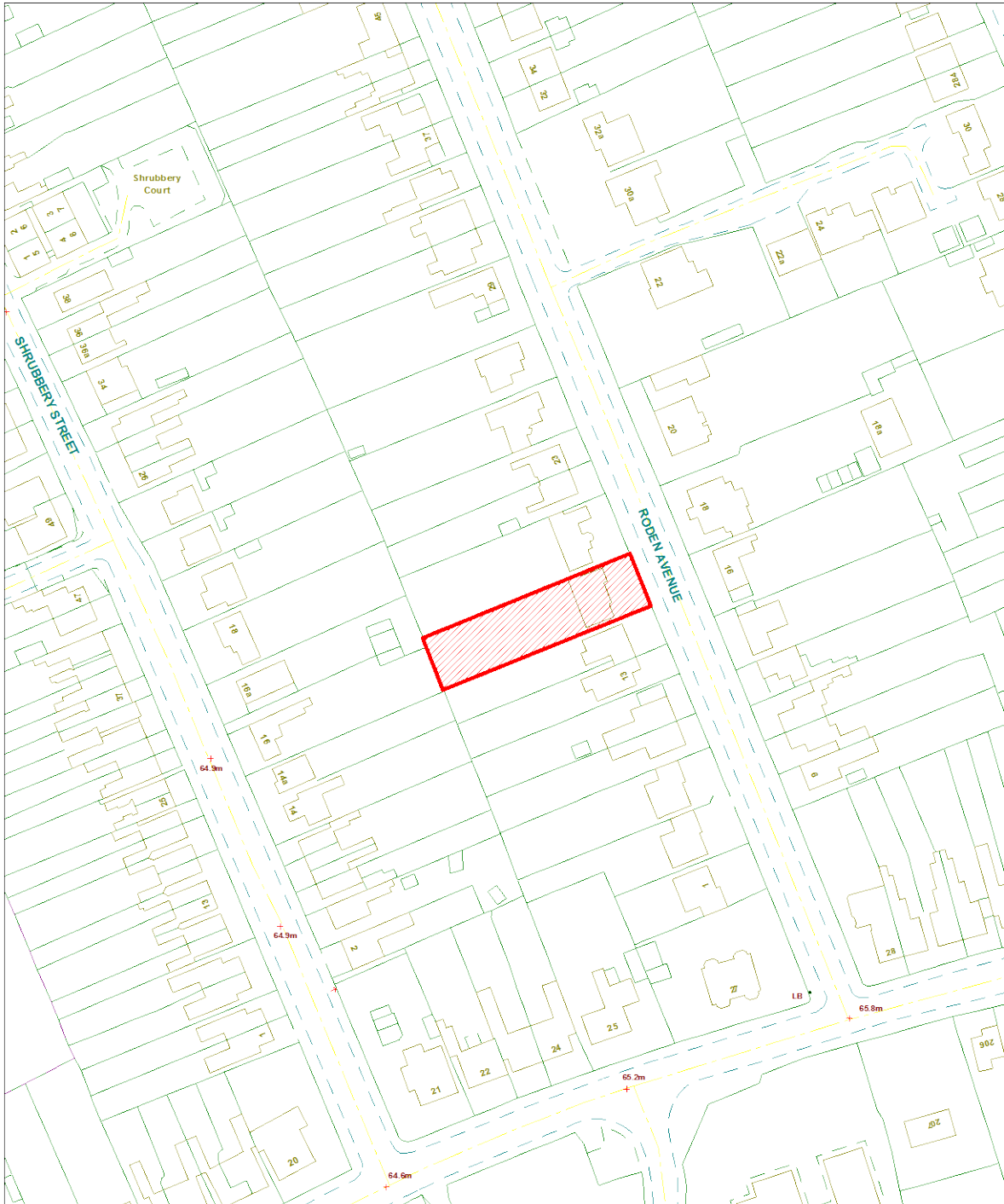
If these windows were to be glazed in clear glass there is the potential for significant harm to privacy. A condition should be added to any permission issued which requires the use of obscure glazing and that any parts of the window below 1.7m above floor level are non opening.

- 4.6 The letters received in relation to this scheme observe that this element of the scheme would not appear typical for this area, it should be noted that, given the potential for a dormer to be erected under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the proposed extension represents a more appropriate design relative to the host property and as such would have less impact on the character of the area and the street scene.
- 4.7 An objector raises the potential for the extensions to give rise to increased noise at neighbouring properties, there are no obvious signs as to why this would be the case, no external plant is proposed and should the use of the building change from residential specific planning consent would be required. Whilst the concerns expressed by correspondents relating to the loss of view are noted, this would not be a material consideration in determining this application.

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5.0 Conclusions and Recommendations

- 5.1 The proposed extensions are considered acceptable in terms of both scale and design. By virtue of its position the rear extension would not appear disproportionate to, and would not overwhelm, the original dwelling. The proposed side extension would not appear atypical or incongruous in this location and as such would have no significant detrimental impact on the character of the area or the street scene. The impact of the development on the amenity enjoyed by the occupants of neighbouring dwellings has been assessed and it considered that, subject to conditions, there would be no significant impact.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B3 (Finishing materials to match)
 4. J7 modified (Obscure glazing and non opening elements – North and South elevations)
 5. J1 (Remove PD rights – Class B)



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**17 Roden Avenue
Kidderminster, DY10 2RF**

Date:- 05 August 2015

Scale:- 1:1250

OS Sheet:- SO8377SE

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



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
18TH AUGUST 2015

PART B

Application Reference:	15/0305/OUTL	Date Received:	04/06/2015
Ord Sheet:	383975 278476	Expiry Date:	03/09/2015
Case Officer:	Paul Round	Ward:	Wyre Forest Rural

Proposal: Outline Planning Application for up to 46 dwellings with all matters reserved other than access

Site Address: SITE OF FORMER SION HILL MIDDLE SCHOOL, SION HILL, KIDDERMINSTER, DY102XT

Applicant: Kidderminster Homes Ltd

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP04, CP05, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.PDS1 (SAAPLP) Design Guidance SPD Planning Obligations SPD Affordable Housing SPD Landscape Character Assessment Highway Design Guide (LTP3) Paragraph 14 and Sections 3, 4, 6, 7, 8, 9, 11, 12 (NPPF) National Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

THIS APPLICATION WAS DEFERRED FROM THE 21 JULY 2015 PLANNING COMMITTEE MEETING FOR ONGOING DISCUSSIONS ON AFFORDABLE HOUSING

1.0 Site Location and Description

1.1 The application site forms a 1.7 ha (4.3 acre) piece of land that is occupied by the now disused Sion Hill Middle School. The site fronts onto Sion Hill and whilst being within the Parish Boundary of Wolverley and Cookley lies directly adjacent to the Kidderminster Town Boundary. Residential properties on Lea Castle Close, Ismere Way and Sion Hill are directly to the south, a property known as 'The Cottage' to the north, properties at Sion Hill House to the west and playing fields to the east.

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- 1.2 The school became redundant following the Wyre Forest Review in 2007/8, and has remained unused since that time. The site consists of school buildings, a caretaker's house, storage buildings, water tower, temporary building and woodland area. To avoid ambiguity the application site boundary does not include the playing fields to the east which are in the ownership of the County Council.
- 1.3 The application site constitutes previously developed land and falls with the West Midlands Green Belt. It therefore falls to be considered as a Previously Developed Site in the Green Belt as defined by the National Planning Policy Framework (NPPF) and the Adopted Wyre Forest Site Allocations and Policies Local Plan. A Public Right of Way runs east to west along the southern boundary of the site. Sion Hill House, which is a grade II listed Building, is also in close proximity. The trees on the site are covered by a Tree Preservation Order.
- 1.4 The application is submitted in outline form seeking for residential development of up to 46 dwellings following demolition of all existing structures on the site. Access to the site is to be determined as part of this application.
- 1.5 This is a re-submission of the previous application which was withdrawn, despite a Planning Committee resolution to approve the application, following financial viability concerns from the Applicant. This application is submitted in identical form as the previous, albeit with a reduced number of affordable units from the scheme previously considered by this Committee. This report will duplicate in the main the previous report as the considerations are identical, additional commentary will be provided on affordable housing to set out the current position in light of financial viability issues.
- 1.6 The application has been submitted with the following supporting documents:
 - Planning Statement
 - Design and Access Statement
 - Landscape and Visual Impact Assessment
 - Community Involvement Report
 - Flood Risk Assessment
 - Soakaway Test
 - Geo-Environmental Report
 - Transport Statement
 - Affordable Housing Statement
 - Archaeological Assessment
 - Sustainability Assessment
 - Utility Statement
 - Tree Survey
 - Bat Survey
 - Ecological Habitat Survey

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- Acoustic Survey
- Air Quality Assessment
- Structural Demolition Statement

2.0 Planning History

- 2.1 14/0541/OUTL - Outline Planning Application for up to 46 Dwellings with all matters reserved other than access : Withdrawn

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Recommend Approval

- 3.2 Highway Authority – No objections subject to conditions

- 3.3 Aboricultural Officer – No objection subject to conditions

- 3.4 Countryside and Conservation Officer – An additional walk over badger survey should be recommended prior to any works and a reptile assessment if the site remains un-developed. Additional nocturnal bat surveys of the site, should be conditioned so that can be used to build a suitable landscaping and lighting plan. We should also look to include some built in bat features into the proposed building to provide some enhancement. The landscaping should also look at trying to include some acid grassland patches on any communal grassed areas help the development fit into the ecological landscape

- 3.5 Conservation Officer - Although the building is undoubtedly a heritage asset, it does not appear on any statutory or non-statutory list. I have sent some initial information on the school to the Worcestershire Historic Environment Record to create a record of the building for the future, however it should be noted that this process in itself does not attach any significance to the structure.

I have discussed the proposal with the 20th Century Society, who were aware of the proposed demolition. However the 20th Century Society would not be making a formal application to have the building added to the National Heritage List for England.

SIGNIFICANCE

In the absence of any meaningful analysis of significance of the buildings from the applicants, as required by the NPPF, I provide the following information:

The school buildings are by Sir Frederick Gibberd, and reference to Pevsner reveals that they were constructed in 1958-9.

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Frederick Gibberd (kt.1967, d.1984), architect and town planner, came to prominence as an architect with Pullman Court (1933-6), one of the first developments of flats in the International Modern style built in Britain. Later he was the Master Planner of Harlow New Town and architect of Heathrow Airport and Liverpool Metropolitan Cathedral. He and his practice were also responsible for numerous urban design projects in England, power stations, commercial buildings, and the London mosque in Regent's Park. He also landscaped a number of reservoirs. (Source: English Heritage).

Of Gibberd's 12 listed buildings in England, none are schools.

The buildings represent a largely (structurally) unaltered school complex of the late 1950's, with an internal quadrangle and detached ancillary elements including stores, cycle sheds, caretakers house and water tower.

The principal construction material is reinforced concrete with brick and glazed infill.

Although by a nationally significant architect, the buildings lack those qualities defined by English Heritage in their guidance on the selection of school buildings for designation:

To date, relatively few post-war schools have been listed despite it having been a most innovative period, and strict selection will be necessary because so many were built. The main questions to ask are: is it a system-built school that compares well with examples already listed? Does it use traditional construction in a novel way? Is the planning innovatory, for instance in encouraging constructive play or group working? Is it centred on a library resource or sports facility in a notable way? Is it enriched with significant art? For secondary schools, are distinctions such as grammar, technical, secondary modern or comprehensive expressed imaginatively in their plans and provision? Is it a major work by a significant architect, or a good example of a work by a progressive authority? A secondary school will generally have an overall architectural stylishness as well as being innovative in its construction or plan for listing to be warranted.

Whilst Gibberd's design reflects the aesthetics of that era, these aesthetics have been compromised by the introduction of UPVC windows and many replacement internal fittings, thus the buildings do not possess the degree of intactness required to warrant designation.

I visited the site on 7th November 2014 by arrangement with the owners to assess the suitability of the building for inclusion on the Local Heritage List.

In this respect I think the buildings qualify for inclusion on the Local Heritage List by satisfying these key selection criteria:

2: Architectural Interest: Unusual quadrangle and detached water tower

15/0305/OUTL

3: Social and Communal Value : Secondary School for the north of Kidderminster since 1959

4: Associated with famous people : Frederick Gibberd, Architect of national repute

However, it is clear that in the past year the condition of the building has deteriorated markedly. Very many windows have been broken allowing water ingress and there is evidence of the systematic stripping out and theft of cabling, piping and metals generally. With the opening up of pipe work and other ducts the interior of the building is generally unsafe to enter without protective equipment and poses a risk to visitors in terms of unknown hazards such as asbestos, sharp edges, voids and water ingress.

CONCLUSION

I have reluctantly come to the conclusion that unless these buildings can be brought back into educational, institutional or commercial use, they are now redundant, and possibly beyond economic repair. Whilst meriting inclusion on the Local Heritage List they lack the qualities to justify designation.

As the proposals will entail the complete loss of significance of the heritage asset I think that rather than add the building to the Local Heritage List, it would be sensible instead to require a recording of its demolition to be provided to the Worcestershire Historic Environment Record. Perhaps it would be feasible for the developers to set up a time-lapse camera to record the demolition?

- 3.6 Worcestershire County Council Children's Services - The County Council has decided to request that both St Oswald's CE Primary School and Wolverley Sebright VA Primary School be named in the Section 106 agreement, along with the secondary school. At such time as the contribution is received by the County Council, likely to be on occupation of one third of the dwellings on the site, the County Council will determine which project or projects at the named schools are highest priority for funding.

Projects can only be considered if they support Basic Need i.e. the capability of the school to take additional pupils and are Capital in nature. Examples of this type of projects are:

- Additional class bases
- SEN facilities
- Additional toilets or toilet refurbishment

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- 3.7 Worcestershire County Council Property Services - The land to the rear which belongs to WCC is not to be sterilised by possible future development on the school site. To this effect the owner of the front land / school has a legal responsibility to build a road connecting from the main road to the land (playing field) at the rear. This 5.5m wide road is to be built to adoptable standards, with a footway on each side.

The contract makes several statements about the new roadway but to quote a small section "...when the property is developed over a road to be constructed on the Property by the Transferee with a 5.5. m carriageway width with a 2m footways on each side constructed to adoptable standards over a route to be agreed by the Transferor and the Transferee (both acting reasonably)..."

- 3.8 Worcestershire County Council Countryside Service – Views awaited
- 3.9 Crime Prevention Design Advisor – At the moment the proposed site contains a derelict school that has been the target for vandalism, arson, drug taking and various other criminal activities. It's demolition and the redevelopment of the site would be welcomed by the police. The developers need to be aware that the school site has gained a bad reputation over recent years because of the issues mentioned above, any redevelopment needs to be of a high standard so that it discourages any future poor behaviour. On the whole the site plan does do this. My only concern is with the number of footpaths. The footpath to the bus stop exposes the rear of a number of properties, I also think it will create an unwanted desire line through the estate that will create the potential for anti social behaviour. Therefore I suggest it be removed. The plan also shows two new footpaths linking onto the existing footpath. I suggest that only one is required, the path at the side of the sub station should be retained. The path near to plot 21 should be removed.
[Officer Comment – This is an outline application and the layout is not a consideration at this stage. The layout will be considered at the Reserved Matters stage.]

- 3.10 Worcestershire Regulatory Services [WRS] (Noise) – Views awaited.
Previous Comments: I have reviewed the WSP Technical Memorandum – Acoustic Overview submitted with the outline planning application and find that it is technically acceptable. For the demolition and construction phase it is advised that the applicant adhere to the “Code of Best Practice for Demolition and Construction Sites”.

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- 3.11 Worcestershire Regulatory Services (Contaminated Land) - The following conditions are recommended applied to any permission granted to the development to address concerns identified within the preliminary risk assessment in respect of contaminated land.

Additionally standard conditions recommended by WRS for a development of this size to address local air quality issues in line with the NPPF are provided below.

CONTAMINATED LAND

WRS have reviewed the above application for potential contaminated land issues of which none have been identified. WRS therefore have no adverse comments to make in relation to contaminated land.

AIR QUALITY

The cumulative impacts on air quality from individual sites in local areas should be determined (NPPF paragraph 124). As an alternative to undertaking an AQA the applicant can adopt mitigation measures which are aligned with County LTP Policies and may be incorporated as part of the development. This will assist in alleviating pollution creep arising in the general area. WRS therefore make the following recommendations with consideration of the National Planning Policy Framework Paragraphs 29, 35, 109, 120, 124:

- In order to make the properties ready for EV charging point installation, isolation switches must be in place so that future occupiers could easily fit the necessary socket so that a vehicle may be charged in the garage or driveway.
- AQAP Measure 5.2.10 Boiler NOX emissions from building heating systems contribute to background NOX concentrations and a condition for such boilers is recommended; (note this is also an option in BREEAM assessments and the cost of a low NOX boiler is the same as a standard boiler)

- 3.12 Planning Policy Manager – Views awaited.

Previous Comments: My comments are limited to firstly, the principle of whether the site in question should be considered as a Previously Developed Site in the Green Belt under the policy terms. Secondly, whether adequate consideration has been given to Local Housing Needs as required by the adopted Local Plan policies.

The proposed development falls within the Green Belt and is located immediately adjacent to Kidderminster, but falls within the rural parish of Wolverley and Cookley. Therefore in terms of the settlement hierarchy set out within Policy DS01 of the Adopted Core Strategy it falls within open countryside, where housing should be to meet local need identified through rural exception sites in appropriate circumstances.

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The proposed site is not allocated for residential development within the Adopted Site Allocations and Policies Local Plan (SAAPLP).

I note that the submitted Planning Statement summarises that the development proposals provide a sustainable reuse of a disused school site at the edge of Kidderminster. The proposals will retain the existing open space and vegetation within the site and, it is considered, will enhance the quality of views of the site from the surrounding area. The proposed development will not cause a greater impact on the purposes or openness of the Green Belt than the existing development.

PREVIOUSLY DEVELOPED SITE IN THE GREEN BELT

The applicants state that the proposed site constitutes a previously developed site in the Green Belt by virtue of the fact that it is a brownfield, disused school site. Paragraph 89 of the National Planning Policy Framework (NPPF), states that construction of new buildings in the Green Belt is inappropriate unless they fall into one of 6 exceptions. Of these, the sixth exception would allow:

“Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

Policy SAL.PDS1 of the Adopted SAAPLP provides the Local Policy Framework to consider development on previously developed land subject to safeguards protecting the integrity of the Green Belt designation. This particular location is not specifically identified within the policy as one of the District’s Previously Developed Sites. However, I consider that by the very nature of the disused school buildings located on the site, it should evidently be classed as a brownfield site and that therefore it does constitute a previously developed site within the Green Belt.

Therefore, under these specific circumstances, the final sentence of Policy SAL.PDS1 applies to this particular proposal as follows: *“For other previously developed sites in the Green Belt, applications for development will be considered against this policy framework and the rest of the policies in the plan.”*

In my opinion, it is therefore now appropriate for the decision maker to take into account the existing built form on the site against the proposed redevelopment. This will enable an assessment on the impact on openness and visual amenity of the Green Belt to help ensure that the proposed development will not have a greater impact on the openness of the Green Belt.

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HOUSING TO MEET LOCAL NEEDS

The applicant has submitted an affordable housing scheme as part of the proposal which is based on evidence of affordable housing need as set out in the 2012 Worcestershire Strategic Housing Market Assessment. The scheme is based on 30% provision of affordable housing as required by Adopted Core Strategy Policy CP04.

However, the proposed site falls immediately outside of the Kidderminster settlement boundary within open countryside that falls into Wolverley and Cookley Parish. In accordance with Core Strategy Policy CP04 and Site Allocations and Policies Local Plan Policy SAL.DPL2 (Rural Housing), applications for residential development on unallocated sites within the rural areas are required to demonstrate how they have taken account of local housing needs as set out in the relevant Parish Housing Needs Survey.

I note that the applicant's affordable housing statement does not provide any apparent evidence of how the relevant Parish Housing Needs survey for Wolverley and Cookley has been considered. Under these circumstances, it is now for the decision maker to establish whether local housing needs have been adequately considered within the applicant's affordable housing scheme in accordance with the requirements set out in Policies CP04 and SAL.DPL2.

- 3.13 Strategic Housing Services Manager – Support 19.5% Affordable Housing, following viability appraisal, with a split of 1 beds (29%) and 2 beds (57%) and 3 beds (14%), 79% / 21% in favour of socially rented but do not support apartments for the 2 bed units.
- 3.14 Ramblers – We can confirm that we have no objections to this redevelopment but feel that the relationship between the footpath and the new dwellings could be so much better.
- 3.15 Severn Trent Water – No objections subject to condition
- 3.16 North Worcestershire Water Management - I believe this site is not at risk of flooding from any source. To ensure the development will not result in an increase in flood risk elsewhere runoff from the site should be limited to the pre-development run-off rate up to a 1 in 100 year storm plus 30% climate change.

The Flood Risk Assessment states that "it is understood through informal reporting that the existing site is served by surface water soakaway infiltration systems. Also, during the Factual Geo-Environmental Preliminary Risk Assessment visit the presence of what is believed to be a 3.6m deep soakaway was observed. Although it cannot be confirmed that the existing site drains to soakaways it is assumed that this is the case."

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The Flood Risk Assessment submitted also states that the use of infiltration SuDS techniques are proposed for the development site. A Preliminary Soakaway Assessment Technical Note details that by extrapolating the results from the soakage tests (not a recommended method) an indicative infiltration rate of $1 \times 10^{-5} \text{m/s}$ has been calculated. I accept that this infiltration rate has been used for the purpose of the drainage strategy but the actual infiltration rate will need to be determined by full infiltration testing in accordance with BRE 365 at the detailed design stage, which has been recognised in the assessment too.

I understand that if full infiltration testing results preclude the use of onsite soakaway features then discharge from attenuation features will be directed into the existing public surface water sewer on Sion Hill.

The drainage strategy details that there will be separate infiltration systems for the private areas and the public roads. Indicative calculations show that the private housing and car parking areas can be served by a sub-base infiltration systems within car parking and driveway constructions. It is estimated that the highways would require to be served by 24 soakaways. If the intention is to get the highways adopted then early discussions with Worcestershire Highways are recommend as not all types of drainage systems might be acceptable.

I welcome the fact that attention is given to the treatment of runoff water from the site, with two stages of treatment for roof water and three stages of treatment for parking and road areas. The proposed treatment chains are:

- Roof drainage into soakaway: catchpit + soakaway including geotextile filtration wrap.
- Roof drainage into infiltration paving: catchpit + infiltration paving
- Private parking and drives: trapped gully + geotextile filtration wrap around gully outfall into porous sub-base material + filtration through porous sub-base in infiltration paving
- Adopted roads: trapped gully + catchpit + soakaway including geotextile filtration wrap.

CONCLUSION

I believe the proposed development would not be at risk of flooding and that the information provided is sufficient to be confident that it will be possible to deal with the runoff from the site in a way that will not result in an increase in flood risk elsewhere. I welcome the fact that the intention is to use infiltration SuDS (provided ground conditions allow) and that provision for runoff treatment has been included in the preliminary design.

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If you are minded to approve the application, then I would recommend attaching a condition that secures the design criteria as set out in the information currently provided

- 3.17 Worcestershire Archive & Archaeology Service – No comments. The site contains no designated nor undesignated heritage assets. Wider setting does not suggest site is of much potential. No obvious water source nearby and land previous developed late C20th as a school.
- 3.18 Neighbour/Site Notice – No representations received.
[Officer Comment – Previously only 1 letter was received highlighting the need to retain access to the rear of properties in Lea Castle Drive]

4.0 Officer Comments

- 4.1 The application for residential development has been submitted in outline form with access to be determined at this stage. This report will consider the submission under the following headings:

- Principle of Development and Policy Considerations
- Access Arrangements and Highway Considerations
- Quantum and Density of Development
- Visual Impact
- Existing Residential Amenity
- Trees and Landscaping
- Heritage Assets
- Ecology and Biodiversity
- Flood Risk, Drainage and Services
- Contaminated Land, Noise and Air Quality
- Affordable Housing
- Section 106 Contributions

PRINCIPLE OF DEVELOPMENT AND POLICY CONSIDERATIONS

- 4.2 The application site although close to the boundary of Kidderminster falls within the Green Belt, where Members will be aware that development is particularly restricted. The National Planning Policy Framework (NPPF) sets out development that is 'appropriate' within the Green Belt and in contrast to previous Government policy now includes previously developed sites.
- 4.3 The fifth bullet point of paragraph 89 of the NPPF, which sets out the exceptions where development can take place, allows:

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

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4.4 Adopted Wyre Forest Site Allocations and Policies Local Plan Policy SAL.UP1 also allows the re-development of Previously Developed Sites, linking to the specific policy criteria in Policy SAL.PDS1. Whilst dealing with major sites within the Green Belt, namely the Safari Park, Rushock Trading Estate and Lea Caste, it also states that *“For other previously developed sites in the Green Belt, applications for development will be considered against this policy framework and the rest of the policies in the plan.”*

4.5 The criteria referred to links back to the NPPF requirements but also includes the following additional points:

In order to protect the openness of the Green Belt, development proposals for Previously Developed Sites in the Green Belt should:

- *Contribute to the achievement of the objectives for the use of land in Green Belts.*
- *Not exceed the height of the existing buildings and other structures and trees.*
- *Not give rise to off-site infrastructure problems.*

Design and landscaping of development should seek to minimise the impact on the Green Belt through:

- *Using sensitive materials and colours.*
- *Providing extensive landscaping and tree planting to screen boundaries, where appropriate.*

4.6 Policy SAL.DPL2 is considered as the mainstay policy for rural housing within the District and seeks to limit rural housing for affordable exception sites, replacement dwellings or housing for rural workers. However, in line with the NPPF the policy does allow as further exceptions development which is in line with Green Belt or Rural Conversion Policies.

4.7 Given the previous use of the site, it clearly constitutes an ‘other previously developed site’ in the Green Belt. It falls then to consider whether the development can be considered to amount to appropriate development in the Green Belt. Distilling all the relevant local and national policy requirements together, consideration must be given to whether the proposal will:

- Have no greater impact on the openness of the Green Belt and the purposes of including land within the Green Belt than the existing site;
- Contribute to the achievement of the objectives for the use of land in Green Belts;
- Not exceed the height of the existing buildings and other structures and trees; and
- Not give rise to off-site infrastructure problems.

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- 4.8 I will deal with these in turn, although additional detail on infrastructure considerations will be dealt with separately.
- 4.9 The essential characteristics of Green Belts are their openness and their permanence (paragraph 79 NPPF). The consideration of the impact on openness of the proposal in contrast with the existing is a matter of fact and degree, there is no substantial legal precedent to rely on.
- 4.10 The applicants submitted a comparison of the existing and proposed development based on an initial indicative number of 48 units and these are set out below:

	Footprint	Floor Area	Volume
Existing Development	2,572m ²	4,135m ²	16,031m ³
Proposed Development	2,242m ²	4,484m ²	13,300m ³
Difference	-13%	+8%	-17%

- 4.11 It should be noted that revised plans have been received which have reduced the quantum of development to 46 dwellings which in turn has reduced comparable areas and volumes. Whilst new comparison figures have not been supplied, it has been shown that the floor area of the 46 units would be 3,595m² which is a 21% reduction on the existing.
- 4.12 It is appreciated that the nature of the existing development is that the volume of the buildings were concentrated in one location on the site, whereas the proposed residential development will provide buildings over a wider area, effectively spreading the volume over the site. However, whilst there will be some loss of openness in some areas to counter this there will be improvements in other areas of the site. Overall I consider that the openness of the Green Belt will be improved and at worst there will be a neutral impact. I am satisfied that it has been proven that there be no greater impact on openness than the existing situation.
- 4.13 The Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- (paragraph 80 NPPF).

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- 4.14 The development will effectively provide additional development close to the boundary of Kidderminster, which could be viewed as additional sprawl of development that is encroaching into the countryside. However, given the previously developed nature of the site and the quantity of the development, the additional built form is restricted to the previously developed area of the site. This provides a realistic ‘check’ on the additional development, which is judged as a separate development opportunity in its own right and not an “urban expansion” of Kidderminster. For similar reasons it is further considered that there is no encroachment into the countryside. The re-development of the site provides the recycling of derelict land helping to fulfil a further purpose of the inclusion of the land in the Green Belt. Overall the development will not conflict with the purposes as set out in the NPPF.
- 4.15 Paragraph 81 of the NPPF lists the opportunities for Local Planning Authorities to plan positively to enhance the beneficial use of the Green Belt. These include the opportunities to “...retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.” The opportunity to bring this site back into use and remove what has over recent years become something of an eyesore site and a magnet for anti-social behaviour is viewed as a positive. There is no doubt in my mind that the proposal contributes to the objectives of the use of land in the Green Belt.
- 4.16 The existing height of the main school building is approximately 7.4m. An indicative cross-section of the proposed development is included within the Design and Access Statement. This aptly demonstrates that the height of dwellings can be no greater than the existing building, a factor that can be a conditional matter on any permission given. This further demonstrates the acceptability of the development and that there will be no greater impact on the Green Belt.
- 4.17 The conclusion of relevant consultations is that the development will not give rise to infrastructure issues. These aspects and the relevant responses will be explained in detail later in the report, however this conclusion is sufficient for the purposes of the consideration of the principle of development.
- 4.18 On the basis of the foregoing the development is considered to comply with all the criteria for development of a previously developed site in the Green Belt as set out in the Adopted Wyre Forest Site Allocations and Policies Local Plan and the NPPF. The development therefore constitutes appropriate development in the Green Belt and the principle of residential development on the site is acceptable.

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ACCESS ARRANGEMENTS AND HIGHWAY CONSIDERATIONS

- 4.19 A new access will be provided off Sion Hill central to the site, with the existing access point and layby closed. The submitted transport statement has assessed the proposed traffic generation, based on a maximum of 60 dwellings, compared to the existing use as an educational establishment. In summary it states that *“a vehicular trip generation exercise has forecast that the proposed development will generate 27 two-way trips in each of the AM and PM peak hours, equating to approximately one vehicular trip every two minutes. A comparison of the forecast vehicular trip generation associated with the proposed development with that of former use of the site as a school has shown that the proposals represent a net reduction of 178 two-way vehicular trips in the AM peak hour and a net reduction of 7 trips in the PM peak hour.”*
- 4.20 Members will appreciate that the application is proposing a maximum of 46 dwellings which is significantly less than the number used with the transport statement and as such the conclusions of the transport statement are something of a very worst case scenario.
- 4.21 The statement also considers the impact of the development at the junctions of Sion Hill with the Stourbridge Road (A449) and Wolverley Road (B4189). Following analysis of the existing traffic volume and queue lengths at these junctions, when assessed against the lows at peak hours it is concluded that *“...at the junction with A449 Stourbridge the proposed development is of a level which can be considered to be within typical levels of daily variation, and will represent a minimal impact on the junction operation. The volume of traffic from the proposed development forecast to use the B4189 Wolverley Road / Sion Hill junction in the AM and PM peak hours is not considered to have a material impact.”*
- 4.22 The Highway Authority has fully considered the transport statement and the impact of the development on the existing network along with the sustainable location of the site. They have concluded that the development is acceptable in respect of the access and that development can be accommodated on the existing highway network. Whilst there may be an increase of traffic over the current situation, it has to be appreciated that the lawful use as an education establish has the potential to generate a significant number of vehicle movements were it to be brought back into use (which would not require planning permission). Given this fallback position and the acceptability of the scheme in all other highway respects a no objection response has been received, subject to appropriate conditions. In respect of sustainable transport matters the Highway Authority has requested contributions towards new bus shelters via a Section 106 Agreement, which has been agreed by the Applicant.

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- 4.23 Whilst it is anecdotally known that there are occasions when traffic situations are difficult along Sion Hill there is no evidential basis to conclude that the proposed development will result in adverse harm to highway safety. Matters of parking and road layout will be dealt with as part of reserved matters submissions should approval be given.
- 4.24 Having considered the proposed access arrangements along with the traffic generation on the existing highway network and taking into consideration the comments of the Highway Authority it has to be concluded that the proposal is acceptable in respect of highway issues.

QUANTUM AND DENSITY OF DEVELOPMENT

- 4.25 The site itself extends to some 1.7 ha, however this includes the area of woodland / open space to the north, leaving a developable area of approximately 1.25 ha. The indicative proposal for 46 dwellings is split between 2, 3 and 4 bedroom houses and 1 and 2 bed apartments, however the final layout will be determined at the reserved matters submission. The indicative layout would deliver a density of 27 dwellings per hectare which meets the requirement of Policy DS05 of the Adopted Wyre Forest Core Strategy, which seeks for 30 dwellings per hectare in rural areas, after taking account of the characteristics of the site. This density has been achieved whilst maintaining no greater impact on the openness of the Green Belt. It is suggested that any permission granted should incorporate a restriction (by condition) limiting the number of dwellings to 46 as a maximum, in order to ensure the openness is maintained.
- 4.26 I am satisfied that the number of dwellings proposed can be accommodated on the site within the specific policy requirements and that the density is appropriate to the surrounding area taking into account the existing development.

VISUAL IMPACT

- 4.27 Although situated at the top of Sion Hill, the existing site is not readily visible from long distance views, this is mainly due to the vegetation surrounding the site and other intervening features. Views can be obtained at close range from the adjoining housing estate, public footpath and playing fields.
- 4.28 A Landscape and Visual Impact Assessment has been undertaken and submitted as part the application. It has considered the impact of the development upon a number of receptors within and outside the Green Belt. The assessment takes into account the current visual appearance of the site, the indicative proposal and the opportunity for provision of additional landscaping. It concludes that: *"The locality benefits from a high degree of screening from vegetation and therefore views into the site from publically accessible locations are limited to very close proximity... Despite initial adverse visual effects during construction...these...would experience a long term moderate beneficial visual effect as a result of the development."*

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- 4.29 In respect of the overall impact on the landscape and landscape features the assessment also concludes that *“[t]he worst effects of the proposed development on landscape features and landscape character are limited... In the long term, the overall effect of the proposal...is considered to be beneficial.”*
- 4.30 It is evident that by keeping the development to the existing height and maintaining a similar volume of development that the visual impact is minimal, and this is further reinforced through existing and proposed landscaping. The benefit of bringing this site back into beneficial use also adds to the argument in this respect, helping the visual amenity of the Green Belt through the regeneration of this derelict and unsightly site.

EXISTING RESIDENTIAL AMENITY

- 4.31 The closest residential properties are located in Ismere Way and Lea Castle Close, backing on to the application site. The distance between these properties and the application site range from approximately 10m to 17m, with the Public Right of Way running in between. Whilst the layout of dwellings is only indicative at this stage it has been demonstrated that dwellings can be positioned without resulting in overlooking and loss of amenity to the existing dwellings. Although it will be essentially a matter for detailed consideration at the reserved matters stage, should permission be given, I am confident that a layout can be arrived at that preserves the amenity of existing residential properties.

TREES AND LANDSCAPING

- 4.32 Trees form an integral part of the application site, a number of which line the frontage of Sion Hill. The submitted tree survey identifies 70 individual trees and 4 groups of trees. The Council’s Arboricultural Officer has assessed the proposal and is concerned that some trees have been removed prior to the application, however the remaining trees will now be protected via a Tree Preservation Order that has now been served on the site. The majority of the trees are situated on the northern boundary where development is not proposed. The remaining trees within the developable area are to be retained and the indicative layout shows that their retention can be achieved with the quantum of development proposed. Again, careful consideration will be given to the position of individual dwellings in relation to protected trees at reserved matters stage. Again, careful consideration will be given to the position of individual dwellings in relation to protected trees at reserved matters stage but it is sufficient to say at this stage that trees can be afforded protection as part of any detailed scheme.
- 4.33 Detailed proposed landscaping will be submitted as part of any reserved matters application and has not been shown as part of this indicative scheme.

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HERITAGE ASSETS

- 4.34 Heritage Assets are defined with the NPPF as a “...*building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*”
- 4.35 The closest designated heritage asset to the site is Sion Hill House a Grade II Listed Building. The submitted archaeological assessment also covers the impact on the historic setting of Sion Hill House. It concludes that as the structure is contained within its own grounds and given the juxtaposition and distance from the site there will be no adverse impact on its character or setting. The Conservation Officer has not raised any concerns in this respect and as such I have no reasons to disagree with this conclusion.
- 4.36 Other assets can encompass a number of items within the category of the historic environment. The archaeological assessment has identified the significance of the site through the passage of time and highlights finds in the locality, most notably a Bronze Age flint scraper which was found on the site during the development of part of the school site in 1972. Within 2km of the site finds from various periods of history have been found. It leads to the conclusion that the site has potential for prehistoric, Saxon and Medieval occupation of the site for agricultural activities in association with nearby settlements. That said the original development of the site for the school will have involved excavation and cut across existing ground strata. This reduces the likelihood of additional finds, however it is clear that the overall site has a value which may require further investigation. As such the consultants recommend a scheme for a programme of archaeological investigation is submitted prior to development commencing on site, this will include watching briefs and additional investigations. .
- 4.37 The Conservation Officer’s comments refer to the current school building as having historic significance, particularly as the building was designed by a notable architect Sir Frederick Gibberd. I do not intend to replicate the comments made on this point, as Members will have noted the Conservation Officer’s comments at paragraph 3.5 of the report. Both Historic England and the 20th Century Society were made aware of the development and neither has provided comments previously seeking for the retention of the building or its inclusion on the statutory list. Whilst I appreciate that the original architect, and the design, may be of some significance, it is my opinion that this significance is not so great as to resist the development on this point only. Indeed the Conservation Officer concludes that whilst it may have significance for inclusion within the Local List should it be retained, given the building’s deterioration a no objection response has been recorded. The building’s significance can be recorded through a written and photographic study which can be a condition of permission.

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- 4.38 Whilst I appreciate that the original architects and design may be of significance, it is my opinion that this significance is not so great as to resist the development on this point only. Indeed the Conservation Officer concludes that whilst it may have significance for inclusion within the Local List should it be retained, given the building deterioration a no objection response has been recorded. The buildings significance can be recorded through written and photographic processes which can be a condition of permission.
- 4.39 Having assessed the development in the context of heritage assets and weighed the impact against their significance, as required by the NPPF and Policy SAL.UP6, it is concluded that any harm that would be caused can be outweighed through the benefits of the redevelopment of this derelict site.

ECOLOGY AND BIODIVERSITY

- 4.40 The ecology of the site has been assessed via an extended Phase 1 Habitat Survey and supplemental bat report. It is concluded that the site supports only limited amounts of habitat. The main focus is on bat foraging and potential roosts in trees. In this regard the Council's Countryside and Conservation Officer assessed the submitted information and requested further details. Following the submission of additional clarification a no objection response has been received, subject to imposition of conditions requiring re-survey prior to demolition taking place. The applicants have provided sufficient information to build a picture of the site, which include no significant ecological value to prevent the development of the site. Conditions can be imposed to ensure that adequate protection, mitigation and enhancement is provided.

FLOOD RISK, DRAINAGE AND SERVICES

- 4.41 The site is not within an area of flood risk although it is susceptible to surface water flooding. The submitted Flood Risk Assessment and Drainage Strategy has highlighted the need to deal with surface water on site and a preliminary scheme has been identified. This approach is in line with policy SAL.CC7 of the Adopted Wyre Forest Site Allocations and Policies Local Plan which requires sustainable urban drainage (SuDS) to be included in all development schemes where appropriate. The limitation of run-off will assist in reducing any potential surface water flooding as a result of the development.
- 4.42 Although there are known issues in respect of foul drainage and water pressure within the area of Sion Hill, it should be noted that Severn Trent have raised no objections to the proposal. The submission has included a utility statement which appears to show both foul drainage and water supply provided separately to the Sion Hill estates to the south. However, it should be noted that these matters will be dealt with via conditions attached to any planning permission given and no additional detailed information on such matters is required at this stage.

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CONTAMINATED LAND, NOISE AND AIR QUALITY

- 4.43 The site has been assessed for contamination through a Geo-environmental Risk Assessment. This has indentified “...100 locations containing asbestos within the former school and associated buildings. Evidence of potential sources of contamination were observed on the Site, including a boiler room, (with chimney and water tower above), a pumping station, localised bonfire/burning activity and fly tipping. No external fuel tanks were noted; however, two potential former re-fuelling points were observed on the external wall of the boiler room. Externally in this area, two small hardstanding areas/enclosures were noted which could have previously housed tanks... Localised off-site potential sources of contamination have been identified nearby including an adjacent electricity sub-station, former swimming pool, garages and a historical landfill.”
- 4.44 Worcestershire Regulatory Services have recommended conditions to establish the exact nature of the contamination across the site and proposed remediation works that are required. The nature of the contamination is not considered to be such that they would seek to resist the development, and with the proposed conditions the development is considered acceptable to proceed.
- 4.45 In respect noise an acoustic overview has been undertaken in line with the NPPF and the Noise Policy Statement for England. It indentifies that “...the dominant sources of noise across the Site are expected to include road traffic on Sion Hill and the local road network. Based on the desk-based study of available information noise is not expected to be a significant constraint in developing the Site for residential use assuming adequate consideration is given to potential noise impacts across the site as part of a detailed design scheme. The development of the Site for residential use also has the potential to generate noise impacts at noise sensitive receptors, i.e. existing residential dwellings surrounding the Site. Noise and vibration generated by activities associated with construction phase of the development are generally localised, temporary in nature and best practice can be adopted to control the impacts associated with the construction activities. The noise impacts associated with development generated traffic on the local road network and, depending on location, the proposed site access will be subject to final design scheme.” Again, Worcestershire Regulatory Services have considered this aspect of the scheme and have no objections subject to demolition works being in line their best practice guidance.

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- 4.46 An Air Quality Assessment has been undertaken to establish the background concentrations of relevant gases. The site is not within an area designated as an Air Quality Management Area (AQMA). The proposed development will not have an adverse impact on the air quality and it is concluded that air quality is not a restraining factor on the development. Worcestershire Regulatory Services do not challenge these findings and the submission of the Air Quality Assessment negates the need to impose the conditions recommended in respect of vehicle charging points and low emission boilers, particular as the Adopted Wyre Forest Site Allocations and Policies Local Plan does not have policies requiring such measures at this moment in time. Worcestershire Regulatory Services do not challenge these findings and the submission of the air quality assessment negates the need to impose the conditions recommended in respect of vehicle charging points and low emission boilers, particular as the Adopted Wyre Forest Site Allocations and Policies Local Plan does not have policies requiring such measures.
- 4.47 Matters of pollution, air quality and noise have been fully considered and found to be acceptable in this case.

AFFORDABLE HOUSING

- 4.48 The development site is not an exception site and does not fall within normal rural protection policies, as it is a Previously Developed Site within the Green Belt and is classed as an exception in its own right. Affordable housing is therefore dictated by Policy CP04 of the Adopted Wyre Forest Core Strategy which requires up to 30% affordable units to be provided for developments of 6 or more dwellings in rural areas.
- 4.49 Policy SAL.DPL3 of the Adopted Wyre Forest Site Allocations and Policies Local Plan provides the framework to take account of viability as part of the provision of affordable housing. The viability assessment submitted by the developer has been independently assessed for the Council by DTZ. The report concludes that after taking account of the development costs and allowing for Section 106 payments, the development of the site can only support 9 affordable homes (19.5% affordable housing). This is 5 units less than the previously agreed 30% but provides a realistic picture of what can be viably provided on the site. The applicant has accepted the affordable housing position as set out by DTZ and the application is presented on this basis. Given the independent assessment and the level of detail now submitted it is considered that this level of affordable housing provision is acceptable and in accordance with the national and local policy framework.
- 4.50 The proposal for development of up to 46 units allows for a 19.5% provision with a maximum of 9 units to be provided on site. Following negotiations with the applicant it has been agreed that the affordable split of 1 beds (29%) and 2 beds (57%) and 3 beds (14%) with 79% / 21% in favour of socially rented units. These limitations will be included within the Section 106 Agreement which will secure such provision. The indicative layout shows how these units can be provided, although the final detailed layout will be part of any subsequent reserved matters submission(s).

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- 4.51 The Strategic Housing Services Manager is satisfied that the affordable housing provision is acceptable, in light of the submitted and assessed financial viability appraisal subject to the finer details of the drafting of the Section 106 Agreement. It therefore follows that the provision accords with policy and is acceptable in this context.
- 4.52 The Applicants requested that the Council consider this scheme under the Government's Vacant Building Credit initiative as set out in the Ministerial Statement dated 28th November 2014 and detailed in the Planning Practice Guidance. However, since the deferral from Planning Committee in July and following the judgment in R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government, the Government have stated that paragraphs 012-023 of the guidance on planning obligations will be removed. The Vacant Building Credit initiative has been judged unlawful and no longer forms part of the consideration for this case. The application can therefore proceed in line with the agreed affordable housing provision.

SECTION 106 CONTRIBUTIONS

- 4.53 Contributions are required by the adopted Planning Obligations SPD in respect of education and public open space facilities. As the application is in outline exact figures for the contributions cannot be provided at this stage, however suitable calculations will be provided with the Section 106 Agreement.
- 4.54 Public open space contributions are calculated on the basis of the number of child bed spaces, following the following calculation:
- Number of Childbed spaces x £20.47 x 24.
There is a 50% reduction for affordable housing units.
- 4.55 Contributions will be utilised at Broadwaters Park, for a new pathway from the car parking area and re-landscaping of surrounding areas, work to the bridges and soft landscaping features surrounding the mill and wetland below the reservoir including waterways habitat development, work to the banks of water courses and creation of a new feature area to the dingle including new paths/boardwalks and improvements to hardsurfaced areas throughout the park. The specific project meets the guidance in the Planning Practice Guidance and is considered appropriate given the site's location.

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4.56 Education Contributions will be based on the following:

1-bed dwellings of any type	£0
2-bed houses	£2119
3-bed houses	£2119
4+ bed houses	£3179
2+ bed Flats / Apartments	£848
Affordable Housing	£0

4.57 The County Council has confirmed that given the site's location that both Seabright Primary School and St. Oswalds Primary School will be included within the S.106 agreement along with Wolverley High School. This takes account of the position of the site being so close to the ward boundaries and gives opportunity for both schools to obtain contributions.

4.58 As noted above the Highway Authority has sought for £22,000 for improvements to bus stops within the vicinity. The details of the improvements are as follows:

- The bus stop adjacent to the development is not marked. The contributions will provide a shelter, raised kerbs and flag, with timetable case / information being provided by the County Council.
- The northbound bus stop opposite the development is not possible to enhance due to limited / no footway. It would therefore be marked as "both sides of the road" on the stop adjacent to the site and is really an alighting stop only.
- The northbound bus stop at the junction of Stourbridge Road / Sion Hill is marked by a flag and pole. The contributions will provide a shelter, raised kerbs and flag, with timetable case / information being provided by the County Council.
- The southbound bus stop on Stourbridge Road is marked by a flag and pole. The contributions will provide a shelter, raised kerbs and flag, with timetable case / information being provided by the County Council.

4.59 The contributions as requested have been agreed by the developer and are considered to be; necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development, in accordance with paragraph 204 of the NPPF.

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5.0 Conclusions and Recommendations

5.1 The proposed development of the former school site is considered to be appropriate development in the Green Belt redeveloping a previously redeveloped site. All matters advanced have been considered and tested against relevant local and national policies and found to be acceptable in principle. Access can be provided in an acceptable form and the trip generation associated with the development can be accommodated on the existing highway network. There are no outstanding matters that would prevent the approval of the application.

5.2 It is therefore recommended that the application be granted **delegated** authority to **APPROVE** subject to the following:

a) the signing of a **Section 106 Agreement** to secure:

- i) Affordable Housing Provision;
- ii) Education Contributions;
- iii) Public Open Space Contributions; and
- iv) Highway Contributions

as detailed above; and

b) the following conditions:

- 1. A1 (Standard outline)
- 2. A2 (Standard outline – Reserved Matters)
- 3. A3 (Submission of Reserved Matters)
- 4. A5 (Scope of Outline Permission)
- 5. A11 (Approved plans)
- 6. B1 (Samples/details of materials)
- 7. B11 (Details of enclosure)
- 8. B13 (Levels details)
- 9. C2 (Retention of existing trees)
- 10. C3 (Tree protection during construction)
- 11. C5 (Hand digging near trees)
- 12. C8 (Landscape implementation)
- 13. C13 (Landscape Management Plan)
- 14. E2 (Foul and Surface Water)
- 15. Ecology Surveys prior to demolition
- 16. G11 (Comprehensive Photographic Survey)
- 17. Archaeology
- 18. Archaeology
- 19. Archaeology
- 20. Contaminated land
- 21. Contaminated land
- 22. Visibility Splays
- 23. Access closure – occupation – vehicular

15/0305/OUTL

- 24. Access, turning and parking
- 25. Parking for site operatives
- 26. Travel Plan

Notes

- A SN2 (Section 106 Agreement)
- B Footpaths
- C Section 278 Agreement
- D Design of Street Lighting for Section 278
- E SN6 (No Felling – TPO)
- F Demolition in accordance with Worcestershire Regulatory Service Code of Practice

Application Reference: 15/0348/FULL **Date Received:** 18/06/2015
Ord Sheet: 381123 271437 **Expiry Date:** 13/08/2015
Case Officer: Emma Anning **Ward:** Areley Kings & Riverside

Proposal: Temporary 2 year planning consent for change of use of surplus car park area into car sales area and re-use existing storage/workshop building for car repairs/maintenance

Site Address: SWAN HOTEL (CAR PARK), 56 HIGH STREET, STOURPORT-ON-SEVERN, DY138BX

Applicant: Mr R Foley

Summary of Policy	DS01 DS03 CP01 CP02 CP03 CP11 (CS) SAL.GPB1 SAL.CC1 SAL.CC2 SAL.CC7 SAL.UP6 SAL.UP7 SAL.STC4 (SAAPLP) Sections 2, 7, 11 (NPPF)
Reason for Referral to Committee	Statutory or non-statutory consultee has objected and the application is recommended for approval Town Council request to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site measures 665sq.m and is a modest parcel of land making up part of the car park area to the rear of the Swan Hotel in Stourport-on-Severn. The site sits against the rear car park boundary and currently benefits from a small single storey building which is in a poor state of repair.
- 1.2 The site is within the identified 'primary shopping area' for the town and is part of a recognised car parking area.
- 1.3 Surrounding the application site to the north is the remaining area of the car park; to the south and east are properties 43-51 High Street and to the west is the Swan Garage site. Swan Passage runs behind the existing building on site.
- 1.4 The existing storage/workshop building and properties fronting High Street are in Stourport-on-Severn Conservation Area No.2.

2.0 Planning History

- 2.1 None relevant

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3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – It is the recommendation of the Town Council that the application should be refused. Whilst it is appreciated that each application should be judged on its own particular merits, in this case it was considered that the application ought not to be considered in isolation without taking into account the current uses immediately adjacent to the application site. The Council queried whether uses at the rear of the Swan Hotel were authorised uses or, whether they were unauthorised and deserving of enforcement action? It is felt that the combination of existing uses plus the detrimental appearance of the application site and adjoining land, resulting also in a detrimental impact on the character of the surrounding area. At the time of writing, the Town Council is not aware of the views of the Highway Authority concerning the development proposal.
- 3.2 Highway Authority – This development proposal has been the subject of pre-application discussions with the Highway Authority. The proposal would be likely to result in an increase in both pedestrian and vehicular traffic attracted to the site, but given the restricted site area any increase would be likely to be modest. The site is accessed from Lickhill Road which is subject to waiting restrictions preventing indiscriminate parking. The site access itself is an established car park access having adequate visibility from and of emerging vehicles. I would therefore not wish to raise an objection.
- 3.3 Conservation Officer – The existing dilapidated storage/workshop building lies to the north of Swan Passage and is first shown on the 1939 Ordnance Survey. It is included within the Stourport No.2 Conservation Area, however I do not regard it as a heritage asset.

The boundary of the proposed development is a little confusing because to access the workshop from the car sales area one must cross the privately owned car park, yet this is not shown on the site plan.

The car park lies outside the Conservation Area, although the adjacent Swan Passage, Swan Hotel and the storage workshop itself do lie within the Conservation Area.

The application is insufficiently detailed to enable me to establish whether or not the proposals will preserve or enhance the character of the Conservation Area at this point, however it is noted that the land adjacent (and within the Conservation Area) is being used to store parts of dismantled fairground rides. This use is detrimental to the appearance of the Area, which is taking on the appearance of a scrap yard.

I think that if the Council is minded to approve this application there should be strict conditions imposed prohibiting storage of equipment and vehicle components in the open-air.

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No objections subject to conditions prohibiting the storage of vehicular components and dismantled vehicles in the open-air.

Reason: To protect the amenity of the Conservation Area

- 3.4 Arboricultural Officer - No objection
- 3.5 North Worcestershire Water Management - I understand that the intention is not to wash any vehicles at the application site. I have therefore no adverse comments to make. I would welcome a condition regarding no washing of vehicles.
- 3.6 Worcestershire Regulatory Services (WRS) (Noise) – Due to the proximity of residential properties working hours should be restricted. Suggested hours are to 8am – 6pm Monday to Friday, 9am – 1pm Saturdays, no working Sundays or Public holidays. A noise management plan may also be required.
- 3.7 Canal & River Trust - No comments to make
- 3.8 Neighbour/Site Notice – No representations received

4.0 Officer Comments

PROPOSAL

- 4.1 Planning permission is sought for the change of use of an area of land off the existing car park to the rear of The Swan Hotel to a car sales area including use of an existing building for car repairs and maintenance for a temporary period of two years.

PRINCIPLE OF DEVELOPMENT

- 4.2 The application site is covered by a wider site specific policy for the Swan Hotel and Working Men's Club sites (Policy SAL.STC4 of the Site Allocations and Policies Local Plan) which supports development on site for a mix of uses including commercial uses, provided that proposals would:
 - a) Enhance and complement the conservation area.
 - b) Retain and bring back into beneficial use the Swan Hotel and, where feasible remove the modern extensions along Lickhill Road.
 - c) Improve the appearance of the backs of the High Street shops whilst continuing to allow for servicing.
 - d) Not prejudice the comprehensive redevelopment of the whole site.
 - e) Ensure appropriate remediation, building and drainage design to deal with any land contamination.

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- 4.3 Given that the proposal involves only a modest part of the wider identified redevelopment site and would not include the Swan Hotel or involve any major construction works then I consider criteria 'b','c' and 'e' are not relevant in this instance. Matters 'a' and 'd' are however relevant and are considered in more detail below.

VISUAL IMPACT AND IMPACT ON CONSERVATION AREA

- 4.4 The proposal would result in the formalisation of the proposed car sales area for the parking of vehicles for sale. It is also likely that repairs to the existing storage/workshop building will be required in order to bring the property back into use. Alterations and repairs to the building which would not materially affect the external appearance would not require a separate application for planning permission. Any repairs to the existing building could only, in my view, serve to improve the visual appearance of the building which is currently in a poor state of repair and does detract from the appearance of the site and the adjacent Conservation Area.
- 4.5 Given that the land surrounding the application site is largely used for car parking and service yards, indeed the applicant's current business 'Swan Car Sales' currently operates from a site adjacent to the Swan Hotel car park, it is unlikely that an additional car sales area would appear incongruous in this setting due to it being similar in appearance to the existing surrounding land uses. Should the wider setting of the site change, for example at such time as a comprehensive scheme for the wider site comes forward for redevelopment, then it is likely that a car sales area would be found to be unacceptable due primarily to the potentially harmful visual impact typically associated with such uses.
- 4.6 In this location a permanent use for car sales could prejudice the comprehensive redevelopment of the whole site as such it is considered reasonable, in accordance with the applicant's proposal, to limit any planning permission to two years only. Any subsequent application for an extension to this period would need to be considered on its merits taking into account the matters relevant to the site at that time.
- 4.7 Policy SAL.STC4 requires that proposals should enhance or complement the adjacent Conservation Area. Whilst the proposal would neither enhance nor compliment the adjacent Conservation Area as is required by Policy SAL.STC4, it is likely to have only a negligible visual impact for the reasons outlined above and would therefore serve only to preserve its current setting in my view. I therefore consider that there are material considerations in this instance which would overcome this policy conflict namely the temporary nature of the proposal and the negligible visual impact on the current site and its setting which, in my view, would render the proposal acceptable against criteria 'a' of Policy SAL.STC4 which seeks to protect the adjacent conservation Area from harmful development.

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- 4.8 In order to further minimise the visual impact of the proposed development on both the wider setting of the site and the character of the Conservation Area the Council's Conservation Officer has recommended that should planning permission be granted then a condition to prevent the external storage of components associated with the maintenance and repair of vehicles ought to be included on any consent. I consider this to be both a reasonable and necessary condition which would meet the tests of soundness contained in the National Planning Policy Guidance.
- 4.9 To approve a temporary two year consent would, in addition to limiting any permanent visual harm to the Conservation Area, serve to ensure that the redevelopment aspirations for the wider site are not compromised in the long term, in accordance with criteria 'd' of Policy SAL.STC4.

HIGHWAY SAFETY

- 4.10 The development proposes to utilise the existing 'main' car park to the Swan hotel as the primary means of access to the car sales site. Given that this an access already used by vehicular traffic and that speeds of users are low then I see no reason that the proposal should lead to a deterioration of highway safety. Any visiting customers would have the benefit of ample car parking provision at the Swan Hotel site and as such I consider there is sufficient local car parking provision available so that any increased demand for car parking as a result of the proposed scheme could be satisfied.

OTHER MATTERS

- 4.11 Concerns were initially raised by the Senior Water Management Officer for North Worcestershire Water Management (NWWM) that were the washing of vehicles to be carried out on site then there was potential for runoff from vehicle washing and cleaning activities to cause damage to the environment through the pollution of drainage systems. As no drainage details were provided by the applicant additional clarification was sought. The applicant has confirmed that neither the workshop building nor the car park area benefits from its own water supply and as such no washing of vehicles will take place on site and that all valeting would be carried out off site. In order to prevent the pollution of nearby watercourses it would be considered reasonable to add a condition to any permission prohibiting the washing of vehicles on site.
- 4.12 Matters relating to the lawfulness of uses not on the application site are not material considerations for the determination of this application, neither too are possible enforcement matters.

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- 4.13 Following advice from WRS that the proposal for a car repairs and maintenance building could lead to noise issues further clarification from the applicant was sought to determine the exact nature of the activity to be carried out. The applicant has confirmed that; *“We carry out general repairs , servicing and tyre fitting to our own sales cars and to the general public. As for the volume of noise that the workshop will produce from day to day this should be minimal as we do NOT carry out any form of body repairs or spraying .we do not need to use grinders or sanders and we do not use any air tools which would generate noise from a air compressor .we use basic hand tools and battery powered tools which are very quiet. We have been at our current site next door to here for approx 10 years with houses all around us and have never caused any trouble or had any complaints. We also have a very good relationship with all the local residents and local businesses”*.
- 4.14 Based on the supplemental information provided by the applicant, the fact that the same operator has traded successfully for ten years on a site immediately adjacent to the application site without issue and that the proposed hours of operation would generally meet with the suggested hours of WRS then I am satisfied that, through the proper use of conditions, the proposal would be capable of implementation without significantly affecting the amenity of nearby residents.

5.0 Conclusions and Recommendations

- 5.1 As highlighted previously, the application site falls within the wider site specific policy area for the Swan Hotel and Workmen Men’s Club sites (Policy SAL.STC4). However, the temporary nature of the proposal would not prejudice the aspirations for a comprehensive development of this area.
- 5.2 The visual impact of the development would be limited and would not have an adverse impact on the wider setting and the adjacent Conservation Area. Conditions can be imposed which would ensure that the development is acceptable. It is recommended that the application be **APPROVED** subject to the following conditions:
1. Temporary 2 year consent
 2. A11 (Approved plans)
 3. No external storage (of car repair components)
 4. No washing of vehicles on site
 5. Working hours condition

WYRE FOREST DISTRICT COUNCIL

Planning Committee

18 August 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 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			Allowed 17/07/2015

Agenda Item No. 6

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
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			
WFA1448 14/0631/TREER	APP/TPO/ 1845/4372	Mr M Bradshaw	10 KITTIWAKE DRIVE KIDDERMINSTER DY104RS Fell Oak Tree	HE 29/01/2015	05/03/2015		07/10/2015 Stourport on Severn and Bewdley rooms	
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			Dismissed 29/07/2015

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
WFA1450 14/0664/FULL	APP/R1845/W/1 5/3009035	Mr & Mrs M Kent	FOXMEAD ROCK KIDDERMINSTER DY149XW Retention of a steel portal framed, general purpose, agricultural building for use on existing smallholding	WR 15/04/2015	20/05/2015			
WFA1451 15/0206/ENF	APP/R1845/C/15 /3009021	Mr M Kent	FOXMEAD ROCK KIDDERMINSTER DY149XW Unauthorised Steel Framed Building (Enforcement Case 13/0171/ENF)	WR 16/04/2015	21/05/2015			
WFA1452 15/3015/PNRE	APP/R1845/W/1 5/3030442	Fernihough Bros	Building at ELFORDS FARM HEIGHTINGTON BEWDLEY DY122XN Change of use of agricultural building to a dwellinghouse	WR 24/06/2015	29/07/2015			

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
WFA1453 15/0113/FULL	APP/R1845/W/1 5/3032552	Mr M Richardson	CRUNDALLS COTTAGE CRUNDALLS LANE BEWDLEY DY121NB Retrospective application to seek retention of extensions to property	WR 16/07/2015	20/08/2015			
WFA1454 15/0013/S73	APP/R1845/W/1 5/3129859	BURLISH PARK GOLF CLUB - MR T PLUMMER	BURLISH PARK GOLF CLUB ZORTECH AVENUE KIDDERMINSTER 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)	WR 20/07/2015	24/08/2015			

Appeal Decision

Site visit made on 13 July 2015

by P N Jarratt BA(Hons) DipTP MRTPI

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

Decision date: 17 July 2015

Appeal Ref: APP/R1845/X/14/3000296

Punches Oak, Cleobury Road, Far Forest, Kidderminster, Worcs., DY14 9EB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Miss Maxine Parker against the decision of Wyre Forest District Council.
 - The application Ref 14/0476/CERTP, dated 6 August 2014, was refused by notice dated 14 October 2014.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the proposed erection of oak framed home office and games room, and two bay oak framed car port.
 - **Summary of Decision: Appeal succeeds and an LDC is issued.**
-

Preliminary matters

1. For the avoidance of doubt, I should explain that the planning merits of any future use or operations are not relevant, and they are not therefore an issue for me to consider, in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate (LDC). My decision rests on the facts of the case, and on relevant planning law and judicial authority. The burden of proof rests with the appellant and the appropriate test of evidence is the balance of probabilities.
2. The appeal property is a detached dwelling set in a substantial plot. An LDC was issued in July 2013 for the demolition of an existing double garage and existing store and the erection of an oak framed single storey home office and games room/hobby room (Ref 13/0358/CERTP). However the appellant has started to construct this outbuilding in a different position within the curtilage of the dwelling. He also wishes to construct a two bay oak framed car port close to the home office/games room.

Main Issue

3. I consider that the main issue is whether the Council's decision to refuse to grant a lawful development certificate was well-founded.

Reasons

4. At the time that the application was made, the Town and Country Planning (General Permitted Development) Order 1995, as amended, was in force¹ (GPDO). Schedule 2, Part 1, Class E allows within the curtilage of a dwellinghouse any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, subject to the limitations set out in E.1 and E.2, which are not exceeded by the proposed development.
5. The Council's sole concern rests on the fact that as the distances between the dwelling and the car port and the outbuilding are 49m and 53m respectively, it has not been shown that the proposed building and car port are reasonably required for a purpose incidental to the enjoyment of the dwellinghouse. However the Council fails to explain why the repositioned outbuilding can no longer be considered as lawful, nor does it draw attention to any relevant case law in support of its submissions.
6. The appellant refers to the most commonly cited case in defining the incidental nature of a proposed outbuilding in *Emin*² which is concerned with the nature and scale of the proposed use in the context of the planning unit. The case does not refer to distance from a dwelling as a defining factor.
7. The GPDO does not refer to distance between an outbuilding and the dwelling as being relevant so long as it is within the curtilage of the dwelling.
8. The Council has accepted in the earlier LDC that the use of the proposed outbuilding was lawful. I see no reason why the increased separation distance would make the purpose of the building any less incidental to the enjoyment of the dwellinghouse. Similarly, the erection of a two bay car port is for a purpose incidental to the enjoyment of the dwellinghouse, and it is a matter for the landowner to decide where within the domestic curtilage it should be sited subject to the limitations of E.1 and E.2. There seems to me nothing out of the ordinary in the appellant wishing to site the buildings at the rear of the garden of the property.

Conclusions

9. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a lawful development certificate was not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under section 195(2) of the 1990 Act as amended.

Formal decision

10. The appeal is allowed and attached to this decision is a lawful development certificate describing the extent of the proposed operations which are considered to be lawful.

P N Jarratt

INSPECTOR

¹ Now replaced by the Town and Country Planning (General Permitted Development) (England) Order 2015

² *Emin v SSE & Mid Sussex DC* [1989] EGCS 16



Lawful Development Certificate

APPEAL REFERENCE **APP/R1845/X/14/3000296**

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 *or* 192
(as amended by section 10 of the Planning and Compensation Act 1991)

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010: ARTICLE 35

IT IS HEREBY CERTIFIED that on 6 August 2014 the operations described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and edged in black and red on the plan attached to this certificate was lawful within the meaning of section 192(1) of the Town and Country Planning Act 1990 as amended, for the following reason:

The proposed erection of oak framed home office and games room, and two bay oak framed car port represent permitted development under Schedule 2, Part 1, Class E the Town and Country Planning (General Permitted Development) Order 1995, as amended. This allows within the curtilage of a dwellinghouse any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, subject to the limitations set out in E.1 and E.2, which are not exceeded by the proposed development.

P N Jarratt

INSPECTOR

Date 17.07.2015

First Schedule

The erection of an oak framed home office and games room, and two bay oak framed car port.

Second Schedule

Land at Punches Oak, Cleobury Road, Far Forest, Kidderminster, Worcs, DY14 9EB

NOTES

1. This certificate is issued solely for the purpose of section 191 or 192 of the Town and Country Planning Act 1990 as amended.
2. It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

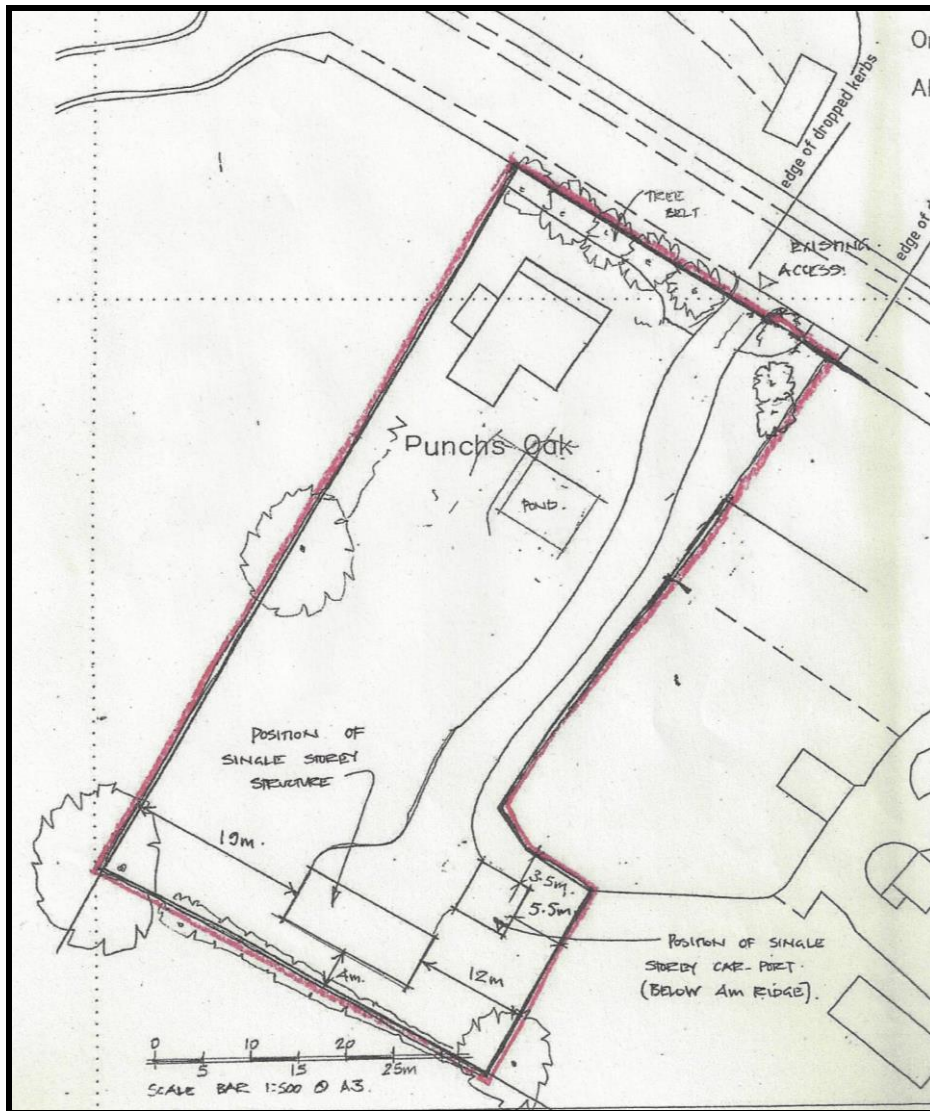
This is the plan referred to in the Lawful Development Certificate dated: 17.07.2015

by **P N Jarratt BA(Hons) DipTP MRTPI**

Land at Punches Oak, Cleobury Road, Far Forest, Kidderminster, Worcs, DY14 9EB
Appeal ref: APP/R1845/X/14/3000296

Scale: Not to scale

North: ^



Appeal Decision

Site visit made on 22 June 2015

by **G P Jones Bsc(Hons) MA MRTPI**

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

Decision date: 29 July 2015

Appeal Ref: APP/R1845/W/15/3005681

Forest View Retreat, Chapel Lane, Callow Hill, Rock, Kidderminster DY14 9XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Simmonds against the decision of Wyre Forest District Council.
 - The application Ref 14/0611/FULL, dated 1 September 2014, was refused by notice dated 8 December 2014.
 - The development proposed is re-siting and redesign of store, re-positioning of 4th cabin as approved under 07/0866/FUL with permanent residential occupation for owners.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and whether the proposal would represent an acceptable form of sustainable development with due regard to the adopted development plan policies concerning the location of residential development.

Reasons

Character and appearance

3. Planning consent 07/0866/FUL was granted in 2007 for the erection of four log cabins and a storage/utility building with associated works. At present two out of the four log cabins have been built and are in use as holiday lets. The proposal is for the re-positioning of cabin no. 4 and its use as a permanent residential dwelling for the owners of the site rather than as a holiday let. In addition, the application proposes the re-siting and re-design of the store and an attached carport.
4. The appeal site is located at the end of Chapel Lane and beyond this to the north and west lie open fields and a belt of woodland. The design of the proposed cabin would be the same as that previously approved under consent 07/0866/FUL. However, rather than being to the west of cabin no. 1, the new location for the cabin would be broadly to the south of cabin no. 1 on the other side of the access track. At the time of my site visit an area of land had already been prepared for the cabin on a slightly raised plateau with a semi-circular bank to the south. To the south-east of the proposed re-located cabin site is the rear and side garden of Handley House and beyond the site to the

south-west lies the rear garden of Oxbine. A landscaped area with the brick remnants of the former buildings lies to the east on land that would be occupied by the proposed storage building.

5. The re-location of the cabin and the storage building would move the development away from a linear array of buildings as previously consented to instead form a more clustered array. The Council did not consider that this new location would, in itself, be unacceptable in terms of its impact on the character and appearance of the area. Although I concur that the new location would be broadly similar in terms of its visual impact, it would represent a move away from a linear arrangement of cabins and as such I do not consider it to be a less intrusive location, as the appellant has argued.
6. However, the change of use of the cabin from a holiday let to a permanent residential use for the site owners would be likely to increase the amount of domestic paraphernalia that would be sited within the curtilage of the dwelling. Coupled with this would be the proposed erection of post and rail fencing around the site to form a defined residential area and the erection of a more substantial privacy fence along part of the northern boundary of this new residential curtilage.
7. The site currently lies in a rural area with open countryside to the north and west. The proposal would serve to define a more formal residential curtilage that would alter the character and appearance of the area from the relatively open space around the cabins that currently exists and which was also proposed under consent 07/0866/FUL for the overall scheme. The appellant contends that the site already benefits from unfettered permitted development rights for dwellinghouses, with the implication being that certain development within the curtilage of a dwellinghouse could already be erected as permitted development provided it met the criteria within Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015.
8. Although this may be the case, I consider that a residential use for the proposed cabin rather than a holiday let use, would make it more likely that associated domestic paraphernalia would be introduced within the curtilage of cabin no. 4. As such, a permanent residential use would in itself be significant enough to give rise to material harm to the open character and appearance of the area. This would be the case even if cabin no. 4 were to be restricted by condition to permanent occupation only by the owners of the site. The appellant has indicated a willingness to accept a planning condition relating to the proposed boundary fencing in order to soften its appearance. Whilst this may improve its visual appearance it would still lead to an area of land that is currently open being cordoned off to form a defined residential curtilage.
9. I am told by the appellant that whilst it was their original intention to reuse an existing storage building, the ownership of this has been lost via a probate settlement. Therefore the proposed store would potentially be in addition to, rather than instead of, the store that was approved under 07/0866/FUL. As such the proposed store would add an additional built feature within what is currently an attractive area. Therefore it would give rise to a degree of harm to the character and appearance of the area.
10. Policy CP10 of the Wyre Forest District Council Core Strategy 2006-2026, adopted December 2010 (CS) seeks to support sustainable tourism providing the proposal does not cause adverse impacts on the surrounding environment.

Policy CP12 of the CS seeks to protect and where possible enhance the character of the landscape. I therefore consider that the proposal when considered in its entirety would be likely to give rise to an unacceptable degree of harm to the character and appearance of this area and thus would not accord with Policies CP10 and CP12 of the CS.

Whether the proposal would represent an acceptable form of sustainable development with due regard to the adopted development plan policies concerning the location of residential development

11. Policy DS01 of the CS sets out, among other matters, the locations for future housing development by reference to a settlement hierarchy. Whilst Callow Hill is referred to in Policy DS01 as a 'rural settlement' it is acknowledged by the appellant that the appeal site lies outside of the designated Callow Hill settlement boundary. As such the proposal does not accord with Policy DS01 of the CS which provides a sequential approach to new housing and seeks to promote housing in existing settlements.
12. The appellant contends that the proposal should be assessed in terms of Policy DS04 of the CS which relates to rural regeneration and includes a section on the provision of rural workspace and live/work units. However, Policy DS04 contains the criteria that proposals must be appropriate to the character of the area and that priority will be placed on the re-use or replacement of existing rural buildings. For the reasons I have already identified I do not consider that the proposal would be appropriate to the character and appearance of the area. Furthermore, whilst a cabin has planning consent it has not yet been constructed and so I consider that this proposal would not represent a re-use or a replacement. Consequently, I consider that the proposal would not accord with Policy DS04.
13. Policy SAL.DPL1 of the Wyre Forest District Council Site Allocations and Policies Local Plan, adopted July 2013 (SAPLP) in part refers back to Policy DS01 of the CS. Policy SAL.DPL1 also details a number of other criteria for other locations, but the appeal site does not fall within any of these criteria. Therefore reference is made by the appellant to Policy SAL.DPL2 of the SAPLP which relates to rural housing. The proposal does not meet an identified affordable or local housing need.
14. One of the other sections of Policy SAL.DPL2 states that exceptional circumstances will apply if the site is required to meet an established functional need for a rural worker's dwelling. However, I have not been provided with any substantive evidence to demonstrate that the proposed re-located cabin would provide for an established existing functional need for a rural worker's dwelling, and I am not persuaded of the functional need for the appellant to live on site. Therefore I conclude that the proposal would not accord with Policy SAL.DPL2.
15. Policy SAL.DPL7 of the SAPLP refers to residential caravans and mobile homes and states that their use for residential purposes will only be permitted for short term periods to meet specific needs such as re-housing households during redevelopment of an existing house. However, on this point I concur with the appellant's view that due to its design and degree of permanence the proposed cabin is neither a caravan nor is it a mobile home. Therefore I do not consider that Policy SAL.DPL 7 is relevant in this instance.

16. Paragraph 55 of the National Planning Policy Framework (the Framework) stipulates that to promote sustainable development in rural areas housing should be located where it would enhance or maintain the vitality of rural communities. I have little substantive evidence to demonstrate how the appeal scheme would enhance or maintain the vitality of the rural community. Furthermore, the Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live at or near their place of work or the proposed dwelling is of an exceptional quality or innovative design. I acknowledge that the potential for increased site security and an improved level of customer service would be advantages of this scheme, and that planning consent has already been given for this cabin to be erected, albeit in a different location. However, the owners currently live nearby and I do not consider that an essential need to live permanently on the site has been demonstrated, and consequently the proposal is contrary to this part of the Framework.

Other matters

17. Concerns have been raised about the impact of the proposal in terms of increased overlooking and loss of privacy for the occupiers of Woodbine. Whilst the re-located position of the cabin and storage building would be closer to Woodbine and Handley House there would remain a significant distance between cabin no. 4 and these properties, particularly Woodbine. I therefore consider that any such increased overlooking or loss of privacy would not be significantly detrimental to the living conditions of the occupiers of any of the neighbouring properties.
18. I note the benefits of the proposal in terms of removing the vestiges of previous built development and I also recognise the fact that the proposed storage building would be smaller than that which already has consent, albeit it could be an additional feature. A stated intention of the proposal would be for the owners of the site, who currently live some 200 metres away in Rathenwick, to live on the site. This in turn would release Rathenwick into the open housing market and thus provide an additional supply of one house. It is acknowledged that an additional single dwelling would make a contribution towards the housing land supply, but the contribution would be very limited and this marginal benefit needs to be weighed against the overall effects of the proposal.
19. I note the fact that the sale of Rathenwick may release sufficient funding for the completion of the scheme as consented. Nevertheless, as the original development approved under application 07/0866/FUL has already been commenced, and could be sold to another operator with sufficient funding to complete the scheme, this is not a consideration to which I have attached significant weight. Overall I conclude that the benefits of the proposal would not outweigh the harm that I have already outlined.

Conclusion

20. For the above reasons, and having regard to all other matters raised, I conclude the appeal should be dismissed.

GP Jones

INSPECTOR