

Open

Planning Committee

Agenda

6pm
Tuesday, 20th October 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

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|----------------------------|-----------------------|
| 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 Lynette Cadwallader, Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732729 or email lynette.cadwallader@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.

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

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

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

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

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

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or Director of Economic Prosperity & Place before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director of Economic Prosperity & Place.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, “background papers” in accordance with Section 110D will always include the case Officer’s written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 20th October 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 15th September 2015. | 7 |
| 5. | Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined. | 11 |
| 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. | 47 |
| 7. | Section 106 Obligation Monitoring To consider a report from the Director of Economic Prosperity and Place that gives details of the most current Section 106 Obligations which require monitoring. | 54 |

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| 8. | 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. | |
| 9. | <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

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| 10. | <p>New Enforcement Case</p> <p>To receive a report from the Director of Economic Prosperity and Place on a new enforcement case.</p> | - |
| 11. | <p>Enforcement Matters</p> <p>To receive a report from the Director of Economic Prosperity and Place that provides members with a summary of enforcement matters.</p> | - |
| 12 | 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. | |

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

15TH SEPTEMBER 2015 (6.00PM)

Present:

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

Observers:

Councillor: J-P Champion.

PL.17 Apologies for Absence

Apologies for absence were received from Councillors J Aston and S J M Clee.

PL.18 Appointment of Substitutes

Councillor H E Dyke was appointed as a substitute for Councillor J Aston.
Councillor I Hardiman was appointed as a substitute for Councillor S J M Clee.

PL.19 Declarations of Interests by Members

Councillor G C Yarranton declared an Other Disclosable Interest (ODI) in application number 14/0591/FULL/OUT West Midland Safari Park, Spring Grove, Bewdley as his daughter owns a spa in Bewdley Town Centre, he will leave the room during the consideration of the application.

PL.20 Minutes

Decision: The minutes of the meeting held on 18th August 2015 be confirmed as a correct record and signed by the Chairman.

PL.21 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 535 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No.535 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.22 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.23 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.24 New Enforcement Case

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

Councillor D Little left the meeting at this point, before the decision was taken. (7.17pm).

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

PL.25 Enforcement Matters

The Committee received a report from the Director of Economic Prosperity and Place which provided Members with a summary report of enforcement matters.

Decision: The information be noted.

There being no further business, the meeting ended at 7.22pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

15th September 2015 Schedule 535 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.

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| Application Reference: 15/0306/FULL |
| Site Address: 17 RODEN AVENUE, KIDDERMINSTER DY10 2RF |
| APPROVED subject to the following conditions: |
| <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B3 (Finishing materials to match) 4. J7 modified (Obscure glazing and non opening elements – North and South elevations) 5. J1 (Remove PD rights – Class B) |

Councillor G C Yarranton left the meeting at this point, (6.16pm).

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| Application Reference: 14/0591/FULL/OUT |
| Site Address: WEST MIDLAND SAFARI PARK, SPRING GROVE, BEWDLEY DY12 1LF |
| DELEGATED APPROVAL subject to: |
| <ol style="list-style-type: none"> a) referral to the Secretary of State and the decision not to call in the application being received; b) the signing of a Section 106 Agreement; and c) the following conditions: <ol style="list-style-type: none"> 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. Land to be tied to WMSP 7. B7 (External details – no approval) 8. B13 (Levels details) 9. Arboricultural Method Statement (AMS) to be followed plus update reports 10. C7 (Landscaping – large scheme) 11. Ecology mitigation for Phase 1 12. Ecology Survey and mitigation for Phase 2 13. C8 (Landscape implementation) 14. C12 (Details of earthworks) 15. C13 (Landscape management plan) |

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| <ul style="list-style-type: none">16. Contaminated Land17. Air Quality18. Drainage19. Protection of Watercourse20. Surface Water21. Highway improvements/offsite works22. Parking for Site Operatives23. Travel Plan24. Lighting scheme to be submitted25. Air Quality Mitigation Plan |
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Councillor G C Yarranton came back to the meeting, and Councillor J-P Campion left the meeting at this point, (7.12pm).

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| Application Reference: 15/0424/FULL |
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| Site Address: CENTRE OF SPORTING EXCELLENCE, ZORTECH AVENUE, KIDDERMINSTER, DY11 7DY |
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| APPROVED , subject to the following conditions: |
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| <ul style="list-style-type: none">1. A8 (Temporary Permission [3 years only])2. A11 (Approved Plans) |
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**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

20/10/2015

PART A Reports

| Ref. | Address of Site | Recommendation | Page No. |
|--------------|--|-----------------------|-----------------|
| 15/0380/FULL | KIDDERMINSTER MARKET AUCTIONS COMBERTON PLACE KIDDERMINSTER | DELEGATED APPROVAL | 12 |
| 15/0447/FULL | 3 PERRIN AVENUE KIDDERMINSTER | APPROVAL | 28 |
| 15/9023/NMA | KEEPERS LOCK CLENSMORE STREET KIDDERMINSTER | APPROVAL | 33 |

PART B Reports

| Ref. | Address of Site | Recommendation | Page No. |
|--------------|--|-----------------------|-----------------|
| 15/0420/ADVE | 62 LOAD STREET BEWDLEY | APPROVAL | 37 |
| 15/0426/FULL | BURLISH PARK GOLF CLUB LTD ZORTECH AVENUE KIDDERMINSTER | APPROVAL | 40 |
| 15/0480/FULL | THE BEECHES RIBBESFORD BEWDLEY | DELEGATED APPROVAL | 44 |

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH OCTOBER 2015

PART A

| | | | |
|-------------------------------|---------------|-----------------------|------------------------|
| Application Reference: | 15/0380/FULL | Date Received: | 07/07/2015 |
| Ord Sheet: | 383600 276317 | Expiry Date: | 06/10/2015 |
| Case Officer: | Emma Anning | Ward: | Aggborough & Spennells |

Proposal: Demolition of existing market auction building and erection of 39 affordable new build dwellings

Site Address: KIDDERMINSTER MARKET AUCTIONS, COMBERTON PLACE, KIDDERMINSTER

Applicant: KIDDERMINSTER MARKET AUCTIONS

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|---|--|
| Summary of Policy | DS01 DS02 DS03 DS05 CP01 CP02 CP03 CP04 CP05 CP11 CP14 (CS) SAL.PFSD1 SAL.DPL1 SAL.CC1 SAL.CC2 SAL.CC6 SAL.CC7 SAL.UP5 SAL.UP7 SAL.UP9 (SAAPLP) KCA.EG1 KCA.EG3 (KCAAP) Sections 2, 6, 7, 10 (NPPF) Design Guidance (SPD) Planning Obligations SPD (2007) |
| Reason for Referral to Committee | 'Major' planning application. The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council |
| Recommendation | DELEGATED APPROVAL subject to Section 106 Agreement |

1.0 Site Location and Description

1.1 The application site is located to the East of Kidderminster Town Centre and is located off Comberton Hill with access of Comberton Place. The site is elevated, sitting on top of the retaining wall which runs along Hoo Road and above the escarpment adjacent to The Ringway which runs to the west. Residential properties sit to the north and south of the application site. To the north are properties fronting Comberton Terrace, such properties are set some 2.4m lower than the site along the shared boundary. On the shared boundary to the south are properties fronting Drovers Walk and Ray Mercer Way. To the east is the Council's car park and retail units which front Comberton Place.

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- 1.2 The site measures 0.5 hectares in total and comprises the full extent of the Kidderminster Market Auction site and includes a 0.08 hectare area of land owned by the District Council and forms part of the Council public car park.
- 1.3 The site is included in the Kidderminster Central Area Action Plan (KCAAP) as part of the Eastern Gateway redevelopment area.

2.0 Planning History

- 2.1 None relevant

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to the following information having been submitted and approved;
 - i. junction alterations on to Comberton Place
 - ii. Details of how the proposed access and parking facilities are to be consolidated and drained
 - iii. How turning facilities will be consolidated, surfaced and drained
 - iv. Cycle parking for each dwellinghouse (2 per unit)
 - v. Parking for site operatives
 - vi. Details of a welcome pack that promotes sustainable travel for future residents
- 3.2 Arboricultural Officer – No objection subject to a landscaping condition.
- 3.3 Countryside Conservation Officer – This application has come with a sufficient ecological assessment that has concluded that there are no ecological constraints on this development. The only thing to pick up is the recommendation that bat boxes are included into the development design.
- 3.4 Planning Policy Manager – No objection
- 3.5 Principal Strategic Housing Services Officer – I can confirm that housing services fully support the application, having worked with BM3 [agent] from the inception. Walsall Housing Group is the current preferred providers for the scheme, subject to their financial viability appraisals and confirmation of housing management of the scheme.
- 3.6 Senior Water Management Officer - This application is for more than 10 residential properties and I therefore understand that this is a major application. As you know the Lead Local Flood Authority is therefore now a statutory consultee (from April 2015). In Worcestershire, the County Council has however delegated this role to my team.

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FLOOD RISK

It is my understanding that the site currently discharges via two discharge routes. The roof drains of the existing building discharges to the foul sewer in Ray Mercer Way (presumably a remnant of the time that the site was a cattle market, with runoff being contaminated with animal faeces) whereas the runoff from the car park area discharges to a drain in the rear gardens of Ray Mercer Way, eventually falling out into the surface water sewer in the road further down. I am aware that the site currently is at risk of surface water flooding as the drain in the car park near the boundary with 22 Ray Mercer Way is unable to deal with all the runoff from that area of the site following intense rainfall. As the amount of hardstanding on the current site is high I understand that the proposed development would actually result in a reduction of the amount of hardstanding and therefore the amount of runoff generated on the site.

I understand from the submitted Flood Risk Assessment and Drainage Strategy that the intention is to limit the discharge from the site to 5 l/s. It is stated that comparison with the Greenfield runoff levels for this site would not be applicable as the site is currently brownfield. I disagree with this statement as the non statutory technical standards for SuDS (Defra, March 2015) clearly state that even for Brownfield Sites discharge from the site should be limited to Greenfield levels where reasonable practicable. Typical Greenfield runoff levels are 4-8 l/s/ha which would be about 2-4 l/s for this site so using Greenfield runoff levels would ask for a further reduction of the discharge from the site.

SURFACE WATER DRAINAGE SCHEME

Wherever possible infiltration should be considered first before considering discharge to a watercourse (not applicable for this site) or surface water sewer. I understand from the submitted geotechnical assessment that the site used to have sand and gravel pits and that it is not certain what the quality is of the material that was used to fill the pits. As such it is proposed not to infiltrate any runoff water. I understand this decision. If further investigation would be required for the site and this would show that no contamination is present then discharge via infiltration should be explored further too.

Although a wide range of possible SuDS features has been touched upon in the flood risk assessment and drainage strategy, assessing appendix C the ones most likely going forward for the site are lined permeable paving for the car parking areas and oversized pipes for the roof runoff. I'm not sure what is proposed for the road, either lined permeable paving or oversized pipes. I would prefer the use of lined permeable paving as this will actually provide some water quality benefits. The proposed drainage methods are technically called SuDS but the additional benefits for both water quality and biodiversity/amenity are minimal. Although WFDC always promotes the uptake of SuDS that provide additional benefits there are no statutory standards requiring this.

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The flood risk assessment and drainage strategy sets out that the systems will be designed to cope with a 1 in 100 year storm event + 30 % allowance for climate change. This is in line with the NPPF and non statutory technical standards for SuDS (Defra, March 2015). It is stated in the document that calculations to show the compliance will be submitted as part of a future discharge of condition application.

CONCLUSION

I believe there is no reason to withhold planning permission on flood risk grounds. The proposed development will result in a reduction of the amount of hardstanding and therefore the amount of runoff generated on the site. The proposal is to make one discharge connection to the surface water sewer in Ray Mercer Way and not reuse the drainage outfall near the back garden of 22 Ray Mercer Way, which means that the existing flood risk associated with this outfall should be addressed. The proposal is to limit the discharge of the total site down to 5 l/s by using lined permeable paving and oversized pipes. Although these are classed as SuDS they don't provide many additional benefits unlike things like rain gardens, swales and filter strips. I believe that a condition should be attached to a future approval so it is clear to the applicant what information will be required in the detailed design stage.

- 3.7 Worcestershire Regulatory Services (WRS) (Noise) – The noise assessment looks satisfactory. All of the noise mitigation recommendations made in the noise assessment should be implemented if the application is granted.
- 3.8 Worcestershire Regulatory Services (WRS) (Pollution/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 (National Planning Policy Framework [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 NPPF

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ELECTRIC VEHICLE CHARGING - DOMESTIC DEVELOPMENT

The provision of more sustainable transport modes will help to reduce CO₂, NO_x and particulate emissions from transport. In order to make the properties ready for EV charging point installation, appropriate cable provision and isolation switches must be in place so that future occupiers could easily fit the necessary socket for electrical vehicles to be charged in the garage, driveway or allocated car parking space. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development. Suggested condition - Electric Vehicle Charging Points for Domestic Properties

SECURE CYCLE PARKING

It is recommended that secure cycle parking facilities are incorporated into the design of commercial developments and domestic plots without sufficient exterior space to allow for secure cycle storage. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be provided as determined by Worcestershire County Council LTP3 Policy and AQAP Measure 5.3.7 (note this is also an option in BREEAM assessments). Condition - Secure Cycle Parking

LOW EMISSION BOILERS

Boiler NO_x emissions from building heating systems contribute to background NO_x concentrations and the following condition is recommended; (note this is also an option in BREEAM assessments and the cost of a low NO_x boiler is the same as a standard boiler). Suggested condition Low Emission Boilers.

3.9 Crime Prevention Design Advisor - No objections.

3.10 Disability Action Wyre Forest – Object if the blocks have no lift

(Officer Comment – Advice from Noerth Wocestershire Building Control confirms that there is not requirement under Part M of the Building Regulations for a lift to be installed)

3.11 Severn Trent Water – No objection subject to condition requiring details of foul and surface water drainage to be submitted and approved.

3.12 Neighbour/Site Notice –

(Initial neighbour consultation letters were sent on 13/07/2015 and a site notice posted on 21/07/2015. Further consultation with neighbours was carried out on 14/09/2015 following the submission of revised plans)

3 individual responses to the initial consultation were received and are summarised as follows;

- i. I must object to the heights of all 3 apartment blocks on the following grounds;

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- a) Being considerably overlooked and by a considerable number of apartments and leaving no privacy to the property [22 Ray Mercer Way].
 - b) The amount of light coming into the property would be severely diminished.
 - c) The proposed apartment blocks are considerably taller than the existing buildings which are no more than two storey, if constructed with pitched roofs, which in consideration to the elevated position from Hoo Road and the surrounding area would not be appropriate to the site and the existing neighbourhood.
- ii. My concern is not with the building of the new dwellings but of the loss of some car parking spaces on the public carpark. On football days and if there is anything going on at the Severn Valley Railway it can get extremely busy. I have a concern about whether Ray Mercer Way would then become overflow parking. I have been blocked in on my drive previously on football days, there are a lot of cars already on this estate and I would not like to see this increase, sometimes if an ambulance or fire engine needed to get through they would struggle as it is. Would this be taken into consideration?
- iii. It appears that 9 Drovers Walk will be the most affected by this development. Concern is that the distance of the flats to our property will have an unacceptable impact on our residential amenity and specifically the light to our kitchen which faces the flats. We have viewed the flood risk assessment but would wish to draw to your attention that there have been issues of flooding in the Auction site car park which have been investigated but not resolved. The development may cause flood risk to the property.
- iv. What are the plans for the embankment area which will be adjacent to the development and the affect on the proposal. As it stands we understand that the land is owned by Miller Homes who have done nothing with the land, this has resulted in foliage overhanging the path on Hoo Road where the development will be.

2 individual responses were received following submission of revised plans. The comments made are summarised as follows;

- v. The boundaries identified adjacent to 22 Ray Mercer Way are incorrect with regards to a strip of land which is required for disabled access. Despite attempts to contact the developer over this matter I have had no success. To loose this strip would leave me housebound as it is required for access and the provision of equipment.
- vi. The height of the proposed blocks will cause a loss of privacy and light to existing occupiers.

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- vii. The development will lead to an increase in noise.
- viii. The revised plans show increased car parking along the fence to the rear of 22 Ray Mercer Way. This will increase the ongoing problem of cars damaging this fence when they park/manoeuvre.
- ix. There appears to be an overprovision of car parking.
- x. The revised plans show cycle stores and bin stores to the rear of 22 Ray Mercer Way. These are too close proximity and will lead to unacceptable smells and nuisance for existing occupiers.
- xi. We do continue to have concerns about the proximity of Block 2 to 9 Drovers Walk and the unacceptable impact that it may well have on our residential amenity, 10 metres does not seem a substantial difference and it appears that ours is the only property adjacent to the build site that will be materially affected by the proximity of the building. We also have a concern as to the amended positioning of Block 2 which seems to have moved substantially away from the embankment onto Hoo Road. We consider this to have a detrimental effect as the building will now be overlooking our garden to a greater effect when all other properties adjacent seem to have car parking spaces next to them.

4.0 Officer Comments

PROPOSAL

- 4.1 Planning permission is sought for 39 affordable dwellings on this 0.5 hectare site. The dwellings would be arranged as nine terraced houses (arranged in three blocks of three units) and three apartment blocks. Blocks 1 and 2 would occupy the western part of the site and thus be visible from The Ringway and views from Kidderminster Town Centre looking towards the east. The terrace houses would occupy the centre of the site backing onto the rear of properties fronting Comberton Terrace. The third apartment block would sit at the 'front' of the site where it meets Comberton Place. Car parking, cycle parking and refuse provision is to be provided around the site. Access is proposed off Comberton Place.

PRINCIPLE OF DEVELOPMENT

- 4.2 The site is identified as part of the Eastern gateway redevelopment area. Policy KCA.EG3 which relates to development at Comberton Place, recognises the area as suitable for a mix of uses however the policy specifically identifies the Kidderminster Market Auction site as more suitable for residential development. The same policy recognises that redevelopment of the site may also include the car park on Comberton Place. Given that there is 'in principle' policy support for the use of the site for residential purposes I am satisfied that the principle of the proposal is sound and that the loss of part of a public car park requires no significant justification given that it is part of an adopted strategic policy.

15/0380/FULL

SITING, SCALE & DESIGN

- 4.3 Policy CP11 of the Adopted Core Strategy and guidance contained within the Design Guidance (SPD) require that new developments respond positively to the established pattern of development in the locality so that they can connect sensitively to their surroundings. The application site is set behind the established Comberton Hill frontage between pockets of residential development, retail and civic buildings and as such there is no clear pattern of development in the locality. The development would be arranged as described at 4.1 above and is considered to represent a suitable footprint of buildings and spaces in this location. The layout of the proposed development has been designed, as far as is possible, to maintain the open feel of this part of Comberton Place through the use of shared surfaces and sizeable areas of landscaping between the new buildings. The ratio of development to open space would, in my opinion, result in a development of an appropriate density which would not appear overcrowded. For the reasons above it is considered that the proposed layout is acceptable as the development would harmonise with the existing urban form.
- 4.4 The scale of the development varies between the houses and the apartment blocks. The houses are proposed as two storey dwellings; the apartment blocks range in scale from having two storey sections to sections of up to four storeys. In principle the varied scale of the proposed development is acceptable as the surrounding existing development ranges in scale from two storey residential development at Ray Mercer Way and Drovers Walk, to three storey retail properties fronting Comberton Hill and four storey apartments fronting Comberton Place as well as the imposing magistrates court building. It is unlikely therefore that the proposed scale of development would appear incongruous however this would only be the case where the scale of each element of the scheme is sensitive to existing surrounding development and the wider site context. This is explored in more detail below.
- 4.5 Blocks 1 and 2 would occupy the far west corner of the site at the boundary with Hoo Road. Block 1 is proposed to be four storeys against the northern boundary shared with No. 8 Comberton Terrace with Block 1, falling to three storeys towards the centre of the site opposite Block 2.
- 4.6 Block 2 would marry with Block 1, being three storeys at their closest point before falling to two storeys where it would share a boundary with the two storey residential property at No. 9 Drovers Walk.

15/0380/FULL

- 4.7 Blocks 1 and 2 would be the most prominent elements of the overall scheme due to their scale and siting on the Hoo Road boundary above The Ringway escarpment. At present the two storey Market Auction building runs along that boundary and is a prominent feature of the skyline when looking eastwards from the Town Centre. The proposal would see the two storey building replaced with three and four storey development as described above. I do not find the principle of more sizeable buildings at this location to present a problem provided that that the development would relate well to the scale of surrounding development and would not lead to an adverse impact on the amenity of existing residents.
- 4.8 At the boundary shared with No. 9 Drovers Walk the proposed development, as described above, would fall to two storeys and would be positioned so as to respect the 45 degree code with regard to the neighbouring dwelling. I find this arrangement to be acceptable as the scale and siting of the proposed Block 2 would harmonise with the surrounding built form and would not be overbearing or have an undue impact on light due to its scale on 9 Drovers Walk. At the boundary between Block 1 and No. 8 Comberton Terrace there would be a more significant difference between the scale of the existing and proposed development. No. 8 Comberton Terrace is a two storey property, standing on ground 2m lower than the application site and it is proposed that the new four storey element of Block 1 would be located adjacent to the shared boundary. Despite their close proximity the application site and No. 8 Comberton Place read as two separate sites as they have no interconnectedness either physically or architecturally. For this reason I consider that the proposal to site the four storey block adjacent to the existing development acceptable.
- 4.9 The proposed two storey dwellinghouses would sit at the centre of the site some 15m from the shared boundary with properties fronting Comberton Terrance. The dwellings would face onto the main access and would provide an attractive frontage along the access. Being at the centre of the site the two storey dwellings would act as a successful bridging feature between the apartment blocks at the east and west ends of the site. Being two storey in scale and being set some 15m from the shared boundary it is unlikely that they would be visually overbearing on existing properties. For these reasons the proposed siting and scale of the dwellinghouses is considered acceptable.

15/0380/FULL

- 4.10 There is no dominant architectural design approach in the vicinity of the application site. Surrounding developments have a mix of styles and as such I see no reason to impose a design style on this development. The applicant has opted for a mix of traditional brick and tile dwellings with pitched roofs to apartment blocks which take a more contemporary design with varying roof designs, block heights and a mix of finishes including render and timber cladding. I am satisfied that this approach in this location would not appear incongruous and that the mix of styles and finishes proposed would allow the new development to relate in part to various elements of the existing surrounding development whilst still retaining its own identity. Having its own distinct identity the design of the development will echo the existing architectural approach of creating 'pockets' of development in this part of Kidderminster.
- 4.11 The applicant has usefully provided scale perspective drawings of the proposed development when viewed from various vantage points as well as streetscene drawings. These drawings serve to demonstrate how this prominent site would respond positively to its setting and would bring about an enhancement to the current vista towards the site from the Town Centre and ring roads. The drawings show how the scale and design and the proposed development would add interest to the existing streetscene resulting in a development which I consider would be a visual improvement to the site and surroundings.
- 4.12 For the reasons outlined above I consider the development is not likely to appear incongruous or out of keeping in terms of its scale, siting or design relative to the surrounding urban form.

IMPACT ON AMENITY

- 4.13 As detailed above, the site is bounded to the north and south by existing residential development. Properties to the north along Comberton Terrace sit some 2m lower than the development site and as such careful consideration has been given to ensure no detrimental impact to these properties arises. Gardens of the two storey dwellings are a minimum of 15m in length, some 50% larger than would normally be acceptable for such dwelling types, to allow for additional separation distance between the rear elevations of the existing and proposed dwellings. This would ensure adequate separation distance to prevent any direct overlooking of existing dwellings or the houses being overbearing on existing occupiers.

15/0380/FULL

- 4.14 At the south of the site properties fronting Drovers Walk or Ray Mercer Way share either a side or rear boundary with the application site. The majority of proposed residential development would be 20m from the shared boundary and as such would have minimal impact either visually or on amenity. This is true save for apartment Block 2 which would sit just 2m from the shared boundary with the side of No. 9 Drovers Walk. Following concerns from the occupier of 9 Drovers Walk the applicants have revised the plans significantly to re-site and resize the part of Block 2 closest to the existing dwelling to two storey in height, positioned so as to respect the 45 degree code relative to windows on the rear elevation of the existing dwelling and also to respect the 25 degree code for daylight to an existing kitchen window on the side elevation. I consider the relationship between the existing and proposed development following these revisions to be acceptable as both the scale and siting of the proposed development would not be unusual and there would be no breach of either the 45 or 25 degree codes.
- 4.15 The applicants have provided a sunlight trajectory model drawing which demonstrates how the proposed development would impact on the surrounding development in terms of sunlight and shadow. Having considered the drawing it is evident that there would be only limited impact on the amenity of occupiers of existing properties as a result of the proposed scheme.
- 4.16 Concern has been raised that the site boundaries are incorrect with respect to 22 Ray Mercer Way and that the proposal may lead to a loss of an access strip to this property. No details of a legal access have been provided and the area of concerns appears to relate to an existing timber fence between the property and the application site. There is no proposal to alter the boundary as the applicant, to my knowledge, retains no responsibility for the existing fence. In any event, all matters relating to land ownership are legal ones and are not for consideration in determining this planning application.
- 4.17 One neighbour has raised a concern that the proposed bin store adjacent to the shared boundary with 22 Ray Mercer Way and 9 Drovers Walk would lead to an unacceptable impact on amenity due to the generation of smells. It should however be noted that the bin store is a screened store and would therefore be separated from existing developments by its own outer wall and by the existing fencing. Given that WRS have not raised any concerns in this regard then I am satisfied that the location of the proposed bin stores is acceptable and would not result in a loss of amenity.

15/0380/FULL

- 4.18 As important as ensuring the maintenance of amenity enjoyed by existing adjacent occupiers is ensuring that occupiers of the proposed units would be afforded sufficient amenity also. Having considered the proposed plans I am satisfied that the layout provides sufficient private and shared outside space for the number of units proposed and that due account has been taken of the need to provide for drying areas, bin storage and for secure cycle parking for those residents. The plans show landscaped areas around all of the apartment blocks and whilst no landscaping scheme has yet been provided I am satisfied that through conditions it would be possible to secure an appropriately designed scheme which would benefit future occupiers of the site.
- 4.19 As previously identified, WRS have not raised any objection on amenity grounds given that the 'Noise Assessment Report' submitted with the application sets out suitable noise mitigation measures which should be incorporated into the scheme. This can be secured by condition. Suggestions were also made that electric vehicle charging cables and low emission boilers be used for the development. The District Council would support both of these initiatives however the current development plan contains no policy requirement for either. In order to encourage these approaches to be adopted notes should be included on any consent for the attention of the developer. Energy efficiency would be a matter for the Building Regulations stage of the project therefore ensuring that the build would meet all minimum required standards.

PARKING & HIGHWAY SAFETY

- 4.20 Access to the site would be off Comberton Place as existing. It is proposed to provide a shared surface for vehicular and pedestrian access, part of which would be adopted and part private. The Highway Authority has been involved in all stages of plan preparation for this scheme and as such are satisfied with the proposed access arrangements. A number of conditions as detailed above have been suggested to ensure safe access is maintained, I am satisfied that these are reasonable and should be included as conditions on any planning permission issued.
- 4.21 Car parking provision of 48 car parking spaces is shown on the proposed site plan as well as secure cycle parking shelters for each of the apartment blocks. This approach would allow for one parking space per dwelling plus nine additional visitor spaces for the site. Concern has been raised by a third party that this represents an overprovision of car parking, however no such concerns have been raised by the Highway Authority. A condition requiring secure cycle parking for the proposed dwellinghouses has been suggested and is considered reasonable and necessary given that no private cycle parking for these units is currently shown on the submitted plan.

15/0380/FULL

- 4.22 A third party objector has raised a concern that the proposal, including the loss of public car parking provision, will cause problems for residents of Ray Mercer Way particularly on Kidderminster Harriers match days when the loss of public parking facilities may encourage motorists to park elsewhere including in Ray Mercer Way. Whilst this may well be the case, there are no parking restrictions in place on Ray Mercer Way and as such motorists could choose to park there at present in any case be it match day or otherwise. If there is a real concern relating to highway safety on an adopted highway then this would be a matter colleagues of the Highway Authority who would consider whether parking restrictions should be applied.
- 4.23 Given that the loss of part of the car park at Comberton Place has been part of an adopted Policy in the Kidderminster Central Area Action Plan since its adoption in 2013 I am satisfied that the loss of public car parking provision in this instance is justified through the strategic approach to development put forward in the document.
- 4.24 On the basis of advice from the Highway Authority, I am satisfied that the proposal would be acceptable in terms of highway safety and parking provision.

WATER MANAGEMENT

- 4.25 There is a known problem with localised surface water flooding on this site, as has been raised by a third part and is detailed above. The Senior Water Management Officer of North Worcestershire Water Management (NWWM) has been consulted and has commented as detailed at Paragraph 3.6 above. Given that Policy SAL.CC7 of the Site Allocations and Policies Local Plan requires that all new development should incorporate a Sustainable Drainage System (SUDS) scheme I consider it would be reasonable and necessary, given the history of the site, to add a condition to any permission requiring the submission of a full drainage scheme which considers a SUDs approach in the first instance. As concluded by NWWM, this should reduce the problems of localised flooding currently experienced at the site. I am therefore satisfied that the proposal could offer a betterment to the site and surrounding properties in terms of drainage and surface water management, subject to appropriately worded conditions and the ongoing guidance of NWWM.

ECOLOGY AND BIODIVERSITY

- 4.26 The site at present has limited biodiversity value and as such it is very unlikely that any redevelopment proposal would have implications for a protected species. The site does however have the potential to offer a biodiversity enhancement in accordance with Policy SAL.UP5 of the Site Allocations and Policies Local Plan. Consultation with the Council's Countryside Conservation Officer has resulted in a request that bat boxes be incorporated into the scheme. I consider that reasonable and necessary requirement which could be met by condition and would ensure compliance with Policy SAL.UP5.

15/0380/FULL

PLANNING OBLIGATIONS

4.27 The scheme is presented as a 100% affordable proposal put forward by Bayhill Property Ltd. with Walsall Housing Group identified as the Registered Provider. The Council’s Principal Strategic Housing Services Officer has been consulted on the application and is satisfied with this arrangement, as detailed above. The adopted Planning Obligations SPD (2007) requires the following contributions be sought based on the size and tenure of the development proposed:

- Public Open Space - £2276.62
- Biodiversity

4.28 An agreement under Section 106 of The Town and Country Planning Act 1990 is required to secure the ongoing provision of affordable housing on this site and to secure the financial contribution towards public open space. Details of how the public open space monies would be spent will be added to the update sheet. The required contribution towards biodiversity can be met on site through the provision of bat boxes which can be secured by condition rather than via legal agreement.

OTHER MATTERS

4.29 Concern has been raised regarding the existing overgrown area of embankment fronting Hoo Road with an objector expressing some frustration over the lack of upkeep. Unfortunately the area falls outside of the application site and as such there are no mechanisms to require the applicant to address the concerns raised especially as they have no ownership or access rights in respect of this land. The upkeep of land is the responsibility of the landowner (believed to be Miller Homes) and as such is not a material consideration in the determination of this application.

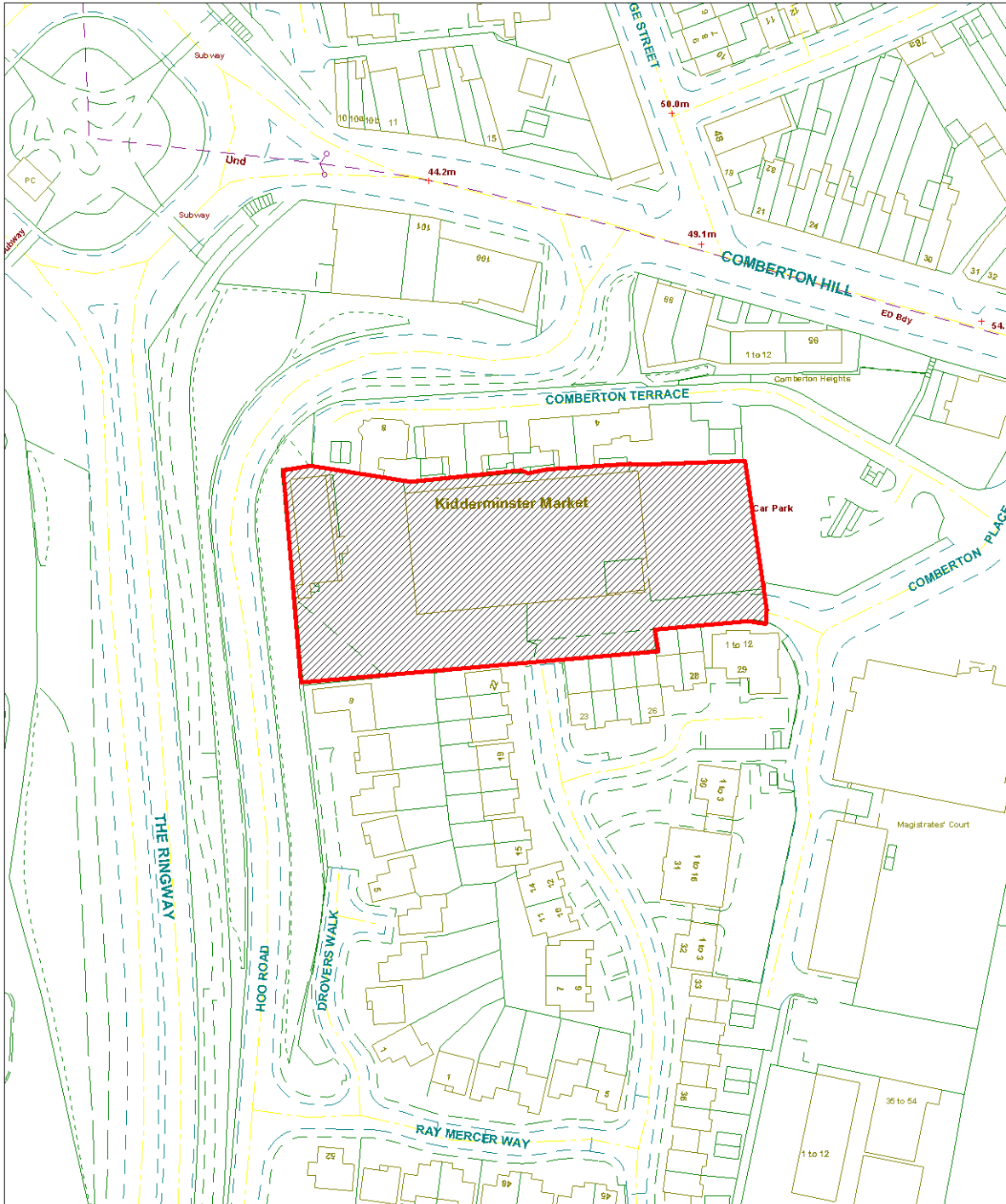
5.0 Conclusions and Recommendations

5.1 It is therefore recommended that **delegated APPROVAL** be given subject to:

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Materials – to be agreed
 4. Details of bin stores
 5. Fencing/railings details to be provided (including proposed finish)
 6. Highways conditions (as suggested by the Highway Authority)
 7. Landscaping (type and management plan)

15/0380/FULL

8. Bat boxes to be provided
9. Foul and surface water drainage details to be submitted and approved, the scheme shall conform the non statutory technical standards for SuDS (Defra, 2015) and the principles as set out in the flood risk assessment and drainage strategy submitted with the application (July 2015). The approved scheme shall be completed prior to the first use of the development hereby approved
10. SuDS maintenance schedule to be agreed
11. Noise mitigation as set out in the noise report to be adhered to in full
12. Cycle parking



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

Kidderminster Market Auctions
Comberton Place, Kidderminster, DY10 1QR

Date:- 06 October 2015

Scale:- 1:1250

OS Sheet:- SO8376SE

Crown Copyright 100018317 2014

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



| | |
|--|------------------------------------|
| Application Reference: 15/0447/FULL | Date Received: 11/08/2015 |
| Ord Sheet: 381561 275592 | Expiry Date: 06/10/2015 |
| Case Officer: Julia McKenzie-Watts | Ward: Foley Park & Hoobrook |

Proposal: Proposed rear extension

Site Address: 3 PERRIN AVENUE, KIDDERMINSTER, DY116LL

Applicant: Mr S Blaize

| | |
|---|---|
| Summary of Policy | CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance (SPD) Section 9 (NPPF) |
| Reason for Referral to Committee | Councillor request for application to be considered by Committee. Third party has registered to speak at Committee |
| Recommendation | APPROVAL |

1.0 Site Location and Description

- 1.1 Number 3 Perrin Avenue is a detached bungalow located in a residential area of Kidderminster accessed off Sutton Park Road.
- 1.2 The property has had no previous extensions.
- 1.3 The plans show a proposed rear dormer, however this element of the proposal falls within the limits specified within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 and would not, in isolation, require the benefit of planning permission and therefore this element is not considered part of the planning application.

2.0 Planning History

- 2.1 None

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection.

15/0447/FULL

- 3.2 Hillcrest Residents Association - I have examined the proposal on behalf of the Residents' Association with a view to whether it is necessary to discuss the proposal with the occupant of neighbouring properties. In my opinion this is not necessary as the extension is relatively minor and is all contained within the rear garden of the property. There appears to be no impact on others (of any significance) as far as I can see without gaining access to the site.

I am puzzled by the inclusion of a dormer window in the rear side of the roof without any further explanation. One can only imagine that it is to gain light and ventilation into the "otherwise roofspace" and as such it should be counted as an extra room for council tax purposes.

- 3.3 Neighbour – 2 letters of objection received. The main points of concern are:

- Expanse of roof will extend almost to the corner of their garden. Concern that it will be overbearing and as such have an adverse impact on day light entering their extended lounge and also the amenity of their rear garden.
- Policy CP11:Quality Design and Local Distinctiveness – this policy requires developments to be of an appropriated high quality. It acknowledges the value of the open spaces around development and notes that there are as important as the development itself. Policy SAL.UP7: Quality Design and Local Distinctiveness and Policy SAL.UP8: Design of Extensions both emphasise the requirement for high quality design as well as a requirement to be neighbourly. My clients are keen to support the application, and subject to some relatively minor amendments their concerns regarding the potential adverse impact on their amenity could be fundamentally overcome.

While in itself an excellent design, it includes a very high pitch as in a two storey building. As the extension will be within 3 feet of our fence it will massively overshadow our garden, boxing us in badly. We do not wish to oppose the extension in principle, but would ask for a reduction of the roof to a single storey height. You recently approved such a roof for our own extension, the roof has tiled sloping shoulders and a flat top - which roof you approved - thus avoiding intrusion on our Sutton Park Road neighbours, as compared with a pitched roof. Such a modification would give the applicants a generous rear elevation, all glass as in their current plan, but rising to a lesser height, and still with a dramatic and contemporary shape.

4.0 Officer Comments

- 4.1 Number 3 Perrin Avenue is detached bungalow located near to the junction with Sutton Park Road in a street populated by similar styled properties. The garden of No. 3 Perrin Avenue backs onto the rear gardens of two properties both of which are located in Sutton Park Road, namely Nos. 151 and 152 and also shares a side boundary with the rear garden of No. 2 Perrin Avenue albeit at a slightly lower ground level of approximately 0.2 metres.

15/0447/FULL

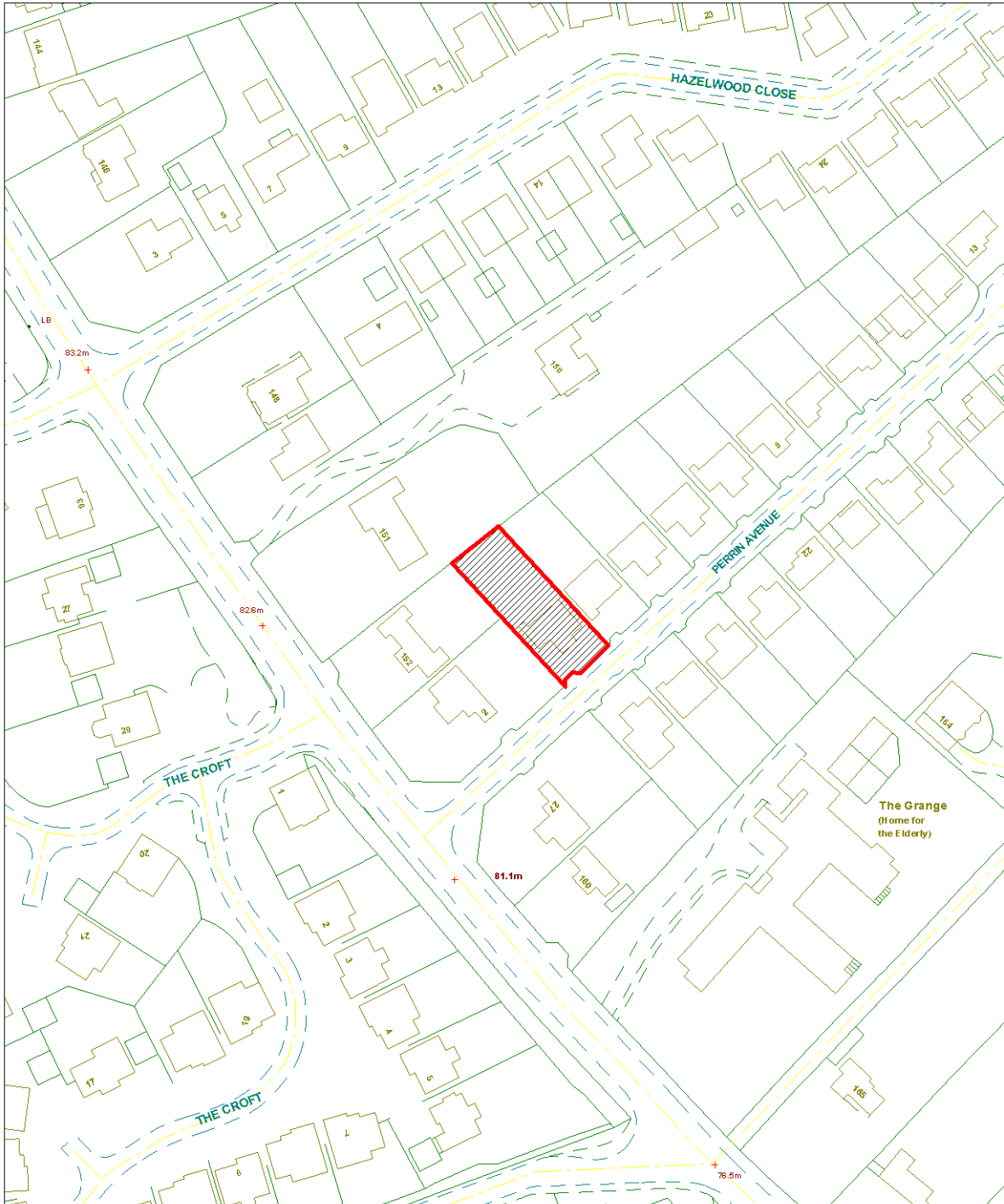
- 4.2 The property itself is located towards the front of the plot with a 23 metre rear garden and parking area to the front. The living accommodation comprises lounge, kitchen, 2 bedrooms, garage and store. The existing garage and store of the property project to the side of the bungalow to within 1 metre of the boundary with the rear garden of No. 2 Perrin Avenue. The side wall of the garage / store measures 7.7 metres in length, 2.4 metres to the eaves with a pitched roof height of 5.1 metres.
- 4.3 The current application proposes the addition of a rear single storey extension in order to provide a large family room, the side wall of which would continue the line of the existing garage / store wall adjacent to the fence boundary with the rear garden of No. 2 Perrin Avenue. The extension would measure 4 metres in depth, 6.3 metres in width and 5.1 metres in height following the submission of amended plans (a reduction in height of 0.25m from the initial submission). The wall element of the extension adjacent to the boundary would measure 1.75 metres in height with the highest part of the new tiled roof extending up to the ridge of the existing rear roof slope of the property. The applicant would like to maximise the view of the garden and light into the family room and as such the rear elevation would be almost completely glazed to a height of 4.6 metres with two large velux rooflights proposed, one in either side of the roof slope.
- 4.4 The immediate neighbour at No. 2 Perrin Avenue is located to the south east of the application site. A large rear extension has been erected at this property which measures 6 metres in depth and 6.7m in width. The extension has brought the rear elevation 6 metres closer to the boundary with No. 3 Perrin Avenue and as a result a 2.1m end section of the extension looks onto the boundary fence and side elevation of the existing garage / store at the application site. Given that the extension would be located on ground level slightly lower than the neighbour at No. 2 Perrin Avenue, most, if not all of the 1.75 metre side wall would be hidden by the existing boundary fence, a separation distance of approximately 11 metres and the fact that the new roof would slope away from the boundary at the same pitch as the existing would mean that the extension could not be considered to be visually intrusive or have an adverse effect on the amenity or light currently enjoyed by the neighbours. This coupled with the fact that No. 2 Perrin Avenue and No. 152 Sutton Park Road are located to the south west of the site would mean that very little overshadowing would occur.
- 4.5 Policy CP11 of the Adopted Core Strategy relates to quality design and local distinctiveness and states that new development should sensitively connect to the surrounding streets, spaces and communities. Buildings should be well designed to complement the layout through the appropriate use of scale, mass, proportions and materials.

15/0447/FULL

- 4.6 The adopted Supplementary Planning Document on Design Guidance includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene
- 4.7 Policy SAL.UP8 of the Site Allocations and Policies Local Plan requires that residential extensions should be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. Whilst it is acknowledged that the height of the extension would be 5.1metres at the top of the roof slope in order to accommodate the fully glazed rear elevation and the side elevation of the extension would be located within 1 metre of the boundary with the neighbouring property, the distance between the side elevation of the new extension and the rear windows of the adjacent property at No. 2 Perrin Avenue is almost 11 metres and therefore it is unlikely that the extension would have a serious adverse effect on the amenity of the immediate neighbour or be viewed as an incongruous feature. The roof of the extension would be lower than the main ridgeline of the dwelling, the materials proposed in its construction would match the existing dwelling and as such it would be considered to be in compliance with the Policies of the Adopted Core Strategy, Adopted Site Allocations and Polices Local Plan and Design Guidance in terms of its visual appearance.
- 4.8 As the property is located in an urban area and the extension would be located to the rear in order to minimise its impact it would be considered to be in scale and character with the original and not overwhelm it. There are no 45 degree code implications in this case.

5.0 Conclusions and Recommendations

- 5.1 The proposed extension is considered to be of an appropriate scale and design to the main dwelling and would not have any adverse effects. The impact of the extension upon the neighbouring property has been carefully assessed and it is considered that there will be no undue impact upon their amenity. For these reasons the proposal is considered to be in accordance with the policies listed above.
- 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. B6 (External details – approved plan)



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**3 Perrin Avenue
Kidderminster, DY11 6LL**

Date:- 06 October 2015

Scale:- 1:1250

OS Sheet:- SO8175NE

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



Application Reference: 15/9023/NMA **Date Received:** 10/08/2015
Ord Sheet: 382930 277190 **Expiry Date:** 07/09/2015
Case Officer: James Houghton **Ward:** Broadwaters

Proposal: Non-Material Amendment to Planning Permission 11/0163/FULL
 (Alter external finish of Plot 155 from painted render to brick finish)

Site Address: KEEPERS LOCK, CLENSMORE STREET, KIDDERMINSTER,
 DY102GA

Applicant: Bellway Homes West Midlands

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|---|--|
| Summary of Policy | CP11 (CS) SAL.UP7 (SAAPLP) |
| Reason for Referral to Committee | Third party has registered to speak at Committee |
| Recommendation | APPROVAL |

1.0 Site Location and Description

- 1.1 Permission was granted, through application 11/0163/FULL, for the construction of 223 dwellings and associated roadworks and landscaping (following demolition of existing buildings) at the site formerly occupied by the Churchfields Business Park off Clensmore Street, Kidderminster. This development is known as Keepers Lock.
- 1.2 This application relates specifically to Plot 155 of the Keepers Lock development which is positioned on the north east of a cross roads formed by parts of Butler Best Way.
- 1.3 The applicant seeks approval for a non-material amendment to application 11/0163/FULL to alter the finishing materials on the dwelling on Plot 155 from painted render to facing brick.

2.0 Planning History

- 2.1 11/0163/FULL - Construction of 223 dwellings and associated roadworks and landscaping (following demolition of existing buildings) : Approved 07/12/11.

15/9023/NMA

3.0 Consultations and Representations

- 3.1 Neighbour/Site Notice – Responses have been received from the occupant of a nearby property objecting to the alternate finish on several grounds. These reasons include:
- The change in external finish would have a detrimental impact on the symmetrical design approved through application 11/0163/FULL;
 - The originally approved design would assist with night time security on a poorly lit corner;
 - Concern that Plot no. 59, finished in painted render, would appear “odd” on this junction;
 - The developer has provided no justification for the application;
 - The use of brick pavers on the roads adjacent to the site would, along with a change on finish, result in “too much brick” in this area; and
 - A render finish could be applied over the facing brick currently being used in the construction of the dwelling on Plot 155.

4.0 Officer Comments

- 4.1 The applicant seeks approval for an alteration in the materials utilised in the finish of Plot 155 of the Keepers Lock development. Originally a painted render finish had been approved through application 11/0163/FULL, it is intended to replace this finish with facing brick (specifically Ibstock Mercia Weathered Orange Multi). It is not proposed to change the house type on this plot.
- 4.2 The brick proposed has been approved to be utilised on twenty five of the properties built on this site. Of these twenty five brick built dwellings one is to be fully rendered and four partially rendered. The majority of those properties on which the proposed brick is to be utilised are clustered around the application site (Plot 155).
- 4.3 Painted render is proposed to be used on fifty six of the properties across the development, three of those properties are to be fully rendered and the rest partially rendered or with a render detail. Those properties to be partially or wholly finished in painted render are scattered throughout the Keepers Lock development with no obvious pattern of distribution.
- 4.4 Given the use of materials across the entire development and the unsystematic distribution of render detail or finish there is no clear rhythmic pattern across Keepers Lock. On this basis it is not considered that the substitution of a fully rendered property for a building of the same type finished in a brick, which matches those found within the immediate area, would have any significant or detrimental impact on the street scene, the character of the area or the concept employed in the overall design of this development.

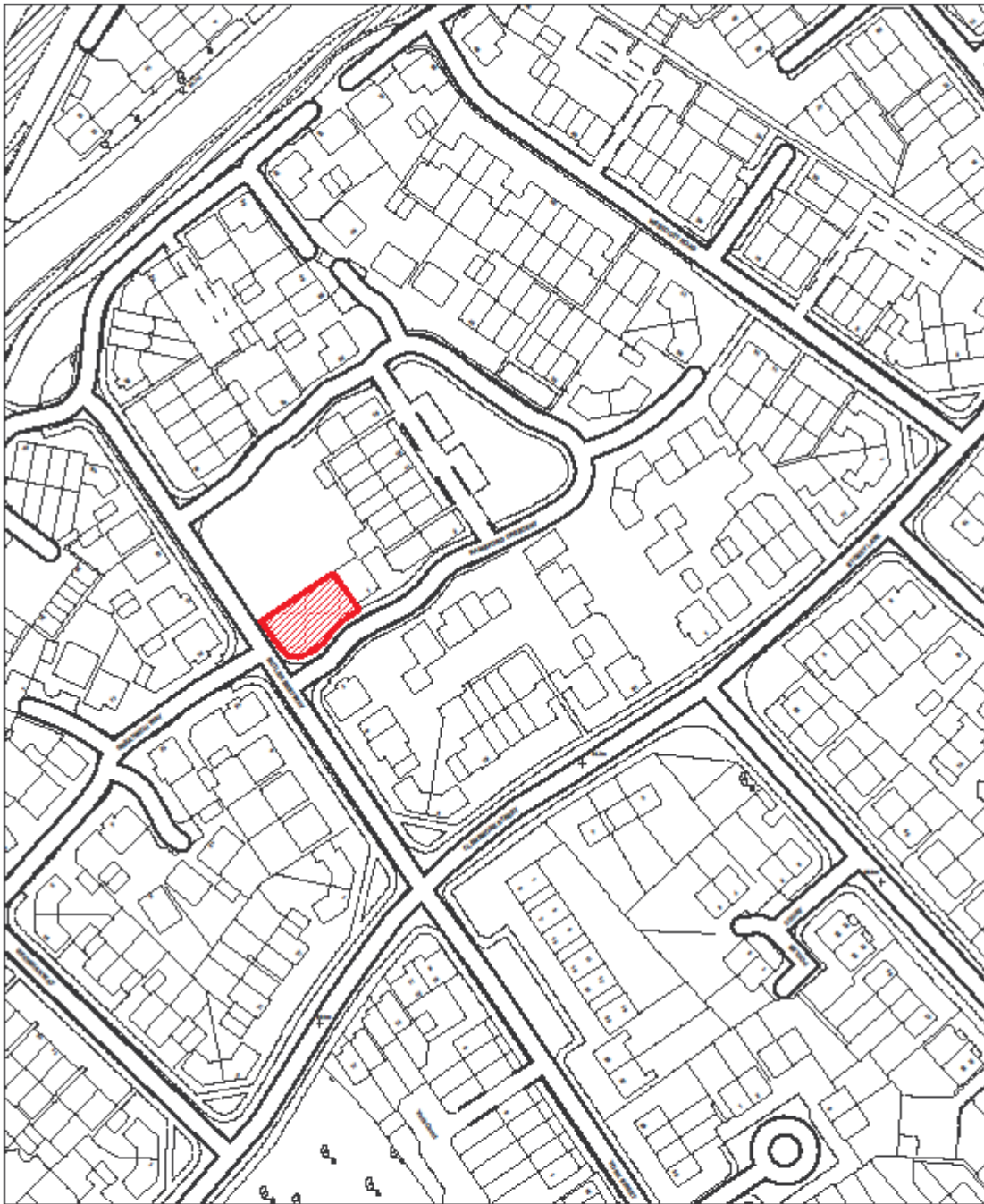
15/9023/NMA

5.0 Conclusions and Recommendations

- 5.1 The proposed brick would match the finish utilised on other properties on this development and as such would be considered appropriate. The alternate finish would not appear atypical or incongruous in this location, the omission of a painted render finished property would have no significant impact on the character of the area or the street scene. As such the change in finish proposed at Plot 155 is considered to accord with the requirements of Policy CP11 of the Adopted Wyre Forest District Core Strategy and Policy SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.2 It is recommended that the application for a non-material amendment is **APPROVED**.

PLANNING COMMITTEE

15/9023/NMA



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Keepers Lock, Clensmore Street
Kidderminster, DY10 2GA**

Date:- 07 October 2015

Scale:- 1:1250

OS sheet:- S08377SW

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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
20TH OCTOBER 2015

PART B

| | | | |
|-------------------------------|--------------------------|-----------------------|----------------|
| Application Reference: | 15/0420/ADVE | Date Received: | 22/07/2015 |
| Ord Sheet: | 378597 275351 | Expiry Date: | 16/09/2015 |
| Case Officer: | Julia McKenzie- Watts | Ward: | Bewdley & Rock |

Proposal: Replacement of fascia sign

Site Address: 62 LOAD STREET, BEWDLEY, DY122AP

Applicant: Mrs E Jarmin

| | |
|---|---|
| Summary of Policy | CP11 (CS) SAL.UP7, SAL.UP10 (SAAPLP) Section 7 (NPPF) National Planning Practice Guidance (NPPG) – Advertisements |
| Reason for Referral to Committee | Statutory or non-statutory Consultee has objected and the application is recommended for approval |
| Recommendation | APPROVAL |

1.0 Site Location and Description

- 1.1 Number 62 Load Street is currently occupied by the Sue Ryder charity. It is a Grade II Listed property located within the Bewdley Conservation Area.
- 1.2 The current application is for the replacement of the front fascia at the property in order to update the current shop sign wording.

2.0 Planning History

- 2.1 WF/0104/99 - Conversion with alterations of second and third floors to create two additional flats : Approved 1/4/00
- 2.2 WF/0105/99 LBC - Conversion with alterations of second and third floors to create two additional flats : Approved 1/4/00

15/0420/ADVE

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objection to the proposal and recommend refusal on the grounds that this shop sits within the Conservation Area as well as the main thoroughfare of Bewdley and the Town Council strongly discourage fascias which conflict with the character of the town.
- 3.2 Conservation Officer – The shop front at 62 Load Street is one of a pair of late Victorian or Edwardian plastered shop fronts and these are possibly the best preserved of all the historic shop fronts in the Bewdley Conservation Area, retaining most of their original features and working blinds.

Number 62 Load Street is a designated heritage asset, listed Grade II on 22/04/1950.

The present shop fascia sign appears to be constructed from a thin sheet of acrylic mounted onto a timber base, whereas the fascia sign on the neighbouring shop front appears to be a slim profile metal box construction with applied graphics.

The proposed sign almost exactly replicates that on the neighbouring shop front which also forms part of the listed building and complies with Policy SAL.UP10 2 i)-v). The special interest of the shop front will remain unaffected and there are no proposed alterations to the sub-structure or architectural features.

- 3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The application proposes the replacement of the current shop fascia. At present the fascia signage is acrylic with dark, light blue with white writing on a wooden board, The new sign would be folded aluminium wrapped with a digitally printed vinyl which would be mainly white with light and dark blue elements, white writing and a additional sentence ‘incredible hospice and neurological care’ in navy writing’. The sign would measure 2.7m in height and 3.0m in width. No illumination is proposed.
- 4.2 The Adopted Wyre Forest Site Allocations and Policies Local Plan contains Policy SAL.UP10 which deals with advertisements in heritage areas. In particular, section 2 of the policy on Heritage Assets states that:

“Proposals for advertisements within or adjacent to Heritage Assets must:

- i. Conserve the significance of a building, monument, site, place, area or landscape, including its setting.*
- ii. Avoid the use of internally illuminated signage, or comprise individually illuminated letters.*

15/0420/ADVE

- iii. *Avoid the use of non-traditional materials such as PVC, perspex and illuminated box fascias.*
- iv. *Reflect the traditional signage of the area.*
- v. *Be in scale and proportion with the building on which they are displayed”*

4.3 The National Planning Policy Framework sets out the Government’s approach to the control of advertisements at paragraph 67, stating:

“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.

Further guidance is found within the Advertisements section of the National Planning Practice Guidance.

4.4 The signage to the building has been carefully considered and is found to be in compliance with Policy SAL.UP10. The proposed sign almost exactly replicates that on the neighbouring shop front which also forms part of the listed building and as such the special interest of the shop front will remain unaffected.

4.5 Whilst it is acknowledged that an objection has been received from the Town Council, the Council’s Conservation Officer advises that the works proposed are acceptable and in compliance with policy. I agree with this view and conclude that the signage scheme for the building will not adversely affect the heritage asset or the character and appearance of adjacent heritage assets or the Conservation Area.

5.0 Conclusions and Recommendations

5.1 It is considered that the proposed fascia sign is acceptable and in accordance with the relevant Local Plan policy as it will not harm the Listed Building itself nor the wider Bewdley Conservation Area.

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

- 1. L1 (Standard advertisement conditions)
- 2. L2 (Removal of rights to advertise)
- 3. L9 (Standard time)

Note
Identification of drawings

| | | | |
|-------------------------------|---------------|-----------------------|------------|
| Application Reference: | 15/0426/FULL | Date Received: | 05/08/2015 |
| Ord Sheet: | 381148 273646 | Expiry Date: | 30/09/2015 |
| Case Officer: | Emma Anning | Ward: | Lickhill |

Proposal: Extensions to rear to form Entrance, Lobby, Lounge and Offices with extension to Gents Toilets

Site Address: BURLISH PARK GOLF CLUB LTD, ZORTECH AVENUE, KIDDERMINSTER, DY11 7DY

Applicant: BURLISH PARK GOLF CLUB LTD

| | |
|---|--|
| Summary of Policy | CP03, CP07, CP11, CP12 (CS) SAL.CC2, SAL.UP1, SAL.UP5, SAL.UP7, SAL.UP8 (SAAPLP) Sections 7, 9, 11 (NPPF) |
| Reason for Referral to Committee | The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council |
| Recommendation | APPROVAL |

1.0 Site Location and Description

- 1.1 Burlish Park Golf Club is located off the main Stourport Road, between Kidderminster and Bewdley. The site measures 55.4 hectares and was granted outline consent as a golf course in 1992. Subsequent applications have seen the site altered and improved to provide an 18-hole course with a club house.

- 1.2 The site is washed over by Green Belt and is identified on the Adopted Local Plan Proposals map as being within Minster Road Outdoor Sports Area. Burlish Top Nature Reserve, a Special Wildlife Site, sits to the north-east of the application site. There are several pathways which run across the site as well as two formal public rights of way to the north.

2.0 Planning History

- 2.1 WF/0182/93 - 18 hole golf course, practice area and academy course : Approved

- 2.2 WF/0815/94 - Demolition of existing buildings, erection of golf club house, car parking : Approved

- 2.3 WF/0887/94 - Use of land for siting of portable building for use as changing room : Approved

15/0426/FULL

- 2.4 12/0779/FULL - Extensions to form lounge/rear entrance and toilets with rest room over to existing club house : Approved
- 2.5 12/0739/FULL - Remodelling of golf course : Approved
- 2.6 15/0013/S73 - 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) : Refused (appeal pending)

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection and recommend approval
- 3.2 North Worcestershire Water Management - No objection
- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Planning permission is sought for extensions to the rear of the existing clubhouse to form entrance, lobby, lounge and offices and a modest extension to the existing gents toilets.

PROPOSAL

- 4.2 A similar application was presented to the Planning Committee in 2012 for 'Extensions to form lounge/rear entrance and toilets with rest room over to existing club house' and was approved. No part of this consent has yet been implemented and on that basis it is extant until 21st February 2016. This application seeks for extensions which would be comparable to those already approved in terms of the floorspace proposed. The most notable changes are to the footprint. In 2012 it was proposed to add extensions which would have resulted in a 'U' shaped building with an enclosed, central courtyard area to the rear. The current plans show that the required floorspace (similar to that already approved) could be more suitably arranged through the addition of single storey rear and side extensions.

15/0426/FULL

PRINCIPLE OF DEVELOPMENT

- 4.3 Being washed over by Green Belt, the appropriateness of development on this site is controlled by national and local Green Belt policy which defines the types of development which are considered appropriate. The National Planning Policy Framework (NPPF) allows for the construction of extensions to a building provided that the extensions would not result in disproportionate additions over and above the size of the original building. The NPPF also cites new buildings required for appropriate facilities for outdoor sport or recreation as being appropriate development in the Green Belt. The policies of the local development framework mirror this approach.
- 4.4 The planning history of the site reveals that the club-house building was approved in 1994 following the demolition of a number of former farm buildings which proved unsuitable for conversion. The then development plan policy allowed for the replacement of those former rural buildings with the club house as it stands today. Given that the current proposal is comparable in size to extensions already approved on this site and which were deemed to be in accordance with the same policies of the development plan which apply at present then I am satisfied that the principle of the development accords with both national and local planning policy.

SCALE, SITING AND DESIGN

- 4.5 The extensions proposed are similar in footprint to those approved in 2012, which amounted to a 52% increase in the footprint of the building over and above the size of the original and they would be sited to the side and rear of the building. The siting of the extensions to the side and rear would allow the main front entrance of the building to retain its visual dominance and they would not therefore overwhelm the building on the front elevation. From the side and rear the proposed extension would be significantly smaller in scale than those already approved and as such would serve as a betterment to overall openness compared with the extant consent.
- 4.6 The proposed extensions have been designed to harmonise with the existing club house through the use of matching materials and architectural styles, which will further allow the additions to sit comfortably against the host property. For the reasons set out above I am satisfied that the proposed scale, siting and design of the extensions are acceptable as they will allow the original building to retain its visual dominance and would not result in harm being caused to the visual amenity or openness of the Green Belt.

15/0426/FULL

ACCESS AND PARKING

- 4.7 The application site is accessed off Zortech Avenue along a private driveway which leads up to the club house and car park. The golf club is undertaking a considerable amount of improvement works, including alterations to the course (application 12/0739/FULL); as such the large car park area to the rear of the club house is not surfaced or formally laid out. There is, however, considerable space for vehicles to park. The plan submitted with this application suggests that the existing approved capacity is approximately 180 spaces, although no provision is made for spaces for disabled persons. The proposed plan shows this number reduced to 174 which include ten spaces for disabled persons. Worcestershire County Council, as the Highway Authority, were consulted on the former application and raised no objections. Given that the scheme hereby proposed is not markedly different to that approved in 2012 and being mindful that there were no objections on highways grounds at that time, I consider the proposal to accord with the required car parking standards and that the proposal would not give rise to a situation which would be detrimental to highway safety. A condition requiring the car parking provision to be provided prior to the first use of the development hereby approved is considered reasonable to ensure that an adequate supply of car parking is provided.

ECOLOGY & BIODIVERSITY

- 4.8 Despite the close proximity of the golf course to the adjacent nature reserve, the development proposed would take place well within the golf club site and is not therefore likely to have an impact on the reserve. The proposed extensions are not likely to cause harm to ecology or biodiversity.

OTHER MATTERS

- 4.9 Given that it would not be possible to construct the proposed extensions and those extant under planning permission 12/0779/FULL then I am satisfied that there is no reason to seek a unilateral undertaking to revoke the extant permission in this instance.

5.0 Conclusions and Recommendations

- 5.1 The proposal accords with the relevant Development Plan policies listed above and 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. B3 (Finishing materials to match)
4. Car parking to be provided prior to first occupation

| | | | |
|-------------------------------|---------------|-----------------------|----------------|
| Application Reference: | 15/0480/FULL | Date Received: | 26/08/2015 |
| Ord Sheet: | 378084 273902 | Expiry Date: | 21/10/2015 |
| Case Officer: | Paul Round | Ward: | Bewdley & Rock |

Proposal: Replacement dwelling and detached 3 car garage

Site Address: THE BEECHES, RIBBESFORD, BEWDLEY, DY122TR

Applicant: Mr and Mrs Weaver

| | |
|---|---|
| Summary of Policy | DS04, CP01, CP02, CP03, CP11, CP12 (CS) SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP7 (SAAPLP) |
| Reason for Referral to Committee | Application involving proposed Section 106 obligation |
| Recommendation | DELEGATED APPROVAL subject to Section 106 Agreement |

1.0 Site Location and Description

- 1.1 The application site lies within the open countryside, situated on the Heightington Road between Bewdley and Ribbesford. The site previously occupied a minimally extended detached property which was demolished following fire damage.

- 1.2 The site is within an area classified in the Worcestershire County Council 'Landscape Character Assessment' as being part of 'Timbered Plateau Farmlands', and adjacent to 'Principal Wooded Hills' to the south east., and is also on the edge the Ribbesford Wood Local Wildlife Site and adjacent to a public footpath.

- 1.3 Planning permission was initially granted in 2006 for a replacement dwelling on the site. Over subsequent years there have been various applications for renewals and modifications, the latest being in 2014. The current proposal is a further application for a replacement dwelling with detached garage.

2.0 Planning History (of relevance)

- 2.1 06/0927/FULL – Replacement Dwelling : Approved 02.11.06

- 2.2 08/0192FULL – Replacement Dwelling (change of house type) : Approved 21.05.2008

- 2.3 11/0246/FULL – Replacement Dwelling (renewal) : Approved 16.06.2011

- 2.4 14/0259/FULL – Replacement Dwelling : Approved 12.06.2014

15/0480/FULL

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection to the proposal and recommend approval subject to steps being taken to minimise the visual impact of the development on St Leonard’s Parish Church and the local amenity, in order to preserve the local characteristics of the neighbourhood, particularly in relation to its historic, architectural and scenic features.
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Neighbour/Site Notice – 1 comment received - Very concerned about entry/exit from proposed property onto Heightington Road, as it is on a bad bend with unrestricted speed limit.

4.0 Officer Comments

- 4.1 The principle of development has been established through the previous approvals, most recently in 2014, being in accordance with adopted planning policy.
- 4.2 The current application alters the design and position of the new dwelling and includes the provision of a three car garage. The property as proposed shows three bedrooms, one with en-suite, along with a bathroom at first floor, with the ground floor proposing living room, kitchen/dining area, office, den, utility and gym.
- 4.3 The siting of the dwelling has been reviewed by the Applicant in order to achieve the most efficient capture of passive solar gain. The siting as proposed maximises the solar gain potential for the site, providing a high quality energy efficient home whilst minimising the impact upon the character of the landscape and the open nature of the countryside. Due to the isolated nature of the site, there are no other residential properties which could be adversely impacted. The new siting is therefore acceptable.
- 4.4 The design of the property adopts a contemporary design approach which the Applicant’s Agent describes as “reflecting the ‘Bauhaus’ tradition”, which was a German school of design in the early 1900’s which had an emphasis on functional design. The design provides a flat roof two storey dwelling with large overhangs. The walls are shown as a mixture of render, stone cladding and timber cladding and these will be broken up with large areas of glazing and the first floor and roof punctuated by the large overhangs treated in a lead grey coloured roofing system. The garage is single storey and whilst it is detached it is linked via its roof structure to the main property. The design as proposed provides a modern approach which is acceptable in this context being sensitive and appropriate to its surroundings, whilst providing a sustainable building for both now and the future.

15/0480/FULL

- 4.5 The access to the property is gained from the Heightington Road in the same form as the original property, and there are no alterations proposed. The Highway Authority has no objections to the proposed replacement dwelling. The comments received from the neighbour have been noted but, given the proposal is for a replacement dwelling, it is difficult to come to a conclusion that there will be any increased harm to highway safety. On this basis the access to the dwelling is acceptable.
- 4.6 The siting as proposed substantially differs from that approved in 2014, and allows for the possibility of both permissions being implemented. The planning policy framework would not allow two dwellings to be provided on the site. The Applicant has agreed to enter into a Section 106 Agreement to prevent the implementation of both applications. Subject to the completion of the Section 106 Agreement this will give sufficient safeguards to allow the proposal to be acceptable in policy terms.

5.0 Conclusions and Recommendations

- 5.1 The replacement dwelling and detached garage are acceptable in design and position, not impacting on the character and openness of the countryside. The existing access provision is suitable and is acceptable to the Highway Authority. Subject to the signing of a Section 106 Agreement preventing the implementation of the 2014 permission, the proposal is in compliance with the Local Policy Framework.
- 5.2 It is therefore recommended that **delegated APPROVAL** be given subject to:
- a) the signing of a **Section 106 Agreement**; and
 - b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B6 (External details – approved plan)
 - 4. Removal of existing garage / snooker room
 - 5. Levels as per approved drawing
 - 6. Means of enclosure as per approved drawing
 - 7. Access, turning and parking area as per approved drawing

WYRE FOREST DISTRICT COUNCIL

Planning Committee

20 October 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 |
|-------------------------------|---------------------------------|---------------|---|-------------------------------|--|-------------------------------|---|-------------------------|
| 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 | Withdrawn 09/09/2015 |

| 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 |
|-------------------------------|---------------------------------|--------------------|---|-------------------------------|--|-------------------------------|--|-------------------------|
| 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 | | | Dismissed 11/09/2015 |
| 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 | | | |

| 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 |
|-------------------------------|---------------------------------|--|---|-------------------------------|--|-------------------------------|--|----------|
| 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 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 |
|-------------------------------|---------------------------------|---------------------|--|-------------------------------|--|-------------------------------|--|----------|
| WFA1455 14/0548/FULL | APP/R1845/W/1 5/3053080 | CONCEPT FLOORING CO | CONCEPT FLOORING CO 33 HOLMAN STREET KIDDERMINSTER Erection of one bungalow and one detached house on site of 33 Holman Street, Kidderminster, DY11 6QY | WR 15/09/2015 | 20/10/2015 | | | |
| WFA1456 15/0122/FULL | APP/R1845/D/15 /3133366 | Mrs D Taylor | 32 ANTON CLOSE BEWDLEY DY121HX Detached garden store to front of property | WR 24/09/2015 | 29/10/2015 | | | |

Appeal Decision

Site visit made on 8 September 2015

by Joanne Jones BSc(Hons) MA MRTPI

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

Decision date: 11 September 2015

Appeal Ref: APP/R1845/W/15/3030442

Building at Elford's Farm, Heightington, Bewdley, Worcestershire DY12 2XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order required under Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr James Fernihough against the decision of Wyre Forest District Council.
 - The application Ref 15/3015/PNRES, dated 20 February 2015, was refused by notice dated 21 April 2015.
 - The development proposed is the change of use of agricultural building to a dwellinghouse.
-

Decision

1. The appeal is dismissed

Procedural Matters

2. The description of the proposed development as set out above is taken from the planning appeal form and the Council's decision notice as it more concisely defines the proposal. As described, the proposal would involve a change of use of an existing barn to 2 semi-detached residential dwellings by the carrying out of various works of operational development to facilitate its conversion. I have therefore determined the appeal on the basis that it seeks prior approval for development under Class Q.(a) and (b).
3. I have also taken into account the provisions of the consolidated Town and Country Planning General Permitted Development Order (GPDO) which came into force on 15 April 2015¹. However, for the purposes of this appeal the changes primarily relate to nomenclature: for example, an application made under Class MB of the previous GPDO has effect as if it were made under the new Class Q within the consolidated GPDO.

Main Issue

4. Taking into account all that I have seen and read, I consider the main issue in this appeal is whether the appeal building is a suitable candidate for a change of use to a dwelling under the provisions of the GPDO.

¹ S.I. 2015 No 596: The Town and Country Planning (General Permitted Development) (England) Order 2015

Reasons

5. Schedule 2, Part 3, Class Q of the GPDO 2015 sets out that development is classed as permitted development if it consists of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1, and to conditions in paragraph Q.2 setting out the circumstances when an application to the local planning authority for the determination as to whether the prior approval of the authority will be required.
6. In this case, the Council has raised issues in relation to the exclusions in paragraphs Q.1(h) and Q.1(i) and I have no reason to conclude differently in terms of these being the only relevant exclusions for consideration.
7. Turning to Class Q.1(i) of the GPDO 2015. This states that development is not permitted if the development under Class Q(b) would consist of building operations other than: the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
8. At the time of my visit to the appeal site I saw that the appeal building was in a good state of repair. The structure is supported on a steel frame, with corrugated sheeting to the walls and roof and a concrete floor. The submitted details indicate the proposed works include the removal of the sheeting to the roof and its replacement with plastic coated steel cladding. The corrugated sheeting to the walls would also be removed and replaced with rendered and painted block work, with stained timber cladding above. Furthermore, there would be the requirement for new internal walls, first floor and the insertion of windows and doors. Services would also need to be supplied.
9. The Planning Practice Guidance (PPG), at Paragraph 105, provides advice on the interpretation of Class Q. It advises that Class Q assumes that the agricultural building is capable of functioning as a dwelling. It recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. Also, that the right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. It is not the intention of the permitted development right to include the construction of new structural elements for the building.
10. A concerning aspect of this proposal is the lack of information regarding the extent of building works that are required to enable the structure to function as a pair of dwellings. There is no firm evidence to show that the scope of the works envisaged by the appellant would be reasonably necessary or to demonstrate they would not involve new structural elements. For example, even if the existing steel frame would support the new roof and first floor, it is not clear what contribution the proposed new external and internal walls would

make to the structural stability of the building and whether, in practice, they will constitute new structural elements.

11. A further troubling aspect of the proposal is the comprehensive nature of the building works to be undertaken. The scope of the works to facilitate the change of use are so extensive that they cast doubt on the suitability of this building for conversion. As matters stand, it appears to me that they go well beyond the scope of works that could be considered reasonably necessary for the building to function as a pair of dwelling houses.
12. The appellant has cited the approach of other Councils to Prior Approval submissions, namely Torridge and Mid Devon District Councils, who have both produced Guidance Notes in this regard. Both these papers, however, pre-date the PPG advice, updated in March 2015, on building works allowed when changing to residential use. Other decisions in support of the appeal have also been brought to my attention. However, I do not know the circumstances of these decisions or the relevant material considerations. In any event I have determined this appeal on its own merits and therefore these decisions have not affected my conclusion.
13. As such, the proposed works would fail to satisfy the requirements of paragraph Q.1(i) and the PPG. Therefore it would not be permitted development under Class Q of the GPDO.
14. Notwithstanding my finding above, I have also had regard to the second question which relates to whether, in respect of paragraph Q.1(h) of the GPDO, that the development would result in a building or buildings having more than 450 square metres of floor space.
15. The Council contends that the total floor space of the proposed dwellings would equate to approximately 490 square metres. On the other hand, the appellant argues that the Council's calculation is incorrect as their measurements include external walls and the correct figure of residential floor space is approximately 424 square metres. Nevertheless, the appellant has not provided annotated drawings to show the measurements of the proposed development, so that floor space could be calculated. Therefore, I find the evidence provided to me regarding the proposed floor space inconclusive. However, as I am dismissing the appeal for other reasons this matter has not been decisive.

Overall Conclusion

16. For the above reasons, I consider that the proposed development would not be permitted development, due to its failure to comply with Class Q.1(i). Therefore, I conclude that the appeal should be dismissed.

Joanne Jones

INSPECTOR

SECTION 106 OBLIGATION MONITORING

NOTE: THIS LIST IS NOT EXHAUSTIVE BUT DETAILS THE MOST 'CURRENT' OBLIGATIONS, WHICH REQUIRE MONITORING

This list only records applications dating back to 2010 and should Members wish to see records relating to applications before then, they are available on request

| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|--------------------|---|--|---|-----------------------------------|
| 15/0480/FULL | The Beeches Ribbesford Bewdley | <ul style="list-style-type: none"> To prevent the implementation of Planning Permission 11/0246/FULL and/or 14/0259/FULL as well as this permission Demolition of snooker room prior to first occupation | Commencement of development | Draft with applicant's solicitors |
| 15/0429/FULL | Units 1-4 Baldwin Road Stourport on Severn | <ul style="list-style-type: none"> 30% Affordable Housing provision. 3 units (1 x 2 bed and 2 x 3 bed) Public Open Space provision - £7,614.84 | <ul style="list-style-type: none"> Prior to occupation of general market dwellings | Draft with applicant's solicitors |

Agenda Item No. 7

| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|--------------------|--|--|---|---|
| 15/0380/FULL | Kidderminster Market Auctions Comberton Place Kidderminster | <ul style="list-style-type: none"> • Public Open Space contribution - Will be based on the following calculation: <ul style="list-style-type: none"> - Number of childbed spaces : 24 x £21.08 = £2,276.62 • Biodiversity contribution (most likely to be met on site) | <ul style="list-style-type: none"> • Prior to first occupation | |
| 15/0305/OUTL | Site of Former Sion Hill Middle School Sion Hill Kidderminster | <ul style="list-style-type: none"> • Public Open Space : Will be based on the following calculation: <ul style="list-style-type: none"> - Number of childbed spaces – 24 x £20.47 There is 50% for affordable housing units. | <ul style="list-style-type: none"> • Prior to first occupation | Draft agreement with applicant's solicitors |

| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|--------------------|------|---|---|-------------|
| | | <ul style="list-style-type: none"> • Education Contributions : Will be based on the following <ul style="list-style-type: none"> - 1 bed dwelling of any type = £0 - 2 bed house = £2119 - 3 bed house = £2119 - 4+ bed house = £3179 - 2+ bed flats/apartments = £848 - Affordable Housing = £0 (To be payable to one of the following: <ul style="list-style-type: none"> - Wolverley Sebright Primary School - St Oswald's C of E Primary School - Wolverley High School) • Affordable Housing - Total 9 units (19.5%) - 79% / 21.5% in favour of Social Rented <ul style="list-style-type: none"> - 1 bed social rented = 28.5% - 2 bed social rented = 36% - 2 bed shared ownership = 21.5% - 3 bed social rented = 14% <p>Highway Contribution of £22,000 for bus shelters</p> | <ul style="list-style-type: none"> • Prior to first occupation • Prior to occupation of one third of GMD • Commencement of development | |

Agenda Item No. 7

| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|----------------------|--|--|--|---|
| 14/0591/FULL/ OUT | West Midland Safari Park Spring Grove Bewdley | <ul style="list-style-type: none"> • Highway Contribution of £87,000 to provide additional Sunday bus services on Sundays and Bank Holidays routing between Kidderminster Railway Station and Bewdley Town Centre. (This should be paid prior to the commencement of development) | | Draft with applicants solicitors & County Council for approval |
| 14/0358/FULL | Land adjacent 29 Mitton Street Stourport on Severn | <ul style="list-style-type: none"> • Education contribution of £43,656,00 • Public Open Space provision of £6,877.92 (allocation of funds to be confirmed) | <ul style="list-style-type: none"> • First residential occupation • First residential occupation | <p>Agreement signed and completed.</p> <p>Development not commenced</p> |

Agenda Item No. 7

| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|---------------------------|---|--|--|---|
| 14/0105/FULL | Stone Manor Hotel Stone Chaddesley Corbett | <ul style="list-style-type: none"> • Education contribution of £9,810 • Open Space provision of £2,862.72 | <ul style="list-style-type: none"> • Commencement of development • First residential occupation | Agreement signed and completed |
| 14/0056/FULL | Land at Sebright Road Wolverley | <ul style="list-style-type: none"> • Open Space provision of £6,679.68 | <ul style="list-style-type: none"> • First residential occupation | Agreement signed and completed |
| 14/0027/OUTL | Chichester Caravans Vale Road Stourport on Severn | <ul style="list-style-type: none"> • Education Contribution of £48,069 – to be used at Stourport Primary School / Stourport High School • Public Open Space Contribution of £11,450.88 – to be used at Riverside, Stourport • 30% Affordable Housing Provision – 8 units (4 Social Rent / 4 Shared Ownership) 1 No. House and 7 No. Apartments. | <ul style="list-style-type: none"> • First residential occupation • First residential occupation | <p>Agreement signed and completed.</p> <p>No commencement on site</p> |

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| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|---------------------------|---|---|--|--|
| 13/0657/FULL | Former Garage Site Off Orchard Close Rock | <ul style="list-style-type: none"> • Open Space provision of £1,908.48 | <ul style="list-style-type: none"> • First residential occupation | Agreement signed and completed |
| 13/0645/FULL | Land adjacent to Upton Road Kidderminster | <ul style="list-style-type: none"> • Open Space provision of £2,385.60 | <ul style="list-style-type: none"> • First residential occupation | <p>Agreement signed and completed.</p> <p>Triggers not reached to date</p> |
| 13/0574/FULL | 17-26 Vicar Street Kidderminster | <ul style="list-style-type: none"> • Education Contribution of £2,544 (Foley Park Community Primary School and Baxter College) • Public Open Space Contribution of £1,431.36 to be spent at St Georges Park • Affordable Housing Contribution of £140,000 to be spent across Wyre Forest | | Agreement drafted but unsigned |

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| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|--------------------|---|---|---|---|
| 13/0573/FULL | Coopers Arms Canterbury Road Kidderminster | <ul style="list-style-type: none"> • Education contribution of £12,714 • Open space provision of £4,294.08 | <ul style="list-style-type: none"> • Commencement of development • First residential occupation | Agreement signed and completed |
| 13/0494/FULL | Reilloc Chain Stourport Road Kidderminster | <ul style="list-style-type: none"> • Public Open Space contribution of £13,896 (The agreement should replicate the agreement previously agreed under reference 13/0049/FULL) | <ul style="list-style-type: none"> • First residential occupation | <p>Agreement signed and completed.</p> <p>No occupation to date</p> |
| 13/0465/FULL | Stadium Close Aggborough Kidderminster | <ul style="list-style-type: none"> • Public Open Space contribution of £6,202.56 • Transport contribution – To be confirmed | | Agreement signed and completed |
| 13/0082/FULL | Riverside Building Former Carpets of Worth Site Severn Road Stourport on Severn | <ul style="list-style-type: none"> • Education contribution of £9,810 • Public Open Space contribution of £2,316 • Affordable Housing – 3 no. dwellings | | Draft with applicant's solicitors and remains unsigned |

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| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|--------------------|---|---|-------------------------|--------------------------------|
| 13/0208/FULL | Corner of Castle Road and Park Lane Kidderminster | <ul style="list-style-type: none"> • Education contribution of £16,952 • Highway contribution of £3,660 for Traffic Regulation Order • Public Open Space contribution of £3,816.96 | | Agreement signed and completed |
| 13/0299/FULL | Former Garage Site Bredon Avenue Kidderminster | <ul style="list-style-type: none"> • Public Open Space contribution of £1,192.80 | | Agreement signed and completed |
| 13/0282/FULL | Stone Manor Hotel Stone Chaddesley Corbett | <ul style="list-style-type: none"> • Education contribution of £24,525 • Public Open Space contribution of £4,771.20 | | Agreement signed and completed |
| 13/0186/FULL | Former Sutton Arms Sutton Park Road | <ul style="list-style-type: none"> • Variation to education contributions | | Agreement signed and completed |

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| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|---------------------------|---|---|--------------------------------|--------------------------------|
| 13/0193/FULL | 78 Mill Street Kidderminster | <ul style="list-style-type: none"> • Education contribution of £12,714 • Public Open Space contribution of £1,908.48 • Affordable Housing – at 30% resulting in 4 no. of the 13 no. Units being for affordable housing | | Agreement signed and completed |
| 13/0049/FULL | Reilloc Chain Stourport Road Kidderminster | <ul style="list-style-type: none"> • Public Open Space Contribution of £13,896 • Affordable housing | | Agreement signed and completed |
| 12/0321/FULL | Unit 2 Greenacres Lane Bewdley | Provision of a dry access across third party land (two plots) | | Agreement signed and completed |
| 12/0507/FULL | Land off Clensmore Street Churchfields Kidderminster | Supplemental agreement to confirm the terms of the original apply to the new application | | Agreement signed and completed |
| 12/0690/FULL | 5 and 6 Church Street Kidderminster | <ul style="list-style-type: none"> • Education Contribution of £2,542.80 | | Agreement signed and completed |
| 12/0447/FULL | Six Acres Castle Hill Lane Wolverley | An obligation not to carry out any further work in respect of the planning permission issued under 11/0345/Full | | Awaiting proof of title |

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| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|--------------------|---|---|-----------------------------|--------------------------------|
| 12/0667/FULL | British Red Cross Society Redcross House Park Street Kidderminster | <ul style="list-style-type: none"> • Education contribution of £3,390.40 • Open Space contribution of £2,779.20 | | Agreement signed and completed |
| 12/0644/S106 | Primary Care Centre Hume Street Kidderminster | Variation to allow a Community Transport contribution to replace already agreed public transport contribution | | Draft out for agreement |
| 12/0623/FULL | Land adjacent 7 Hartlebury Road Stourport on Severn | <ul style="list-style-type: none"> • Education contribution of £15,696 • Open Space contribution of £2,316 | | Agreement signed and completed |
| 12/0433/FULL | Caunsall Farm 100 Caunsall Road Caunsall | Revocation of Secretary of State's decision dated 19 March 1979 which allowed a retail shop | | Agreement signed and completed |
| 12/0155/FULL | Land to rear of 10 York Street/ 31 High Street Stourport on Severn | <ul style="list-style-type: none"> • Education contribution of £2,460 • Public Open Space contribution of £1,349.28 | Commencement of development | Draft with applicants |

| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|--------------------|--|---|-------------------------|--------------------------------|
| 12/0146/EIA | Former British Sugar Site Stourport Road Kidderminster | <ul style="list-style-type: none"> (i) a minimum of 12% affordable housing; (ii) £100k towards a MOVA to be installed to increase the capacity at the junction of Stourport Road/Walter Nash Road West; (iii) a minimum of £90k towards maintaining three areas of informal open space (i. the knoll, ii. the informal space to the south of the site, iii. the wooded embankment adjacent to the canal) (iv) up to £35k towards public realm | | Agreement signed and completed |
| 11/0471/FULL | Clent Avenue, Kidderminster | <ul style="list-style-type: none"> • Open space contribution of £2,023.92 | | Agreement signed and completed |

| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|--------------------|--|--|--|--|
| 11/0163/FULL | Churchfields Business Park, Clensmore Street Kidderminster | <ul style="list-style-type: none"> • Affordable housing 22% (49 units – 17 shared ownership / 32 social rented) • Education - £150 000 • AQMA - £29 000 (towards • appropriate traffic management scheme to reduce emissions) • Sustainable Transport - £35 000 (towards refurbishing Limekiln bridge) • Highway Improvements - £284 000 (as indicated in Churchfields Masterplan including but not limited to improving bus services 9/9a) • Open Space £200 000 | <p>Prior to occupation of one third general market dwellings in phase 1 and 50% in phase 2</p> <p>1st dwelling in phase 1 & 106th in Phase 2</p> <p>Commencement of development</p> <p>Commencement of development</p> <p>1st dwelling in phase 1 & 106th in Phase 2</p> <p>On site: 5 years after landscaping completed & maintained</p> <p>Offsite: 1st dwelling in phase 1 & 106th in Phase 2</p> | <p>Agreement signed and completed.</p> <p>Phase 1 triggers met and payments received</p> |

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| Application Number | Site | Provisions | Triggers for Compliance | Performance |
|---------------------------|---|--|---|--------------------------------|
| 10/0550/FULL | Land adjacent to Sebright Road, Kidderminster | <ul style="list-style-type: none"> • Public open space contribution of £3055.92 • Sustainable transport contribution of £90.00 | Commencement of development | Agreement signed and completed |
| 10/0347/FULL | Hume Street, Kidderminster | <ul style="list-style-type: none"> • Bus Service contribution £58,000 • Highways contribution £22,000 | <ul style="list-style-type: none"> • Commencement of Development • First occupation | Agreement signed and completed |
| 10/0165/FULL | Rear of 78 Mill Street Kidderminster | <ul style="list-style-type: none"> • Education contribution • Public Open Space contribution | <ul style="list-style-type: none"> • First dwelling to be occupied | Agreement signed and completed |