

Open

Planning Committee

Agenda

6pm
Thursday, 26th May 2016
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

To be advised following the meeting of Annual Council to be held on 25th May 2016

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.

WEBCASTING NOTICE

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

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

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

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

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

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

*Unless there are no reports in the open session

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

Thursday, 26th May 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 April 2016.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	10
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.	39
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.	Exclusion of the Press and Public To consider passing the following resolution: “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”.	
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Part 2

Not open to the Press and Public

9.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

19TH APRIL 2016 (6.00 PM)

Present:

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

Observers:

Councillor N Knowles.

PL.77 Apologies for Absence

There were no apologies for absence.

PL.78 Appointment of Substitutes

No substitutes were appointed.

PL.79 Declarations of Interests by Members

There were no declarations of interests.

PL.80 Minutes

Decision: The minutes of the meeting held on 15th March 2016 be confirmed as a correct record and signed by the Chairman.

PL.81 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No.542 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 542 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.82 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.83 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.

There being no further business, the meeting ended at 6.30 PM.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19th April 2016 Schedule 542 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: 15/0240/FULL

Site Address: 106 AUDLEY DRIVE, KIDDERMINSTER, DY11 5NF

REFUSED

Due to the close proximity of the application premises to existing residential dwellings, it is considered that the proposed change of use to A5 Hot Food Takeaway would be likely to have a significant detrimental impact upon the amenities of existing residents within close proximity of the premises due to; the increased noise disturbance and nuisance arising from pedestrian and vehicular movements; the likelihood of customers congregating in the vicinity of the premises, particularly during the evening; and, the smells and fumes emanating from the premises from the cooking processes. The proposed change of use therefore fails to satisfy Policy SAL.GPB2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Paragraphs 17 and 123 of the National Planning Policy Framework.

Application Reference: 15/0713/FULL

Site Address: WEST MIDLANDS SAFARI PARK, SPRING GROVE, KIDDERMINSTER ROAD, BEWDLEY, DY12 1LJ

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Landscape planting
4. Use of land for grazing animals only

Application Reference: 16/9003/NMA

Site Address: LAND AT SILVERWOODS ESTATE ROAD, KIDDERMINSTER

APPROVED

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

26/05/2016

PART A Report

Ref.	Address of Site	Recommendation	Page No.
16/0176/TREE	1 SEVERN MANOR GARDENS STOURPORT-ON-SEVERN	APPROVAL	11

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
16/0087/FULL	104 AUDLEY DRIVE KIDDERMINSTER	REFUSAL	18
16/0090/FULL	LAND AT MITTON STREET STOURPORT-ON-SEVERN	APPROVAL	25
16/0254/ADVE	WYRE FOREST LEISURE CENTRE (FORMER BRITISH SUGAR SITE) SILVERWOODS WAY KIDDERMINSTER	APPROVAL	36

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
26TH MAY 2016

PART A

Application Reference:	16/0176/TREE	Date Received:	22/03/2016
Ord Sheet:	380262 270400	Expiry Date:	17/05/2016
Case Officer:	Alvan Kingston	Ward:	Areley Kings & Riverside

Proposal: Fell 2 Cedars and Prune 1 Pine & 1 Cedar - Shorten back low limbs growing towards the road to suitable growth points and remove the dead and damaged wood within the crowns of both trees.

Site Address: 1 SEVERN MANOR GARDENS, STOURPORT-ON-SEVERN, DY13 0LX

Applicant: Mr R Woodward

Summary of Policy	CP14 (CS)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The trees, the subject of this application, are located within the curtilage of two properties (Nos. 1 & 2 Severn Manor Gardens, Stourport-on-Severn) and are divided by the access road for Severn Manor Gardens.
- 1.2 Tree numbered T1 is a Deodar Cedar, located at the junction of Areley Common and Severn Manor Gardens, which is at the south west corner of the applicant's dwelling at 1 Severn Manor Gardens. Trees T2 (Deodar Cedar) and T3 (Austrian Pine) are also within the ownership of the applicant, however they are located on land on the opposite side of road from his dwelling.
- 1.3 Tree numbered T4 is also a Deodar Cedar and located next to trees T2 and T3. This tree is actually within the curtilage of 2 Severn Manor Gardens.

16/0176/TREE

2.0 Planning History

- 2.1 WF.0303/99 – Erection of ten detached dwellings with garages and construction of new vehicular access, roadways, drives and parking areas after demolition of existing buildings : Approved 20/05/1999.

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection

- 3.2 Ward Members – No objections

- 3.3 There have been 7 representations received objecting to the felling of the two Deodar Cedars with the grounds for objection summarised under the following bullet points:

- The cedars have been an impressive feature of the road and a proposal of this nature is a significant change to the landscape.
- In terms of the advice given by the arboricultural officer, clearly we are not in a position to present any opposition to this opinion but do feel strongly that the proposal to remove two of the trees is premature based on this advice. Unless there is any immediate safety issues (which is by no means suggested by this opinion), it seems more appropriate to complete any immediate remedial work and monitor the development of the trees periodically (every two years?). Ultimately, we believe the complete removal of two of the cedars to be very premature and strongly oppose the application that has been made.
- As a co-owner of the land directly opposite property numbers 1 - 4, and as someone who had to sign a copy of the Tree Preservation Order prior to the completion of the purchase of my property I feel strongly that at the very least, the owners of these properties should have been brought into discussions.
- I would also like to point out that 1 of the trees highlighted in the application does not belong to the applicant and in fact is situated on the land owned by the residents of 2 Severn Manor Gardens.
- Firstly, I would like it to be known that I strongly support the need for action should there be a concern over the safety of the trees in question, this goes without saying as the safety of property and people is paramount. However, the information made available publicly as part of this application appears to be extremely vague. The vagueness of the information is somewhat concerning given that the trees are subject to a protection order.

16/0176/TREE

- These trees are part the areas history, and not only are they stunning, they contribute greatly to the character of both the local area, and more importantly Severn Manor Gardens (part of the reason for purchasing my home). I hate to see any tree removed, but to see these removed prematurely would be extremely upsetting.
- Surely there must be a way to further explore how these trees can safely be retained for as long as is possible? A tree protection order feels as though much more should be done, as much as possible - otherwise why bother imposing these orders on trees deemed historical or of character / importance in the first place?
- I object because I have lived in the shadow of these trees for over 50 years and they have never changed. If they do have branches that are dangerous then surely just those can be removed. Is removing the whole tree not a danger to property around. As far as conservation goes these trees are home to many birds and insects.
- 13 years ago when we brought our house off plans one of the reasons we chose it was because of the trees. They are the last remaining remnants of the tree lined drive I used to come up in my youth to the nightclub and it will ruin the entrance to our small housing estate. If the trees are healthy then they should stay and will out live probably all the inhabitants including our young children.
- As a neighbour of the applicant, Mr. R. Woodward, I must state my families objection to this application to remove two Cedar trees (TP1 and TP2) because they are getting close to their safe useful life expectancy and most likely need to be removed in the next 10 years. In our opinion the trees should be monitored over this 10 year period, but in the meantime the damaged/diseased limbs/branches should be removed and trees trimmed as advised by those with the correct skill set. I totally understand if the trees are proven to be unsafe, but it would be a very premature decision in our minds.
- I understand that the decision that the trees are at the end or nearing the end of their natural lives has been made by a visual inspection. How does one visually judge whether these trees, which can live for hundreds of years, are near the end of their lives? A 'flat topped' appearance, for example, indicates 'old' not 'at the end of life'. Was a tree surgeon consulted and was a core sample taken or other tests carried out in order to ascertain whether the trees need felling or whether remedial action would suffice, as in the case of the cedar and pine that are further away from the road? Is it possible to obtain a second opinion as to whether these trees really do need felling before a final decision is made?

16/0176/TREE

- I know that a cedar can shed branches as it nears the end of its life but very high winds, not age, caused a minor branch to fall from one of the cedars into the garden of 1, Severn Manor Gardens. I noticed that the branch was down the morning after a night of very strong winds and I am mentioning this in case this is the basis of the application to have the trees felled. Perhaps if one of the trees is unsafe then the other three should be spared.
- As you will know such has been the decline of cedars that their status is either 'vulnerable' or 'endangered' and the status of *Cedrus atlantica* on the IUCN Red list of threatened species is endangered. Consequently everything possible should be done to conserve these trees. Surely it would be better if remedial action is tried in the first instance, particularly as you think that the trees still have some years life in them. It takes far longer than a lifetime for trees such as these to grow to maturity and so felling them should be the final course of action.
- The four trees in question are a magnificent sight and mark the entrance to the village of Areley Kings and have done so for many generations. Their canopy is visible from far away and is an impressive sight which will be sorely missed if the trees come down. I hope that the recommendation/ decision to fell them will at least be reviewed, if not rescinded. To lose them unnecessarily would be a tragedy.

4.0 Officer Comments

- 4.1 It is always with regret that the felling of large mature trees such as these has to be considered. All trees in urban areas have a safe useful life expectancy, which in crude terms is how long a tree has before it becomes an unacceptable risk to people or property based on its age, amenity value and condition. I fully accept that this judgment is subjective and there will be differing opinions, however based on my recent experiences with cedar trees and the defects I noted with the pine, I feel all four trees, within this application, are getting close to the end of their safe useful life expectancy and will most likely all need to be removed within the next 10 years or so.
- 4.2 The Council has a duty of care and, as a result, I feel it would be prudent to remove the worst quality trees, that pose the most threat to people and property, and, replace them with suitable replacements. Once the replacements are well established, the remaining trees can be assessed to see if their condition is worsening and if so they can also be removed and replaced to keep a continuity of tree cover and limit the adverse effect on amenity of the local area.

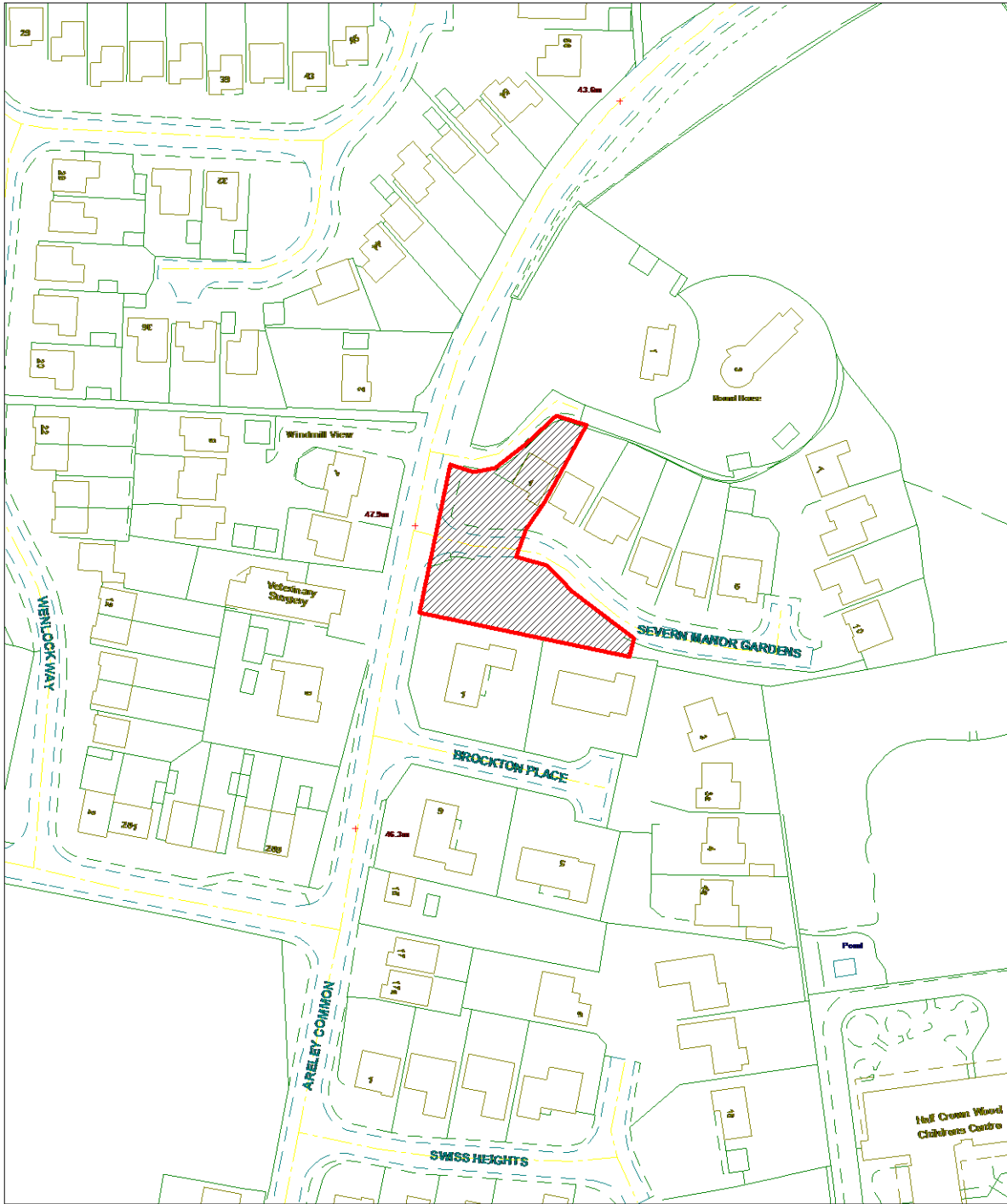
16/0176/TREE

- 4.3 With this in mind I recommended to the applicant that the cedar close to his dwelling (T1) and the cedar directly opposite it (T2), on the other side of the road, be removed and replaced this year. The remaining two trees (1 Pine & 1 Cedar) should have low limbs growing towards the road shortened back to suitable growth points, to reduce tip weight, and the dead and damaged wood within the crowns removed.
- 4.4 The reason for my recommendation to remove cedar T1, is that it has a very sparse crown and needle discolouration, which are signs of root problems. It was clear from my site visit on the 27 January 2016, that there had been a level change close to the tree to allow the access road to be constructed for the Severn Manor Gardens development, which I felt would explain the symptoms I was seeing. This was confirmed when I reviewed the planning permission of 1999 and the then Arboricultural Officer stated his concerns as to the reduction of ground levels around the tree in question and the potential root damage that would be caused. I feel that due to root damage this tree will continue to decline and will start to shed large limbs in the near future.
- 4.5 The cedar T2, isn't in as poor a condition as T1 and therefore could remain a little longer, however the crown of this tree also looks to be thinning out and becoming sparse and there is a moderate sized wound at the base of the stem that will worsen over time. Cedar trees do have a propensity to drop large limbs and in recent years I have had dealings with cedars that looked to be in a similar condition that dropped some very large limbs. I fully appreciate the points raised by the seven objectors to these works and if this tree had not been so close to a busy road I may well have looked at retaining it a little longer to see how it fared, however I do not feel confident that it will not drop some large limbs in the near future so feel the removal and replacement would be the best course of action at this time.
- 4.6 A number of objectors raised concerns about the wildlife within the two trees to be removed. Although I don't doubt the two trees are used by a variety of animal species, as non-native trees they will not harbour as many species as a native tree, so as long as there are no nesting birds within either tree when they are felled, I do not feel that wildlife will be seriously affected by their removal. To ensure that the trees aren't felled when nesting birds are present I have suggested a watching brief planning condition that will require prior notification of felling and for me to be present on site when felling commences.
- 4.7 Some objectors suggested that the dangerous limbs be pruned or removed from trees T1 and T2 rather than they be felled. I don't feel this would be possible as when trees are in decline, extensive pruning works will likely result in hastening the demise of the trees. In addition, I feel it is more desirable to have two good quality new trees planted rather than having two poor quality specimens slowly dying.

16/0176/TREE

5.0 Conclusions and Recommendations

- 5.1 Whilst I fully appreciate the concerns being expressed by local residents, having assessed these trees, I consider the proposed works to be acceptable on the grounds of health and safety, as long as two suitable replacement trees are planted to mitigate for the loss.
- 5.2 It is therefore recommended that the application be **APPROVED**, subject to the following conditions:
1. TPO1 (Non-standard Condition '2 year restriction of Consent Notice')
 2. C16 (2 x Replacement Trees)
 3. C17 (TPO Schedule of Works)
 4. TPO2 (Watching Brief)



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

1 Severn Manor Gardens
Stourport on Severn, DY13 0LX

Date:- 11 May 2016

Scale:- 1:1250

OS Sheet:- SO8070SW

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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
26TH MAY 2016

PART B

Application Reference:	16/0087/FULL	Date Received:	22/02/2016
Ord Sheet:	381331 277638	Expiry Date:	18/04/2016
Case Officer:	John Baggott	Ward:	Franche & Habberley North

Proposal: Change of use from A1 retail shop to A5 hot food takeaway

Site Address: 104 AUDLEY DRIVE, KIDDERMINSTER, DY11 5NF

Applicant: Mrs Binning

Summary of Policy	CP03, CP09 (CS) SAL.GPB2, SAL.GPB3, SAL.CC1, SAL.CC2 (SAAPLP)
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application premises are located towards the western end of a small two storey parade of shops, with private flats above, within this otherwise residential estate road. Immediately to the front of the shops is a roughly triangular area of hardstanding which is highways land and provides no formal parking to serve the shops, but does appear to provide a means of vehicular access from the public highway to the fronts of the properties at 108-114 (even only) Audley Drive.
- 1.2 The premises have been created as a result of alterations to the existing convenience store which previously occupied three of the units within this parade of shops but has recently down-sized to occupy two units. There is a vacant unit to the other side of the application premises (i.e. 106 Audley Drive), which has been the subject of an identical change of use application for an A5 Hot Food Takeaway (15/0240/FULL), which was Refused by Planning Committee at the 19th April 2016 Committee meeting, following a site visit by Members.

16/0087/FULL

- 1.3 Immediately visible when entering Audley Drive from the south, via Beaufort Avenue, this parade of shops occupies a location on the outside of a bend in the road. To the west of the parade of shops is a small area of grassed amenity land, which features a public footpath which provides a direct link through to the main arterial estate road, Coningsby Drive.

2.0 Planning History

- 2.1 There is no planning history of relevance to this particular retail unit.
- 2.2 However, as identified above, a separate planning application, for a change of use to (A5) Hot Food Takeaway has recently been determined in respect of the adjacent vacant retail unit (known as 106 Audley Drive). This application was Refused by Planning Committee at the Meeting on 19th April 2016 for the following reason:

“Due to the close proximity of the application premises to existing residential dwellings, it is considered that the proposed change of use to A5 Hot Food Takeaway would be likely to have a significant detrimental impact upon the amenities of existing residents within close proximity of the premises due to; the increased noise disturbance and nuisance arising from pedestrian and vehicular movements; the likelihood of customers congregating in the vicinity of the premises, particularly during the evening; and, the smells and fumes emanating from the premises from the cooking processes. The proposed change of use therefore fails to satisfy Policy SAL.GPB2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Paragraphs 17 and 123 of the National Planning Policy Framework.”

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Recommend that application be deferred for site visit in conjunction with site visit already programmed for similar application on Audley Drive (i.e. No.106 Audley Drive).

Officer Comment: Members will recall that the Planning Committee site visit in respect of application 15/0240/FULL (106 Audley Drive) took place on 13th April 2016, at which time Members were also advised of the current application.

- 3.2 Highway Authority – No objections.

Whilst the change of use proposed will increase the number of trips associated with the site it is considered that this will not create a situation where the result of this will create safety of capacity concern and under the tests of the NPPF a severe impact cannot be demonstrated.

16/0087/FULL

The proposal is in a local shopping parade which a significant residential catchment surrounding it which maximizes the opportunity to access the site on foot, any trips by car are considered to be pass and whilst these may wait on the carriageway this is a short duration stay on a road which serves as a local access road. Consequently whilst this proposal will increase trips they are unlikely to be car based trips and what car trips that do occur are considered to not create an unacceptable situation. I do not require any conditions to assist in controlling this development.

3.3 Worcestershire Regulatory Services (WRS) – No objections.

ODOUR: The submitted documents details two levels of odour control Ozone and Carbon filters so odour should not be an issue despite the low level of the exhaust duct.

NOISE: I take it there is residential accommodation above; with the fresh air intake and kitchen exhaust close together noise may be an issue, can the applicant provide an estimate of likely noise levels outside the window(s) of the flat above.

3.4 Crime Prevention Design Advisor (West Mercia Police) – No objections.

3.5 Neighbour/Site Notice – In total, 16 letters of objection have been received against the proposed development from local residents. The grounds for objection can be summarised as follows:

- Close proximity to residential dwellings;
- Smells and fumes associated with cooking;
- Not needed or wanted by local residents;
- Resulting litter dropped by customers;
- Noise, particularly late in the evening, from customers and vehicles calling at the premises;
- Noise and nuisance caused by delivery vehicles;
- Lack of off-street parking for customers and employees;
- Congestion on the public highway;
- Increased on-street parking and impact upon highway safety due to road layout and nearby junctions;
- Potential for attraction of vermin, associated with littering;
- Potential for anti-social gathering and behaviour, particularly in the evenings;
- Concerns regarding impact on health due to fumes.

16/0087/FULL

4.0 Officer Comments

- 4.1 The application premises is a currently vacant retail (A1) unit, having being created following the down-sizing of the existing convenience store, within this otherwise residential road. The parade of shops sits facing out onto the triangular area of hardstanding, and there is no immediate vehicular parking to specifically serve the premises.
- 4.2 The application proposes a change of use of the ground floor unit to a hot food takeaway (A5 use). The occupation of the flat directly above, which is accessed via an external staircase to the rear, is in no way associated with the proposed change of use. There are also first floor flats above the retail units on either side of the application site.
- 4.3 In creating this separate retail unit, the shop front has been altered so as to incorporate a new customer entrance. Internally, at the front of house, would be a customer counter and waiting area, with all associated kitchen, preparation and storage located towards the rear of the unit.
- 4.4 Internally, new associated extraction equipment is proposed to handle cooking fumes. An external air intake and flue, to be mounted on the exposed rear wall of the unit, adjacent to the external stairs serving the above flat, is also proposed.
- 4.5 The applicants have not identified any proposed opening times for this Hot Food Takeaway, and no comments or recommended opening hours have been suggested by WRS.
- 4.6 Policy SAL.GPB2 'Town Centre Retail', whilst as the title suggests is primarily targeted towards town centres is worthy of note, and particularly under section 4 of the Policy which states that:

“Development proposals involving the sale of food and drink must not have an adverse impact in terms of:

- i. Residential amenity*
- ii. Pollution (light, litter, noise, odour)*
- iii. Crime and disorder”*

16/0087/FULL

- 4.7 Policy SAL.GPB3 'Protecting and Enhancing Local Retail Services' of the Site Allocations and Policies Local Plan (SAAPLP) provides support for retaining and protecting existing convenience retail uses in neighbourhood centres, with Audley Drive being such a designated neighbourhood Centre. The reasoned justification which accompanies the policy recognises that: *"The loss of convenience retail facilities in a settlement or neighbourhood can have a serious impact upon people's quality of life and potentially harm the overall vitality of the community"*. And goes on to state that: *".... proposals that would result in a significant loss of facilities could also have a serious impact upon the vitality and viability of that centre as a whole due to their role in providing a range of facilities for the surrounding area"*.
- 4.8 Whilst the above policy, and the supporting text, are of relevance it is the case that the proposed change of use relates to a vacant retail unit and would not, therefore, replace an existing functioning retail outlet. Furthermore, as described above, the end two units of this parade of shops is occupied by a convenience retail store, which would not be detrimentally impacted upon by the proposed change of use.
- 4.9 It is the case that local parades of shops such as this have been the subject to much change over the years as peoples shopping habits have changed and the range of products that small convenience shops can stock is restricted. There are numerous examples, both within the district and far beyond, where similar parades of shops have seen significant change, and in many cases extended levels of vacancy, with often once thriving little centres now shuttered-up and in decline. There is no easy answer to this type of situation.
- 4.10 Policy SAL.CC1 of the SAAPLP states that: *"Proposals which would lead to the deterioration of highway safety will not be allowed"*, whilst Policy SAL.CC2 calls for suitable levels of car parking to serve development, as required. The nature of hot food takeaways is that they tend to attract transient customers, who will park on the public highway for a short space of time. This already appears to be the case, for vehicle borne customers of the existing convenience store within this parade of shops.
- 4.11 As summarised in paragraph 3.5 above, the application has been subject to a number of objections, primarily from near neighbours and residents of Audley Drive and beyond. The nature of the objections raised are not unusual for such a use, particularly within a predominantly residential estate such as this, and Officers can appreciate that matters such as perceived levels of noise, fumes and increased levels of on-street car parking by customers of the proposed hot food takeaway are a real concern to local residents. That said, as identified above, no objections have been raised by either WRS or County Highways.

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- 4.12 Some of the other concerns expressed by local residents could be loosely categorised as “by-products” of the proposed change of use, such as dropping of litter; noise and nuisance from customers; potential anti-social behaviour; etc. That is not to down-play the relevance or importance of such matters to objectors, and such matters are understood. The requirement to install a litter bin outside the premises is a reasonable requirement, and could be conditioned, however that would not necessarily guarantee it would be used by customers. No objections have been raised by the Crime Risk Advisor (West Mercia Police) to the proposal. Any resulting anti-social behaviour would be a matter for the Police, should it occur.
- 4.13 Notwithstanding the lack of objections from the relevant statutory consultees as described above, in considering this (or any other application for that matter) previous and recent planning decisions are a material consideration. Members will be aware, as confirmed above, that a virtually identical application for a change of use to an A5 Hot Food Takeaway was refused by Planning Committee at the 19th April 2016 Meeting in respect of the neighbouring unit within this parade of shops (i.e. 106 Audley Drive). Given the short space of time that has elapsed between then and now this must be a major factor and a material consideration which should be given significant weight in determining this current application, and it is on this basis that the Officer recommendation in respect of this application turns.

5.0 Conclusions and Recommendations

- 5.1 The application proposes the change of use of a vacant retail unit within a small parade of shops, to a hot food takeaway. The objections raised by local residents, which have been summarised above, are understood and only to be expected with such a form of development, in such a predominantly residential area. That said there have been no objections from the key consultees, namely County Highways and WRS, despite the level of local opposition.
- 5.2 However, as described above, the decision to refuse an identical proposal for an A5 Hot Food Takeaway as recently as April 2016 in respect of the neighbouring vacant retail unit is a material consideration which should be given significant weight, so much so that the recommendation turns on this fact.

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- 5.3 It is therefore recommended that the application be **REFUSED**, for the following reason:

Due to the close proximity of the application premises to existing residential dwellings, it is considered that the proposed change of use to A5 Hot Food Takeaway would be likely to have a significant detrimental impact upon the amenities of existing residents within close proximity of the premises due to; the increased noise disturbance and nuisance arising from pedestrian and vehicular movements; the likelihood of customers congregating in the vicinity of the premises, particularly during the evening; and, the smells and fumes emanating from the premises from the cooking processes. The proposed change of use therefore fails to satisfy Policy SAL.GPB2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Paragraphs 17 and 123 of the National Planning Policy Framework.

Application Reference:	16/0090/FULL	Date Received:	16/02/2016
Ord Sheet:	381437 271433	Expiry Date:	17/05/2016
Case Officer:	Emma Anning	Ward:	Mitton

Proposal: Erection of a three storey residential building comprising 15 specialised supported living apartments (use class C3), together with associated parking and open space

Site Address: LAND AT MITTON STREET, STOURPORT-ON-SEVERN, DY13 9AG

Applicant: HB Village Developments Limited

Summary of Policy	DS01 DS03 CP01 CP02 CP03 CP05 CP11 CP13 CP14 CP15 (CS) SAL.PFSD1 SAL.DPL1 SAL.DPL5 SAL.CC1 SAL.CC2 SAL.CC7 SAL.UP3 SAL.UP5 SAL.UP6 SAL.UP7 SAL.UP9 (SAAPLP) Design Guidance SPD Sections 2, 6, 7, 10, 11 and 12 (NPPF)
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site is a 0.2 hectare parcel of land located on the edge of Stourport-on-Severn town centre. The site sits between the Locally Listed Anglo House (a suite of offices) and 35 Mitton Street which is used as a hairdressers and beauty studio. The last known use of the application site was as a reclamation yard however the site has recently been cleared.

- 1.2 The site is within Stourport Town Centre and the Gilgal Conservation Area. The River Stour runs along the rear (south east) boundary of the site.

2.0 Planning History

- 2.1 There is no planning history of relevance.

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection

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3.2 Highway Authority – No objections subject to conditions.

The applicant has provided the evidence base to demonstrate that it is appropriate to deviate from County Council parking standards for the purposes of supported living accommodation. It is however recognized that this application could establish an open C3 use and if it was not to be used for supported living the car parking requirements would be greater, therefore it is advised that the LPA (Local Planning Authority) pursue a suitably worded condition or planning obligation to restrict the site to supported C3 living rather than open C3 usage.

The Highway Authority considers that the provision of an uncontrolled crossing is required to serve the future residents of this site and the optimum location is to the immediate left of the access on exiting, a condition is recommended to cater for this.

3.3 Environment Agency – I would have no objection to the proposed development as the building is wholly within Flood Zone 1, the low risk Zone. The rear of the building does back onto the River Stour (Main River) and the proposals include some fencing and decking for which a Flood Defence Consent (FDC) will be required from the Environment Agency. The applicant has initiated discussions with my colleagues which has confirmed that there are no fundamental concerns with the works adjacent to the Stour. As confirmed in the submitted Flood Risk Assessment the applicant will be submitting their WFDC application shortly.

3.4 Planning Policy – This proposal provides supported accommodation to meet a specific need within close proximity of services and facilities in Stourport-on-Severn and would therefore appear to be in conformity with adopted policies.

3.5 Conservation Officer - This proposal has been the subject of pre-application discussions with the applicants' agents. The scheme as submitted addresses the matters raised during those discussions.

The applicant has undertaken a considerable amount of research into the previous uses of the site by reference to the available historic mapping. Prior to 1883 the site was undeveloped but its proximity to the river no doubt encouraged industrial uses and the site was formerly part of the tin stamping works recorded on the site between 1902 and 1955. Part of this complex still exists on the adjacent site as Old Anglo House however no visible trace of those buildings covering this site on the 1939 map now remains.

The site continued in industrial use during the latter part of the 20th century with an electrical substation and a builder's yard recorded, but is now derelict and contaminated with, amongst other things, Himalayan Balsam.

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The application site falls within the Gilgal Conservation Area, which suffers from a general lack of investment due in part to the heavy road traffic and associated poor air quality. The Conservation Area is one of a few in Worcestershire identified by Historic England as being “at risk”.

The historic character of the Gilgal Conservation Area is somewhat difficult to appreciate given the loss of historic features of so many surviving historic buildings. This is largely due to well-intentioned efforts of property owners to secure “improvements” which require little day-to-day maintenance and which attempt to exclude the incessant noise of heavy traffic. Those historic buildings which do survive in anything like their original form are much more impressive and generally have listed status.

Another unfortunate feature of the Area at present is the appearance of the vacant sites, which although relatively few in number do contribute to an air of decay and neglect.

Applications for development within Conservation Areas should preserve or enhance the character of those Areas, according to the P (LBCA) A 1990.

The application site is currently somewhat neglected, derelict and contaminated. It makes no positive contribution to the Conservation Area, and detracts from both Old Anglo House which has been repaired to a high standard, and those residential and commercial properties lining Mitton Street. However the orientation of the site backing onto the River Stour makes it potentially a pleasant place to live.

I consider that the proposed scheme will serve to benefit the Conservation Area by removing a vacant, derelict site and bringing it back into beneficial use. The proportions of the proposed building are subservient to the Old Anglo House complex to the north, and sufficiently set back from the highway so as to avoid creating an oppressive street frontage onto what is a narrow busy thoroughfare.

Given the variation in building styles in the Area and the need to concentrate on the restoration of those historic features lost from historic properties I do not think it would be sensible to advocate design which imitates historic features. Thus although the design of the proposed scheme is somewhat staid it will nevertheless, I think, sit comfortably on this site.

The overall proposal thus serves to contribute some enhancement to the Gilgal Conservation Area, and is in compliance with WFDC Policy SAL.UP6.

No objections - External materials to be subject to conditions.

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- 3.6 Arboricultural Officer - I am happy with the findings and recommendations within the Arboricultural Impact Assessment submitted. As long as they adhere to the report I have no objections. Details of landscaping will need to be submitted. I would think this could be a condition.
- 3.7 Countryside Conservation Officer - Looking at the revised landscaping plan we are still a little shy of the necessary information. We require more detail on what the native scrub planting is composed of and we need a landscape management plan that ensures the proposed landscaping flourishes and invasive weed species are prevented from establishing.

We are also in need of a CEMP (Construction Environment Management Plan) that includes measures to protect Otter from the effects of construction and has measures and practises defined that will prevent any material reaching the water course including at times of adverse weather / flooding.

Lighting wise the development has submitted plans showing very low levels of light cast over the river corridor. Any additional lighting needs to be conditioned as any increase in light levels is very likely to cause harm to biodiversity.

- 3.8 Worcestershire Regulatory Services (WRS) –

NOISE

Due to the close proximity of Mitton Street and other potential noise sources in the area the applicant should submit a noise assessment in line with BS8233:2014 in order to specify the glazing and ventilation purposes for the building and if necessary noise mitigation for outside amenity areas.

AIR QUALITY RECOMMENDATIONS

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

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Electric Vehicle Charging - Domestic Development

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

Secure Cycle Parking

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

Low Emission Boilers

Boiler NO_x emissions from building heating systems contribute to background NO_x concentrations and a suitable condition is recommended.

CONTAMINATED LAND

It is noted that the proposals for gas protection measures, outlined in the Geo-Environmental Appraisal Report (Section 7 – Hazardous Gas Assessment) are not included in the (Remediation) strategy. The proposals for gas protection measures should be included in the report.

The Geo-Environmental Appraisal Report is considered to represent an appropriate site investigation and environmental assessment following on from the Phase 1 Desk Study previously reviewed.

The investigation identified significant areas of made ground, one soil sample with an elevated concentration of lead, and potential for ground gas. As such a number of remedial measures are proposed such as gas protection measures, potential excavation of the lead hotspot and proposals for clean cover soils in landscaped areas.

To ensure that a detailed remedial strategy is presented to address contamination concerns identified it is recommended that a tiered investigation (contamination) condition is attached to any planning permission granted.

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- 3.9 North Worcestershire Water Management (NWWM) - The car park area on the Proposed Drainage Layout drawing (EW-004 + EW-005) is indicated to be permeable whereas in the Landscaping plan (343/01/16) this is indicated to be Tarmacadam. I know porous asphalts are available, but on drawing EW-005 a block paving was specified. If the car park would end up being impermeable then the drainage layout needs to be altered.

As I have not received any design calculations to demonstrate that the proposed design would conform to the non technical standards for SuDS (Defra 2015), I propose that a condition requiring drainage calculations is attached to any permission granted.

I believe that any build-up of material (rockery), planting of trees and installation of decking should be discussed with the Environment Agency as an Environmental Permit (which has replaced the Flood Defence Consent from April 2016 onwards) might be required.

- 3.10 Severn Trent Water - No objections to the proposals subject to the inclusion of conditions relating to drainage (foul and surface).
- 3.11 Crime Prevention Design Advisor (West Mercia Police) - No objection
- 3.12 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

PROPOSAL

- 4.1 Planning permission is sought for the construction of a three storey apartment block containing fifteen self-contained flats and staff accommodation/work areas. The accommodation is proposed by 'HB Villages' who are a developer working with 'Inclusion Housing' a supported living provider providing homes for adults with a range of disabilities.
- 4.2 It is proposed that the single block would occupy the majority of centre of the L-shaped application site with private shared amenity areas to the rear (adjoining the River Stour) and side of the proposed building.
- 4.3 The existing site entrance fronts Mitton Street and it is proposed to continue to use this as the access/egress for the site. The proposed access would lead to a landscaped car parking area with private car parking for up to 9 vehicles. Parking provision for scooters/cycles is proposed within the application site.

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PRINCIPLE OF DEVELOPMENT

- 4.4 The application site is an area of previously developed land (PDL) located in Stourport-on-Severn town centre. The site is outside of the areas identified as being suitable for residential development in the Site Allocations and Policies Local Plan under Policy SAL.DPL1, however the Adopted Core Strategy (Policy DS03) does make provision to support housing in Stourport-on-Severn where it would be on existing brownfield sites in the town. It is on this basis and in being mindful of the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) that I that I consider the principle of development to be acceptable.

SCALE, DESIGN & SITING

- 4.5 The proposed three storey building would measure 11.8m at the maximum ridge height, falling to 9.8m at the edges where the hipped roof design merges with integral gable ends. A front projecting two storey centrally located element would measure 7.6m at the gable ridge.
- 4.6 Adjacent to the northern boundary of the site is the Locally Listed Anglo House office development which sits at three storeys; properties to the west and north-west are two storeys and are of varying design and ages and have a range of uses including residential and commercial. In terms of the scale of the proposed development relative to the surrounding urban form I find that a three storey construction at this site would not appear incongruous due to the varied character of the surrounding streetscape. The comments of the Conservation Officer support this view insofar as the proportions of the proposed building are subservient to the Old Anglo House complex to the north.
- 4.7 The design of the proposed development is that of a brick and tile construction which would sit comfortably in this urban context. As concluded by the Conservation Officer it would not be appropriate to adopt a pastiche approach to new development in this locality and as such the applicant's contemporary design approach is considered to be acceptable. Details of the types of finish have not been provided but can be controlled by condition to ensure that a suitable choice of external materials is made.
- 4.8 The proposed development would sit to the rear of the application site and as such would have only limited impact on the streetscene of Mitton Street, being set back from the edge of pavement by in excess of 20m. The proposed development, due to its siting and scale, would therefore be most visible from Worcester Road with runs 65m to the north-east of the application site. Due to the acceptable size and design of the proposed development as discussed above, and given the observations of the Conservation Officer, I am minded to conclude that the proposal would have an appropriate appearance and would sit comfortably in the existing streetscape.

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HERITAGE IMPACTS

- 4.9 As detailed above, the site is within the Gilgal Conservation Area and sits adjacent to the Locally Listed Anglo House. The comments of the Conservation Officer provide a thorough appraisal of the likely impact of the proposal on heritage assets and in this regard no further commentary is required. It is on the basis of this advice that I am satisfied that there would be no harm caused to either the Conservation Area or other local heritage assets.

HIGHWAY SAFETY

- 4.10 The proposal would accommodate 15 one-bed units plus staff accommodation. Normally car parking provision would be one car space plus one cycle space per one-bed unit where residential development is proposed as set out in the Worcestershire County Council Interim Parking Standards (February 2016). The applicants have presented a case for a reduction in the required car parking provision due to the nature of the development proposed. It is advanced by the applicants, at 3.4 of their 'Planning , Design & Access Statement' that the nature of the proposed use, as supported living accommodation, would result in a reduced requirement for car parking provision as the occupiers are less likely to be drivers. The spaces would therefore be most commonly used for staff and visitors.
- 4.11 All highway related matters have been considered by County Highways colleagues who have commented as set out above. I am satisfied that there is a clear need to limit the use of the development to supported living only due to the risks to highway safety which would result from the use of the property for general C3 (residential) purposes, which would require far more parking spaces than can be provided on site.
- 4.12 Conditions to secure the future use of the site and relating to the need to ensure that the existing access is made good and visibility splays are maintained in order to ensure the safe access and egress to the site are also considered reasonable and necessary.

WATER MANAGEMENT

- 4.13 The site sits adjacent to the River Stour, with parts of the site which sit immediately adjacent to the banks of the River Stour are within Flood Zones 2 and 3, and as such special attention has been given to flooding, drainage and the protection of the water environment on and adjacent to the site.
- 4.14 In terms of flooding, the Environment Agency and NWWM have provided comment as above. The advice from the Environment Agency is that the building itself would be in a low risk area of the site which is categorised as Flood Zone 1, and as such they would have no objection to the development. Whilst there are aspects of the proposal, such as fencing, which could have an impact on flood risk these would be addressed as part of the Flood Defence Consent (FDC) which would be required from the Environment Agency for all works within 8m of the River Stour.

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- 4.15 Site drainage matters have been considered by NWWM and Severn Trent Water (STW) as detailed above. Comments from NWWM confirm that there is the potential on the site for a sustainable drainage system to be in place and that matters relating to this can be suitably controlled by condition.
- 4.16 In order to protect the adjacent watercourse from pollution both during and post construction then it is considered necessary to add a condition which would require a 'Construction Environmental Management Plan' (CEMP) to be submitted prior to any works commencing. This would, amongst other matters, set out the ways in which the River Stour will be protected during the construction phase.

ECOLOGY & BIODIVERSITY

- 4.17 The River Stour is an identified Local Wildlife Site and as such care has to be taken to ensure that new development near to the river would not compromise its ecological credentials. The Council's Countryside Conservation Officer has been closely involved with the application and has provided comment as detailed above. Whilst the applicant has provided some details relating to landscaping, further information is being sought. I consider that it is more than reasonable, in the interests of protecting the adjacent Local Wildlife Site, that the conditions as suggested by the Countryside Conservation Officer are included on any permission issued. Similarly, the lighting plan which has been provided by the applicants and which shows a suitable degree of light spill across the watercourse should be controlled to prevent any increase in light spill from the site which could have detrimental impacts on ecology and biodiversity adjacent to the site.
- 4.18 Based on the advice of the Countryside Conservation Officer I consider that the plans as submitted are acceptable and that, subject to conditions, the development would not give rise to harm to ecology or biodiversity on or near to the application site.

LAND CONTAMINATION

- 4.19 Being a former reclamation yard and a tin stamping works before that it was considered likely that the site could be affected by land contamination. WRS have considered the application in this context. The advice from WRS is that a satisfactory 'Geo-Environmental Appraisal Report' has been provided and that a condition requiring land remediation would be necessary. In this instance I consider that a condition requiring full details of the remediation scheme to be implemented is both a reasonable and necessary condition which should be applied to any permission granted in the interests of both water quality and health and safety.

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OTHER MATTERS

- 4.20 The applicants have presented the proposal as a supported living enterprise. Information contained within their submission confirms that the applicant (HB Villages) has a long term lease agreement with 'Inclusion Housing' who are a Registered Provider (RP) and would be managing the property with the support of 'Lifeways' who are the support services provider. The application has therefore been assessed against the requirements of the Planning Obligations SPD as affordable housing on the basis of the concept presented by the applicant and on the understanding that the proposed occupier (Inclusion Housing) are an RP. As an RP housing provided by Inclusion Housing would meet the definition of 'affordable housing' at Annex 2 of the NPPF. On this basis the proposal is excluded from the requirements set out in the Planning Obligations SPD which would apply to a market housing scheme of the size proposed. Other allowances have been made in terms of car parking provision, as detailed above. With this in mind it is considered both reasonable and necessary to limit, by condition, the occupation of the units so that they may only be occupied as affordable housing and as part of a scheme for the provision of supported living accommodation.

5.0 Conclusions and Recommendations

- 5.1 The proposal represents an acceptable use of land in this sustainable town centre location which would serve to provide a welcome form of affordable housing for persons of a more vulnerable nature in society thus adding to the housing offer of the town.
- 5.2 The scheme has been appropriately designed with respect to the surrounding townscape and its siting within the Gilgal Conservation Area. The scheme is capable of implementation, subject to appropriate conditions, without harm to highway safety, biodiversity and ecology.
- 5.3 For these reasons it is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Property to remain as affordable housing and for purposes of supported living accommodation.
 4. Materials (including hard surfacing) to be agreed.
 5. Notwithstanding the detail shown on the approved plans, details of fencing/boundary treatments to be agreed.
 6. Notwithstanding the details shown on the approved plans a full landscaping scheme to be agreed.
 7. Landscape management plan to be agreed (to include measures to prevent invasive weeds becoming established).
 8. Landscaping in accordance with detail contained in the Arboricultural Impact Assessment.
 9. Landscaping works to British Standard.

16/0090/FULL

10. Lighting in accordance with plans submitted. No further external lighting to River Stour elevation.
11. Prior to first occupation an uncontrolled crossing to Mitton Street shall be provided.
12. Full details of parking and turning facilities as shown on the approved plans to be agreed and implemented in full prior to first occupation.
13. Prior to first occupation provision for 6 cycles to be agreed.
14. No development shall commence until a Construction Environment Management Plan (CEMP) has been agreed. The CEMP should cover: parking for site operatives and visitors, area for site operative facilities, parking and turning for delivery vehicles, storage areas (plant and materials), wheel washing equipment, boundary hoarding, means of protection for otter, means of protection for the River Stour from run-off during construction.
15. Noise Impact Assessment which includes a full mitigation strategy to be agreed.
16. Details of foul and surface water drainage to be agreed (surface water scheme to conform to SuDS non-statutory technical standards). Scheme to be implemented in full prior to first occupation.
17. Electric vehicle charging point to be provided on site.
18. Boiler details to be submitted and agreed prior to first occupation
19. Land contamination – tiered investigation to be carried out prior to commencement of works.

Notes

- A. An Environmental permit from the Environment Agency should be sought.
- B. A public sewer may exist within the application site; the applicant will need to investigate this. Severn Trent are to be notified of any proposal which would be located within 3m of a sewer.
- C. S278 Agreement – details to be agreed with the Highway Authority.

Application Reference:	16/0254/ADVE	Date Received:	29/04/2016
Ord Sheet:	382540 274862	Expiry Date:	24/06/2016
Case Officer:	Paul Round	Ward:	Foley Park & Hoobrook

Proposal: Non-illuminated adverts for new leisure centre

Site Address: WYRE FOREST LEISURE CENTRE, (FORMER BRITISH SUGAR SITE), SILVERWOODS WAY, KIDDERMINSTER,

Applicant: Places for People Leisure Management

Summary of Policy	SAL.UP10 (SAAPLP) Paragraph 67 (NPPF) Advertisements (PPG)
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms land within the District Council's ownership inside the former British Sugar Site now known as Silverwoods. The site is currently being developed by Places for People Leisure Management to provide a new leisure centre.
- 1.2 The application seeks for the approval of signage for the building.

2.0 Planning History

- 2.1 14/0095/FULL - Outline Application for a New Leisure Centre and Associated Works with some Matters Reserved : Approved 09.05.14
- 2.2 15/0015/RESE - Construction of leisure centre with associated parking, service area and external floodlit sports pitches with boundary fencing; reserved matters approval for appearance, layout and landscaping following outline consent ref. 14/0095/OUTL : Approved 20.04.15
- 2.3 16/9003/NMA - Non-Material Amendment to Planning Permission 15/0015/RESE (Changes to car parking and servicing layout; internal re-configuration and changes to elevations) : Approved 20.04.16

3.0 Consultations and Representations

- 3.1 No consultations are required.

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4.0 Officer Comments

- 4.1 The application proposes four separate locations for non-illuminated signage which will be described in turn.

EAST ELEVATION (SIDE)

- 4.2 This location relates to the rear section of the east elevation which faces onto the outdoor sports pitches, and will be visible from the Hoobrook Link Road. It is proposed to attach brushed stainless steel letters in two horizontal lines. The top line states 'Wyre Forest' and is approximately 4.7m in length and the lower line states 'Leisure Centre' in larger letters and is approximately 7.9m in length. The lower section of the sign will be approximately 6.2m above ground level.

NORTH ELEVATION (REAR)

- 4.3 The north elevation relates to the rear of building and also faces onto the outdoor sports pitches, and would be visible from the Severn Valley Railway Line. In this location it is proposed to provide a 3m x 3m Wyre Forest District Council logo, with 'Wyre Forest Leisure Centre' in brushed stainless steel letters in three horizontal lines of the same font size. The lowest line will be approximately 3.5m above ground level.

SOUTH ELEVATION (FRONT)

- 4.4 The front elevation fronts onto Silverwoods Way and faces residential properties opposite. Two signs are proposed to this elevation. The first utilises the projecting feature drum, to the right of the main entrance, attaching 'Wyre Forest Leisure Centre' in brushed stainless steel letters is a single vertical line of the same font size. This advert will be approximately 2.7m above ground level and extend to approximately 7m in height. The second advert is located to the left of the main entrance and proposes simply to attach a 1.5m x 1.5m the Wyre Forest District Council Logo set approximately 5.5m above ground level.

CONSIDERATION OF AMENITY AND PUBLIC SAFETY

- 4.5 Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 (as amended) requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
- 4.6 Policy SAL.UP10 of the Adopted Wyre Forest Site Allocations and Policies Local Plan reflects the statutory considerations stating that proposals for advertisements must:
- i. Not, individually or cumulatively detract from the appearance and character of the area in which they are displayed and/or the building on which they are displayed.
 - ii. Safeguard and enhance the legibility, safety and security of the pedestrian environment.

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- iii. Not detract or confuse the users of highways, navigable waterways and railways.
- iv. Not obstruct a highway, either directly or through maintenance requirements.

4.7 Whilst 'amenity' is not exhaustively defined within the regulations, Regulation 3 states that "...factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest." The proposed non-illuminated signs are well positioned and will integrate well with the design of the building and will not cause harm to the character of the area. Whilst the signs on the south elevation will be visible from the residential properties directly opposite the leisure centre, the lack of illumination and the design proposed ensure that the proposals will not result in loss of amenity. It is clear that in this respect the proposal accords with Policy SAL.UP10.

4.8 In respect of Public Safety, Regulation 3 advises that "...factors relevant to public safety include -

- (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle."

The non-illuminated nature of the signs and their design will not result in harm to safety of road users and will not obscure or hinder the interpretation of any road sign. It is concluded that no harm to public safety or conflict with Policy SAL.UP10 will ensue.

5.0 Conclusions and Recommendations

5.1 The proposed signage for the new leisure centre has been fully considered in respect of amenity and public safety and has been considered alongside the requirements of the development plan and other material considerations and it is concluded that the proposed adverts are acceptable in this context.

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

- 1. L1 (Standard advertisement conditions)
- 2. L9 (Standard time)

Note
Identification of drawings

WYRE FOREST DISTRICT COUNCIL

Planning Committee

26 May 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	APP/HH/14/1380	Mr D Scriven	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER	WR	08/09/2014			
14/0060/HHED			High Hedge Complaint	04/08/2014				

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
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			
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			
WFA1462 15/0558/FULL	APP/R1845/D/16 /3144109	Mr J Wenlock	TANNERSHILL BARN HOP POLE LANE BEWDLEY DY122LD Proposed detached garage	WR 15/02/2016	21/03/2016			Allowed 13/04/2016

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
WFA1463 16/0061/FULL	APP/R1845/D/16 /3148576	Mr C Page	THE RETREAT LOWE LANE KIDDERMINSTER DY115QP Extension to rear	WR 19/04/2016	24/05/2016			
WFA1464 15/0526/FULL	APP/R1845/W/1 6/3145883	Mr H Docherty	LAND ADJ OAKHOUSE ST. JOHNS LANE BEWDLEY DY122QZ Proposed construction of 2 bedroom cabin for holiday accommodation (for use 11 months of the year)	WR 06/05/2016	10/06/2016			

Appeal Decision

Site visit made on 7 April 2016

by Louise Crosby MA MRTPI

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

Decision date: 13 April 2016

Appeal Ref: APP/R1845/D/16/3144109

Tanners Hill Barn, Hop Pole Lane, Bewdley, Worcestershire, DY12 2LD

- 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 Jim Wenlock against the decision of Wyre Forest District Council.
 - The application Ref: 15/0558/FULL, dated 25 September 2015, was refused by notice dated 19 November 2015.
 - The development proposed is a detached garage.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached garage at Tanners Hill Barn, Hop Pole Lane, Bewdley, Worcestershire, DY12 2LD in accordance with the terms of the application, Ref: 15/0558/FULL, dated 25 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-1681/1; 15-1681/2A; 15-1681/3A.
 - 3) No development shall take place until samples of the materials to be used in the construction of the garage hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Application for costs

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

Main Issue

3. The main issue is the effect of the proposal on Tanners Hill Barn, a non-designated heritage asset.

Reasons

4. Tanners Hill Barn is included in the Council's list of non-designated heritage assets. The Council considered the proposal against the tests in the National Planning Policy Framework (the Framework) for designated heritage assets, which are much more stringent than those for non-designated heritage assets.
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The Framework at paragraph 135 advises that 'in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. Importantly there is no requirement for the public benefits of the proposal to be weighed against any harm. Nor is there such a requirement in policy SAL.UP6 (Safeguarding the Historic Environment) of the Site Allocation and Policies Local Plan (LP). I shall deal with the appeal on this basis.

5. The barn was converted into a dwelling in the 1990s. The L-shaped building that is positioned close to the narrow Hop Pole Lane is part 1½ storey and part single storey. To the rear the domestic curtilage comprises a modest sized courtyard and a sizable driveway and parking area. It is proposed to site the double garage in the farthest corner of this area. It is currently used for the parking of vehicles, including a large mobile home.
6. This part of the site is well screened from the adjacent agricultural fields to the south by existing mature landscaping close to the boundary. This, along with a roadside hedgerow effectively screens the appeal site from Hop Pole Lane. Consequently very limited views of the proposed garage would be available from Hop Pole Lane or the land to the south. It would be seen from the paddock to the west. From the paddock, the rear curtilage of the dwelling and to a very limited degree along the driveway, the simple garage building would be seen in conjunction with Tanners Hill Barn.
7. It is not clear from the evidence before me why Tanners Hill Barn is included on the Council's list of non-designated heritage assets. Clearly it was originally a traditional barn and it seems that it is its origins and age that provide its significance. I saw that there are other traditional barns dotted along this lane that have also been converted into dwellings. They are important as historic agricultural buildings as well as in helping understand the history of the surrounding area which will have once been far more rural in character than it is now. To the east of the site, on the opposite side of Hop Pole Lane, is modern estate type housing. This is partially screened from the lane by mature landscaping.
8. The proposed garage would be constructed from materials that would be in keeping with the barn. While it is clear from the appearance of the dwelling that it was once a barn, it does now have an overtly domestic appearance. The garage would be sited some distance from it and importantly it would not detract from the significance of the main building that would, because of its scale and mass, appear the dominant structure. Importantly, it would not detract from the legibility of Tanners Hill Barn as a dwelling originating from a traditional agricultural barn. Indeed the garage would reflect the current use of the building as a dwelling.
9. I am satisfied that the proposed garage would not adversely affect the significance of Tanners Hill Barn. As such, it would accord with the advice in the Framework and LP policy SAL.UP6 in so far as it seeks to protect the setting of heritage assets within the District and policy SAL.UP8 which seeks to ensure that, among other things, residential curtilage buildings respect the original building.
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Planning Conditions

11. In addition to the standard time condition I have imposed a condition to ensure that the proposal is carried out in accordance with the approved drawings, for the avoidance of doubt and in the interests of proper planning. A condition is also necessary to ensure that the materials used in the construction of the garage respect the character and appearance of Tanners Hill Barn.

Louise Crosby

INSPECTOR