

Open

Planning Committee

Agenda

6pm
Tuesday, 16th February 2016
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

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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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 16th February 2016

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 19th January 2016.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	Planning and Related Appeals To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	41
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

8.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	
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Part 2

Not open to the Press and Public

9.	<p>New Enforcement Case</p> <p>To receive a report from the Director of Economic Prosperity & Place on a new enforcement case.</p>	-
10.	<p>Enforcement Matters</p> <p>To receive a report from the Director of Economic Prosperity and Place that provides members with a summary of enforcement.</p>	-
11.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

19TH JANUARY 2016 (6.00 PM)

Present:

Councillors: S J Williams (Chairman), G C Yarranton (Vice-Chairman), J Aston, J Greener, J A Hart, 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.52 Apologies for Absence

There were no apologies for absence.

PL.53 Appointment of Substitutes

No substitutes were appointed.

PL.54 Declarations of Interests by Members

Councillor M Hart declared, in respect of application number 15/ 0624 /OUTL, that he was Chairman at the Cabinet meeting which made the strategic decision to dispose of the parcel of land at Vale Road car park, but he came to the meeting to determine the planning application with an open mind.

PL.55 Minutes

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

PL.56 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 539 (attached)).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 539 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.57 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.58 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.59 Exclusion of the Press and Public

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

PL.60 New Enforcement Case

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

Decision:

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

PL.61 Enforcement Matters

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

Decision: The information be noted.

There being no further business, the meeting ended at 8.17 pm

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19th January 2016 Schedule 539 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Development Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Application Reference: 15/0624/OUTL

Site Address: VALE ROAD CAR PARK, STOURPORT-ON-SEVERN, DY13 9AB

APPROVAL be given subject to:

- a) the signing of a **Section 106 Agreement** for contributions towards Public Open Space as part of the contract of sale, and
- b) the following conditions:
 - 1. A1 (Standard outline)
 - 2. A2 (Standard outline – reserved matters)
 - 3. A3 (Submission of reserved matters)
 - 4. A5 (Maximum of 6 residential units, single point of access)
 - 5. A11 (Approved plans)
 - 6. A12 (No Approval of Layout)
 - 7. B1 (Samples/details of materials)
 - 8. B12 (Erection of fences/walls)
 - 9. C3 (Tree protection during construction)
 - 10. C6 (Landscaping – small scheme)
 - 11. C8 (Landscape implementation)
 - 12. Contaminated Land
 - 13. E2 (Foul and surface water)
 - 14. F5 (Construction site noise/vibration)
 - 15. J1 (Removal of permitted development – residential)
 - 16. J9 (Open plan frontages)
 - 17. Details of layout of parking spaces to be provided.

Notes

- A SN2 (Section 106 Agreement)
- B SN1 (Removal of permitted development rights)
- C SN6 (No felling – TPO)
- D Alteration of highway to provide new or amend vehicle crossover

Application Reference: 15/0050/FULL

Site Address: BROCKENCOTE HALL HOTEL, BROCKENCOTE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4PY

Delegated APPROVAL subject to:

- a) referral to the Secretary of State and the decision not to call in the application being received; and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. Materials to be agreed
 - 4. Tree protection measures to be submitted
 - 5. Arboricultural/Ecological re-survey of tree T2 to be submitted (to include ecological mitigation/enhancement measures)
 - 6. All tree/landscape works to be carried out with strict regard to the Arboricultural/Ecological report required by condition 5
 - 7. Landscape implementation
 - 8. Scheme of archaeological investigation and recording to be carried out
 - 9. Development not to be occupied until the site investigation required by condition 8 has been completed and approved
 - 10. A comprehensive noise management strategy to be submitted
 - 11. Development should be carried out with full regard to the approved noise management strategy
 - 12. Full drainage details to be submitted
 - 13. Highway conditions (as suggested by the Highway Authority)
 - 14. Provision of all external lighting details.

Application Reference: 15/0264/FULL

Site Address: CHADDESLEY CORBETT ENDOWED PRIMARY SCHOOL, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4SD

Delegated APPROVAL subject to:

- a) The submission of suitably amended plans which satisfactorily address the outstanding matters raised by the Highway Authority;
- b) The signing of a Section 106 Agreement for financial contributions towards Affordable Housing;
- c) The following conditions:
 - 1. A6 (Standard Full)
 - 2. A11 (Approved Plans)
 - 3. B1 (Details of Materials)
 - 4. B2 (Sample Panels)
 - 5. B9 (Details of Windows and Doors)
 - 6. Details of internal subdivision and first floor within School Building Conversion
 - 7. B11 (Details of Boundary Treatments)
 - 8. B15 (Bird/Bat Boxes)
 - 9. C2 (Retention of Trees)
 - 10. C3 (Tree Protection During Construction)

11.	C5 (Hand Digging Near Trees)
12.	C6 (Landscaping)
13.	C8 (Landscape Implementation)
14.	C9 (Hedgerow Protection)
15.	E2 (Foul and Surface Water)
16.	E13 (Drainage Details)
17.	Demolition Method Statement
18.	Construction Method Statement to include parking for site operatives;
19.	G3 (Protection of Building to be Retained)
20.	G6 (Programme of Archaeological Work)
21.	H13 (Access, Turning and Parking)
22.	J1 (Removal of Permitted Development Rights)
23.	Provision of all External Lighting Details
24.	Gas Protection Measures
25.	Secure Cycle Parking
26.	Protected Species Survey

Application Reference: 15/0602/FULL and 15/0603/LIST
Site Address: 5 WYRE HILL, BEWDLEY, DY122UE
15/0602/FULL be APPROVED subject to the following conditions:
<ul style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. Materials to be agreed 4. Details and finish of doors and windows to be agreed
Note:
SN12 (Neighbours' rights)
15/0603/LIST be APPROVED subject to the following conditions:
<ul style="list-style-type: none"> 1. A7 (Listed Building Consent/Conservation Area Consent) 2. A11 (Approved plans) 3. Materials to be agreed 4. Details and finish of doors and windows to be agreed

Application Reference: 15/0607/RESE
Site Address: BROAD STREET CARPARK, BROAD STREET, KIDDERMINSTER, DY10 2LZ
APPROVAL subject to the following conditions:
<ul style="list-style-type: none"> 1. A4 (Reserved matters only) 2. A11 (Approved plans)

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

16/02/2016

PART A Report

Ref.	Address of Site	Recommendation	Page No.
15/0578/FULL	MADINATUL ULOOM ISLAMIC COLLEGE HEATH LANE STONE KIDDERMINSTER	APPROVAL	13

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
15/0661/FULL	THROCKMORTON HOUSE 1 MUSTOW GREEN KIDDERMINSTER	APPROVAL	30
15/0719/REGS3	LLOYDS GARAGE 8 BRIDGE STREET STOURPORT-ON-SEVERN	DELEGATED APPROVAL	38

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
16TH FEBRUARY 2016

PART A

Application Reference:	15/0578/FULL	Date Received:	12/10/2015
Ord Sheet:	385610 273858	Expiry Date:	11/01/2016
Case Officer:	John Baggott	Ward:	Wyre Forest Rural

Proposal: Demolition of existing halls to rebuild new multi-functional examination & lecture hall with recreational facilities within and the erection of perimeter fencing

Site Address: MADINATUL ULOOM ISLAMIC COLLEGE, HEATH LANE, STONE, KIDDERMINSTER, DY10 4BS

Applicant: MADINATUL ULOOM ISLAMIC COLLEGE

Summary of Policy	CP02, CP11, CP12 (CS) SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance SPD NPPF (Sections 7 and 9)
Reason for Referral to Committee	Major Application Third Party has registered to speak
Recommendation	APPROVAL

1.0 Background

1.1 Officers were alerted to building work being undertaken, following the unreported demolition of a previous building, at the application site. Following a visit to the site, and a subsequent meeting to discuss the full extent of the works taking place, it became clear to Officers that the applicants appeared to have misinterpreted the permitted development rights as they relate to Schools and Colleges.

1.2 Such permitted development rights are set out under Schedule 2, Part 7, Class M, of the Town and Country Planning (General Permitted Development) (England) Order 2015, and these do make allowance for not insignificant alterations and additions over and above the original educational buildings, up to 25% above the original, subject to the criteria set out under Class M. This is regardless as to whether the educational establishment in question is within the Green Belt or not.

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- 1.3 On the basis of the above, an extension to the previous building may have been permissible under Class M (subject to the criteria referred to), and it appears that this had been the original intention of the College. However having commenced work on repairs to the roof of the building in question, the applicants state that such was the poor condition of the roof and the building's superstructure that a more effective, long lasting, solution would be to demolish the building and rebuild, incorporating the additional floorspace. By doing so, any permitted development rights that might have been relied upon were immediately lost to the applicant.
- 1.4 A retrospective application was subsequently submitted seeking consent for the development already under construction, which is the subject of this current application (i.e. a multifunctional hall, etc). Members are advised that the initial submission has since been supplemented by an additional element, namely the inclusion of a 2.4m high perimeter fence, and following subsequent further intervention by Officers, revised and additional plans and information have been forthcoming.
- 1.5 Members are also advised that Officers have evidenced other building work taking place elsewhere on the overall site. This matter is currently being investigated by Officers.

2.0 Site Location and Description

- 2.1 Located within the West Midlands Green Belt, the application site is located off Heath Lane, and has an overall area of approximately 9 hectares, made up of a series of one and two storey buildings; a network of pedestrian and vehicular routes; playing field; and associated open space.
- 2.2 Originally built as a military training camp, and later being used as a teacher training college, the site has been occupied by the current applicants as a primarily boarding college (initially for girls but for the last 10 years as a boys only Islamic College) since the mid/late 1980's. That is to say 30 years or so.
- 2.3 The buildings on the site have been subject to a steady programme of refurbishment and upgrade over the years, as evidenced in part by the planning history below. This has been a relatively slow process due to limited funding streams, with the College reliant upon private fund raising to facilitate investment and improvement of the current facilities.
- 2.4 The current application relates to the replacement of a previous building, located towards the Heath Lane frontage and main entrance of the site and, as indicated above, is retrospective in nature as the building works have commenced and have been continuing on site. That said, works do appear to have ceased in recent weeks and the building is by no means completed.

3.0 Planning History

3.1 There was a series of planning applications, primarily during the mid to late 1980's, for alterations, extensions and new build within the complex, as summarised in the table below.

WF/0510/85	Prayer Hall alterations & extensions	Approved (13/08/85)
WF/1002/85	9 x Two Storey Dormitory Blocks	Approved (11/03/86)
WF/87/0367	Erection of Replacement Dormitories	Approved (23/06/87)

3.2 It is worthy of note that in terms of the above summarised planning history, the planning permission granted under WF/0510/85, which does not appear to have been implemented, actually permitted a two storey building to house a Prayer Hall, including a Mihrab (a semicircular niche in the wall that indicates the direction of Mecca and hence the direction to face when praying), and was characterised by distinctive, architectural features, which would be instantly recognisable of being of an Islamic style.

3.3 Furthermore, in both 1985 and 1987, planning permission was granted for replacement two storey dormitory blocks on the site, some of which have subsequently been constructed and are visible on site.

3.4 The extent of the Green Belt insofar as it relates to the Wyre Forest District is the same today as it was as far back as 1974, and as such at the time the above mentioned applications the site, as it is today, was located within the Green Belt. In light of the above, and bearing in mind that whilst there have been some alterations to the exact wording of national and local Green Belt policy the thrust of the policy remains the same, there is clear evidence of previous support for applications proposing two storey redevelopment of buildings on the College site.

4.0 Consultations and Representations

4.1 Stone Parish Council – Object to the proposed development.
The application and the provisions therein were considered to be incomplete and many aspects appeared to leave large swathes of various aspects unaddressed and therefore no guidance was registered. It has been necessary to put aside the wide media speculation and reports that the College site developments were purported to be, this background has been extremely widespread and no realistic guidance has been forthcoming to deny or confirm the media publications.

Consideration of available information and listed reason for Stone Parish Council rejection:

Agenda Item No. 5

1. Worked started on site before planning permission was given, it is assumed that there had been no site inspection checks made on any site works.
(Officer comment: Planning legislation makes provision for the submission of retrospective applications. Matters relating to inspections are not to be confused with those required under the Building Regulations).
2. The college is situated in Green Belt open countryside, and from what plans have been supplied shows the building in question to be considerably in excess of those referenced on the submitted plans, indeed the actual building is of industrial size proportions and not representative of planning dimensions advised.
(Officer comment: National and local Green Belt policies does allow for certain types of extensions, alterations and replacement buildings, subject to relevant criteria and the nature of the development. Revised, accurate plans have been submitted).
3. Concern has been expressed about the capability of existing facilities to cope with excess sewage and water drainage most likely to be generated from the changes on the site.
4. Another potential and major problem affecting the College site is the local roads infrastructure, local access roads are of single vehicle proportion where no two vehicles can pass, extreme caution needs to be exercised on these roads. The surfaces of these local lanes are, in some areas close to the College already severely degenerated and in need of substantial repair, any increase in traffic to the College in the sort of volumes experienced at certain times will only exacerbate the road infrastructure.
5. Demolition work of existing buildings etc started and site clearance work went unchecked and uncontrolled, indeed foundations, steelwork were left to proceed without any inspections being undertaken by planning authorities and these only being cursorily carried out, site control has been extremely poor and lacking in this situation.
(Officer comment: Officers have visited the site on a number of occasions to establish the facts relating to the planning application. Matters relating to inspections during construction come under the Building Regulations. In this regard, the works are being overseen by an "Approved Inspector". This being the case, there are no powers for the Council's Building Inspectors to intervene; inspect; or "police" the development).
6. It is understood that the erected building is larger in width, height and length than the stated dimensions on the plans.
(Officer comment: Revised plans have been submitted).
7. There appears to be no compatibility or conciseness (sic) of details in the application and no categorical reference is made to the use of the building.
(Officer comment: The proposed use of the building is stated on both the planning application forms and the title box of the submitted plans).

8. There appears to be a lack of ability to exercise planning authority control over this runaway development.
(Officer comment: Officers have intervened and advised the applicants accordingly. The decision to continue to construct the building in the absence of the requisite planning permission is done so entirely at their own risk).
9. There is concern over future changes of use which outwardly do not appear to have been addressed by the inspecting authorities.
(Officer comment: This is nothing more than speculation. The application proposes a multi-functional hall to serve the College and it is that proposal that is being considered).
10. In view of recent world events and with no apparent OFSTED involvement of inspection, etc, there are grave concerns for community security.

4.2 North Worcestershire Water Management (NWWM) – No objection.

I understand that the proposal will increase the floor area from 1520m² to 1750 m² (230 m² increase) and that this application is therefore strictly speaking a major application. As such I am commenting upon this application on behalf of the County Council which as you know is the statutory consultee for all major applications with possible drainage implications.

The application site is to my knowledge not at risk of flooding from any source. I understand that the proposal is to discharge both foul and surface water from the development to a public sewer. I have checked the online sewer map and have not found any public sewers indicated on this map in the direct vicinity of the development site. Following Building Regulations the discharge of surface water to a storm water sewer is only permitted if discharge to the ground (infiltration) or discharge to a watercourse is not possible. Discharge of storm water to a foul sewer is not permitted under any circumstances.

National standards published by Defra earlier this year stipulate that sustainable drainage should be used wherever possible and that discharge (both peak flow and volume) leaving a site should not increase as a result of any development. I appreciate however that in this instance there is only a relatively small increase in floor space area. Moreover, I also understand that the increase in floor area is in areas that were already hardstanding and as such there is no increase in runoff as a result of the proposed development.

CONCLUSION

I believe that strictly speaking the proposed development should be treated as a major application and as such we would expect provision of SuDS, compliance with technical standards for SuDS, information regarding maintenance etc. However, as there is only a relatively small increase in floor area and it is thought that there are no drainage implications, I don't believe that this would be a realistic expectation. I therefore believe that a pragmatic approach should be followed instead.

As the provision of sufficient drainage is adequately covered by the Building Regulations I believe that a future building control application will deal with this aspect of the proposed development and that it will therefore not be needed to attach a specific drainage condition to any future approval. I would however recommend that the applicant seeks clarification/confirmation concerning the drainage infrastructure present.

- 4.3 Neighbour/Site Notice – The application has generated a significant level of local opposition and it is fair to say many of the responses received appear to have been partially fuelled by documents identified on social media relating to the fundraising for the development and associated concerns regarding the intended use of the building, as explained in more detail at paragraphs 5.14 to 5.16 of the report.

At the time of compiling this report, a total of 194 objection letters/emails have been received from 154 different addresses, some of which are located within the immediate vicinity of the application site, with others somewhat further afield. These include a small number of additional comments received following re-notification after receipt of additional information from the applicants.

The grounds for objection are summarised below, with Officers' comments provided where appropriate, particularly highlighting those matters raised which are not material planning considerations.

In no particular order, the objections raised have been made on the following grounds:

- Retrospective nature of the development, which will set a precedent;
(Officer comment: Planning legislation makes provision for retrospective applications, which should be treated in the same way as any other application.)
- Intended use is as a public mosque;
(Officer comment: As clarified elsewhere in the report, the application does not propose a public mosque)
- Inappropriate architectural style and detailing in the Green Belt;
- Excessive size of building, including claims that the building is 50% to 70% larger than the original building;
(Officer comment: Such claims are inaccurate).
- Excessive height of the building (two storey);
- Size of building under construction compares with purpose built mosques throughout the Midlands, with capacity for 3000;
(Officer comment: As previously stated, the application does not propose a public mosque).
- Industrial appearance of the building;

Agenda Item No. 5

- Other building on the site have been demolished and replaced;
(Officer comment: Officers are investigating such matters separately).
- Adverse impact upon the Green Belt;
- Adverse impact upon Highway Safety;
(Officer comment: No change of use is proposed and such existing highways movements will be unaffected).
- Excessive traffic generated by the development;
(Officer comment: No change of use is proposed and such existing highways movements will be unaffected).
- Inadequate provision made for drainage;
- Noise pollution due to “calls to prayer”;
- Light pollution due to level of use of glazing and “glass wall”;
- Appropriateness of fundraising to facilitate the development;
(Officer comment: This is not a material planning consideration).
- Nature of Preachers present at fundraising events;
(Officer comment: This is not a material planning consideration).
- Nature of teaching and role of OFSTED;
(Officer comment: This is not a material planning consideration).
- Council’s eagerness to approve the application;
(Officer comment: Such a comment is without foundation. The application was submitted in October 2015, fully 4 months ago, which is hardly a sign of eagerness. During the consideration of the application, Officers have pursued additional information, which has since been received, to assist in determination of the application based upon the facts).
- Stated proposed use is a cover for alternative use;
(Officer comment: This is nothing more than speculation).
- Likely increase in the number of students at the College;
- Potential for an increase in the number of “one-off” events such as graduations; open days, etc;
- Lack of existing/previous plans provided;
- Discrepancies between the as built and proposed plans;
(Officer comment: Such matters have been addressed and revised plans have been submitted)
- Development will increase the level of boarding/sleeping accommodation;

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(Officer comment: The current application proposes no additional boarding accommodation).

- College objected to previous proposed Travelling Show people application on adjoining land;
(Officer comment: Fail to see the relevance of what is a factually inaccurate comment).
- The inclusion of a Mihrab feature on the building indicates that the building is intended as a Mosque;
- Further demolition and rebuilding works is taking place to accommodate a further 110 students;
(Officer comment: Officers are investigating other building work separately).
- The new building is comparable to the construction of a new school or hospital in the Green Belt;
- Lack of consultation/publicity for the application;
(Officer comment: Near neighbour letters were sent out at the time of the original application submission, supplemented by the posting of a site notice and press notice. Following receipt of revised plans and details, all previous respondents (in excess of 130) were individually notified).
- Council is taking a lenient approach to the development;
- Community safety;
- Future change of use and speculation about future uses;
- There is an existing Mosque at The Horsefair, Kidderminster;
(Officer comment: This comment is irrelevant. The application does not propose use as a public mosque).
- Concerns regarding conservation matters on adjoining land;
(Officer comment: There are no adjoining conservation or protected areas).
- The college is ignoring the planning rules;
(Officer comment: If this were truly the case then the College would not have been likely to have made the retrospective application when challenged by Officers about the unauthorised development).
- Visual impact and out of keeping with the area;
(Officer comment: Given the utilitarian nature of many of the existing, former military buildings on the site, such a comment is difficult to understand).
- Lack of information submitted with the application;

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(Officer comment: Additional information has been sought, received and objectors have been duly notified).

- Errors made on the application forms;
- Pedestrian safety;
- No benefit to the local community;
- The agent is not locally based;
(Officer comment: Fail to see the relevance. This is not an unusual occurrence with planning applications).
- Even with revised information, there will still be 3000 people at the site once a year;
(Officer comment: This is no different to the current situation, with the College erecting a temporary marquee within the grounds to cater for such events).
- No compliance with the Building Regulations;
(Officer comment: The Council's Local Authority Building Control (LABC) service is in receipt of an "initial notice" regarding the development, which specifies that the works are being overseen by an "Approved Inspector". This being the case, there are no powers for the LABC to intervene; inspect; or "police" the development).

4.4 Members are advised that 6 letters of support have been received, which make the following comments:

- Existing teaching accommodation is inadequate, with corridors being used for teaching and recreation;
- The proposed development is not a mosque, but is a facility for the College students;
- Current lack of adequate dining hall;
- Need for multi-functional hall to cater to the daily needs of the College;
- Proposed building will be a visual improvement to previous building.

5.0 Officer Comments

- 5.1 As described earlier, the site and buildings have been occupied as an Islamic College for some 30 years (the last 10 years as a boys/male only college), and the use is clearly long established and lawful. The College has confirmed that the current number of students attending the College is 259, of which 239 are boarding, with the remaining 20 day students.
- 5.2 The site features a number of dormitory buildings to provide accommodation for the boarding students, with the College clarifying that the current maximum capacity of the College for boarding students is 275, based upon the accommodation available (i.e. there is a current surplus boarding capacity of 36 spaces).

- 5.3 The overall site features a wide range of single and two storey buildings with the latter being, primarily, upgraded dormitory accommodation blocks, as previously approved in the 1980's. Setting these buildings aside, the remainder of the site still features an assortment of the now somewhat dated, previously military, utilitarian buildings, which were never designed for the current use, and in many cases are of "single-brick" construction, and in this regard the College has been undertaking a gradual programme of upgrading and maintenance of these buildings, including in some cases new external cladding and re-roofing, to assist with both appearance and the insulation of said buildings.
- 5.4 As already identified, the current application is, at least in part, retrospective and seeks permission for the redevelopment of a section of the College buildings to provide a new multi-functional hall for use by the College. The previous building which was evident in this location of the site has been demolished and a replacement, larger, portal framed building is currently under construction.
- 5.5 The College's decision to demolish and rebuild without fully considering, or appreciating, the consequences of such actions is in no way condoned, but Members will be aware that planning legislation does make allowance for the submission of retrospective planning applications, which in turn must then be considered in the same way as if the development had not already commenced.
- 5.6 The application proposes the erection of a multi-functional hall, which would be capable of accommodating and facilitating the following activities, which are as listed within the applicant's Planning Statement:
- A college hall for assemblies and collective worship for the students of the college (daily);
 - As an examination hall (for students throughout the year);
 - As an indoor recreational facility (Table Tennis, Pool, Badminton, etc).
 - As a communal teaching area;
 - As a teaching area for small groups in the mezzanine;
 - Graduation ceremonies; induction days; and, open day events.

The hall will be fitted with moveable screens to allow it to be sub-divided into smaller useable spaces to provide additional flexibility and education space. Currently the level of teaching accommodation is restricted and the additional, replacement, space is vital to enable the College to function.

- 5.7 In terms of the graduation ceremonies, and with particular reference to concerns expressed by objectors regarding the capacity of the building, the College state that their graduation ceremonies are combined with two other independent colleges located elsewhere in the country, and due to the central location of the College it accommodates the ceremonies for all three colleges. In the past a marquee has been erected on the playing field, but the new building will be able to accommodate all students and parents for such events.

5.8 The applicants stress, and given the nature of some of the objections received it is essential to make this clear, that the building is proposed to be used by the College, for students of the College, and in relation to the normal functions of the College, in the same way as any multi-functional hall at any other educational establishment. This application does not, in anyway shape or form, propose or include the use of the hall as a public mosque.

5.9 The following Officer commentary has been sub-divided into the following headings:

- Retrospective nature of the application;
- Impact upon the Green Belt;
- Proposed use of the building;
- Scale, design and appearance of the building;
- Other matters.

RETROSPECTIVE NATURE OF THE APPLICATION

5.10 The circumstances of the application and its resulting retrospective nature are regrettable and such actions, no matter how and why they occur, cannot be condoned. The applicant's took a decision to replace rather than repair a building, without considering the consequences, which is clearly not acceptable, and the College are the first to acknowledge this error on their part.

5.11 Whatever the reasons for the actions taken, the Town and Country Planning Act 1990 (as amended) does make provision for the submission and consideration of retrospective applications such as this, and the Local Planning Authority (i.e. the Council) must consider such an application in the same way as if it had been submitted prior to the development commencing. That is to say, the applicants should in no way be penalised for their actions, and the application should be determined, on its merits, with reference to the relevant national and local planning policy and any other material planning considerations.

IMPACT UPON THE GREEN BELT

5.12 The College is situated within a rural location, within the West Midlands Green Belt. There is little in the way of other development within the immediate vicinity of the site, with the exception of a small number of residential properties. The surrounding countryside is very much agricultural in nature and appearance.

5.13 The starting point in considering Green Belt policy is the National Planning Policy Framework (NPPF), which states, at Paragraph 87, that;
"....inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

5.14 Paragraph 89 of the NPPF states that: *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt"*, but then goes on to list six exceptions to this, which include the following:

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

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The Council's own adopted Site Allocations and Policies Local Plan (SAAPLP) policy SAL.UP1 effectively replicates the NPPF position in terms of appropriate development in the Green Belt.

- 5.15 In light of the above, there is clearly scope for favourable consideration of an appropriate form of development within the Green Belt, and in this case the erection of a replacement building is clearly appropriate, in principle, as too is the partial redevelopment of what is a previously developed site in the Green Belt, and in this regard the critical consideration is as to whether the replacement building will have a greater impact on the openness of the Green belt.
- 5.16 Whilst the new hall is larger than its predecessor, as detailed later in this report, it is located on a similar footprint and adjoins existing buildings. There is established landscaping along the southern and eastern boundaries of the site, such that only glimpses of the building might be seen. However, it is acknowledged that such matters of screening would carry minimal weight when considering the issue of openness. The relationship, and backdrop of the existing adjoining buildings, however would be a consideration.

PROPOSED USE OF THE BUILDING

- 5.17 The intended use of the building has been at the very heart of concerns expressed, and objections made, against the development, with many claiming that the building is proposed to be used as a public mosque which is simply not the case.
- 5.18 This misconception regarding the proposed use can perhaps, at least in part, be attributed to the fundraising and marketing efforts of the College. Funding of independent College buildings such as this is not something which tends to attract significant levels of public donation from the wider Muslim community. As a means of attracting funding, the College used social media and other resources, and in doing so asked prospective donors to sponsor a Musalla (Muslim Prayer Mat) within the new facility, which in the interests of fundraising, was unfortunately described as a mosque. Indeed, 3000 Musalla spaces were stated as being available for sponsorship, and on this basis it is perhaps understandable why, in some quarters, there was some confusion as to the true intended use of the proposed building.
- 5.19 The College acknowledges that, with the benefit of hindsight, that such a form of marketing was not best advised and should not have been carried out. It is a certain fact that it has not been at all helpful, and has in turn generated a

significant level of opposition to a perceived proposed use, which was never actually intended.

- 5.20 As previously clarified above, at paragraph 5.6, the proposed building is proposed as a multi-functional facility, to serve the College, and as previously stated, there is no intention to use the building as a public mosque. It is the case that it would provide a facility for collective prayer and worship for students and staff, but in this regard that would be no different than any multi-functional hall at any other educational establishment, up and down the length and breadth of the Country.
- 5.21 As an aside, but worthy of note at this juncture, the College does make the point that the College site is totally inappropriate as a location for a mosque due to its remote rural location and not being located in close proximity to an established Muslim community. Furthermore, it is stated that the Government's School Inspection service (OFSTED) would not allow buildings on the site to be publicly accessible in the interests of safeguarding the safety and well-being of students.
- 5.22 The College have indicated that should it be deemed necessary and appropriate, a suitably worded planning condition which would prevent the building from being used as a public mosque would not be resisted. Officers consider that such a condition would be appropriate in this case.

SCALE, DESIGN AND APPEARANCE OF THE BUILDING

- 5.23 The demolition of the previous building was, as already identified, undertaken prior to the submission of this current planning application, and this being the case Officers have not had the luxury of being able to make 100% accurate comparisons between the building which was previously present on site, and the building the subject of this application. Such comparisons have also been hindered by the absence of any "existing/previous" elevation drawings having been submitted to accompany the application. However, whilst "existing/previous" floor plans have been prepared it would appear that in demolishing the building, the College did not undertake any measurements or retain any accurate records of the elevations of the building. This has not been helpful, and as such Officers have had to rely on photographic evidence of the now removed building and have based assumptions about the previous building height upon comparisons with known building heights of the retained adjoining buildings.
- 5.24 With reference to the above paragraph, the demolished building had maximum dimensions (when measured from the point where it joined the reception building) of 38m x 30m. It is also worthy of note that there was an additional freestanding building which was also removed, with dimensions of some 12m x 5m. Allowing for recesses within the building, Officers have calculated that the footprint of the building(s) demolished equated to 1151sq.m.
- 5.25 The building the subject of this application, as measured from the same position where it joins the reception building, is indicated on the plans submitted as 48.6m x 32.4m. These dimensions have been checked against the as-built structure, and allowing for the absence of an external brick skin (at

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the time of the inspection) these dimensions were found to be accurate. That being the case, the footprint of the new-build is calculated as being 1575sq.m. This equates to an approximate increase in the footprint of some 27%. Such an increase is not considered to be either particularly disproportionate or materially larger than the previous structure. This is a key factor in considering the appropriateness, or otherwise, of the development within the Green Belt.

- 5.26 That said, clearly it is necessary to not only consider the footprint, but also the additional height and mass of the building under construction. On the basis of the evidence available to Officers, it is estimated that the previous building, which was of a stepped, predominantly flat-roof design, stood at a height of no more than 4.5m. The new building is of a shallow, dual-pitched roof design, with eaves height of 5.5m, and a ridge height of 7.4m as confirmed by Officers on site. Members are advised that the ridge height (of 7.4m) actually exceeds the highest point of the existing adjoining building by approximately 0.7m.
- 5.27 This increase in height above what previously sat on the site should not be ignored, especially in light of its Green Belt location. The additional height facilitates the inclusion of a section of internal balcony wrapping around the hall, and with the addition of windows at that level, the building takes on a two storey appearance, which is somewhat different to what was previously evident in this location on the site. A fact referred to in a number of the objections received.
- 5.28 It should be remembered, however, that the building does not sit in isolation. Whilst it is located in arguably the most prominent location on the College site, in relative close proximity to the Heath Lane frontage, and thereby is visible from the public realm, it should be read against the backdrop of the buildings it directly adjoins, and the wider developed areas of the College site. The new building will be viewed against the backdrop of a group of other College buildings, some of similar heights, and it is considered that it would not cause substantial harm to the openness of the Green Belt.
- 5.29 In design terms, the building is somewhat different from the existing converted utilitarian military buildings evident on the site, and in many regards this is no bad thing. The red brick external appearance, with a grey sectional roof, will feature arched windows at ground floor and first floor level (to serve the internal balcony) around all three exposed elevations. The rear elevation, which faces east, will feature a small addition, which appears as a Mihrab (a semicircular niche in the wall that indicates the direction of Mecca and hence the direction to face when students are at prayer). The elevations of the building clearly include architectural features which are a nod towards an Islamic style of architecture, which given the nature of the College appears to be a perfectly reasonable design solution.
- 5.30 The scale, design and appearance of the building have been assessed against policies SAL.UP7 (Quality Design and Local Distinctiveness) and SAL.UP8 (Design of Extensions – Non-Residential Extensions) of the SAAPLP. In terms of its design and the intended function(s) of the building, within this educational establishment, the proposed development is found to

be acceptable, and is not considered to result in an over-development of the site. It is acknowledged that matters of local distinctiveness are difficult to address in this instance, especially given the backdrop of the less than attractive former military buildings which sit within the overall site. To seek to replicate these would be undesirable.

OTHER MATTERS

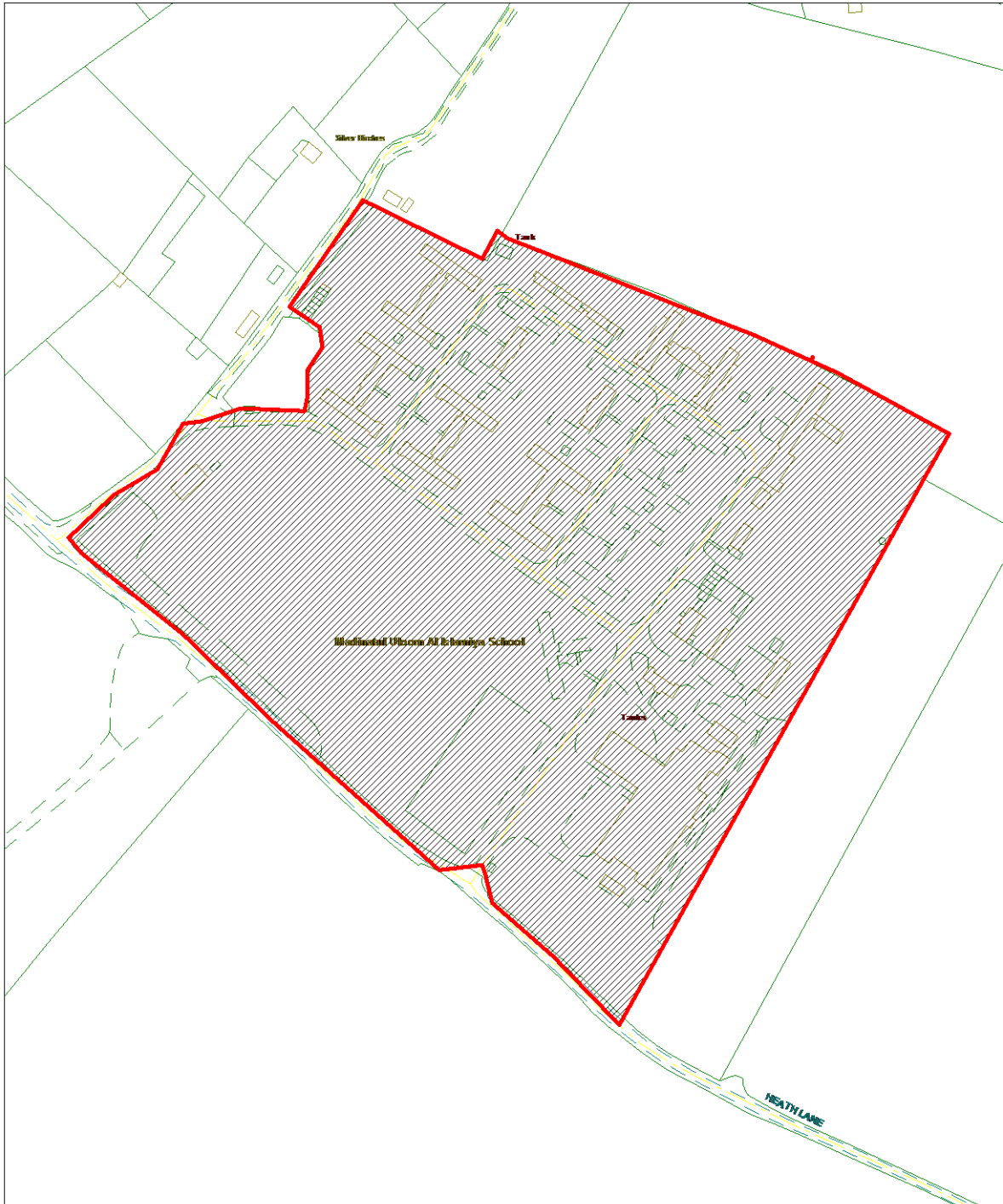
- 5.31 The application also proposes the installation of perimeter fencing, set on the college side of existing landscaping, that is to say inside the existing natural boundary hedges (which will be retained). A green paladin fence, up to 2.4m in height is proposed, which will assist with site security. This type of fencing is one commonly used around schools, both in urban and more rural locations. This proposed fencing is deemed perfectly acceptable in this location.
- 5.32 Members will have noted objections made with regard to highway safety and increased levels of traffic calling at the site. However, the application, as described above, proposes no form of change of use. That is to say, the lawful use as an educational establishment remains and in terms of the day to day levels of traffic calling at the College the application will maintain the status quo.
- 5.33 It is the case that the College proposes to use the new multi-functional hall for graduation ceremonies and similar College related events, such as induction days and parent days, etc. The fact is that such events already occur at the College, and currently depend upon the use of a temporary marquee within the grounds, and as such the proposed development will not generate any greater level of traffic than is currently the case.
- 5.34 Objections have also been received in relation to matters such as the adequacy of services (electrical, water and drainage) and the impact of the development upon these. It should be remembered that this is a replacement, albeit larger, building and as such any calls upon such services will not be significantly greater than has previously been the case.
- 5.35 In terms of related inspection of works undertaken, as previously indicated, the development is being overseen by an Approved Inspector and not the Local Authority (LABC) service. This option is available to any applicant/developer, and in such instances it is for the Approved Inspector to ensure compliance with the Building Regulations. There is no role in such instances for the LABC.

6.0 Conclusions and Recommendations

- 6.1 The retrospective nature of this application should not weigh against the applicants rather the application should be treated, on its merits, in the same

way as any other planning application, as clarified in the main body of the report.

- 6.2 It is unfortunate that the applicants took the approach to fundraising for the development that they did, as referred to at paragraphs 5.17 and 5.18 of the report. There is no doubt that this approach has, at least in part, fuelled concerns expressed by a large number of objectors regarding the intended use of the building. However, despite this, it is the case that the application proposes the erection of a multi-functional hall, to replace a previous sub-standard building, for the use of the College. No public access is proposed, and the building, whilst it would be used for prayer by the students and staff would not be used as a public mosque.
- 6.3 The Green Belt location of the site is a major factor in the consideration of the application, and in particular the location and physical size of the replacement building. The NPPF, under paragraph 89 makes it clear that replacement buildings in the Green Belt are appropriate forms of development; *“provided the new building is in the same use and not materially larger than the one it replaces”*. Furthermore, *“... partial or complete redevelopment of previously developed sites which would not have a greater impact upon the openness of the Green Belt ...”* are also identified as constituting appropriate development in the Green Belt.
- 6.4 The use of the building proposed is the same as that it replaces (i.e. educational use), and, whilst its appearance will be different from what it replaces, in terms of its size it is not considered to be materially larger than its predecessor. Furthermore, the building would have no greater impact upon the openness of the Green Belt, especially given the backdrop of the immediately adjoining buildings and the wider site and its assortment of one and two storey buildings. In light of the above, the development is considered to be appropriate development within the Green Belt.
- 6.5 In design terms, whilst different in appearance to the previous building and the other buildings evident on the overall site, the replacement multi functional hall is found to be acceptable.
- 6.6 It is therefore recommended that **APPROVAL** be given subject to the following conditions:
1. A11 – Approved Plans.
 2. B6 – External Materials.
 3. Use restricted to use by the College – Not to be used as a publicly accessible mosque.
 4. No use of tannoy or other external amplified equipment.
 5. Restriction on the number of events (Graduation ceremonies; open days, etc) per year.
 6. No removal, and protection, of existing boundary hedge and tree species during the installation of the perimeter fence.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

Madinatul Uloom Islamic College
Heath Lane, Stone, DY10 4BS

Date:- 01 February 2016

Scale:- 1:2500

OS Sheet:- SO8573NE

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



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
16TH FEBRUARY 2016

PART B

Application Reference:	15/0661/FULL	Date Received:	17/11/2015
Ord Sheet:	386989 274118	Expiry Date:	12/01/2016
Case Officer:	Julia McKenzie-Watts	Ward:	Wyre Forest Rural

Proposal: Proposed extension and part demolition of existing dwelling to form 1 additional dwelling with new access.

Site Address: THROCKMORTON HOUSE, 1, MUSTOW GREEN, KIDDERMINSTER, DY10 4LE

Applicant: Mr K Steer

Summary of Policy	CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.UP7 SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) CC9 (Chaddesley Corbett Neighbourhood Plan) Section 9 (NPPF)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Throckmorton House is a large detached property located in Mustow Green adjacent to the A448 Kidderminster Road within an area washed over by the West Midlands Green Belt. The property consists of a large dwelling and an adjacent coach house which are linked by a 4.6 metre wide kitchen extension. Both elements of the property are in the currently in the same ownership and the entire unit is used as living accommodation.

1.2 One of the earliest records of the property and coach house was in 1860 when records show it was a public house known as the Throckmorton Arms, named in honour of Dame Mary Throckmorton who was the Lady of the Manor of neighbouring Chaddesley for 26 years between 1696 and 1722, she was married to the third Throckmorton baronet and also owned Harvington Hall.

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- 1.3 The proposal seeks to demolish an existing link extension and re-build to the rear of the existing coach house, separating it from the main house in order to form an additional dwelling with new access off the A448. It is also proposed to erect a rear extension to the existing Throckmorton House.

2.0 Planning History

- 2.1 KR.289/72/Outline – One detached house or bungalow : Refused 15/8/72
- 2.2 KR.348/7010 – Erection of a bungalow (adjacent) : Refused 30/3/71
- 2.3 WF.608/77 – Additional access : Refused 13/9/77
- 2.4 WF.788/77/Outline – Detached bungalow and garage : Refused 4/10/77
- 2.5 WF.957/85 – Extension & alteration : Approved 20/12/85
- 2.6 WF.1188/89 – Kitchen extension, convert coach house to habitable accommodation : Approved 12/12/89
- 2.7 WF.627/90 – Double garage : Approved 16/10/90
- 2.8 WF.845/92 – Garage extension to store vintage motor cars : Approved 15/12/92
- 2.9 WF.507/04 – Extension & alterations to convert existing garage to domestic dwelling : Refused 1/7/04
- 2.10 06/1121/FULL – Creation of ancillary in garage block : Approved 29/12/06

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Objection to the proposal and recommend refusal. The development is disproportionate to the existing and original buildings. Overdevelopment in the green belt. We would refer you to CC9 of our Neighbourhood Plan – Item 6 “Extensions to properties should be of a subordinate scale to the original building!”

Although there wouldn't be a completely new build property on the site, this is equivalent to seeking to develop a new dwelling by using part of the garden as a brownfield site, and we have objected to this type of proposal elsewhere in the Parish. The existing property may be a poor design and difficult to market, but I'm not sure that represents the 'very special circumstances' that might argue for us making an exception in this case.

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With regards to the access onto the A448, we strongly object to this because none of the properties on that side of the road have direct access to the A448, this is why they have a private access road which is blocked off so that other traffic cannot use it. The position close to Curslow Lane junction and the access to Winterfold School is on a very busy part of the road, and often there are long tail backs of cars waiting to go into Mustow Green island from Bromsgrove way. In the dark, it would be very difficult to see this access without any street lighting in the parish.

The traffic survey (now on the Planning website) shows a significant minority of vehicles passing that point at over 50mph and this is another issue we are taking up with Highways at the moment due to the high incidence of traffic accidents in this area and on the next bend by Winterfold Cottage. We suggest that you consult again with Highways and ask them to look at the overall situation with regard to traffic on this road and at this point.

- 3.2 Highway Authority – No objection subject to the inclusion of one condition and two notes.
- 3.3 Worcestershire Archive & Archaeology Service – No objections
- 3.4 Severn Trent Water - I can confirm we have no objections to the proposals subject to the inclusion of the following condition. ‘The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.’
- 3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

PROPOSAL

- 4.1 The application site is located in Mustow Green and consists of a 0.21ha (0.53acre) piece of land that is currently occupied by a large dwelling know as Throckmorton House. The site comprises the main house, a detached garage and a coach house which is shown on the 1884 Ordnance survey map. The coach house was converted into habitable accommodation and incorporated into the main house by way of a single storey kitchen link extension approved under planning application WF1188/89. Part of the dwelling fronts onto an access road which serves seven other properties but the majority of the property is oriented towards the adjacent to the A448.

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4.2 The application proposes the demolition of the 4.7 x 6.2m, 4.8 metre high single storey pitched roof kitchen link and the erection of a single storey extension 5.2 x 5 metres to a height of 3.9 metres to the rear of the coach house. The addition of this rear extension would allow the separation of the coach house element from the main dwelling in order to facilitate the creation of a new separate unit of accommodation. It is also proposed to erect an extension to the rear of Throckmorton House which would measure 4.5 x 9.6m to a height of 4 metres with a pitched roof in order to create a new kitchen and enlarged dining area due to the loss of the kitchen area currently housed in the link extension.

4.3 The current access to Throckmorton House would remain as at present and a new access to the Coach House would be created off the A448.

PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

4.4 The site is considered to constitute previously developed land as defined by the National Planning Policy Framework (NPPF) and the Adopted Wyre Forest Site Allocations and Policies Local Plan, as it involves the re-use of the existing buildings on the site.

GREEN BELT

4.5 The application site is within an area washed over by the West Midlands Green Belt and therefore Paragraphs 87-89 of The National Planning Policy Framework (NPPF) and Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan apply in this instance..

4.6 The NPPF goes on to say that new buildings within the Green Belt should be regarded as inappropriate but does recognise that there are a number of exceptions. These exceptions include the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The land falls to be considered as a Previously Developed Site in the Green Belt as the land is currently occupied by a permanent structure. Policy SAL.PDS1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan provides the local framework for this circumstance.

4.7 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of these are their openness and their permanence.

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- 4.8 The property currently benefits from a kitchen link between the main dwelling and the coach house (29 cubic metres) which would be demolished and re-built as a new kitchen extension to the rear of the new dwelling (26 cubic metres) albeit in a less visually prominent location. It is considered that the subdivision of the dwelling into two smaller units would have no greater impact on the openness of the Green Belt than exists at present and therefore the proposal would not conflict with the purposes of including land within the Green Belt or the guidance laid out in the NPPF. In fact, it could be argued that the removal of the link in order to allow two independent properties may actually improve the visual amenity of the area and further minimise the impact of the development on the openness of this part of the West Midlands Green Belt which is located on a very prominent corner in Mustow Green. It is therefore considered that the proposal for the additional residential unit constitutes appropriate development in the Green Belt.

PROPOSED EXTENSIONS

- 4.9 With regard to the proposed extensions at Throckmorton house and the new dwelling, section 9 of the National Planning Policy Framework (NPPF) sets out guidance for the forms of development considered acceptable within the Green Belt. Paragraph 89 of the NPPF contains the relevant policy for extensions to existing properties within the Green Belt and states that appropriate development would include:

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

- 4.10 This national policy is replicated through Policies SAL.UP1 and SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan Policy which both require that residential extensions should not result in disproportionate additions over and above the size of the original dwelling, be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm 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.
- 4.11 In addition to the extension at the rear of the Coach House it is proposed to create an opening in order to facilitate a front door and canopy. It is also proposed to erect an extension to the rear of Throckmorton House which would measure 4.4 metres in depth and 9.5m in order to allow the provision of a new kitchen area and enlarged dining room. The agent has provided calculations in order to demonstrate the percentage increase:

Throckmorton House (Main House)	Existing = 550cub.m Proposed = 130cub.m	23% increase.
(Coach House)	Existing = 288cub.m Proposed = 65cub.m	22% increase.

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The area to be demolished is 101cubic metres and therefore there is a decrease in volume of 36cub.m

TOTAL Existing = 939cub.m
Proposed = 195cub.m 20% increase.

- 4.12 The calculations illustrate that the extension to the rear of both Throckmorton House and the coach house would be considered to be appropriate development in terms of the volume increase and in compliance with Policies SAL.UP1 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan and also policy CC9 of the Chaddesley Corbett Neighbourhood Plan. The Parish Council have objected to the scheme as they consider the extensions to properties should be of a subordinate scale to the original building, however it can be seen that as the extensions would be located to the rear of both properties they would be considered as subservient additions in scale with the original properties.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 4.13 Policy SAL.PFSD1 of the Adopted Site Allocations and Policies Local Plan discusses presumption in favour of sustainable development and states that the District Council will view development proposals which accord with the overarching Development Strategy and reflect the principles of sustainable development positively. Where there are no policies relevant to the specific application, the Council will grant permission unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 4.14 The situation at Throckmorton House is rather unusual in that the house and coach house have existed side by side on the site for more than one hundred and thirty years and the buildings were only joined to form a single unit of accommodation within the last 26 years. Whilst the approved kitchen extension linked the two parts in 1989, the property when viewed from the road still appears as two separate buildings with a ground floor extension 'stuck' between them. As both the house and the coach house are permanent structures, the land is considered to constitute previously developed land as defined by the National Planning Policy Framework. The removal of the link and creation of a separate unit of accommodation would not have any adverse effects on the dwelling itself or the immediate vicinity and as such there are no other material considerations to take into account in this case. The creation of a separate unit of accommodation would be considered to be in line with the guidance laid out in the NPPF and also Policy SAL.PFSD1 of the Adopted Site Allocations and Policies Local Plan.

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LANDSCAPING & BOUNDARY TREATMENTS

- 4.15 The site layout in terms of landscaping and boundary treatment would remain the same as what currently exists on site apart from the provision of a new 1.8m boundary fence between the two rear gardens. In order to facilitate the new access and driveway to the new property off the A448 it will be necessary to remove a 4.6m section of hedgerow. Officers consider that the proposed boundary treatments would be acceptable as they would not alter massively from what exists at the present time and therefore the impact on the surrounding area and openness of the Green Belt would be minimal.

HIGHWAY SAFETY

- 4.16 It is proposed that Throckmorton House itself would retain the existing access and a new access directly off the A448 would be created in order to serve the new dwelling. The agent has submitted a metrocount traffic executive survey which documented the speeds of 36415 vehicles between the 18th September 2015 and the 25th September 2016 and a plan which shows the required visibility splay of 2.4m x 46m to the kerb line in both directions. The Highway Authority has offered no objections to the scheme subject to the inclusion of a condition and two notes.
- 4.17 The Parish Council have stated that they could not support the new drive onto the A448 as they consider this which would have serious safety issues on an already very busy section of this main road, however whilst these comments have been noted, the Highway Authority is satisfied that the proposed new access would offer a suitable, safe means of access to and from the site. On this basis its concluded that highway safety will not be significantly harmed and that a reason for refusal cannot be substantiated.

5.0 Conclusions and Recommendations

- 5.1 The proposed extensions to the rear of Throckmorton House and the converted coach house would represent a small increase in volume and would be considered to be appropriate in terms of both scale and design and as such are considered to be in compliance with Policies SAL.UP1, SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.2 The provision of an additional dwelling by way of conversion of the coach house would not constitute inappropriate development in the Green Belt or cause harm to the character and appearance of the site or the surrounding area and thus it is considered that very special circumstances exist in this case. The proposal would comply with the provisions of the NPPF and Policies SAL.PFSD1, SAL.UP1 and SAL.PDS1 of the Adopted Site and Allocations policies Local Plan.
- 5.3 Concerns expressed over highway safety have been fully considered in conjunction with the views of the Highway Authority and it is concluded that the proposal will not result in a deterioration of highway safety.

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5.4 It is therefore recommended that **APPROVAL** be given subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)
4. Access, turning and parking
5. Submission of drainage plans
6. J1 (Removal of Permitted Development Rights) – Side extensions for New Property.

Notes:

- A Private Apparatus within the Highway
- B Alteration of highway to provide a new vehicle crossover
- C Submission of drainage details

Application Reference: 15/0719/REGS3 **Date Received:** 18/12/2015
Ord Sheet: 380901 271180 **Expiry Date:** 12/02/2016
Case Officer: Paul Round **Ward:** Areley Kings & Riverside

Proposal: Retention of temporary car park at the former Lloyds Garage site for a further period of two years

Site Address: LLOYDS GARAGE, 8 BRIDGE STREET, STOURPORT-ON-SEVERN, DY13 8XA

Applicant: Wyre Forest District Council

Summary of Policy	DS01, DS03, CP02, CP03, CP14, CP15 (CS) SAL.STC1, SAL.GPB2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP6, SAL.UP8, SAL.UP9 (SAAPLP) Stourport on Severn Conservation Area No.1 Conservation Area Character Appraisal Bridge Street Basins Link Development Brief (2005) Sections 2, 4, 7, 12 (NPPF)
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site encompasses the former Lloyds garage site. The site lies within the Stourport on Severn Conservation Area No.1, fronting onto Bridge Street with part of the southern boundary abutting Engine Lane; the application site excludes the building at No.8 which is locally listed.
- 1.2 The site forms part of the wider area known as the Bridge Street Basins Link which incorporates a large part of the frontage to Bridge Street, from Engine Lane northwards up to and including No.4 Bridge Street. This wider area has a site specific policy relating to it within the Adopted Site Allocations Local Plan and a Development Brief which was adopted in 2005.
- 1.3 A temporary planning permission was approved on 20th February 2014 for the use of the site for a car park for two years. This application seeks for a renewal of this permission for a further two year period.

2.0 Planning History

- 2.1 13/0667/FULL - Demolition of buildings comprising the former Lloyds Garage Site and replacement with Temporary Car Parking for a period of two years : Approved 20.02.14

15/0719/REGS3

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Recommend approval; but the District Council is urged to undertake some modest improvements to the surface of the car park which is considered to be inconvenient and potentially dangerous to pedestrian traffic in the car park – Town Council Members having been made aware of two accidents suffered by pedestrians as a result of the existing and unsatisfactory surface of the car park.
- 3.2 Highway Authority – The application is contrary to the policies contained within the adopted local transport plan (LTP3) which seek to promote walking, cycling and bus access. This application will create additional car parking capacity within the town centre of Stourport on Severn which will encourage car movements into an area which already suffers from congestion. The LTP3 seeks to promote sustainable travel patterns for all developments and due to the nature of the application this can only encourage car trips and cannot mitigate for the additional movements it will create.

The application will encourage people to drive into Stourport on Severn and when this travel pattern is established it is difficult to reverse so the fact that this is a temporary application is not considered to be mitigation. The application does not promote sustainable travel and is by definition a car dominated site and is therefore recommended for refusal.

- 3.3 Conservation Officer – No objections
- 3.4 Neighbour/Site Notice (consultation period expires 18th February 2016) – No representations received at the time of writing this report.

4.0 Officer Comments

- 4.1 The application site is within the Bridge Street Basins Link area, which is defined for redevelopment under Policy STC1 of the Adopted Site Allocations and Policies Local Plan. The long term aim is for the redevelopment of the wider area for a mix of commercial and residential uses.
- 4.2 Whilst great strides have been made to bring forward a proposal for development on this site over the last two years, the District Council is not in a position to submit an application at this stage. As the temporary consent lapses in February, it seems eminently sensible to renew the temporary consent for a further two years.
- 4.3 As noted with the previous application this temporary use of land will not prejudice the development of the site, which still can come forward at any time. It does in the meantime provide a suitable use for the site within the Town Centre location and would preserve the character of the Conservation Area.

15/0719/REGS3

- 4.4 The Highway Authority has repeated their objection to this scheme on sustainability grounds. As noted in the previous application the proposal is for a temporary two year period and the provision of parking does not fall within the longer aspirations for the site. It is considered that a further temporary permission would not be harmful in this respect.
- 4.5 The comments of the Town Council in respect of the surface treatment of the car park are noted and the following response has been received from the Director of Economic Prosperity and Place. *“The District Council are aware of the situation and will undertake a maintenance review of the car park to assess the suitability of the surface and make any improvements as deemed necessary”*. It is appreciated that the surface may not be suitable for all members of the community; however it must be remembered that this site is a temporary car park and users have the choice of alternative parking areas if needed. It is not considered necessary to require a change in surface treatment as part of this additional temporary permission.
- 4.6 A number of conditions were imposed on the previous permission in respect of the creation and preparation for the use and these are not required for this renewal.

5.0 Conclusions and Recommendations

- 5.1 The renewal of the permission for use of the land for car parking for a further temporary two permission is considered to be acceptable, not prejudicing the long term re-development of the area or creating any identified harm to the area. The objection from the Highway Authority has been considered however it is not considered that a refusal can be justified in these circumstances.
- 5.2 I therefore recommend **delegated APPROVAL** subject to:
- a. the completion of the consultation process and no new issues being raised; and
 - b. the following conditions:
 1. A9 (Temporary permission – uses of land)
 2. A11 (Approved plans)
 3. Permission to enure for the benefit of Wyre Forest District Council only

WYRE FOREST DISTRICT COUNCIL

Planning Committee

16 February 2016

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
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			Dismissed 25/1/2016
WFA1457 15/3053/PNRE	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			

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
WFA1458 14/0661/OUTL5	APP/R1845/W/1 5/3133945	Callow Oils Ltd	LAND AT STATION YARD OFF LYNWOOD DRIVE BLAKEDOWN Outline application with access and layout to be determined for up to 16 residential dwellings and provision of parking	HE 16/11/2015	21/12/2015			
WFA1459 15/0667/ENF	APP/R1845/C/15 /3136640	Mr D Matthews	GREEN ACRES THE HOLLOWAY CHADDESLEY CORBETT Erection of new residential dwelling (Enforcement Case 15/0097/ENF)	WR 25/11/2015	30/12/2015			

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
WFA1460 15/0405/FULL	APP/R1845/W/1 8/3138636	Mr J Kelly	LAND AT LONG BANK BEWDLEY Proposed Agricultural Building	WR 01/12/2015	05/01/2016			
WFA1461 15/0403/FULL	APP/R1845/D/15 /3140332	Mr & Mrs Evans	COURT FARMHOUSE WOLVERLEY ROAD WOLVERLEY KIDDERMINSTER Erection of an extension to a dwelling (existing pool building to be demolished)	WR 21/12/2015	25/01/2016			

Appeal Decision

Site visit made on 17 November 2015

by Geoff Winslow BSc (Hons.) MA MRTPI

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

Decision date: 25 January 2016

Appeal Ref: APP/R1845/W/15/3053080
Concept Flooring Co, 33 Holman Street, Kidderminster, Worcestershire
DY11 6QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Norman Dyer against the decision of Wyre Forest District Council.
- The application Ref 14/0548/FULL, dated 8 September 2014, was refused by notice dated 4 December 2014.
- The development proposed is erection of one bungalow and one detached house on land off 33 Holman Street, Kidderminster, Worcestershire DY11 6QY.

Decision

1. The appeal is dismissed.

Main Issues

2. The concerns of the Council relate only to the proposed bungalow and not the proposed single detached house. On the basis of the information before me, which includes an extant planning permission for the erection of two semi-detached dwellings fronting Holman Street (LPA Ref: 14/0099/FULL) and my site visit, I have no reason to disagree. I therefore consider the main issues in this case are:
 - The effect of the proposed bungalow on the character and appearance of the local area; and
 - Whether the proposed development would provide acceptable living conditions for future occupants of the bungalow with particular regard to the provision of outdoor amenity space and light to bedroom 2.

Reasons

Character and appearance

3. Although the area around the appeal site comprises a variety of dwelling types, the prevailing character and appearance is predominantly defined by two-storey residential properties that face the road with long rear gardens backing onto each other. In this context the single storey form of the proposed bungalow, positioned tightly at the back of the appeal site, behind houses and with its garden uncharacteristically arranged at the side, would be an incongruous development that would fail to respect the surrounding pattern and style of buildings in the area.

4. Moreover, while the current business use appearance of the appeal site does not necessarily fit in with its residential surroundings, the new bungalow would fail to take the opportunity to improve the character and quality of the area as anticipated by paragraph 64 of the National Planning Policy Framework (the Framework). Although views of the bungalow would be relatively limited due to its position at the rear of the site, it would nonetheless be seen down the access road and from surrounding properties. I therefore find that in overall terms, despite no objections to the proposed detached house, the proposal would harm the character and appearance of the local area. Consequently it would fail to accord with the design aims of Policy CP11 from the Wyre Forest District Council Core Strategy¹ (CS) and Policy SAL.UP7 from the Wyre Forest District Council Site Allocations and Policies Local Plan² (LP).

Living conditions

5. The window to bedroom 2 in the bungalow would be only approximately one metre away from the tall boundary fence. Being so close would significantly limit light penetrating the bedroom. As a result the room would be unacceptably gloomy. Views down into the outdoor space for the bungalow would be possible from one of the rear dormer windows in the house currently under construction. However, the dormer window would be approximately 18m away and this is an area where mutual overlooking already takes place. Furthermore, although the details of the proposed intervening garages are not yet known they would shield from view some of the garden to the bungalow. In these circumstances I am satisfied that the garden to the bungalow would not be unduly overlooked.
6. Notwithstanding that I have found that the privacy of the garden would be acceptable, this does not outweigh my finding that the living conditions for future occupiers of the proposed bungalow would be harmed due to a lack of light into bedroom 2. Consequently, the appeal scheme would not meet the aims of the Framework as they relate to seeking a good standard of amenity for future occupiers of buildings. Although the Council has referred to conflicts with Policy CP11 from the CS and Policy SAL.UP7 from the LP these seem more related to design quality. In terms of the living conditions issue I do not find any particular conflict with these policies on this occasion.

Other Matters

7. I have had regard to the two appeal decisions referred to by the appellant (APP/H1840/A/13/2205247 & APP/D0840/A/13/2209757). However, the appeals were for 15 and 100 dwellings respectively. The first one considered matters of flooding and housing land supply and the latter was in a different local planning authority area. There were therefore material differences between those schemes and the appeal proposal before me. Moreover, in the other appeals the Inspectors found no harm arising from the proposals. In this case I have found harm. In these circumstances the other appeal decisions have only limited weight. In any event I have considered the individual merits of the appeal scheme before me.
8. The harm to the character and appearance of the area and to the living conditions of future occupiers mean that the appeal scheme would not accord

¹ Wyre Forest District Council Core Strategy (2006-2026) Adopted December 2010

² Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 Adopted July 2013

with the social and environmental dimensions of sustainable development. Consequently, notwithstanding the economic benefits of the scheme, it would not represent sustainable housing development for which there is a presumption in favour of as detailed in paragraphs 14 and 49 of the Framework.

Conclusion

9. For the reasons set out above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Geoff Winslow

INSPECTOR