

**Open**

# **Planning Committee**

## **Agenda**

**6pm**  
**Tuesday, 17th November 2015**  
**Council Chamber**  
**Wyre Forest House**  
**Finepoint Way**  
**Kidderminster**



## Planning Committee

### Members of Committee:

Chairman: Councillor S J Williams  
Vice-Chairman: Councillor G C Yarranton

Councillor J Aston	Councillor S J M Clee
Councillor J Greener	Councillor J A Hart
Councillor M J Hart	Councillor D Little
Councillor F M Oborski MBE	Councillor M Rayner
Councillor C Rogers	Councillor J A Shaw

### Information for Members of the Public:-

**Part I** of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

**Part II** of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

**Delegation** - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

### Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Lynette Cadwallader, Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732729 or email [lynette.cadwallader@wyreforestdc.gov.uk](mailto: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.

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

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

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

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

## NOTES

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

Wyre Forest District Council

Planning Committee

Tuesday, 17th November 2015

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  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.	<b>Declarations of Interests by Members</b>  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.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 20th October 2015.	7
5.	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	<b>Planning and Related Appeals</b>  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.	68
7.	<b>Land at 8 Bala Close, Stourport on Severn DY13 8JJ</b>  To receive a report from the Director of Economic Prosperity and Place regarding a Tree Preservation Order No 395 relating to a tree on Land at 8 Bala Close.	71

8.	<b>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.</b>	
9.	<p><b>Exclusion of the Press and Public</b></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

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,  
KIDDERMINSTER

20TH OCTOBER 2015 (6.00PM)

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**Present:**

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

**Observers:**

There were no members present as observers.

**PL. 26 Apologies for Absence**

Apologies for absence were received from Councillor J A Hart.

**PL. 27 Appointment of Substitutes**

Councillor I Hardiman was appointed as a substitute for Councillor J A Hart.

**PL. 28 Declarations of Interests by Members**

There were no declarations of interest.

**PL. 29 Minutes**

**Decision: The minutes of the meeting held on 15th September 2015 be confirmed as a correct record and signed by the Chairman.**

**PL. 30 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 536 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 536 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. 31 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. 32 Section 106 Obligation Monitoring**

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

**Decision: The details be noted.**

**PL. 33 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.**

Councillor M Hart left the meeting at this point (19.02 pm)

**PL. 34 New Enforcement Case**

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

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

**PL.35 Enforcement Matters**

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

**Decision: The information be noted.**

There being no further business, the meeting ended at 19.10 pm



**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

20<sup>th</sup> October 2015 Schedule 536 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.

<b>Application Reference 15/0380/FULL</b>
<b>Site Address: KIDDERMINSTER MARKET AUCTIONS, COMBERTON PLACE, KIDDERMINSTER</b>
<b>DELEGATED APPROVAL</b> subject to: <ul style="list-style-type: none"> <li>a) the signing of a Section 106 Agreement; and</li> <li>b) the following conditions: <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters)</li> <li>2. A11 (Approved plans)</li> <li>3. Materials – to be agreed</li> <li>4. Details of bin stores</li> <li>5. Fencing/railings details to be provided (including proposed finish)</li> <li>6. Highways conditions (as suggested by the Highway Authority)</li> <li>7. Landscaping (type and management plan)</li> <li>8. Bat boxes to be provided</li> <li>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</li> <li>10. SuDS maintenance schedule to be agreed</li> <li>11. Noise mitigation as set out in the noise report to be adhered to in full</li> <li>12. Cycle parking</li> <li>13. Details of revised access road to be submitted</li> <li>14. Use of dwellings for Affordable Housing</li> <li>15. Full scheme of historic building recording to be carried out and submitted to the Local Planning Authority</li> </ol> </li> </ul>

<b>Application Reference 15/0447/FULL</b>
<b>Site Address: 3 PERRIN AVENUE, KIDDERMINSTER, DY11 6LL</b>
Application <b>deferred</b> for a site visit

**Application Reference 15/9023/NMA**

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

**APPROVED**

**Application Reference 15/0420/ADVE**

**Site Address: 62 LOAD STREET, BEWDLEY, DY12 2AP**

**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**

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

**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**

**Site Address: THE BEECHES, RIBBESFORD, BEWDLEY, DY12 2TR**

Application **deferred** for a site visit

Councillor M Hart left the meeting at this point (7.02 pm)

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**17/11/2015**

**PART A Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
15/0352/FULL	SILVERWOODS WAY STOURPORT ROAD KIDDERMINSTER	APPROVAL	12
15/0447/FULL	3 PERRIN AVENUE KIDDERMINSTER	APPROVAL	34
15/0452/FULL	GRAZINGS CHURCHILL KIDDERMINSTER	APPROVAL	39
15/0480/FULL	THE BEECHES RIBBESFORD BEWDLEY	DELEGATED APPROVAL	51

**PART B Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
15/0547/LIST	BEWDLEY MUSEUM LOAD STREET BEWDLEY	APPROVAL	58
15/0582/FULL	STONE MANOR HOTEL STONE HILL STONE KIDDERMINSTER	APPROVAL	61

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**17<sup>TH</sup> NOVEMBER 2015**

**PART A**

<b>Application Reference:</b>	15/0352/FULL	<b>Date Received:</b>	22/06/2015
<b>Ord Sheet:</b>	382229 274645	<b>Expiry Date:</b>	21/09/2015
<b>Case Officer:</b>	John Baggott	<b>Ward:</b>	Foley Park & Hoobrook

**Proposal:** New A1 class food retail store with associated car parking and landscaping

**Site Address:** SILVERWOODS WAY, STOURPORT ROAD,  
KIDDERMINSTER, DY11 7BW

**Applicant:** Aldi Stores Limited

<b>Summary of Policy</b>	DS01, DS02, DS05, CP01, CP02, CP03, CP07, CP08, CP09, CP11, (CS) SAL.PFSD1, SAL.GPB1, SAL.GPB2, SAL. CC1, SAL.CC2, SAL.CC3, SAL.CC7, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.SK1, SAL.SK2 (SAAPLP) Re-Wyre Prospectus Sections 2, 4, 7, 8, 10, 11, 12 (NPPF) Ensuring the vitality of town centres (NPPG) Design Guidance SPD.
<b>Reason for Referral to Committee</b>	'Major' planning application. Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application site has an area of approximately 0.8 hectares and is located to the front (i.e. facing onto Stourport Road) of the Former British Sugar Site, which has been re-branded as 'Silverwoods' and covers an area of over 27 hectares extending from the Stourport Road to the west to the Staffordshire and Worcestershire Canal to the east.
- 1.2 Following the closure of the British Sugar site in 2002, the wider Silverwoods site has been the subject of a series of reserved matters planning applications following outline approval for Phase 1 in 2012 (Ref. 12/0146/EIA). The outline consent permitted a range of uses, including retail, hotel and leisure uses, and up to 250 dwellings.

15/0352/FULL

- 1.3 As already stated, the current application site is located to the front of the overall Silverwoods site. Somewhat unusually the site is bounded on all 4 sides by vehicular highway. Immediately to the north lies Young Close, which features 7 dwelling houses facing directly towards the application site (constructed by Bovis Homes under the reserved matters permission 13/0111/RESE). To the east, accessed via the traffic island on Silverwoods Way (which forms phase 1 of the Hoobrook Link Road) is Felix Baxter Way, which serves the wider residential development (by both Bovis Homes and Taylor Wimpey, as well as the Extra Care Facility currently under construction) beyond the junction with Young Close. To the south, is the aforementioned Silverwoods Way, and to the west lies the A451 Stourport Road.
- 1.4 The site equates to site DEV A(i) as indicated on the original "Phasing Plan" which accompanied, and was approved under, the Outline planning permission granted in respect of Phase 1 of the redevelopment of the former British sugar (now Silverwoods) site (ref: 12/0146/EIA).

## **2.0 Planning History**

- 2.1 12/0146/EIA (Outline) – Redevelopment of the former British Sugar factory (phase 1), including access and Phase 1 link road with all other matters reserved comprising: demolition of any remaining structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (classes B1, B2 and B8); retail development (class A1); restaurant/cafe/drinking establishment/hot food take away (classes A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into the site, ancillary roads, footpaths and cycleways; and, open space.  
: Approved 01.12.12.
- 2.2 Various Reserved Matters applications for differing phases of residential dwellings (Taylor Wimpey and Bovis Homes); Extra Care and Adults with Learning Difficulties residential units; (in line with Outline permission), on surrounding or nearby areas of the overall former British Sugar site.
- 2.3 13/0579/WCCR – Phase 2 of the development of Hoobrook Link Road (which will complete the link from the A451 Stourport Road to the A442 Worcester Road) – No Objection response (17/01/14) to 13/000060/REG 3 - County Council application : Approved by the County Council 11.02.14.

## **3.0 Consultations and Representations**

- 3.1 Highway Authority – No objection, subject to suitable conditions.
- 3.2 Severn Trent Water – No objection, subject to suitable conditions.

15/0352/FULL

- 3.3 Worcestershire Regulatory Services – No objection in respect of Noise; Lighting; Air Quality; and, Contaminated Land, subject to suitable conditions, which should include a restriction on deliveries to between 06:30 and 22:00, as stated within the submitted Noise Impact Assessment, with reduced hours on Sundays to reflect the trading hours.
- 3.4 Arboricultural Officer – No objection, subject to suitable conditions regarding landscaping and future maintenance.
- 3.5 Worcestershire Archive & Archaeology Service – No objection subject to suitable conditions.
- 3.6 Countryside Conservation Officer – No objection subject to suitable conditions regarding landscaping and species to be planted.
- 3.7 Disability Action Wyre Forest (DAWF) – No objection. Very much welcome development supporting the local economy.
- 3.8 North Worcestershire Water Management (NWWM) - This application has a proposed floor space of more than 1000 m<sup>2</sup> 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. The government has for major applications in particular stressed how important it is that a full drainage plan gets submitted with the application, using SuDS unless not feasible, and that the maintenance requirements and the financial arrangements for the required maintenance are clear. As the site will only have one occupier I don't believe that the financial arrangements are too important in this instance.

I understand from the submitted drawing (Z12A83-P004 Rev C) that the proposal is to use a piped system on the site, which will discharge via an attenuation tank to limit the discharge rates leaving the site. I presume that the idea is to limit the discharge leaving the attenuation tank to the rates agreed in the overall drainage strategy for the Silverwoods site, but to my knowledge this has not been made explicit anywhere in the application.

For completeness, I understand the agreed discharge rates are 33 l/s (1 in 5yr), 193 l/s (1 in 30 yr) and 321 l/s (1 in 100 yr + climate change). Up to the 1 in 30 year event all water need to be contained in the drainage system; for the 1 in 100 year situation some ponding is allowed as long as this does not flood any property internally or leave the site via overland flow. Wee would need to see calculations (MicroDrainage or similar) to ensure that the proposed drainage system will function accordingly, either as part of the current application or as part of a future discharge of condition application.

Reviewing the overall strategy for the Silverwood Site it is clear that some sort of SuDS (swales) were envisioned for this plot. The location of these is obviously indicative. I would have expected though that the site would have

15/0352/FULL

some sort of SuDS. Given the green edges/boundaries of the site, the use of swales, filter strips, rain gardens, permeable paving etc could relatively easily been incorporated into the design – and I'm hopeful this can still be done? I am aware that there is a condition regarding not infiltrating, unless further investigations proof that infiltration would not be harmful, but there is a wide range of SuDS that can be used without allowing the water to infiltrate.

- 3.9 Crime Prevention Design Advisor (West Mercia Police) - No objection to this development going ahead. My only concern is regarding the car park and will it become a target for anti-social behaviour. Situated near to a busy main road and at the entrance to the estate. It is a prime location for 'boy racers' to gather when the store is closed. The applicant may want to consider designing the entrance(s) so that they can be gated in the future if required.
- 3.10 Planning Policy Manager - My comments largely relate to the scale and adequacy of the sequential and impact assessment tests as required under the adopted retail planning policies. They also consider the principle of a larger scale retail store on this area of the Silverwoods site which is currently allocated for employment generating uses.

Policy Framework

The Adopted Core Strategy provides the overarching Development Strategy for the District. Policy CP09 identifies Kidderminster as the primary location for new retail development. It stresses the importance of the sequential approach to site selection.

The Adopted Site Allocations and Policies Local Plan – Policy SAL.GPB2 Town Centre Retail introduces the requirement for new retail development of more than 280 sq.m net to undertake a sequential test and demonstrate that if it is out-of-centre, that there will be no significant adverse impact on the overall vitality and viability of the existing centre and that the development is not capable of being located in a sequentially preferable location.

Policy SAL.SK2 (Former British Sugar Site) sets out the site specific policy allocations for the Silverwoods site. It provides for a mixed use development incorporating a significant number of residential units 12 hectares of employment generating uses to include: B1, B2 and B8 development; ancillary commercial uses; community facilities (Class D1); tourism (inc Hotel) and non town centre leisure uses (Use Class D2). This is subject to sequential test.

In addition the policy requires the agreement of a comprehensive master plan for the Silverwoods site. This has since been developed and shows the relevant application site area as allocated for employment generating uses.

Sequential Test

The applicant has informed the District Council that for some time it has been seeking to locate a store within Stourport-on-Severn and that this would be in addition to the proposed store at the Silverwoods site. However, they have had difficulties in finding an appropriate site to meet their specific needs. They have submitted a sequential test for those mixed use sites allocated for Stourport in the Site Allocations and Policies Local Plan. This concluded that

15/0352/FULL

the sites either taken together as a whole, individually or an amalgamation of the former Tan Lane School Site and the former Tesco Store site are not sequentially preferable to the application site by virtue of the fact that they are not suitable, available or viable for the proposed development.

The applicant has stated that they are justified in not including Kidderminster town centre within their sequential test because when identifying new store locations, they try not to encroach too far into the catchment area served by one of their existing stores due to the high potential for cannibalisation of trade. The correct geographical distribution of stores is critical to the success of this business model. Therefore the applicant wishes to retain and extend their existing Kidderminster town centre store and build a new similar sized store serving a materially different population catchment area.

Overall I consider that the policy requirement for the sequential test has been met through the evidence provided in support of the application.

Impact on town centre vitality and viability

Policy SAL.GPB.2 requires an impact assessment on the town centre.

Accordingly the applicants have undertaken a baseline health and impact assessment of both Kidderminster and Stourport-on-Severn Town Centres. I note that this concluded that *“the impacts associated with the proposal are low and represent no threat to the vitality and viability of Kidderminster and Stourport town centres. They represent no threat to investment, with limited competitive overlap between the application proposal and existing convenience goods retailers in the town centres.”*

From a policy requirement perspective I am in general agreement with the findings arising from the impact assessment. I consider that the evidence demonstrates that the assessed impacts are not significantly adverse and that the proposal complies with both the NPPF and Local Planning Policy in this regard.

Employment Generating Uses

As stated above, Policy SAL.SK2 and the associated masterplan allocate the application area for employment generating uses. The Silverwoods site is one of the key development opportunities within the Stourport Road Employment Corridor. The Site Allocations and Policies Local Plan identifies the area as a large development site to provide new industry and employment opportunities, along with the potential for a significant area of residential development.

Retail is not specifically referred to within the policy wording itself although I acknowledge that it does refer to ancillary commercial uses which could incorporate small scale retail proposals to provide support for the residential development on the site.

I disagree with the applicant's assertion that this policy firmly establishes the acceptability of a retail use as constituting an employment generating use. However, I do recognise that National Planning Policy places an emphasis on employment generating uses. The applicant states that it expects the proposal



15/0352/FULL

to contribute around 40 additional jobs to the local economy and therefore I consider that this could be construed as an employment generating use within these particular circumstances.

I also recognise that although the proposal does not represent a small scale ancillary application for retail as set out within the Policy, it nevertheless will help to improve shopping choice for local residents within one of the more deprived wards of Kidderminster. Residents of the nearby Birchen Coppice Housing Estate and the Silverwoods site will have more ready access to groceries and fresh produce.

3.11 Neighbour/Site Notice – A total of 54 individual representations have been received, 48 of those in favour and 6 against.

The grounds for objection are summarised as follows:

- Size of the proposed store is too big and exceeds that originally outlined (Officer comment – this comment appears to relate to the Parameters Assessment Plan and conditions attached to the Outline Planning Permission for the overall site – LPA ref: 12/0146/EIA, which are discussed elsewhere in this report);
- Inappropriate location adjacent to residential dwellings, especially given the proposed position of the loading/deliveries bay;
- Disturbance to residents from night-time deliveries;
- Anti-social use of car park outside trading hours by congregating youths and as a race track;
- Adverse impact of the development upon the existing traffic congestion problems on Stourport Road;
- Location of vehicular entrance and exit points unsuitable and are likely to lead to serious traffic incidents;
- Inadequate landscaping and screening;
- Impact upon outlook and amenity of dwellings in Young Close (to the rear);
- Inappropriate “out-of-town” location;
- Unsuitable form of development at the entrance to a major regeneration site;
- There are better uses for the site;
- Inappropriate commercial development in a residential area;
- Impact on residents due to noise and lighting;
- Impact upon highway safety;
- Inadequate site security;
- There is an existing Aldi store in Kidderminster Town Centre;
- Opening hours of 08:00 to 22:00 are too long and inappropriate in this location;
- Adverse impact upon wildlife, with a lack of enhancements proposed;
- Adverse impact upon the overall quality of life of local residents.

In turn, the grounds for support can be summarised as follows:

- The need for a supermarket in this general location;

15/0352/FULL

- The employment opportunities the development would provide;
- The existing town centre Aldi store is too small and the car park charges are too high;
- The development would serve the local area, where levels of car ownership are relatively reduced;
- Lack of retail stores nearby;
- It would be an asset to the Foley Park area;
- It would reduce the need to travel into Kidderminster town centre.

#### **4.0 Officer Comments**

4.1 The current application has been submitted in “Full”. That is to say that it is not a reserved matters submission, under the original Outline permission for the former British Sugar (now Silverwoods) site, but is a stand alone detailed submission.

4.2 The application seeks permission for an A1 class food retail store with associated car parking and landscaping, and has been accompanied by the following suite of documents, over and above the relevant application forms and plans/drawings:

- Planning Statement;
- Design and Access Statement;
- Statement of Community Involvement;
- Travel Plan;
- Transport Assessment;
- Environmental Noise Survey and Noise Impact Assessment.

4.3 The application proposes the erection of a single storey A1 retail store consisting of 1,1782 sq.m. (GEA – Gross External Area), with a net retail floor space of 1,254 sq.m., along with associated servicing/delivery facilities, located to the north of the application site, along with associated car parking and landscaping.

4.4 In considering the various aspects of this application, the report has been broken down into the following sub-headings:

- Planning Policy;
- Principle of Development;
- The “Sequential Test” and Retail Impact;
- Highways Matters;
- Design and Layout;
- Impact on Residential Amenity (including noise and lighting);
- Other matters (including drainage; flooding; landscaping; biodiversity).

#### **PLANNING POLICY**

4.5 The starting point in planning policy terms must be the National Planning Policy Framework (NPPF). Paragraph 14 of the NPPF states that:

15/0352/FULL

*“At the heart of the National Planning policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”*

Paragraph 14 of the NPPF goes on to clarify that:

*“For decision-taking, this means (unless material considerations indicate otherwise):*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the) Framework taken as a whole; or*
  - *Specific policies in (the) Framework indicate development should be restricted.”*

4.6 Section 2 (paragraphs 23-27) of the NPPF sets out the national policy in respect of retail development proposals, with paragraph 24 confirming that (in line with the superseded PPS4 – Planning for Sustainable Economic Growth) a “Sequential Test” should apply to planning applications for traditional main town centre uses that are proposed “out-of-centre”. The “Sequential Test” is addressed in detail at paragraphs 4.24 to 4.32 of this report.

4.7 Paragraph 26 of the NPPF confirms that when assessing retail proposals located outside of town centres, such as in this case, local planning authorities:

*“... should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m).”*

In this regard, Members are reminded that Policy SAL.GPB2 of the Council’s adopted Site Allocations and Policies Local Plan, identifies a lower threshold, than the default figure within the aforementioned NPPF, of 280 sq.m net floorspace.

4.8 Paragraph 26 of NPPF goes on to state that an impact assessment should assess:

- “the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

15/0352/FULL

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made ....”

With Paragraph 27 of the NPPG making it clear that if an application fails to satisfy the sequential test, or is likely to have an adverse impact on one or more of these factors, then that application should be refused.

- 4.9 The submitted Planning Statement application also incorporates a proportionate Retail Impact Assessment, which is discussed in more detail at paragraphs 4.33 to 4.36 of this report.
- 4.10 Further guidance on the preparation and consideration of Retail Impact Assessments and the “Sequential Test” is found within the National Planning Practice Guidance (NPPG), which provides guidance on matters to be addressed and assessed within such submissions.
- 4.11 The NPPF also provides policy guidance on wider employment matters, with paragraph 22 being pertinent in this case, and which states:

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of the land or buildings should be treated on their merits having regard to market signals and the relative need for different uses to support sustainable local communities”.*

- 4.12 In terms of the Council’s Development Plan, the following policies are considered to be particularly relevant and noteworthy.

Wyre Forest Core Strategy (adopted December 2010)

- 4.13 Policy DS01 - “Development Locations” states that new development will be concentrated on brownfield sites within the urban areas of Kidderminster and Stourport-on-Severn, to include A1 retail uses, such as that proposed. Whilst Policy DS02 - “Kidderminster Regeneration Area” stresses that new development will focus on the regeneration opportunities present on identified brownfield sites, of which the Silverwoods (i.e. the former British Sugar) site is identified as an important (if not the most important) regeneration site within the District. That said, the supporting text at paragraph 5.29 does acknowledge that a mixed use development of the site may be necessary, as has proven to be the case, due to viability issues.
- 4.14 Paragraph 8.5 of the Core Strategy stresses that:

*“The strength of the District’s economy is vital to the future prosperity and quality of life of residents. Economic growth can increase employment opportunities and income and help to regenerate deprived communities.”*

In this regard, Policy CP08 – “A Diverse Local Economy” states that:

15/0352/FULL

*“Major new employment development will be located within the urban area of Kidderminster, particularly within the Stourport Road Employment Corridor ..... Land and premises within the District’s existing employment areas will be reserved for uses which generate employment (B1, B2, B8 use classes).”*

The Policy goes on to stress that development that would result in a loss of employment land will only be considered acceptable where it is demonstrated that, amongst other considerations, that the redevelopment for such employment uses would be unviable and that a proposed alternative use would be compatible with neighbouring uses.

- 4.15 Policy CP09 – “Retail and Commercial Development” calls for the safeguarding, maintenance and enhancement of the vitality and viability of existing retail centres within the District, and states that:

*“In line with the settlement hierarchy and national policy, new development for retail and commercial uses should follow a sequential approach and be directed to Kidderminster town centre, as the strategic centre in the District, in the first instance”.*

Site Allocations and Policies Local Plan (adopted July 2013)

- 4.16 Policy SAL.PFSD1 – “Presumption in Favour of Sustainable Development” re-emphasises the national policy, and in particular Paragraph 14 of the NPPF, as already outlined above.
- 4.17 Of specific relevance to the Silverwoods site, and in turn this application, is Policy SAL.GPB1 – “Employment Land Allocation” which allocates the overall site for economic development as part of a mix of uses. Policy SAL.SK1 “South Kidderminster Enterprise Park” calls for development proposals to:

*“Positively contribute to the economic well-being of the District ...”*

- 4.18 Policy SAL.SK2, entitled “Former British Sugar Site”, sets out the mix of uses that the site could deliver, and states that the overall Silverwoods site should:

*“Provide a mixed use development incorporating a significant number of residential units (C2/C3) (approximately 320 dwellings), and employment generating uses (approximately 12ha) including:*

- *B1, B2 and B8 development*
- *Ancillary commercial uses*
- *Community Facilities (use Class D1)*
- *Tourism (inc. Hotel) and non town centre leisure uses (Use Class D2)*

*Subject to the sequential test and the impact of the proposals being considered and a comprehensive masterplan being agreed.”*

An indicative masterplan is included within the supporting text to the above Policy, but a more detailed masterplan was subsequently submitted, and approved, as part of the Outline planning permission granted under

15/0352/FULL

12/0146/EIA. The relevance of this is discussed in more detail at paragraphs 4.20 to 4.23, below.

- 4.19 Policy SAL.GPB2 – “Town Centre Retail” establishes the extent of the Primary and Secondary Shopping Areas within the District, with reference to the Policies Map. The Policy also refines the sequential approach to site location and states that retail development exceeding 2,500 sq.m. net floorspace should be targeted towards Kidderminster as the strategic centre of the District. Furthermore, the Policy states that:

*“Proposals for new retail development (of more than 280 sq.m. net) ..... will only be permitted where a sequential approach has been followed and it is demonstrated that:*

- i. It is within the Primary Shopping Area.*
- ii. If edge-of-centre, that there will be no significant adverse impact on the overall vitality and viability of the existing centre and that the proposals can not be accommodated within the Primary Shopping Area.*
- iii. If out-of-centre, that there will be no significant adverse impact on the overall vitality and viability of the existing centre and that the development is not capable of being located in a sequentially preferable location.”*

#### PRINCIPLE OF DEVELOPMENT

- 4.20 The Outline planning permission granted under application 12/0146/EIA incorporated the approval of a so-called “Parameters Assessment Plan”, which set out the range of uses which were considered appropriate under each of the Phasing Plan sites across the whole of the Phase 1 Silverwoods development, along with maximum ridge heights for development within each of those phases. In this regard, site DEV A(i) – that is to say the current application site – was identified as being suitable for a range of uses, these being:

- A1 – Retail;
- A3 – Restaurants and Cafes;
- A4 – Drinking establishment (i.e. public house);
- A5 – Hot Food Takeaways;
- B1 – Office/Business;
- C1 – Hotel;
- D1 – non-residential institute (e.g day nursery, consulting rooms, etc).

- 4.21 Clearly this permission predates the adopted of the Site Allocations and Policies Local Plan, the policies contained therein were emerging at the time of the Outline application’s consideration, including the then emerging Policy 32 of the Draft Site Allocations and Policy DPD, which ultimately was adopted as Policy SAL.SK2 of the now adopted Site Allocations and Policies Local Plan, which provided for a mix of uses as outlined at paragraph 4.18, above.

- 4.22 In granting the Outline permission, it should be noted that floorspace restrictions were conditioned in respect of the A1 (retail) and A3, A4, A5 uses,

15/0352/FULL

with Condition 6 of Outline planning permission 12/0146/EIA stipulating floorspace limitations on the A1 and A3, A4 and A5 uses (of 300 sq.m and 557 sq.m. respectively). As such, in-principle planning permission has previously been granted for development, including retail, albeit as part of a potential mixed-use development on this part of the Silverwoods site.

- 4.23 Clearly, however, the current “stand alone” planning applications proposes a single occupier/use, namely A1 retail, and at a floorspace level which exceeds the level previously stipulated within the previous Outline planning permission. That said, it should be noted that the previous threshold of 300 sq.m. floorspace for the then proposed A1 retail was higher than that permitted under the then Local Plan policy (250 sq.m.) and was the subject a “Sequential Test” in respect of this traditional town centre use. The current application has also been the subject of a “Sequential Test”, which is discussed in more detail in the following paragraphs.

#### THE “SEQUENTIAL TEST” AND RETAIL IMPACT

- 4.24 The NPPG provides a useful summary as to what constitutes the “Sequential Test”, and reads as follows:

*“The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.”*

- 4.25 In this instance, it is worth noting that the applicants, Aldi, already has an existing store at Green Street, Kidderminster, which has for sometime been overtrading, especially given its more modest size. The applicants have made it clear that this Green Street store will continue to trade. Furthermore, Members may like to note that a current planning application (15/0468/FULL), which has yet to be determined, proposes a significant extension to that existing store which serves to emphasise the applicant’s commitment to retaining the Green Street store.
- 4.26 The applicants state within their supporting documents that in a District with the population of Wyre Forest, they would ordinarily seek to have 3 identical sized stores to serve discrete population catchments, and it is no particular secret that the applicants have been actively seeking a suitable site within Stourport-on-Severn, in addition to the current application site at Silverwoods, without success to date.
- 4.27 The “Sequential Test” as undertaken by the applicants has concentrated upon alternative sites within Stourport-on-Severn. The applicants, understandably, make the case that it considered sequential site opportunities within Stourport-on-Severn since it would be commercially viable for the applicant to seek to build a store to serve that town. However, no sequential site assessment has

15/0352/FULL

been undertaken in respect of Kidderminster, as it would not make commercial sense for a second store to be built within, or at the edge, of Kidderminster town centre, due to the stores competing against one another within the same customer catchment area, which could have implications for future viability.

- 4.28 In applying the “Sequential Test”, the applicants have stressed the nature of the proposed development – namely a retail development for a discount A1 food-store. In considering potential sequentially preferable sites, the format and scale of development has been considered, as too has any scope for disaggregation of the scheme. Furthermore, a flexible and proportionate approach to the amount of floorspace and associated space (for servicing, car parking, etc) has been adopted.
- 4.29 Furthermore, in considering sites the applicants have applied the “Dundee” principle. The “Dundee” principle emanates from a Supreme Court judgement in March 2012 which related to an appeal by Tesco Stores Limited in Scotland, against a planning permission granted to Asda and MacDonald estates on a site in Dundee. The case considered the application of the “Sequential Test” and the meaning of “suitable” in relation to need and alternative sites, and in the Judgement it was held that “suitable” means *“suitable for the development proposed by the applicant”*, subject to flexibility and realism being shown by the developer.
- 4.30 The “Dundee” principle has been referenced in more recent appeal cases, with the Secretary of State’s appeal decision in June 2014 (LXB RP Rushden Limited) clarifying further when he states that he *“expressly rejected the notion that “suitable” means that one should alter or reduce the proposal so as to fit onto an alternative site”*. This decision also confirms that:
- “if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach”* and that, *“the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site”*.
- 4.31 In considering alternative sites, the applicants have assessed them against the following parameters, Availability; Suitability; and, Viability. The alternative sites considered were:
- Bridge Street, Stourport-on-Severn – This site was discounted as it is too small for the applicants proposed development (i.e. unsuitable); was not available, due to current levels of occupancy on the site; was considered unviable due to the site specific requirements set out within Policy SAL.STC1 the Site Allocations and Policies Local Plan.
  - Tan Lane and County Buildings, Stourport-on-Severn – This is a split site, with the Tan Lane site having recently been granted planning permission for an Extra Care Facility. Furthermore, the site specific Policy SAL.STC2



15/0352/FULL

within the Site Allocations and Policies Local Plan does not allow for A1 retail uses on these sites. The applicants conclude that the site is not available; suitable or viable.

- Swan Hotel and Working Men's Club, Stourport-on-Severn – Again, Local Plan Policy (Policy SAL.STC4) does not favour such a scale of A1 retail in this location. This site is actually larger the applicants would require. The applicants conclude that the site is neither suitable nor viable.

4.32 Officers have considered the “Sequential Test” as submitted and are in agreement with the conclusions contained therein and are therefore satisfied that the policy requirements, both at the national (NPPF and NPPG) and local (Policy CP09 of the Local Plan) levels have been satisfied.

4.33 In terms of the Retail Impact, again the NPPG provides a useful summary as to what this entails and states:

*“The purpose of the test is to ensure that the impact over time (up to five years (ten years for major schemes)) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail. Office and leisure development which are not in accordance with an up to date Local Plan and outside of existing town centres”.*

4.34 The application has been accompanied by a Vitality and Viability Assessment of both Kidderminster and Stourport-on-Severn town centres, which establishes the current state of the towns and the nature of current shopping patterns. A Retail Impact Assessment has also been submitted, in line with the requirements of the NPPF, and in line with the methodology provided by the NPPG. That is to say a 6 step approach has been undertaken which starts with the defining of the catchment area and quantifying of population and spending, and ends with the quantifying of trade diversion (i.e. the impact) and assesses the significance of these impacts.

4.35 The submitted Retail Impact Assessment concludes that:

- The impacts associated with the proposed development in 2020 (i.e. in five years time) would be low and represent no threat to the vitality and viability of Kidderminster and Stourport-on-Severn town centres.
- The proposed development represents no threat or deterrence to investment within the town centres.
- The assessed impacts are not significantly adverse and the proposed development is in compliance with the paragraphs 24 to 27 of the NPPF.

4.36 Officers have fully considered the Retail Impact Assessment and are in agreement with the methodology and findings contained therein, and are satisfied that the assessed impacts on the two town centres are not significantly adverse and as such the proposed development satisfies the requirements of both national (NPPF and NPPG) and local (Site Allocations

15/0352/FULL

and Policies Local plan) planning policy with regard to this out of town retail proposal.

#### HIGHWAYS MATTERS

- 4.37 As highlighted previously, the application has been accompanied by a Transport Assessment and Travel Plan, which have been assessed by County Highways and found to be acceptable, following amendments to the original submission.
- 4.38 Vehicular access into the site is proposed from Felix Baxter Drive, which serves the residential development beyond. This access would serve both customers and delivery vehicles. No exit from this point would be permitted. Rather, the exit from the site, again for both customers and delivery vehicles, would be to the south of the site directly onto Silverwoods Way. This exit would be “left turn only”, so as to avoid the potential for vehicles backing-up into the car park whilst a vehicle tries to turn right towards Stourport Road.
- 4.39 The proposed in/out arrangement described above has been designed in consultation with County Highways, with delivery vehicles “tracked” to ensure that they are able to negotiate the entrance/exit, as well as manoeuvre within the car park, with the minimum of impact upon customer vehicles and the circulation within the car park. The deliveries/servicing bay of the proposed store is located to the west of the store, adjacent to Stourport Road. Further details of the servicing arrangements are set out at paragraphs 4.58 to 4.60, below.
- 4.40 The car park itself makes provision for 121 spaces (including 6 disabled spaces) and is set out such that the continuous circulation of vehicles is enabled, rather than any “dead-end” or cul-de-sac parking arrangements. Lighting columns are proposed throughout the car park but no details of their design and height have been provided at this stage. Such matters can be addressed via a suitably worded planning condition.
- 4.41 Additional pedestrian only access is proposed directly from Young Close, to the north, and from Stourport Road to the west, via an enhanced landscaped area along the frontage of the site, to Stourport Road.

#### DESIGN AND LAYOUT

- 4.42 Policy SAL.UP7 of the adopted Site Allocations and Policies Local Plan stresses the need for quality design, not only in terms of the physical appearance of the development but also in terms of maximising opportunities for landscape retention and enhancement and biodiversity gain, and delivering well designed car parking solutions. Policy SAL.UP7 incorporates a series of factors which should be considered when assessing the acceptability of a development in design terms, not all of which are relevant to this particular proposal. The Policy also references the Council’s Design Quality SPG, which has recently been superseded by the Design Guidance Supplementary Planning Document (SPD) which was adopted in June 2015.
- 4.43 The Design Guidance SPD has 3 overarching objectives, namely:

15/0352/FULL

- Securing High Quality Design;
- Creating and Reinforcing Local Distinctiveness;
- Protecting and Establishing Landscape Character.

Clearly the Silverwoods development has started from something of a blank canvas and is gradually, phase by phase, establishing its own local distinctiveness, and where possible, taking every opportunity to integrate existing landscape features. In the case of the application site, the existing mature trees along the Stourport Road are to be retained, and supplemented by additional landscape planting. Paragraphs 3.41 and 3.42 of the SPD set out the “Design Principles for Commercial Development”, against which the current application has been assessed.

- 4.44 The proposed store is to be located to the north-west of the application site, and is a single storey (maximum of 6m in height), building of a contemporary design, utilising a mixture of materials including white render finishes; vertical wooden cladding; and, grey/anthracite framed-glazing. At a height of 6m, the proposed store building would actually be lower in height than the nearby two-storey residential dwellings, which stand at 7.3m high (to roof ridge), with the three storey properties having a ridge height of 10.4m.
- 4.45 With a gross external area (GEA) of 1,782 sq.m. the store building would consist of:
- 1,245 sq.m. retail sales floor space;
  - Ancillary warehousing, servicing and staff areas;
  - Delivery/Servicing bay and unloading area.
- 4.46 Generous “full-height”, grey/anthracite framed glazing is proposed along the east elevation of the store, wrapping around the south-east corner to encompass the projecting entrance and canopy feature, which extends along the south elevation. High level glazing continues along this elevation also, providing a contrasting “band” and breaks-up the render finish along the south elevation.
- 4.47 The rear elevation, to the north, faces across towards residential properties on the opposite side of Young Close. This would be a primarily blank elevation, in render finish, save for staff doors/emergency exits and staff/office windows, which would be fitted with security grilles.
- 4.48 The service/delivery bay is positioned at the western end of the building, parallel with the Stourport Road. At first glance this may seem to be somewhat undesirable in design terms, as viewed in isolation it could be viewed as presenting the “rear” of the store to the Stourport Road. Indeed, in this regard Officers’ initial reaction to this element of the store layout was very much along those lines. However, in conjunction with the applicants, Officers have considered a number of alternative layout arrangements, and their respective pros and cons, and have concluded that given the unusual nature of the site (i.e. having 4 highway frontages); the proximity of the (new) residential development to the north; and the proposed treatment of this

15/0352/FULL

elevation that, notwithstanding those initial misgivings, the layout of the store as proposed does provide the best achievable relationships, given the “fixed” positions of the vehicular access and egress to and from the site, as previously discussed.

- 4.49 Furthermore, by positioning not only the service/delivery bay but also compressor and refrigeration units in this location, the result is that it concentrates all of the perceived noise generating elements of the scheme in a single area; away from the residential properties; and, adjacent to the already busy (and noise generating) Stourport Road.
- 4.50 The Stourport Road (west) facing elevation as proposed, whilst incorporating the aforementioned service/delivery bay features a brick screen wall (which will not only screen the delivery/service bay, but also the compressor units); contrasting use of materials (render/vertical timber cladding and glazing) and mirrored/reflective curtain wall glazing which will give the impression of an active frontage (reflecting passing vehicles/pedestrians), with clear glazing at high level. Furthermore, there is a generous (minimum) 9m wide landscape strip between the back of pavement (on Stourport Road) and the proposed screen wall, which already features mature trees and which it is proposed to enhance with additional lower level landscape planting.
- 4.51 The entire boundary of the site would feature black metal bow-top fencing, which when supplemented by the proposed soft landscaping would provide a high quality boundary treatment which would sit well in this key location, at the entrance to Silverwoods and the Hoobrook Link Road.
- 4.52 The respective elevations as proposed are considered to be of good quality, and with the proposed use and contrast of external materials the store will appear as a distinctive, contemporary design of building at this highly visible site, at the “gateway” to the overall Silverwoods redevelopment site.
- IMPACT ON RESIDENTIAL AMENITY (INCLUDING NOISE AND LIGHTING)**
- 4.53 As summarised at paragraph 3.11 of the report, the application has been the subject of a number of objections, primarily from occupiers of residential properties within the immediate vicinity of the site, and specifically within Young Close and Felix Baxter Drive. This is not at all surprising and in some respects understandable, but the fact remains that the application site was previously identified, and approved in-principle (under application 12/0146/EIA), as being suitable for a range of commercial uses, including A1 retail.
- 4.54 As already identified at paragraph 4.20 of the report, the Outline planning permission granted in respect of Phase 1 of the Silverwoods redevelopment did make provision for a mix of uses across the application site (Site DEV A(i) of the approved Outline planning permission), in accordance with the approved “Parameters Assessment Plan”. Furthermore, it is also worth noting that the same plan also set maximum ridge heights for the development of site DEV A(i), the application site, which ranged from 12m in height to 20m in height (which was envisaged for the potential (C1) Hotel use).

15/0352/FULL

- 4.55 The nearest properties, located on the opposite side of Young Close to the site (and including the end property on Jotham Close – No. 21, which sits side-on to the development) are located at a distance of a little over 16m. These properties consist of two and three storey dwellings, and in the case of those properties addressed onto Young Close feature habitable room windows at ground, first (and where relevant second) floor facing out towards the application site. As previously described, the height of the store proposed would be 6m, which at a distance of 16m from the properties in question is considered to be an acceptable separation distance, especially given that there is a public highway in-between.
- 4.56 The rear elevation of the store, facing towards the properties is for the most part blank, save for staff/emergency doors and office/staff room windows, albeit that some variation of materials is proposed. Added to which there will be a landscape buffer between the store and the edge of the site.
- 4.57 As previously identified, the proposed service/delivery bay and external plant (i.e. compressor and refrigeration units) are proposed to the west elevation, and will be screened by the proposed screen wall. Details of external lighting have yet to be agreed and can be secured by condition, at which time the hours and intensity of illumination can also be agreed, to minimise impact upon residential properties. That said, the site and the surrounding area is located within an urban area with significant levels of existing illumination, not least of which being from existing street lighting.
- 4.58 As with any such proposal, matters relating to deliveries to the store, and in particular the times of such deliveries, has been a subject of concern to objectors. The nearest property to the delivery/loading bay is located some 25m from the front of that facility. In terms of proposed delivery times the Environmental Noise Survey and Noise Impact Assessment (hereafter referred to as the Noise Assessment), which accompanies the application, states that there will be 3 deliveries a day, with a so-called typical “worst case” hour containing just a single delivery, which typically lasts for 30 minutes. The assessment also states that the first delivery of the day would not be before 06:30 hours, which has been found to be acceptable by Worcestershire Regulatory Services (WRS).
- 4.59 Notwithstanding the suggested earliest delivery time within the Noise Assessment, the applicant has made a subsequent request for this to be altered to an earlier time of 06:00, a time which WRS do not find acceptable. A suitable condition restricting hours of delivery would be appropriate, however it would be extremely difficult to monitor and enforce any condition restricting numbers of deliveries.
- 4.60 The deliveries themselves will consist of a single articulated lorry reversing up to the loading bay. In this regard, the proposed store, like all new Aldi stores, will feature a loading bay level with the trailer bed (i.e. the lorry reverses down a short sloped bay), which enables goods to be unloaded straight into the warehouse, thereby avoiding the need for goods cages to be used. It is often the case that goods cages, especially empty ones, are the dominant noise

15/0352/FULL

source when pushed across the ground externally at other operators' stores, but these are not used at Aldi stores.

- 4.61 Concerns have been expressed regarding the potential for anti-social behaviour, especially outside of store opening times, and the miss-use of the car park. In many respects these are operational matters for the applicant to manage. The site will be fenced, as previously described, but no details of management or potential securing of the car park have been provided. In this regard, Officers are particularly mindful of the comments made by the Crime Prevention Advisor, as set out at paragraph 3.9 of the report, and with this very much in mind a suitable condition is suggested regarding the management and securing of the car park.
- 4.62 It is acknowledged that this current application is a "stand alone" submission, but the previous in-principle range of uses, and indicative maximum build heights, cannot be ignored and must be factored-in to the consideration of this current planning application. As already stated, the maximum height of the proposed retail store is 6m. That is to say fully half of the height previously envisaged, and approved in principle, for the development of the northern section of the site (i.e. that area of the site nearest to the new residential properties addressed onto Young Close, Felix Baxter Drive and Jotham Close).
- 4.63 Added to this, the range of uses that might have come forward, and had previously been accepted in-principle, included high footfall uses such as A1 retail; A3 restaurant/cafes; A4 public house; A5 hot food takeaway and, C1 hotel. Condition 6 of Outline planning permission 12/0146/EIA placed floorspace limitations on the A1 and A3, A4 and A5 uses (of 300 sq.m and 557 sq.m. respectively) limiting such uses to no more than a total of 857 sq.m. However, this was restricted partly on the premise that there would be multiple uses on this site, rather than a single occupier such as is now proposed. Furthermore, no floorspace restriction was placed upon the other uses accepted in-principle for the site, such that the developed floorspace of the multiple uses could have exceeded the 1,782 sq.m. (GEA), (1,245 sq.m. retail floor space) hereby proposed.
- OTHER MATTERS (including drainage; flooding; landscaping: biodiversity)
- 4.64 The application proposes a piped solution to matters of drainage, whereas the overall strategy for the Silverwoods site envisaged a SUDs scheme would be achievable. This has been highlighted by NWWM and it is considered that, notwithstanding the details submitted to accompany this application, a suitably worded condition should be imposed requiring full details of drainage proposals, which should further explore the possibility of some form of SUDs scheme as a drainage solution for the site. There are no separate potential surface water flooding matters to be considered in respect of the proposed development.
- 4.65 In terms of landscaping, the Council's Arboricultural officer has no overall objection to the proposal. That said, an Arboricultural Assessment is recommended, by condition, to ensure that there would be no adverse impact

15/0352/FULL

of the development, either during construction or long term, upon the mature trees along the Stourport Road frontage. Furthermore, some concern has been expressed regarding the proposed mix of planting, and again, notwithstanding the details submitted, a suitable condition regarding an enhanced landscape scheme is suggested.

- 4.66 The suggested changes, and enhancements, to the proposed landscaping as referred to above are also supported by the Council's Countryside Conservation Officer, who acknowledges that in this urban location the opportunities are limited, but some biodiversity benefits could be secured by such an approach, which would enhance foraging and invertebrate habitat for bats and birds.

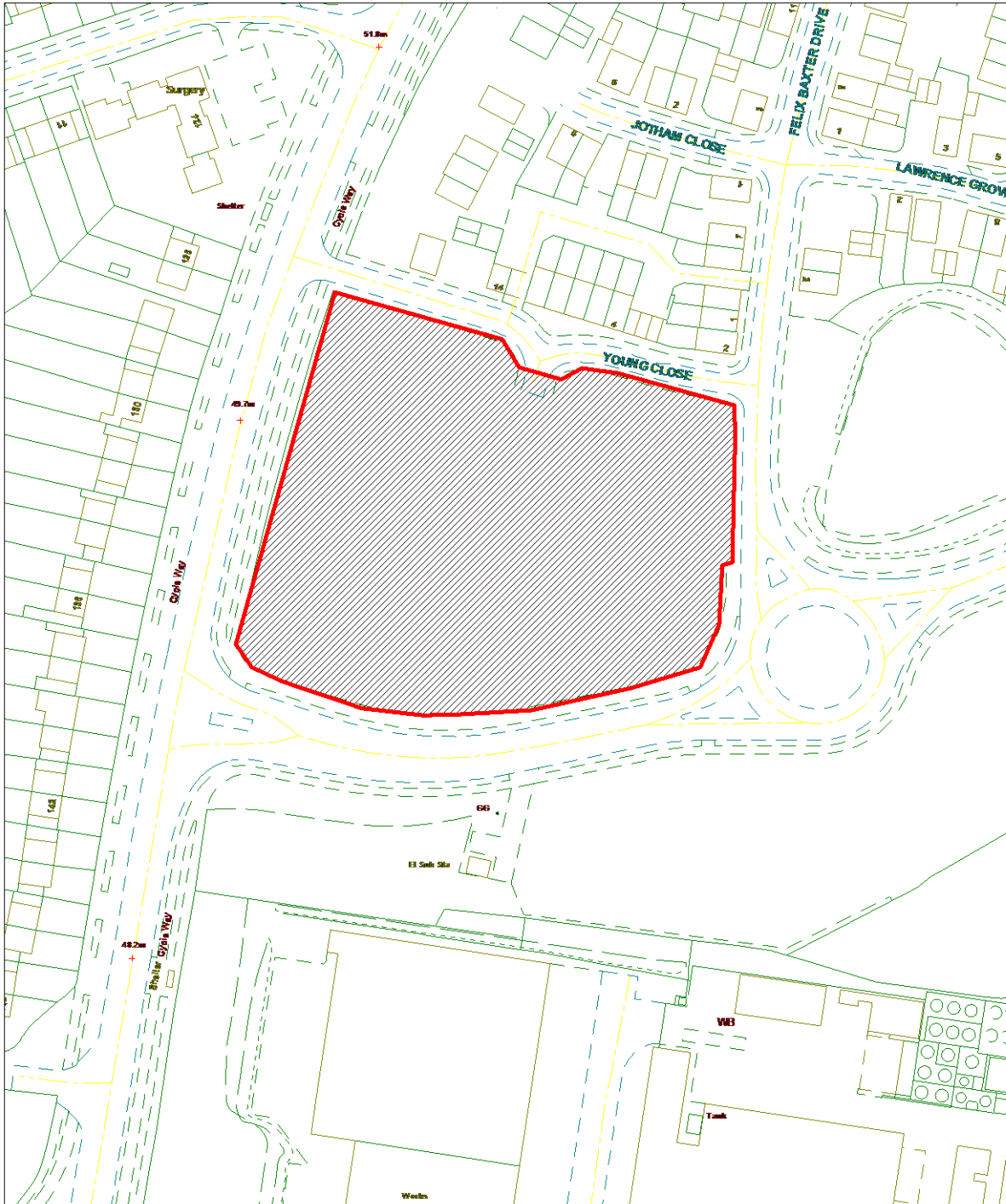
## **5.0 Conclusions and Recommendations**

- 5.1 It is clear from the applicant's submission, and in particular the "Sequential Test" that the application site is the only site that is suitable, currently available and viable to accommodate the form of development proposed by the applicant. The case law referred to elsewhere in this report confirms that under these demonstrable circumstances the site is sequentially acceptable in planning policy terms and Officers have found no reason to challenge this.
- 5.2 The submitted Retail Impact Assessment confirms that the proposed development would not have significantly adverse impacts upon the vitality and viability of Kidderminster and Stourport-on-Severn town centres, and would not threaten or deter investment in the town centres.
- 5.3 The design and layout of the store has been the subject of detailed scrutiny by Officers, in particular it's physical location on the site and the orientation of the store frontage and the servicing/delivery bay. Having considered the options available, which are limited due to the fixed position of the vehicular entrance and exit to and from the site, it is considered that the proposed layout offers the most suitable form of development on the site. The design is of a contemporary appearance, with a good palette of materials, which will deliver a good quality building on this prominent site, at the entrance to the wider Silverwoods site, and in this regard is found to be in compliance with Policy SAL.UP7 and the adopted Design Guidance SPD.
- 5.4 The application has been scrutinised against the relevant national and local planning policies, particular with reference to the site specific Silverwoods policy (Policy SAL.SK2). Further detailed policy consideration has been undertaken in respect of the Town Centre Retail Policy, SAL.GPB2, and the wider employment policies, including Policy SAL.SK1.
- 5.5 The impact of the development on the nearby residential properties, in particular within Young Close, has been carefully assessed, and given what might have been developed (in line with the Outline planning permission, as detailed above); the location of the store; its orientation; and the height of the store (6m) it is considered that the proposed development would be acceptable and would not have a significant impact upon the amenity of the residents of these properties.

15/0352/FULL

- 5.6 The proposed development will deliver a good quality retail development on a currently vacant site within the Silverwoods redevelopment site, and in doing so will provide an improved retail choice for a large catchment of residents, within one of the more deprived wards within the District. The site sits adjacent to the (A451) Stourport Road, which is a frequent bus corridor, linking the towns of Kidderminster and Stourport and as such the site, and proposed store, will be well connected and accessible.
- 5.7 Policy SAL.SK2 of the Site Allocations and Policies Local Plan allocates Silverwoods site for mixed use including employment uses. Whilst not a traditional employment use, as defined within the policy (i.e. B1, B2, B8 uses) the policy does allow for commercial uses, and the development proposed will deliver 40 new jobs which will be a boost to the local employment opportunities, which is supported by the NPPF.
- 5.8 For the reasons set out above, it is recommended that the application be **APPROVED**, subject to the following conditions:
1. A6 (Full with no reserved matters).
  2. A11 (Approved plans).
  3. B1 (Samples of Materials).
  4. Details of acoustic fencing.
  5. Restriction on delivery times (not before 06:30 and not after 20:00 hours Monday to Saturday; not before 08:00 and not after 16:00 on Sunday).
  6. Restriction on trading times.
  7. C1 (Retention of existing trees).
  8. C2 (Tree Survey).
  9. C3 (Tree protection during construction).
  10. C7 (Hard and Soft Landscaping details).
  11. C8 (Landscaping implementation).
  12. Secure Cycle Parking (8 cycles.)
  13. Air Quality Impact Assessment.
  14. E2 (Foul and Surface water to incorporate SUDs where possible).
  15. G6 (Programme of Archaeological Work).
  16. Details of pedestrian access/entrance to site from Stourport Road to be agreed.
  17. Detail of lighting columns and lanterns to be submitted and agreed.
  18. H13 (Access, Turning and Parking).
  19. Construction Method Statement to be agreed, to include site compound details; parking for site operatives; hours of construction and deliveries; wheel wash facilities.
  20. Details of car park management plan to be submitted.





ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Silverwoods Way**  
**Stourport Road, Kidderminster, DY11 7BW**

Date:- 04 November 2015      Scale:- 1:1250      OS Sheet:- SO8274NW      Crown Copyright 100018317 2014  
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



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

**Proposal:** Proposed rear extension

**Site Address:** 3 PERRIN AVENUE, KIDDERMINSTER, DY11 6LL

**Applicant:** Mr S Blaize

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance (SPD) Section 9 (NPPF)
<b>Reason for Referral to Committee</b>	Councillor request for application to be considered by Committee. Previously considered by Committee and deferred for a site visit/further information
<b>Recommendation</b>	<b>APPROVAL</b>

THIS APPLICATION WAS DEFERRED FROM THE 20<sup>TH</sup> OCTOBER, 2015 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

**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

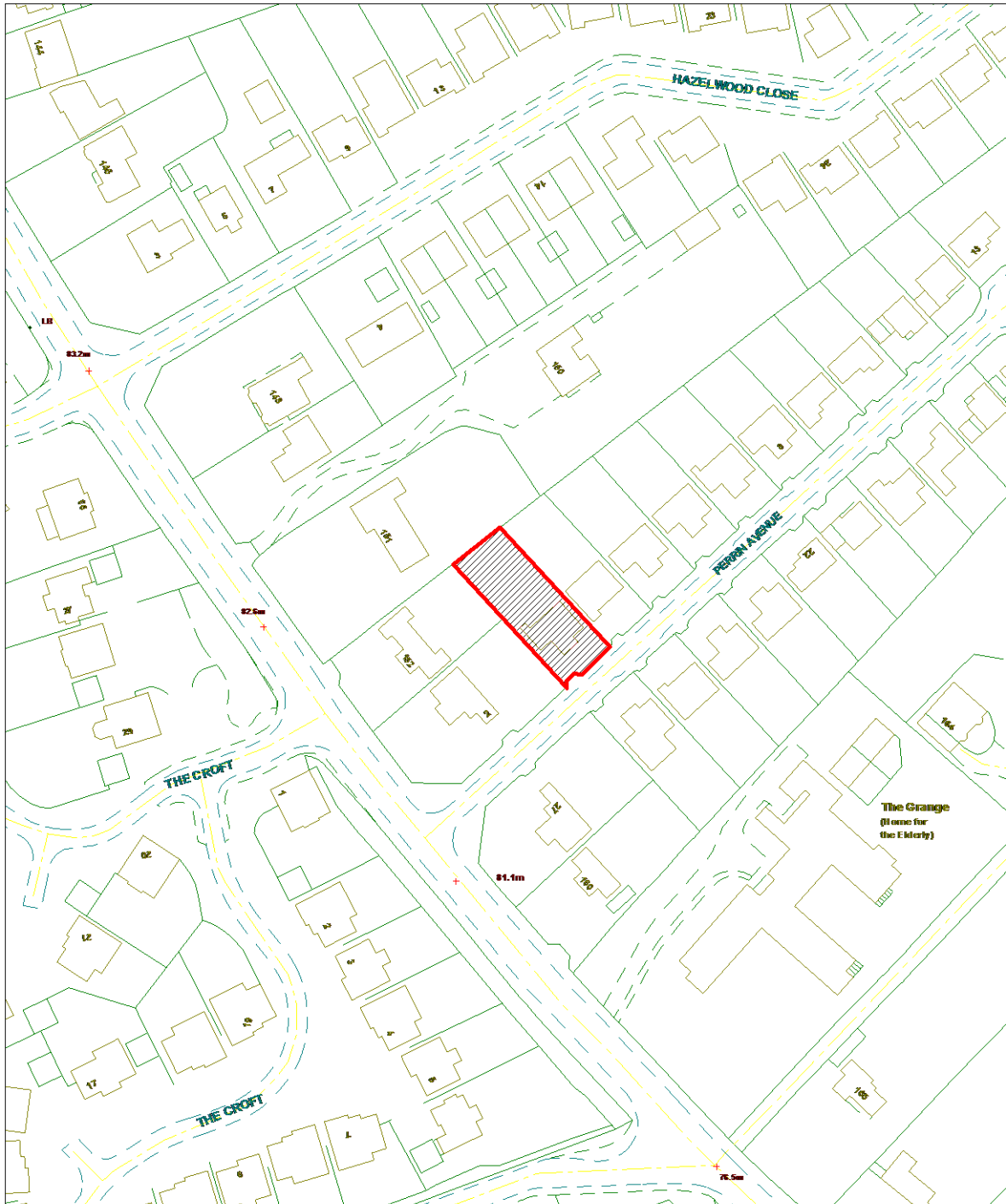
- 4.2 The property itself is located towards the front of the plot with a 23 metre rear garden and parking area to the front. The living accommodation comprises lounge, kitchen, 2 bedrooms, garage and store. The existing garage and store of the property project to the side of the bungalow to within 1 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- S08175NE

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



## Agenda Item No. 5

**Application Reference:** 15/0452/FULL      **Date Received:** 12/08/2015  
**Ord Sheet:** 388029 279466      **Expiry Date:** 07/10/2015  
**Case Officer:** Julia McKenzie-      **Ward:** Wyre Forest Rural  
Watts

**Proposal:** Change of use of land to the keeping of horses. Siting of stables with hay barn

**Site Address:** GRAZINGS, CHURCHILL, KIDDERMINSTER, DY10 3LY

**Applicant:** Mrs A Baker

<b>Summary of Policy</b>	CP02, CP03, CP11, CP12, CP14 (CS) SAL.CC1, CAL.CC7, SAL.UP1, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.UP13
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application site lies on the periphery of the village of Churchill to the north west of the listed church. The area surrounding the site is characterised by a small number of buildings, predominantly residential, clustered across an undulating landscape. The properties are connected by a series of narrow lanes and shared driveway accesses. The application site is within an area washed over by the West Midlands Green Belt is also within the Churchill Conservation Area. The site is within 150m of the Grade II Listed "St James the Great" Church.
- 1.2 The application site is accessed, via a shared driveway, from Churchill Lane past the entrance to Hillcrest, up a right of way access to the side of this property and through a gate directly into the field. The field itself measures 0.6 hectares and slopes steeply. The shelter is currently located at the bottom of the site, adjacent to a boundary shared with The Old Church Farmhouse.

### 2.0 Planning History

- 2.1 14/0498/FULL - Change of use of land to the keeping of horses. Siting of stables with hay barn : Withdrawn

15/0452/FULL

### 3.0 Consultations and Representations

#### 3.1 Churchill and Blakedown Parish Council – No objection

#### 3.2 Conservation Officer -

##### IMPACT OF THE PROPOSALS ON HERITAGE ASSETS

This application affects the setting of several designated and undesignated heritage assets, including The Churchill Conservation Area in which the stables is sited.

A key view from within the Conservation Area is from the summit of the hill at grid ref: 387864; 279652. The hill is a prominent feature of Churchill Conservation Area and referred to at paragraphs 3.6; 3.9; 3.14 and 3.17 of the Churchill Conservation Area Character Appraisal of 2008. From this vantage point there is a near-360 degree view of the surrounding countryside. The only stable visible is to the east, outside the Conservation Area. There are no other stables visible from this viewpoint at all, except the one proposed in this application. The field proposed for the keeping of horses lies below the hill and features in views from it across the Conservation Area towards several listed buildings. The stables introduces a feature which interrupts this pastoral view. It is my opinion that the location of a stable building in any part of this field will be as damaging as any other. I have no “preferred” location.

There are no other stables of this type within the Churchill Conservation Area at present. It is also my opinion that to approve this application would set a precedent which would lead to the multiplication of such structures on available land within the Area, leading to the further diminution of its special interest and character.

The proposed development site is located near to Definitive Footpath CB 509 and occupies a position prominent in panoramic views from “the hill” towards the village. The applicant’s own photograph submitted with the application and reproduced below clearly shows the intrusive nature of the stable building in views from the hill towards the listed Churchill Old Farm Barns (also within the Conservation Area).

All the land between the stable and the red-brick barns behind sits within the Churchill Conservation Area.

##### LEGISLATION AND POLICIES

The P (LBCA) A 1990 s.72 requires decision makers to consider the desirability of preserving or enhancing the Conservation Area. This is reinforced within Local Plan Policy SAL.UP6 which requires proposed development in a Conservation Area “to accord with the Conservation Area Character Appraisal and serve to enhance or better reveal the significance of the Area. Development should not adversely affect views into, within, or out of the Conservation Area.”



15/0452/FULL

The change of use of this land and the construction of stables will not preserve the Conservation Area, but instead will change it substantially, in doing so it will diminish the significance of this previously undeveloped field, which features in views towards and from “the hill”. These views encompass the Church of St James The Great and Churchill Old Farm and Barns. I consider that the setting of both these Grade II listed designated heritage assets will be harmed by the proposals.

A key view of the hill from within the Conservation Area is to be had from the gateway opposite Churchill Old Farm Barns and this view, entirely within the Conservation Area, will be detrimentally interrupted by the construction of stables on this plot.

The establishment of stables will fail to “enhance” the Conservation Area. There are indeed other such developments close to Churchill, particularly on land to the east adjacent to the railway line but these lie outside the Conservation Area. One development opposite Churchill Old Farm (and not in the Conservation Area) well illustrates how land used for the keeping of horses can become unattractive, soon becoming covered with the everyday clutter which inevitably arises from the keeping of horses. Historically this was contained in stable blocks attached to large houses or as part of the complexes of barns which surrounded farms. The construction of stables on previously undeveloped land will not enhance the Conservation Area in its present form: instead it will serve to interrupt long-established views of the village and surrounding area with clutter.

For the above reasons the application fails to comply with Policy SAL.UP6.

#### SPECIAL CIRCUMSTANCES AND SCALE OF DEVELOPMENT

The design of the stables will not blend into the landscape which is a stated requirement of Local Plan Policy SAL.UP13 2 iii), neither is there any landscaping or screening proposed SAL.UP13 2 iv). However even if these criteria were met in full the negative impact on the Conservation Area would, in my opinion, outweigh these.

The NPPF at paragraph 134 allows decision makers to weigh up any “less than substantial harm” to designated heritage assets of a proposed development, against substantial public benefits. However these stables are for private use, are not commercial and thus there are no public benefits from the proposals that can be considered to offset this less than substantial harm.

“The Hill” is the most prominent part of the Churchill Conservation Area as seen in the wider landscape, particularly from the major traffic corridors of the A456 and the main Birmingham to Kidderminster railway line lying to the east. Several public footpaths also afford views of this unspoilt landscape, including CB516, CB517 and CB520.

15/0452/FULL

It is a requirement of the NPPF at paragraph 128 that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. This information was previously requested under 14/0498/FULL but was not forthcoming and this application similarly lacks that information.

The application thus fails to comply with NPPF paragraph 128 and also WFDC Policy SAL.UP6.

The National Planning Policy Framework at Paragraph 12 states that proposed development that conflicts [with an up-to-date Local Plan] should be refused unless other material considerations indicate otherwise.

By virtue of its siting and appearance it is my opinion that the proposed development will significantly detract from and harm the character of the Conservation Area (and surrounding Green Belt) at this rural location.

It is my advice that the application should be Refused.

3.3 Ramblers - No comments received

3.4 Neighbour/Site Notice – A total of five letters of objection received. The main matters raised are summarised below:

- The application is within an area designated as a Conservation Area, the village of Churchill is mentioned in the Domesday Book;
- Concerns over the potential impact of the development on the visual amenity Conservation Area;
- There are concerns that the development would be visible from the public footpath that links Churchill Village and Church Hill, from the top of the hill and from various points in and around the village;
- There is potential that the use of the land for the keeping of horses could result in a proliferation of related paraphernalia, specifically horse boxes, waste bins, muck heaps etc.
- Concerns over the introduction of electric lighting;
- The potential fire risk of the storage of hay as the site given that there is insufficient pasture to support horses without supplemental feed;
- Concern that the change of use could set a precedent for this area;
- There are concerns that the change of use would result in a substantial increase in traffic, the roads surrounding the site are not designed for this greater load and the driveway may not be suitable for the traffic associated with an equine use;
- A correspondent notes that horses and ponies may not require stables;

15/0452/FULL

- It is noted that the application site is of insufficient size to support two horses without supplementary feed;
- It is noted that there is already a structure on the site, although it is recognised that this building is on skids and can be moved;
- No details of drainage have been submitted;
- No details of manure storage have been submitted;
- The design of the proposed stables is criticised as it does not appear that the topography of the site has been taken into account;
- The site is within the Green Belt where development is restricted, it is questioned whether a stable building is appropriate in this location and whether this would have an impact on openness;
- Concerns that the introduction of fences would have a detrimental impact on the visual amenity of the site; and
- There are concerns that the siting of the stables in the location proposed may require significant ground work to ensure the stability of the building.

#### **4.0 Officer Comments**

- 4.1 The applicant seeks approval for the change of use of the land to allow the keeping of horses and for the permanent siting of a stable building which incorporates a store. It is proposed to locate the stable building (which already exists on the site as a moveable structure) at the lowest point of the field close to the southern boundary of the site adjacent to existing tree / hedge screening on land adjacent to the properties known as Hill Crest, The Old Church Farm House and Oak View. The stable block would sit on metal skids and no hardstanding is proposed. Access to the field is via an existing gate and a right of way access adjacent to Hill Crest.
- 4.2 A previous application, 14/0498/FULL, was submitted for the change of use of land to the keeping of horses and the provision of a large stable with tack shed measuring 10 x 3.6m to a height of 2.4m to be sited at the top of the bank adjacent to a public footpath, however the application was subsequently withdrawn. Since that time, a structure (subject of the current planning application) albeit smaller than what was originally proposed has been positioned on the site, on a moveable basis. The structure has been repositioned within the field on two previous occasions and was due to be moved again prior to the submission of the current application. At present, the doors of the structure are kept permanently open (at the previous request of officers) and no supplementary feed is brought onto the site other than for bedding.

15/0452/FULL

PRINCIPLE OF DEVELOPMENT

- 4.3 The site is within an area washed over by the West Midlands Green Belt. Paragraph 89 of the National Planning Policy Framework and Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan identify the types of development which are considered to be appropriate within the Green Belt. The provision of facilities for outdoor sport and recreation is specified as being an appropriate form of development on the basis that the openness of the Green Belt is preserved. In this case, it is considered that the development proposed would provide facilities associated with outdoor recreation in compliance with policy guidance. The proposal would represent appropriate development in the Green Belt as there would be no harm to openness or visual amenity due to appropriate siting and design of the development in its current location at the bottom of the bank.
- 4.4 The adopted Local Plan includes a policy specific to equestrian related activity, the relevant sections of which read:

“Policy SAL.UP13 – Equestrian Development

All proposals for equestrian related development will be assessed to ensure that that will not individually or cumulatively affect the quality and character of the landscape and the amenity of any adjacent residential areas. In addition they will be required to demonstrate that they have taken full account of their potential impact on local biodiversity and habitats and, wherever possible, should incorporate measures to promote and protect biodiversity.

Equestrian Facilities for Leisure Use

In considering proposals for smaller scale equestrian developments relating to non-commercial leisure use, applicants should have regard for the need for stables/field shelters/feed stores/tack rooms/maneges to:

- i. Be sited within or immediately adjoining an existing building or complex, or alongside an existing hedgerow.
- ii. Provide safe highway access.
- iii. Be of traditional design and blend naturally into the landscape.
- iv. Provide appropriate landscaping and screening.
- v. Comply with the space standards for stables as recommended by the British Horse Society.
- vi. Proposal for new maneges must not cause a harmful impact on the character of the landscape or on the amenity of neighbouring occupiers. They should be sited near to the stables to limit the visual impact on the landscape. Proposals for flood lighting will also require planning permission and where it is accepted that such lighting is essential, its use will be controlled through conditions restricting its maximum height, minimal glare and operating times in order to protect the amenity of the area and local residents.”

15/0452/FULL

- 4.5 Members are advised that a recent and relevant appeal decision elsewhere in the District at Horseley Hills Farm, Wolverley (APP/R1845/A/14/2217147) allowed the provision of the use of land to the keeping of horses and the erection of 20 metre long building containing four stables and a feed / hay tack room. The Inspector commented that the stables were considered to be appropriate facilities for outdoor sport and recreation which preserves the openness of the Green Belt.

SCALE, SITING AND DESIGN

- 4.6 The application proposes a stable block consisting of two stables and a store room measuring 10m x 3.6m to a height of 2.4m in order to stable two ponies and store relevant items needed for everyday care and feed.
- 4.7 The design of the proposed stable is a shallow pitched roof structure timber frame stained in a colour to be agreed, dark green has been suggested by Officers in order to further reduce its impact in the landscape. In terms of its design the stable would be constructed of materials which are typical of a rural area and would therefore not appear incongruous in this setting as is required by Policy SAL.UP13.
- 4.8 The reasoned justification which accompanies Policy SAL.UP13 echoes the advice given by both the British Horse Society (BHS) and DEFRA in providing guidance on maximum sizes for a single stable as 3.65 x 4.26 x 3.35 (high), for ponies this size is reduced to a minimum size of 3.05m x 3.05m and as such the proposed stable is acceptable in terms of its size. In order to ensure sufficient pasture, both DEFRA and the BHS recommend each horse would require approximately 0.5 – 1.0 hectares (or 1.25 to 2.5 acres) of grazing land of a suitable quality in order that no supplementary feed is required. In this case, whilst the land area is only 0.6 hectares, the change of use would allow for foodstuffs to be brought into the field in order that the ponies can remain on site all year round if required.
- 4.9 Policy SAL.UP13 requires that stables be located where they would not be prominent in the landscape for example where they would be screened by existing boundary treatments. The applicant proposes to site the stable block against an existing boundary hedge which runs along the boundary with Old Church Farm House. It is considered that this area of the paddock is the least conspicuous from any public vantage points due to the available screening and the topography of the site. The proposed siting would therefore constitute the most appropriate location for the proposed development in this instance and would allow the openness of the green belt to be preserved especially considering the non development fallback position.

15/0452/FULL

#### IMPACT ON THE LANDSCAPE

- 4.10 When assessing landscape character officers have utilised the Worcestershire Landscape Character Assessment tool (WLCA). The WLCA categorises this area of Churchill as 'Sandstone Estatelands. Key primary, secondary and tertiary characteristics of Sandstone Estatelands are noted as;

Primary:

Arable land use

Hedgerow boundaries to fields

Planned enclosure pattern – straight roads and field boundaries

Secondary:

Discrete pattern of woodland blocks

Planned woodland character – estate plantations and groups of trees

Large-scale landscape with wide views over open farmland

Impoverished soils with relic healthy vegetation

Dispersed patterns of isolated farmstead and scattered wayside dwellings

Discrete settlement clusters often in the form of small estate villages

Tertiary:

Rolling topography with occasional low escarpments

- 4.11 When considered against the WLCA the proposal fares well as the proposal would preserve all existing hedgerows and enclosure patterns which contribute to its primary character characteristics. Having a low height timber stable would allow the structure to blend well with its surroundings therefore not causing harm to the wider landscape character.
- 4.12 The grazing of animals on land is an agricultural activity. In the case of horses this is true to the extent that those animals are not used for leisure purposes and rely on the pasture land for their subsistence. The grazing of horses is not considered as an activity which is uncharacteristic of a rural landscape and would therefore not cause visual harm to this rural setting. The change of use of the land to the keeping of horses is not likely to cause visual harm to the landscape.
- 4.13 The proposed change of use and stable building are considered to be acceptable and neither would introduce development which would be out of keeping with this rural setting or appear incongruous due to its scale, siting or design. For the reasons outlined above officers are satisfied that the proposed development is acceptable in terms of its impact on the visual amenity of the landscape and on the wider landscape character.

15/0452/FULL

IMPACT ON CONSERVATION AREA

- 4.14 The site falls within the Churchill Conservation Area and as such policy SAL.UP6 must be considered. The Council's Conservation Officer has objected to the scheme on the basis that the change of use of the land and the construction of stables would, in his view, not preserve or enhance the Conservation Area as detailed under Paragraph 3.2 of the report. Instead he considers that the development would change the Conservation Area substantially by serving to degrade the character of the area through introducing a building into an undeveloped field which is visible in views towards and from "the hill". These views encompass the Church of St James The Great and Churchill Old Farm and Barns, the setting of both these Grade II listed designated heritage assets would be harmed by the proposals.
- 4.15 Following the withdrawal of the 2014 planning application, a moveable field shelter was sited in the field matching the dimensions of the current application. This is considered not to be development due to the fact that the shelter has been constructed on metal skids and has been rotated to differing positions around the site. The shelter has been moved twice in this time period but due to damage to the land in winter months, the applicant wishes to retain the aforementioned shelter in its current position and apply to change the use of the land to avoid the need to tack the horse off site and allow for the import of feedstuffs. It should be noted that the shelter could take up a position at the top of the bank which could be considered to be more prominent and have more of an adverse impact on the Conservation Area without the requirement of planning permission. Therefore the proposed permanent siting of the stable block at the lowest point in the field adjacent to an existing boundary hedgerow away from neighbouring residential properties has a lesser impact than the fall back position which requires no consent.
- 4.16 The Conservation Officer and local residents have raised concerns that allowing the change of use and stable building would set a precedent for similar developments in the locality, which could further harm the character of the landscape which could lead to the further diminution of its special interest and character. Members will be aware that each planning application has to be considered on its own merits and judged against the relevant policy at that time. The current policy actively seeks to minimise the cumulative impact of horse-related development on the landscape and any further similar proposals would stand to be considered on their merits.
- 4.17 Concern has also been raised by the Conservation Officer and local residents relating to clutter which could arise from the keeping of horses (which it should be noted, in itself, can be an agricultural activity) and the impact that paraphernalia may have on the landscape. In this case, provision has been made inside the building for the storage of feedstuffs and tack etc., and it is considered that the applicant has considered all reasonable steps to ensure that the site would not be 'littered' with horse related paraphernalia. It should also be noted that many of these items would be regarded as non development in any event and as such could appear on the land without consent.

15/0452/FULL

- 4.18 Members are advised that should this application be refused, the owner could continue to rotate the existing shelter around the site on a quarterly basis without any need for formal permission. Were this to occur, this is likely to see the shelter take up more prominent positions within the paddock than that currently proposed and as such may have a greater impact on the Conservation Area than the conditional approval that a planning application would provide.

#### IMPACT ON RESIDENTIAL AMENITY

- 4.19 There are three properties immediately adjacent to the site, namely Hillcrest, Oakview and The Old Church Farmhouse. Hillcrest is on ground which is considerably higher than the application site whilst the other two properties are slightly lower, however all are approximately 55-80m metres away. Having viewed the site from outside of the residential properties, there is a clear view towards the paddock, however, it should be noted that there is no 'right to a view' and given that the proposal would not cause visual harm to the wider landscape it is considered that there would be no harm caused to the amenity of adjacent occupiers.

#### OTHER ISSUES

- 4.20 It is suggested that a condition be added to any approval that may be forthcoming in order that suitable drainage details are agreed within one month of approval in order that the proposal would not give rise to land drainage or land pollution issues.
- 4.21 Neighbours have raised concern over potential lighting at the site. No lighting is proposed and a condition is suggested to ensure that this remains the case.

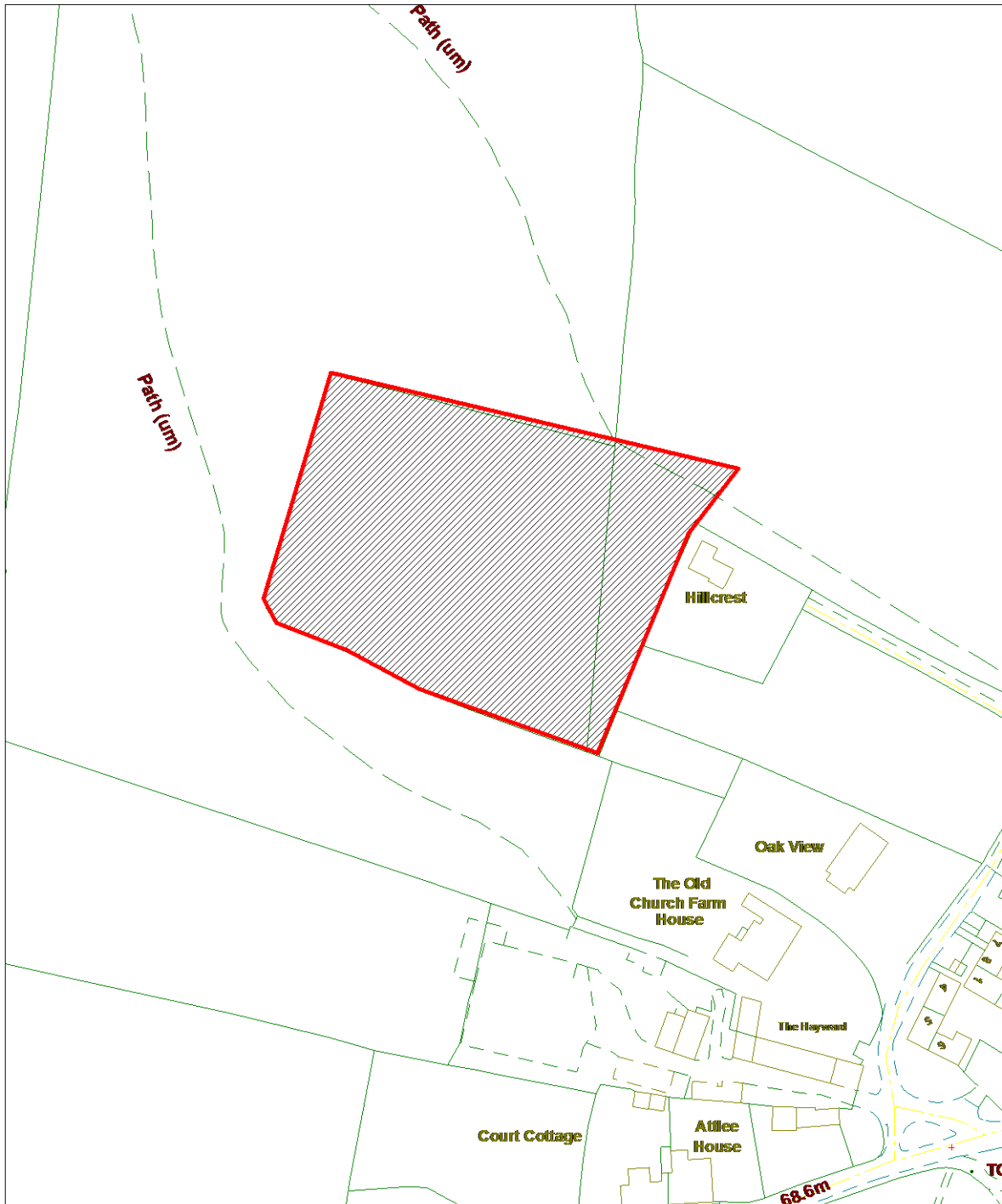
### **5.0 Conclusions and Recommendations**

- 5.1 The proposed development constitutes appropriate development in the Green Belt as confirmed by a recent appeal decision within the Wyre Forest District. The proposal would comply with the adopted Equestrian policy by virtue of the scale, siting and design of the proposed stable building.
- 5.2 The Conservation Officer has clear concerns over how this application would potentially affect several designated and undesignated heritage assets within the Churchill Conservation area and also the prominent position of the field within this area. However, Officers conclude that the harm arising from the moveable shelter, which could be sited in far more prominent positions than that proposed, outweighs the harm caused by its permanent siting at the bottom of the hill against a high boundary hedge with integral store and conditions attached to further minimise its impact on the landscape.



15/0452/FULL

- 5.3 It is considered that the change of use of the land would simply enable the applicant to both import feed stuffs and tack up the horses up on site as opposed to doing this outside the field gate.
- 5.4 It has been demonstrated that the permanent position of the stable and change of use of land would not cause harm to visual amenity or landscape character above and beyond that which would not require consent. The proposal would not result in harm being caused to the amenity of neighbouring residents.
- 5.5 For the reasons outlined above, it is recommended that the application be **APPROVED** subject to the following conditions:
1. A11 (Approved plans).
  2. The stables hereby approved shall be used for the stabling of horses owned by or leased to the applicant and shall not be used for any commercial purpose(s) whatsoever.
  3. No lighting whatsoever shall be constructed within the application site.
  4. Drainage details.
  5. Details of proposal siting of the manure heap.
  6. Stables to be stained green within 1 month.
  7. Removal of permitted development rights for any further structures/ temporary use of land.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Grazings**  
**Churchill, Kidderminster, DY10 3LY**

Date:- 04 November 2015      Scale:- 1:1250      OS Sheet:- SO8779NE      Crown Copyright 100018317 2014  
Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



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

**Proposal:** Replacement dwelling and detached 3 car garage

**Site Address:** THE BEECHES, RIBBESFORD, BEWDLEY, DY12 2TR

**Applicant:** Mr and Mrs Weaver

<b>Summary of Policy</b>	DS04, CP01, CP02, CP03, CP11, CP12 (CS) SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP7 (SAAPLP)
<b>Reason for Referral to Committee</b>	Application involving proposed Section 106 obligation. Previously considered by Committee and deferred for a site visit/further information
<b>Recommendation</b>	<b>DELEGATED APPROVAL subject to Section 106 Agreement</b>

THIS APPLICATION WAS DEFERRED FROM THE 20<sup>TH</sup> OCTOBER, 2015 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

## **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 05/1095/FULL – Extensions and Modifications : Approved 09.12.05
- 2.2 06/0927/FULL – Replacement Dwelling : Approved 02.11.06
- 2.3 08/0192FULL – Replacement Dwelling (change of house type) : Approved 21.05.08

15/0480/FULL

- 2.4 11/0246/FULL – Replacement Dwelling (renewal) : Approved 16.06.11
- 2.5 14/0259/FULL – Replacement Dwelling : Approved 12.06.14
- 2.6 14/3062/PNRES - Conversion of agricultural building to residential and garaging : Approved 02.12.14

### 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.
- 3.4 Agent’s Comments - At the heart of the National Planning Policy Framework lies a presumption in favour of sustainable development - this is seen as a 'golden thread' running through both plan-making and decision-taking. Key among the strategies for delivering sustainable development is the removal of reliance upon fossil fuels.

The proposed scheme has been carefully considered in terms of its design and location to maximise passive solar gain thereby minimising its reliance on active heating systems (oil/gas etc.), artificial lighting and 'whole life' ecological impact, whilst being mindful of its surroundings and wider landscape setting.

The proposed location makes maximum use of both passive solar heat gain and the available natural light in line with the above principles and associated policy requirements. The advantages gained by the proposed location cannot be met elsewhere on the site due to the rising ground levels and the shade created by Ribbesford Wood, and the general land topography to the south. The additional drawing also shows the proposed dwellings' significant reduction in mass and scale. Therefore, the proposed scheme greatly reduces the impact the development will have upon it's surroundings both visually and, with the omission of the significant basement; physically. By way of comparison, the proposed dwelling has an overall height of 6.5m compared to the previously approved scheme (14/0259/FULL) which had an overall height of 7.74m - this scheme also necessitated significant earthworks to facilitate the development.

15/0480/FULL

More importantly, the proposed dwelling will be much more energy efficient than the previously approved scheme as a result of its design, orientation and location.

#### **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. However for the purposes of the consideration of the application by the Planning Committee it is worthwhile rehearsing the prevailing policy.
- 4.2 Policy SAL.DPL2 states that “the replacement of a permanent existing lawful dwelling will be permitted in the following circumstances:
- i. The dwelling is still subject to residential use and has not been abandoned.
  - ii. The replacement dwelling is in the same or less prominent position as the original with curtilage only being amended if required by re-siting, landscape enhancement, vehicular safety, or neighbour amenity.
  - iii. The replacement dwelling should not exceed the size of the existing or original dwelling by 20%, whichever is the smaller.”
- 4.3 It is unfortunate that the original property was lost through fire damage in 2006 and that previous permissions have not been implemented. It is however the case that there has always been a live permission on this site for a replacement dwelling and the intention has always been to replace. It has to be concluded that the residential use has not been abandoned in this case.
- 4.4 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.

15/0480/FULL

- 4.5 The siting of the dwelling has been reviewed by the Applicant in order to achieve the most efficient capture of passive solar gain. The initial assessment identified a fundamental flaw with the siting and layout of the previously approved scheme. In essence, the dwelling was set within a hollow/depression within the natural topography and was screened behind a substantial belt of mature trees. The applicant's agents confirms that following a sun path "*...analysis demonstrates that the approved location, being set within a recessed area of the site and shrouded on the southern and western aspects by dense tree cover, minimises potential for passive solar gain potential. Conversely, the proposed location moves the dwelling to an area of the site which is unfettered by obstruction within a location where the natural topography allows solar gain to be harvested without significant/major excavation works.*" In addition a topographical analysis has also been undertaken which demonstrates the position of the proposed dwelling will have a lesser impact from public views than that of the existing dwelling, particularly when viewing the site from the public footpath. The topographical study also demonstrates that views of the property from the Heightington Road will be extremely limited if at all.
- 4.6 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 comments made by Bewdley Town Council have been considered, however the site cannot be seen from St. Leonard's Church, Ribbesford, due to the intervening fields and woodland. The new siting is therefore acceptable and accords with policy.
- 4.7 The closest properties are on Heightington Road approximately 190m from the application site. There is substantial hedgerow screening along the roadside which will limit views across the field. Where views can be obtained from upper floor windows or gaps in the hedgerow, the proposed property will be seen side on and viewed against the backdrop of trees. Given the low lying design of the property and its siting any impact from these residential properties will be slight.
- 4.8 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

4.9 The size of the dwelling has been tailored from previous approvals. The approval given in 2006 allowed the replacement of the floorspace of the approved extensions to the original dwelling plus the detached garage and snooker room. This permission was renewed in 2008 and 2011. The 2014 approval reduced the floorspace and the current application reduces again the floorspace of the proposed dwelling, albeit this time including a detached garage. A floorspace comparison is set out below:

	<b>Floorspace (m2)</b>
Original	127
2005 (Approved Extensions)	233
2006, 2008, 2011 (Approved Replacement)	402
2014 (Approved Replacement)	364
2015 (Proposed Replacement)	321 (Dwelling) 54 (Garage)

4.10 The size of the proposed replacement dwelling and the detached garage are less than that previously approved between 2006 and 2011, indeed the total floorspace including the detached garage is only slightly greater than that approved last year. On the basis of these considerations it is concluded that the size of the dwelling as proposed is acceptable given the context of previous approvals.

4.11 The access to the property is gained from the Heighington 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.

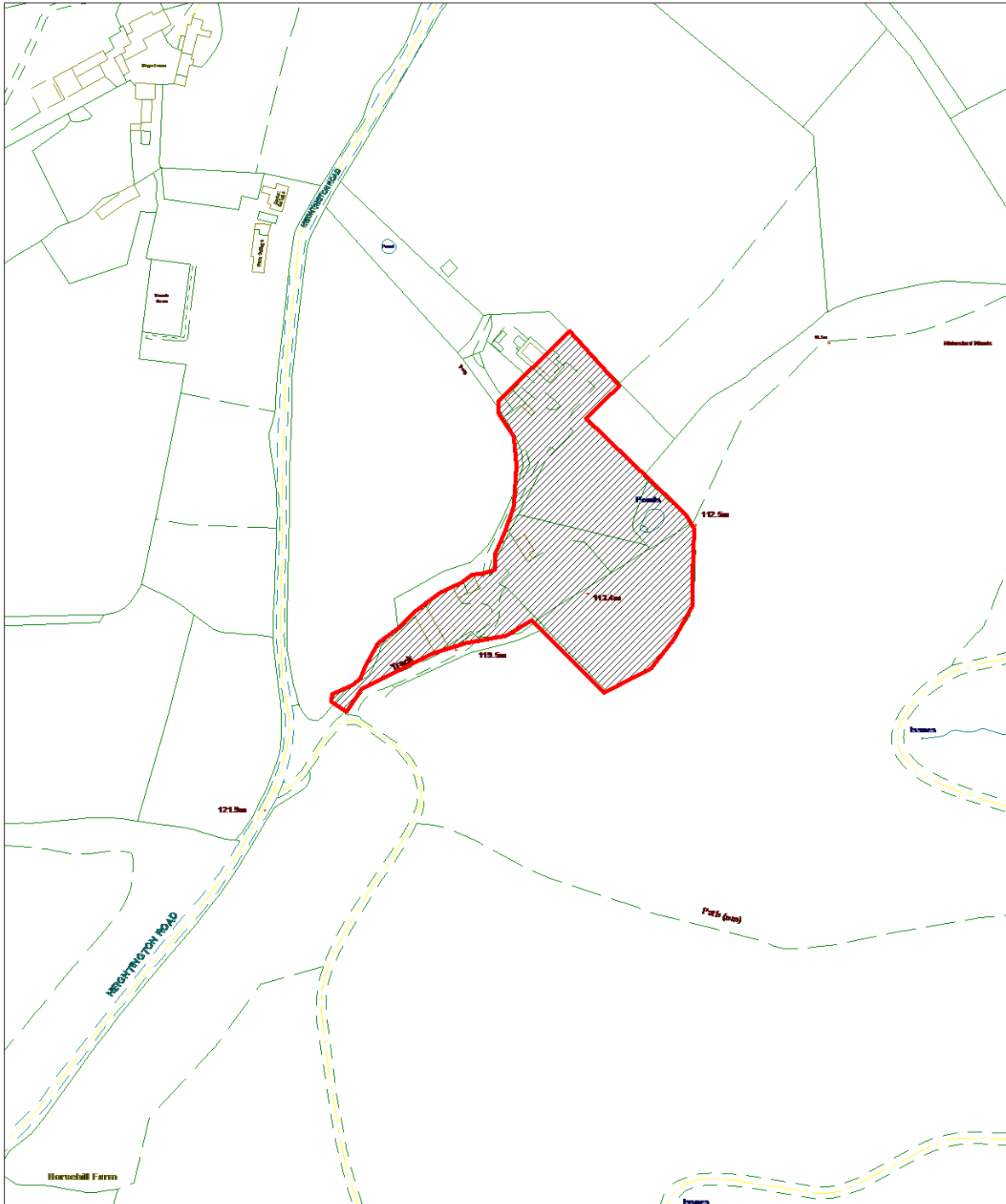
4.12 The siting as proposed substantially differs from that approved in 2014, and allows for the possibility of both permissions being implemented. The planning policy framework would not allow two dwellings to be provided on the site. The Applicant has agreed to enter into a Section 106 Agreement to 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.

15/0480/FULL

## 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 – no importation or exportation of soils without agreement.
    6. Means of enclosure as per approved drawing.
    7. Access, turning and parking area as per approved drawing.





ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**The Beeches**  
**Ribbesford, Bewdley, DY12 2TR**

Date:- 19 October 2015      Scale:- 1:2500      OS Sheet:- SO7873NW      Crown Copyright 100018317 2014  
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**17<sup>TH</sup> NOVEMBER 2015**

**PART B**

<b>Application Reference:</b>	15/0547/LIST	<b>Date Received:</b>	24/09/2015
<b>Ord Sheet:</b>	378653 275319	<b>Expiry Date:</b>	19/11/2015
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Bewdley & Rock

**Proposal:** Alterations to existing glazed timber screen to Shambles Craft Studio by insertion of new timber glazed doors and adjustment to brick paving to enable level access

**Site Address:** BEWDLEY MUSEUM, LOAD STREET, BEWDLEY, DY12 2AE

**Applicant:** BEWDLEY MUSEUM (MS L COWLEY)

<b>Summary of Policy</b>	SAL.UP6 (SAAPLP) Section 12 (NPPF) Conserving and Enhancing the Historic Environment (PPG)
<b>Reason for Referral to Committee</b>	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 Bewdley Museum is located within the heart of Bewdley Town Centre fronting onto Load Street. The application seeks for work to take place within the Museum to the craft studios fronting onto the Shambles. This part of the Museum was the former market building and prison cells built in 1783 and is a Grade II Listed Structure in its own right.
- 1.2 This listed building application seeks for alterations to the fenestration of one of the craft studios to improve access arrangements.
- 1.3 This application is presented to Committee as the site is owned by the District Council.

15/0547/LIST

## **2.0 Recent Planning History (of relevance)**

- 2.1 WF.0166/03 - Internal alterations to existing textile craft workshop and alterations to elevation to The Shambles : Approved 15/4/03
- 2.2 08/0118/LIST - Alterations to create café; disabled toilets & new workshops, including replacement roofing & hardstanding : Approved 2/4/08
- 2.3 09/0187/LIST - Alterations to fenestration & creating of new doorway & block up existing doorway : Approved 26/8/09

## **3.0 Consultations and Representations**

- 3.1 Bewdley Town Council – No objection to the proposal and Recommend Approval subject to any conditions the Conservation Officer may wish to impose
- 3.2 Conservation Officer – Recommend approval. This application seeks to make a very minor amendment to the glazed screen and brickwork below to create an access arrangement almost identical to one created on an adjacent unit in 2003. Any less than substantial harm to the physical structure is, in my opinion, outweighed by the public benefits of the proposal which will in my opinion facilitate easier and better access into the unit whilst the impact on the special interest of the Grade II listed structure will be minimal.
- 3.3 Disability Action Wyre Forest - Welcome the improvements by providing double doors with step free approach
- 3.4 Neighbour/Site Notice – No representations received

## **4.0 Officer Comments**

- 4.1 Within the Museum complex there are a number of craft studios that front onto the Shambles. The application relates to the first of these studios that currently is occupied by a musical instrument repairer.
- 4.2 The studio is currently accessed from a single door to the side of the studio via a covered area off the Shambles. To improve access to the unit it is proposed to alter the existing glazed screen, which fronts onto the Shambles, and insert two double doors in order to provide wider and direct access to the unit. To facilitate the works and to provide a level access the level existing brick pavers will be raised. The existing door will be left in situ and fixed shut.
- 4.3 The proposed works will result in a similar visual appearance to the adjacent unit that was altered in 2003. The new door way will improve the disabled access arrangements to this unit as well as providing a legible entrance directly from the Shambles.

15/0547/LIST

- 4.4 The comments of the Conservation Officer confirm that the integrity, character and appearance of the Listed Structure will not be adversely affected and, as such, the special architectural and historic interest will be preserved.
- 4.5 Any limited harm that would be caused can be outweighed by the public benefits in providing increased access and securing the optimum use of the studio in line with paragraph 134 of the National Planning Policy Framework.
- 4.6 Under regulation 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) certain listed building applications require referral to the Secretary of State. The present circumstances are set out in the 'Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary Of State (England) Direction 2015', which excludes certain works from the referral requirement. 'Excluded works' are defined as certain "...works for the demolition, alteration or extension of a grade II (unstarred) listed building..." As the works proposed fall within this definition there is no requirement for referral to the Secretary of State, even though the Local Planning Authority is the applicant.

## 5.0 Conclusions and Recommendations

- 5.1 The proposed works to the Listed Structure have been fully assessed and found to be acceptable and will not cause harm to the integrity, character or appearance of the Heritage Asset.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A7 (Listed Building/Conservation Area Consent).
  2. A11 (Approved plans).

<b>Application Reference:</b>	15/0582/FULL	<b>Date Received:</b>	09/10/2015
<b>Ord Sheet:</b>	386468 274439	<b>Expiry Date:</b>	08/01/2016
<b>Case Officer:</b>	Emma Anning	<b>Ward:</b>	Wyre Forest Rural

**Proposal:**                   Erection of function room with walled garden

**Site Address:**            STONE MANOR HOTEL, STONE HILL, STONE,  
KIDDERMINSTER, DY10 4PJ

**Applicant:**                Mr & Mrs Hogarth

<b>Summary of Policy</b>	CP01, CP02, CP03, CP10, CP11 (CS) SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance SPD National Planning Policy Framework
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The site of the Stone Manor Hotel measures a total of 8.2 hectares in area and comprises the hotel building and associated facilities buildings and extensive grounds. At the front of the site is a suite of buildings used previously for staff accommodation. These have recently been converted to private dwellings following the sale of the buildings to a private developer. Also to the front of the site is the car park serving the hotel.
  
- 1.2 The application site is in a rural area washed over by the West Midlands Green Belt.
  
- 1.3 There is an Area Tree Preservation Order across the entire site.

**2.0 Planning History**

- 2.1 WF.1045/98 - Full: Erection of an extension to form new conference room with balcony : Approved 21.04.98.
  
- 2.2 WF.553/98 - Full: Erection of a marquee to provide temporary accommodation during reconstruction of fire damaged buildings : Approved 22.09.98
  
- 2.3 WF.593/98 - Full : Upgrade and refurbish accommodation and new external fire escape : Approved 09.10.98

15/0582/FULL

- 2.4 WF.769/98 - Full: Erection of an extension at first floor level together with internal alterations to existing adjacent roof spaces to form 5 new guest suites, construction of 3 dormer windows to side and rear elevations and alteration of window to form entrance door : Approved 15.12.98
- 2.5 WF.1016/99 - Full : Erection of a canopy over new entrance and stairs : Approved 04.02.00
- 2.6 WF.1094/03 - Full : Erection of new function building within the walled garden (to replace the 200 person function facility currently accommodated within the Manor Suite) : Approved 13.02.04
- 2.7 13/0282/FULL - Change of use of Assembly Room to No.5 x 3 bed dwellings; alterations to elevations and existing roof; provision of private amenity space; new access gates and piers : Approved 15.10.13
- 2.8 14/0105/FULL – Change Of Use and Alteration Of Existing Building To Form 5No Additional Apartments ( 8 In Total) With Associated Car Parking, Access Road, Entrance with Gates And Piers : Approved 12.06.14
- 2.9 14/0620/FULL – Change of use of workshop and garages to form 2 no. dwellings : Withdrawn 07.11.14
- 2.10 15/0437/FULL – Extension to existing hotel to create function room : Approved 25.09.15

### **3.0 Consultations and Representations**

- 3.1 Stone Parish Council – No objections.
- 3.2 Highway Authority – No objection.
- 3.3 Planning Policy Manager – Views awaited
- 3.4 Arboricultural Officer – Views awaited
- 3.5 Countryside Conservation Officer – Views awaited
- 3.6 North Worcestershire Water Management - To my knowledge the site is not at risk from any type of flooding.

This application is a resubmission of approved application 03/1094/FULL. The application form details that the intention is that both foul water and surface water will be discharged to a mains sewer. To my knowledge no further information has been submitted. I am not aware of a public sewer in the vicinity of the hotel, and the STW consultation response to 03/1094/FULL confirms this.

15/0582/FULL

It is both national and local policy that all new developments should include Sustainable Drainage Systems (SuDS) wherever possible to deal with the discharge of surface water. Discharge of surface water to a surface water or combined sewer would only be acceptable if discharge to the ground or a nearby watercourse is not possible (following hierarchy set out in Building Regulations).

Ideally I would like further details regarding the proposed drainage to be submitted as part of the current application. If you are however minded to approve the application before a drainage strategy gets agreed then I would recommend attaching a standard condition as follows:

“No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.”

- 3.7 Worcestershire Regulatory Services (WRS) – No adverse comments to make. Function rooms as part of commercial premises are used for many purposes and for this reason the control of noise and other matters fall to the management and the operational practices of the hotel and not the building itself. Should problems of noise control arise at such premises then it is investigated and controlled through the appropriate primary legislation, The Environmental Protection Act 1990 and the Licensing Act 2003 which are enforced by WRS on behalf of the Council.
- 3.8 Disability Action Wyre Forest (DAWF) – Welcome development with good access
- 3.9 Neighbour/Site Notice – 1 representation received - Our clients are very concerned regarding the above proposal due to the close proximity of the function room in relation to their residential development. The plans indicate that a kitchen is to be created in the converted outbuildings immediately adjacent the existing residential properties which could cause harm due to cooking smells. The plans indicate a finishing kitchen but as this is a considerable distance away from the main kitchens it is most likely to be used as an independent satellite kitchen. In addition, to have such a substantial glazed function room with doors opening onto the walled garden would create a considerable amount of noise especially in the summer. This again would have a detrimental impact on the enjoyment of neighbouring amenity.

We understand that the proposal is within the Green Belt and therefore would be classed as inappropriate development unless there are special circumstances to justify otherwise. An application was approved last month for the creation of a further function room to the rear of Stone Manor well away from residential properties. I can see no special circumstances to justify this

15/0582/FULL

development. Stone Manor is set within extensive grounds and we feel this location, set immediately adjacent residential properties, is inappropriate and should be located elsewhere in the grounds where it will not impact on nearby residents.

*(Officer Comment - Matters relating to the principle of development as well as noise and air pollution are discussed at Paragraphs 4.4-4.6 and 4.11-4.12 respectively).*

#### 4.0 Officer Comments

##### PROPOSAL

4.1 Planning permission is sought for the creation of a new function suite within the existing walled garden of the hotel. The walled garden sits to the east of the main hotel building adjacent to Manor Side, a collection of private residential dwellings created through the conversion of a former hotel building in 2014. It is proposed that the function suite would run along the inside of the existing walls of the garden utilising a number of existing store buildings along the perimeter and replacing others with new structures.

4.2 The proposed function suite would be curved, occupying the whole of one corner of the walled garden. The building is proposed as single storey with a mono-pitch roof which would be no taller than the highest part of the existing wall and outbuildings. It is proposed to increase the height of one part of the perimeter wall fronting the hotel car park so that a uniform height can be achieved to facilitate the construction of the function suite behind. No part of the extended wall would be any taller than the existing wall.

4.3 It is proposed that the building would be used as a function suite with the proposed floorplans indicating the following level of accommodation:

- 200 cover dining area with dance floor and stage area
- Two bar areas (one food, one drinks)
- Kitchen and ancillary storage areas
- Main entrance lobby with W.C facilities

##### PRINCIPLE OF DEVELOPMENT

4.4 The proposal represents the conversion and extension of buildings associated with the hotel. Being in an area washed over by the Green Belt such proposals can only be considered as appropriate where the development would not result in disproportionate additions over and above the size of the original building.

4.5 It is clear from the planning history detailed above that the Hotel has undergone significant alteration and extension during its lifetime. Most recently an application for further extensions to the main building to provide an enlarged function room were approved. This consent is extant and has not yet been implemented. Figures in the table below, based solely on the footprint of buildings across the site, gives an indication of how the property has already been extended and how both extant and proposed additions would affect the size of the resultant hotel complex:



15/0582/FULL

Original	Existing	+% over 'original'	Extant permissions approved	+% over 'original'	Proposed	+% over 'original'
1575sq.m	2285sq.m	+ 45%	2467sq.m	+ 57%	<b>+ 534 sq.m</b>	<b>90%</b>

4.6 The development plan does not prescribe how an assessment of proportionality should be carried out, however I consider that a robust approach is a cumulative assessment based on both a quantitative and qualitative assessment of any site considered against the context of its history and setting. In this instance the quantitative data relating to the footprint of the site clearly shows that the proposal would amount to an approximate increase over the 'original' of 90%. It is however not sufficient to consider the quantitative data in isolation to qualitative impacts of the proposal, namely the likely visual impact of the proposed extensions on the original building. Given that the assessment of 'scale, siting and design' below concludes that the proposals would be in scale and in keeping with the original property then I am satisfied that the proposal represents 'appropriate' development in the Green Belt.

**SCALE, SITING & DESIGN**

4.7 The function building would be a single storey structure arranged in a quadrant form set against the existing walls of the walled garden. The building would offer an additional 538sq.m of floorspace (200 cover entertainment space) associated with the Hotel. The building would be constructed of either steel or timber trusses with reinforced concrete columns with a mix of glazed curtain walling and brick (to match existing) walls and finished with a slate tile roof. The design of the proposal makes effective use of one corner of the walled garden. The curved face of the building would serve to maximise views from inside the function suite across the walled garden providing an impressive entertaining space. I find the design to be well thought out and appropriate for its siting and the intended use of the building.

4.8 Despite its capacity and proposed floorspace the function suite would be no taller than the tallest part of the existing walls of the walled garden such that from outside of the garden itself the structure, due to its scale and siting and the fact that the garden is completely enclosed on all sides, the building would not be visible. The proposal would therefore have no impact on either the setting of the existing building or on the openness of this part of the Green Belt. It is for this reason that I am also comfortable to conclude that the proposal would be a proportionate addition to the Hotel complex. The proposed building would not rival the existing hotel building in terms of its visual appearance or the floor space it would offer.

4.9 It should be noted that a very similar application for a function room within the walled garden was approved in 2003 although it was never implemented. Then, as is the case now, the proposal was considered to represent appropriate development in the Green Belt by virtue that it was a proportionate extension to the original building.

15/0582/FULL

- 4.10 Given that the proposed building would not be visible from outside of the walled garden it would therefore not be read against the main hotel building or other surrounding properties. For this reason I am satisfied that the design and the mix of contemporary and traditional finishes as proposed would be acceptable. All materials and finishes would be controllable by condition to ensure that they would be of sufficiently high quality in relation to their surroundings.

**IMPACT ON AMENITY**

- 4.11 The proposed function building would be sited within 5m of a number of residential units, namely those created following the conversion of the former hotel associated building. This being the case there is a potential for noise impacts and disturbance and, as such, Worcestershire Regulatory Services (WRS) have been consulted and have commented as detailed at Paragraph 3.7 above. Given the clear approach of WRS is to deal with noise matters through the primary (Environmental Health) legislation for environmental protection and licensing then I am satisfied that there should be no automatic assumption that a building of the scale and purpose proposed would result in an adverse impact on amenity by virtue of noise.

- 4.12 I do however have concerns that with the proposed kitchen area being close to the residential properties then there could be potential for air or noise pollution resulting from any extraction equipment installed. This being the case, in order to ensure that the right extraction equipment is installed in the correct location I consider it would be both reasonable and necessary to include a condition(s) on any consent to control extraction and ventilation equipment installation.

**ECOLOGY & BIODIVERSITY**

- 4.13 As detailed above, the site is subject to an Area Tree Preservation Order and whilst the proposal would not involve significant tree works the advice of the Council's Arboricultural Officer has been sought and his views will be added to the Addenda and Corrections sheet. It is considered likely that conditions requiring tree protection measures would be required in order to ensure the protection of existing trees on site during the construction process.
- 4.14 Similarly the views of the Council's Countryside Conservation Officer are awaited and will be added to the Addenda and Corrections sheet along with any conditions required to preserve or enhance biodiversity across the site.

**HIGHWAY SAFETY**

- 4.15 The proposal would increase the overall size of the hotel and its capacity for function, and would introduce an additional 200 covers for dining. Due to the potential impact this would have on the demand for car parking provision, the Highway Authority have been consulted and their views are awaited and will be added to the Addenda and Corrections sheet. It should however be noted that the Hotel does benefit from car parking provision for up to 400 vehicles. When assessing application 15/0437/FULL the Highway Authority accepted that this represented double the amount of car parking which would be required for the Hotel. On this basis therefore it seems reasonable to conclude

15/0582/FULL

that the existing overprovision of 200 spaces across the site would be sufficient to meet the new demand arising from the 200 capacity function suite proposed.

#### OTHER MATTERS

- 4.16 North Worcestershire Water Management (NWWM) have noted that the application is submitted without a drainage strategy and as such makes no reference to the possibility of incorporating SUDS into the scheme. Policy CP02 of the Adopted Core Strategy and Policy SAL.CC7 of the Site Allocations and Policies Local Plan require all new developments to explore the implications for drainage. In line with the recommendation of NWWM it is considered reasonable and necessary to include a drainage condition to any planning permission issued.

### 5.0 Conclusions and Recommendations

- 5.1 As set out above, the proposal represents appropriate development in this Green Belt location which, by virtue of its scale, siting and design, would not cause harm to either visual amenity or openness. The proposal represents a form of development which is acceptable in design terms and takes full advantage of existing, permanent features to assimilate it into its surroundings. The proposed development would not result in harm being caused to highway safety.
- 5.2 The proposal would be capable of implementation subject to the use of appropriate conditions, without detriment to the amenity of neighbouring residents or harm being caused to ecology or biodiversity. For these reasons it is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters).
  2. A11 (Approved plans).
  3. Materials – to be agreed.
  4. Drainage details to be submitted
  5. Tree protection conditions (as recommended by the Arboricultural Officer).
  6. Ecology and Biodiversity conditions (as recommended by the Countryside Conservation Officer).
  7. Details of extraction/ventilation equipment to be provided and no further equipment to be installed to new function suite without the prior consent of the Local Planning Authority.

## WYRE FOREST DISTRICT COUNCIL

Planning Committee

17 November 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			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement required by	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1453 15/0113/FULL	APP/R1845/W/1 5/3032552	Mr M Richardson	CRUNDALLS COTTAGE CRUNDALLS LANE BEWDLEY DY121NB  Retrospective application to seek retention of extensions to property	WR  16/07/2015	20/08/2015			
WFA1454 15/0013/S73	APP/R1845/W/1 5/3129859	BURLISH PARK GOLF CLUB - MR T PLUMMER	BURLISH PARK GOLF CLUB ZORTECH AVENUE KIDDERMINSTER  Variation of condition 11 of Planning Permission 12/0739/FULL to allow importation of material between 7:00 - 8:30 and 9:30 - 18:00 (Monday to Friday) and 7:30 - 13:30 (Saturday)	WR  20/07/2015	24/08/2015			

Appeal 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			
WFA1457 15/3053/PNRES	APP/R1845/W/1 5/3136851	Mr A Taylor	AGRICULTURAL BUILDING AT BROCKENCOTE HOUSE FARM  Change of use of Agricultural Building to Dwellinghouse	WR  27/10/2015	01/12/2015			

**WYRE FOREST DISTRICT COUNCIL****PLANNING COMMITTEE**  
**17<sup>TH</sup> NOVEMBER 2015**

**Land at 8 Bala Close**  
**Stourport-on-Severn, DY13 8JJ**

<b>OPEN</b>	
<b>DIRECTOR:</b>	Director of Economic Prosperity and Place
<b>CONTACT OFFICER:</b>	Alvan Kingston 2548 Alvan.Kingston@wyreforest.gov.uk
<b>APPENDICES:</b>	Location Map

**1. PURPOSE OF REPORT**

- 1.1 To determine whether the Tree Preservation Order No 395 (2015) relating to a tree on Land at 8 Bala Close should be confirmed or not.

**2. RECOMMENDATION**

- 2.1 **That the Tree Preservation Order be confirmed without modification:**

**TPO to include 1 No. Austrian Pine (*Pinus nigra Austriaca*) [T1]**

**as this tree contributes to the amenity of the locality and is considered worthy of protection.**

**3. BACKGROUND**

- 3.1 On the 7<sup>th</sup> July 2015, the Council's Solicitor was contacted by the owner of a mature Austrian Pine (*Pinus nigra Austriaca*), located within the grounds of 8 Bala Close, Stourport-on-Severn, as the owner was concerned that a neighbour was planning to prune branches from the tree. The Council's Arboricultural Officer viewed the tree on the 8<sup>th</sup> July 2015.
- 3.2 The Pine is a large specimen with around 5 to 10% of its canopy overhanging the rear garden of the neighbouring property at 13 Bishop Street. However, the tree does not overhang the objector's property at 15 Bishop Street, although it is likely that some shading of this property occurs during the late afternoon.
- 3.3 Although there are minor works that could be undertaken to cut back branches from overhanging No. 13 Bishop Street, I feel that if works to cut back all overhanging branches back to the boundary line had been allowed to be undertaken, the amenity of the tree would have been compromised.
- 3.4 As a result a Provisional Tree Preservation Order was made and served on 17<sup>th</sup> July 2015 to protect the Austrian Pine and prevent harmful works.

**4. OFFICER COMMENTS**

4.1 The Austrian Pine is a mature specimen that is visible from Bala Close and Windermere Way and is one of a number of mature pines that add to the amenity of the residential area.

4.2 One objection to the Tree Preservation Order has been received from the neighbouring property at 15 Bishop Street, Stourport-on-Severn. The objection is that the tree reduces natural daylight to the objector's property.

4.3 In response to this objection, the following comments are made:

- The tree is around 11 metres from the closest point of the dwelling and located on the south west side of the objector's property, so will only block direct sunlight to the property during late afternoon.
- There is no automatic right to light.

**5. FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising directly as a result of this report.

**6. LEGAL AND POLICY IMPLICATIONS**

6.1 There are no legal and policy implications arising directly as a result of this report.

**7. RISK MANAGEMENT**

7.1 There are no risk management issues.

**8. EQUALITY IMPACT ASSESSMENT**

8.1 There are no equality impact implications to be considered.

**9. CONCLUSION**

9.1 Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be made without modification.

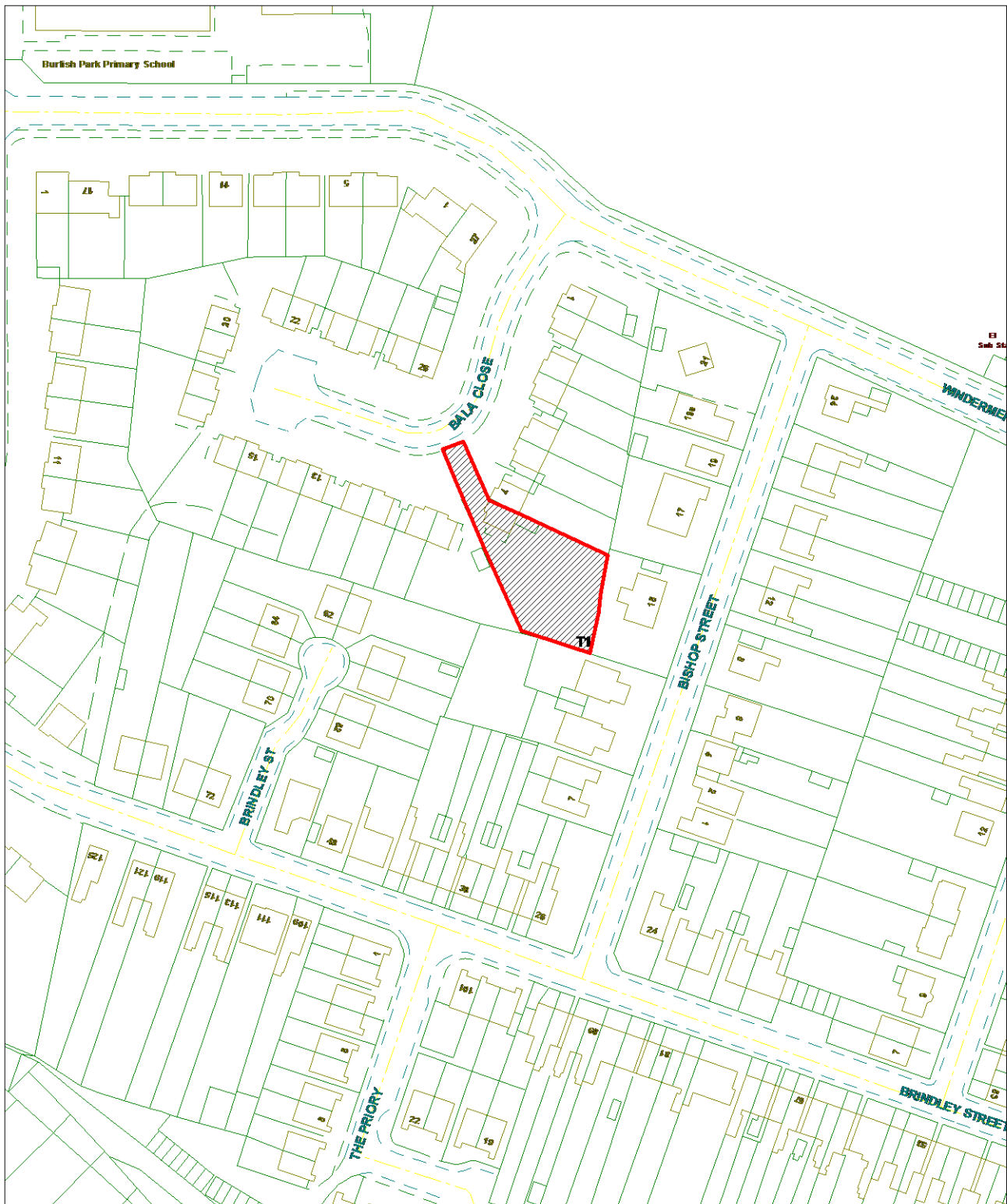
**10. CONSULTEES**

10.1 None.

**11. BACKGROUND PAPERS**

11.1 Tree Preservation Order No. 395.





ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**8 Bala Close**  
**Stourport on Severn, DY13 8JJ**



Date:- 04 November 2015

Scale:- 1:1250

OS Sheet- S08172SW

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