

Open

Planning Committee

Agenda

6pm
Tuesday, 17th January 2017
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor S J Williams
Vice-Chairman: Councillor C Rogers

Councillor J Aston

Councillor J R Desmond

Councillor M J Hart

Councillor N Martin

Councillor J A Shaw

Councillor S J M Clee

Councillor J A Hart

Councillor D Little

Councillor F M Oborski MBE

Councillor R J Vale

Information for Members of the Public:-

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

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

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

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

Public Speaking

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

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

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

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

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of the Council’s constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

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

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

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

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

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

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

*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

Tuesday, 17th January 2017

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 13th December 2016.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	13
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.	36
7.	Section 106 Obligation Monitoring To consider a report from the Director of Economic Prosperity and Place that gives details of the most current Section 106 Obligations which require monitoring.	48

8.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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9.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	
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Part 2

Not open to the Press and Public

10.	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

13TH DECEMBER 2016 (6:00 PM)

Present:

Councillors: S J Williams (Chairman), C Rogers (Vice-Chairman), J Aston, S J M Clee, J R Desmond, J A Hart, M J Hart, D Little, F M Oborski MBE, J A Shaw and R J Vale.

Observers:

There were no members present as observers.

PL.50 Apologies for Absence

Apologies for absence were received from Councillor N Martin.

PL. 51 Appointment of Substitutes

No substitutes were appointed.

PL.52 Declarations of Interests by Members

Councillor R J Vale declared an ODI in respect of application number 14/0060/HHED, New House Farm, Belbroughton Road, Blakedown Kidderminster as she was friends with the owner, however as the matter was only to be noted, she did not think that it would prejudice her position and would remain in the room.

Councillor F.M Oborski MBE declared an ODI in respect of application number 16/0670/FULL, St George's Park, Radford Avenue, Kidderminster as she was a Friend of St George's Park.

PL.53 Minutes

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

PL.54 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No.549 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 549 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.55 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.

There being no other business, the meeting ended at 6.36 pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

13th December 2016 Schedule 549 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: 16/0593/FULL
Site Address: 4 MEADOW RISE, BEWDLEY DY12 1JP
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. Matching materials

Application Reference: 16/0632/FULL
Site Address: THE BIRCHES, DORHALL, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4QJ
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B3 (Finishing materials to match)

Application Reference: 16/0616/FULL
Site Address: BLACK & WHITE COTTAGE, PERRYFORD LANE, WANNERTON, KIDDERMINSTER, DY10 3NL
APPROVED subject to the following conditions:
<ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. No development shall commence until details of the materials to be used in the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. 4. No development shall commence until details of all external joinery, windows and roof lights to be used in the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. 5. No development or works of demolition shall take place until a Building Recording Level 3 survey to provide a thorough understanding of the survival and phasing of the existing building has been completed and submitted to the local planning authority for public record.

Application Reference: 16/0512/FULL

Site Address: ROCK FARM, ROCK CROSS, ROCK, KIDDERMINSTER, DY14 9SA

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)
4. Residential occupation limited to stable staff only
5. Landscaping scheme submitted within 3 months of gallop installation
6. Landscape implementation
7. Drainage implementation
8. Highway Management Plan
9. No lighting without permission
10. Biodiversity enhancement
11. Protection of Public Rights of Way
12. Final drainage scheme to be submitted within 3 months
13. Gallop rails to be coloured white or green in accordance with approved plans

Application Reference: 16/0534/FULL

Site Address: SOLCUM HOUSE, DRAKELow LANE, WOLVERLEY DY11 5RU

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Matching materials
4. The existing vehicular access onto Drakelow Lane shall be permanently closed to vehicular traffic and maintained as a pedestrian right of way in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority prior to the approved access being brought into use. The means of closure of the vehicular access the method of retention of the public right of way shall be carried out in accordance with the approved details.
5. The new vehicular access and visibility splays shall be laid out and constructed in accordance with the details shown on Drawing No 101 Rev B before the proposed vehicular access is brought into use. The approved visibility splays shall at all times be maintained free of obstruction exceeding a height of 0.6 metres above the adjacent carriageway level.
6. The approved access gates shall be set back 5 metres from the adjoining carriageway edge, and shall be made to open inwards only.

Application Reference: 16/0598/S73

Site Address: UNIT 1B KIDDERMINSTER TRADE PARK, BIRMINGHAM ROAD, KIDDERMINSTER DY10 2RN

APPROVED subject to the following condition:

The premises shall only be open for customers between the following hours:
07:00 – 20:00 Mondays – Fridays (including Bank Holidays and Public Holidays)

07:00 – 18:00 on Saturdays

10:00 – 16:00 on Sundays.

There shall be no deliveries taken at or despatched from the premises, including loading or unloading outside the following hours:

08:00 – 20:00 Mondays – Fridays

08:00 – 15:00 on Saturdays; and not at all on Sundays, Bank Holidays, and Public Holidays.

Application Reference: 16/0607/FULL

Site Address: 155 KIDDERMINSTER ROAD, BEWDLEY DY12 1JE

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. No development shall take place until details have been submitted to and approved in writing by the local planning authority of how the site access, vehicle turning and parking areas would be surfaced, drained and graded (the gradient shall be no steeper than 1 in 8). No dwelling shall be occupied until the approved site access, vehicle turning and parking area has been constructed. The approved site access, vehicle turning and parking areas shall be retained thereafter, with the parking areas and garages kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
4. No development shall take place until details have been submitted to and approved in writing by the local planning authority of how the existing vehicular access is to be closed and the kerb line reinstated. No dwelling shall be occupied until the approved means of closure of the existing vehicular access and reinstated kerb line has been constructed.
5. Boundary treatments
6. Removal of permitted development rights for extensions and outbuildings
7. Foul and surface water drainage

Application Reference: 16/0670/FULL

Site Address: ST GEORGE'S PARK, RADFORD AVENUE, KIDDERMINSTER,
DY10 2ES

Delegated APPROVAL subject to no new reasons for objection being received before the expiration of the notification period, and the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. No lighting without formal permission from the Local Planning Authority.

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

17/01/2017

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
16/0667/FULL	BROADWATERS INN 168 STOURBRIDGE ROAD KIDDERMINSTER	APPROVAL	14

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
16/0571/FULL	FORMER DEPOT BUTTS LANE STONE KIDDERMINSTER	APPROVAL	20
16/0641/FULL	MUSCOVY COTTAGE GREEN HOUSE FARM GREENWAY ROCK KIDDERMINSTER	APPROVAL	30

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
17TH JANUARY 2017

PART A

Application Reference:	16/0667/FULL	Date Received:	09/11/2016
Ord Sheet:	384170 278115	Expiry Date:	04/01/2017
Case Officer:	Tom Cannon	Ward:	Broadwaters

Proposal: Single storey extensions and elevational alterations to former Public House

Site Address: BROADWATERS INN, 168 STOURBRIDGE ROAD, KIDDERMINSTER, DY10 2UL

Applicant: SEP Properties

Summary of Policy	CP11, CP12 (CS) SAL.DPL11, CC1, CC2, SAL.UP7, SAL.UP8 (SAAPLP) Design Guide SPD County Council Interim Parking Standards SPD Sections 1, 4, 7 (NPPF) Planning Practice Guidance (PPG)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The Broadwaters Inn is a redundant former public house, situated in a predominately residential area, on the north-eastern edge of Kidderminster. It occupies a large corner plot, at the junction of Stourbridge Road and Chapel Hill. The premises is set back from the road frontage behind a large parking and turning area, with the rear proportion of the site previously serving as a beer garden for the public house. Since its closure both the main building and its associated curtilage have fallen into a state of disrepair.

2.0 Planning History

2.1 No relevant history.

16/0667/FULL

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council : ORIGINAL PLANS – Recommend Approval.
AMENDED PLANS – Views awaited
- 3.2 Highway Authority : ORIGINAL PLANS - Defer. Require clarification on the proposed use and the proposed access arrangements to the site.
AMENDED PLANS - The proposed access off Chapel Hill will require a new dropped kerb. Recommend that conditions are imposed regarding the provision of the approved parking and turning area and cycle storage
- 3.3 West Mercia Police Designing Out Crime Officer – No objections.
- 3.4 North Worcestershire Water Management – Although it is Council policy to consider the use of SuDS first, as such details would form part of a building regulations application, it is not necessary to attach a drainage condition in this case.
- 3.5 Strategic Housing Services Manager – No comments received.
- 3.6 Neighbour/Site Notice – 1 representation received; broadly supportive of the application, subject to the following matters being addressed:
- Vehicles associated with the proposed development would block access to The Forge Piece;
 - Parking restrictions should be imposed on Chapel Hill to provide access to my property;
 - Signage should be erected to prevent HGV drivers blocking Stourbridge Road.

4.0 Officer Comments

BACKGROUND AND MAIN ISSUES

- 4.1 This application seeks permission for a single storey rear extension and elevational alterations to the existing building. Whilst it would appear that the proposed extensions and alterations are linked to a wider proposal to change the use of the public house premises to a shop, the change of use does not require planning permission, and thus, is not part of the proposal before Committee.
- 4.2 The Broadwaters Inn is not listed as an Asset of Community Value, nor does it represent a community facility which is safeguarded under Policy SAL.DPL11 of the Site Allocations and Policies Local Plan (SAAPLP). Taking account of the above background, the main issues in this case are:
- (i) The effect of the proposed extensions and alterations on the living conditions of nearby residents, with particular regard to outlook, daylight, and noise and disturbance;

16/0667/FULL

- (ii) The effect of the development on the character and appearance of the host building and the surrounding area; and
- (iii) The effect of the proposed access arrangements on highway safety in Chapel Hill/Stourbridge Road.

LIVING CONDITIONS

- 4.3 Chapel Hill gradually rises in a north-west direction away from the junction with Stourbridge Road. As a consequence, houses in this area are elevated above the application site. Therefore, despite its extensive depth, the proposed rear extension would not appear unduly overbearing to properties in this part of Chapel Hill. Similarly, the change in levels between the rear part of the application site and The Forge Piece to the east would ensure that the single storey addition does not dominate the outlook from, or materially reduce the daylight and sunlight received into the front and side facing windows of this property.
- 4.4 To the west of the premises is No 165 Stourbridge Road. This property has several north facing windows which look out directly over their rear garden and the former beer garden at the Broadwaters Inn. The proposed extension has been amended, with its flank wall now set in about 3.1 metres from the boundary with No 165. Therefore, despite its extensive rear projection, I am satisfied that the new addition would not appear unduly overbearing, or adversely affect the daylight received into the rear facing windows of No 165.
- 4.5 The premises have, until recently, operated as a public house. I see no reason why the extended building which would retain the existing customer entrance and parking area to the front of the premises, would significantly increase the level of noise and disturbance on the site. Indeed, the existing side entrance, service yard and boundary treatments would be upgraded as part of this application, further reducing any potential noise and disturbance to its immediate neighbours.
- 4.6 For the above reasons, I find that the development would preserve the living conditions of nearby residents, with particular regard to outlook, daylight, and noise and disturbance. As such, it would accord with Policy SAL.UP8 of the SAAPLP which, amongst other things, seeks to ensure that extensions do not have a serious adverse effect on the amenity of neighbouring residents.

16/0667/FULL

CHARACTER AND APPEARANCE

- 4.7 The Broadwaters Inn is a large two storey building, with prominent front facing gable, and a steep slate tile roof interspersed with flat roof eaves level dormer windows. Although the proposed extension would be an extensive structure, given its limited height and concealed position on lower ground towards the rear of the plot, the development would neither dominate the host building nor introduce an overly intrusive form of development within the surrounding streetscape. Moreover, the new openings to be formed in the front of the premises would reflect the vertical emphasis and narrow proportions of the existing windows and dormers in the building. Due to the considerable depth of the plot, the proposed additions would also not represent overdevelopment of the site.
- 4.8 I therefore find that the proposal would preserve the character and appearance of the host building and the surrounding area. Thus, it would accord with Policies SAL.UP7 and SAL.UP8 of the SAAPLP which, amongst other things, require that development harmonises with the surrounding townscape and is complementary to the appearance of the existing building.

HIGHWAY SAFETY

- 4.9 This application would introduce a new vehicle access on Chapel Hill, with vehicles exiting the site via the existing dropped kerb on Stourbridge Road. The revised access arrangements would therefore allow vehicles to enter/exit the site in a forward gear, and larger vehicles servicing the building to turn on-site, without encroaching onto the public highway, or blocking access to adjacent residential properties. As such, the proposed access arrangements would not have a detrimental impact on highway safety in Chapel Hill/Stourbridge Road and thus, would comply with Policy SAL.CC1, which requires that development should not lead to a deterioration of highway safety.
- 4.10 A total of 16 on-site parking spaces, including 2 disabled bays, would be provided to serve the extended building. The County Council Interim Parking Standards SPD states that commercial parking requirements should be assessed on a case by case basis. Given the size of the extension, the level of parking provision seems to be proportionate to the development proposed. This is reflected in the response from the Highway Authority who do not raise any concerns in this regard.
- 4.11 In the interests of sustainable transport, it is necessary for a condition to be attached requiring the provision of a secure cycle storage area to be provided on site prior to occupation. Although the County Interim Parking Standards SPD advises that only 2 cycle spaces would be required for the proposed development, given that it will be a publically assessable building and staff are likely to be employed on-site, I consider that this should be increased to provide provision for 6 cycles, on this occasion.

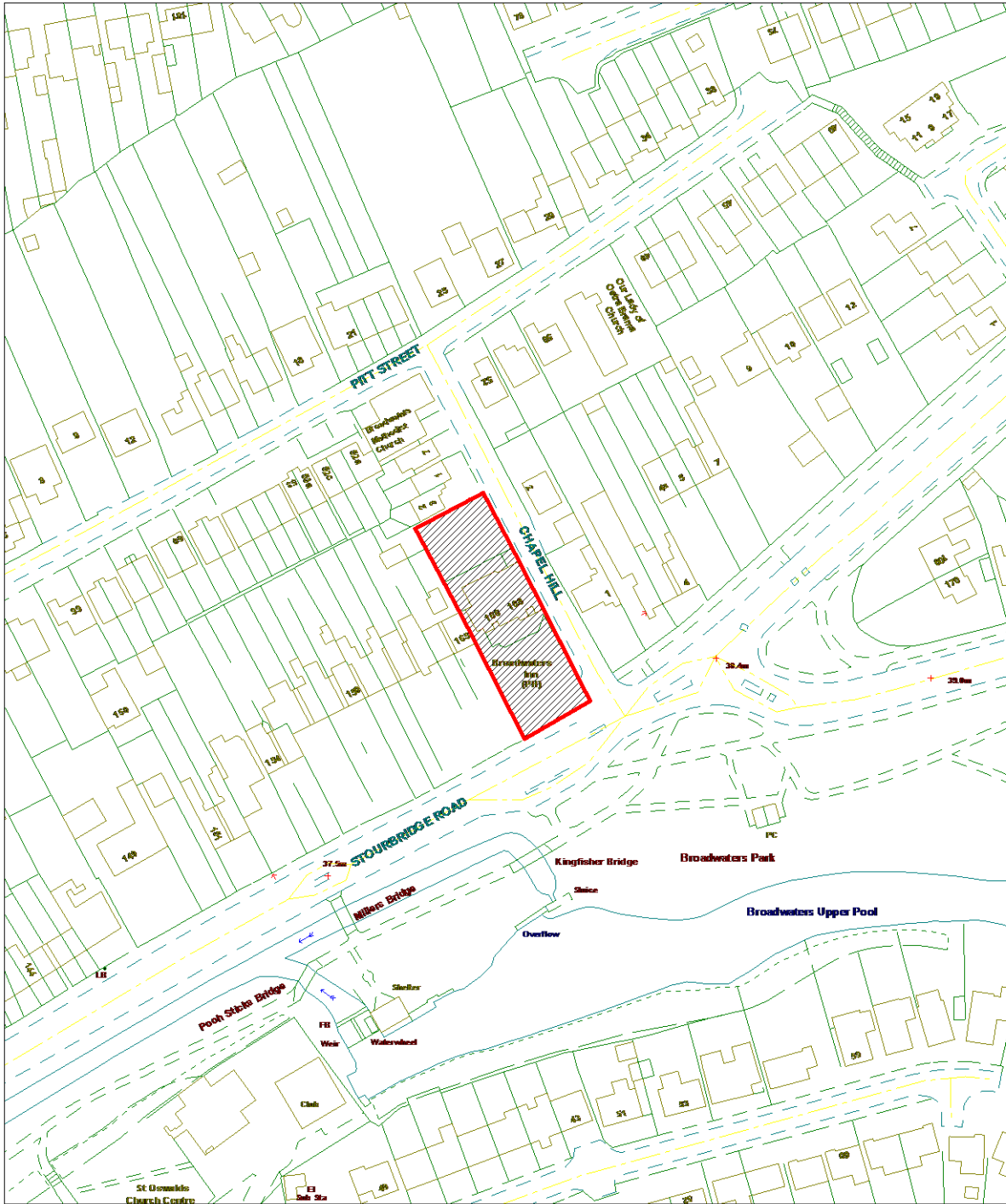
16/0667/FULL

OTHER MATTERS

- 4.12 It is deemed necessary to attach advisory notes to the applicant confirming that they must apply separately to the highway authority to undertake works connected with the new dropped kerb on Chapel Hill, and that this permission does not grant or imply consent for any signage or advertisements which may adorn the front elevation of the premises. A local resident has also suggested that parking restrictions should be imposed on Chapel Hill and signage erected on Stourbridge Road to prevent lorries stopping on the highway. Members are advised that these matters are controlled by separate and, as such, planning restrictions are neither necessary nor reasonable.

5.0 Conclusions and Recommendations

- 5.1 For the reasons set out above, and having regard to all other matters raised, it is therefore recommended that the application should be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Materials to match
 4. Access, turning and parking area
 5. Cycle storage provision



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Broadwaters Inn, 168 Stourbridge Road,
Kidderminster, DY10 2UL**

Date:- 19 December 2016

Scale:- 1:1250

OS Sheet:- SO8478SW

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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
17TH JANUARY 2017

PART B

Application Reference:	16/0571/FULL	Date Received:	28/09/2016
Ord Sheet:	385797 274428	Expiry Date:	23/11/2016
Case Officer:	Paul Round	Ward:	Wyre Forest Rural

Proposal: Conversion of existing building to form 3No. Residential dwellings with access improvements

Site Address: FORMER DEPOT, BUTTS LANE, STONE, KIDDERMINSTER, DY10 4AR

Applicant: Citilogue Ltd

Summary of Policy	DS04, CP02, CP03, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP11, SAL.PDS1 (SAAPLP) Sections 7, 9 (NPPF) Planning Practice Guidance
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 The application site consists of the former Butts Lane Depot site located off Butts Lane, Stone. The site is disused and contains a number of buildings and structures. There are residential properties and agricultural land surrounding the site
- 1.2 The site is within the Green Belt and is identified on the Historic Environment Record (HER) due to the structures being used as WWII Royal Ordnance Factory Workers Hostel Accommodation and related facilities, and as such is a non designated heritage asset. The site is a previously developed site within the Green Belt

16/0571/FULL

- 1.3 Previous permissions for 22 live work units and 9 affordable units were approved from 2007 onwards and, whilst these permissions were implemented (i.e. commenced), they were never completed due to the development company going into administration.
- 1.4 The current application seeks to re-use 3 of the existing buildings for residential units.

2.0 Planning History (of relevance)

- 2.1 07/0299/FULL - Conversion of existing buildings to provide 22 live/work units & 9 affordable dwellings, business support facility for residents/community meeting room, landscape renovation & associated works including off site highway works : Approved 19.10.07
- 2.2 08/0282/FULL - Removal of condition 3 (from planning permission 07/0299) that requires a one way system via a Traffic Regulation Order as the free flow of traffic can be achieved by the provision of passing bays which can be facilitated by condition 32 : Approved 24.07.08
- 2.3 08/0283/FULL - Amendments to conditions 31,32,33,34 (highway conditions) & 44 (ecological survey) of planning permission 07/0299 to change from before any works commence (or similar)to 'before any building or conversion works commence' (31,32,33,34) & to before any works on site commence 'within identified areas of ecological interest ' with respect to condition 44 : Approved 16.06.16
- 2.4 09/0247/FULL - Conversion of existing buildings to provide 22 live works units & 9 affordable dwellings, business support facility for residents/community meeting room, additional new roof structures (buildings 1 & 3) landscape renovation works including off site highway works : Approved 06.07.09

3.0 Consultations and Representations

- 3.1 Stone Parish Council – Objection and recommend refusal on the following grounds:
 1. Transportation & Vehicle Access
 2. Landscaping Management & Impact Visibility on surrounding countryside and local residents
 3. Tree survey & presentation
 4. Habitat & protected species
 5. Flood risk & drainage
 6. Utilities to the site, water, gas & electricity
 7. Ground investigations, foul drainage to main and surface water drainage

16/0571/FULL

8. Constraints i.e. windows, doors, colour of building materials
9. Affordable housing on this new application and offer to parish residents, housing mix
10. Survey report accompanying application i.e. Ecological, landscaping, structural reports, drainage strategy and sewage control
11. Community Meeting Hall was part of a previous live/work application
12. Site servicing i.e. refuse collection/vehicle access and storage of bins
13. Emissions from site and light & noise pollution
14. Consideration of green belt housing under local plan
15. Attenuation of surface water & rain water harvesting, balancing pools
16. Adverse effect and detrimental visual amenity to the openness of green belt
17. Existing buildings to be retained and used with no demolition and with reclamation repair to damaged buildings
18. Protection of neighbours rights
19. Concerns about violation of heritage aspects.

Officer Comment – By way of clarification, Members are advised that the above list is the full extent of response from Stone Parish Council, and no further explanation or expansion upon the grounds listed has been provided.

3.2 Highway Authority – No objections subject to conditions

3.3 Conservation Officer – No objection. The structures on this site were previously WWII Royal Ordnance Factory Workers Hostel Accommodation and related facilities. They are included on several Worcestershire HER records and are thus considered to be undesignated heritage assets. As such WFDC Policy SAL.UP6 and the NPPF paragraph 135 are relevant in the determination of this application.

The applicant has provided two important pieces of information relating to the structures on the site. The first is a structural report ref: BG06058 dated June 2106; the second is the Level 3 Historic Building Survey ref: midlanda1-269113 dated November 2016.

The significance of the site has been explained in detail within the Historic Building Survey which usefully charts the development of such hostels during the early part of WWII and the improvements made to their facilities as the war progressed. This site was provided with a theatre/cinema complex as well as canteen and other welfare and social facilities.

The specialist reports cover a wider area than the application site, including other structures within the applicant's ownership (and one in the ownership of a third party).

Although the condition of several of these structures is considered sufficiently sound to warrant repair and re-use, even though the remains may be skeletal at best, other structures have deteriorated to such an extent that they are completely ruinous and beyond repair.

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The structures being considered within this application are all considered to be at least partly suitable for reconstruction, although to be fair, there will need to be an extensive amount of reconstruction to bring the buildings to a point where they can have a viable future.

The original use of each of the individual structures has been discussed within the Level 3 Historic Building Survey. Whilst there is some uncertainty as to the precise use of some elements of the complex, and formal records from its time in use as a hostel accommodation are scarce or missing, the Survey provides sufficient information to act as a record of these structures.

I consider that the complete demolition of some of the structures will result in a considerable degree of harm to the significance of the complex as a whole, reducing ones understanding of it and those elements which remain. The partial demolition and reconstruction of those structures to be retained will result in less than substantial harm to their significance.

None of the structures is designated and there already exists an extant and implemented planning permission on this site, however, and it is in this context that this application must be considered.

In my opinion it is preferable to secure a modest housing scheme on the site now, as continued deterioration of the existing structures continues apace and it is probable that within a very few years those structures currently considered suitable for repair and reconstruction will fall into such a ruinous state that this approach will be impossible.

The proposed new dwellings, whilst differing in external materials and roof profiles to the original buildings, will nevertheless perpetuate the layout of elements of the original hostel site, and bring it back into beneficial use.

The detailed building recording already submitted and a scheme of further archaeological investigation (if required) as works progress will further inform and place on public record what is known and discovered about the site. I consider this to be an adequate form of mitigation for the loss of significance of those structures and the site as a whole.

On balance I consider the proposals meet the principles of Policy SAL.UP6 and the NPPF paragraph 135.

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- 3.4 Worcestershire Archive & Archaeology Service – No objection. The Depot was built for workers employed at the nearby Royal Ordnance factory at what is now the Roxel (UK) Rocketmotors Ltd site in Summerfield. Maps of the site show the camp was effectively split into two blocks, with one part of the camp, including a series of distinctive H-form accommodation blocks laid out off Heath Lane and a second group, with which this application is concerned, laid out further north, between Stanklyn Wood and Butts Lane. This second group again contained a number of accommodation blocks along with other service and support buildings, Elements of the complex are noted on the Worcestershire Historic Environment Record; however, a site visit by the Wyre Forest District Council Conservation Officer has indicated that some parts of the camp are poorly understood and buildings serving functions that were not previously recognised are present including a possible cinema.

A detailed record of the sites history has been submitted with the application and as such no conditions are deemed necessary on this occasion.

- 3.5 Worcestershire Regulatory Services (Contaminated Land) - I have reviewed the above application for any contaminated land issues. No information regarding the use of the buildings in respect of potential contamination has been provided, it is noted that the site was a road haulage depot and that there are 'tanks' marked on the site. We would expect consideration of excessive use or spills of the following materials; pesticides, herbicides, fungicides, bactericides, sewage sludge, farm waste disposal and hydrocarbons from farm machinery and road vehicles. Additionally, the applicant should also consider drainage, surface materials, ground conditions and obvious signs of contamination.

Without further information as detailed above we recommend that the application has the full contaminated land conditions (see attached) applied at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to preliminary risk assessment, has been completed we will more than likely be able to recommend discharge of all remaining conditions (unless of course it is found that it is likely or possible that significant contamination exists on the site).

- 3.6 North Worcestershire Water Management – No objection. To my knowledge this site is not in an area that is known to be at risk of flooding. I understand that the proposed development will not increase the amount of hardstanding and therefore the amount of surface water runoff generated on the site.

I am happy to see that the applicant has already considered the surface water drainage arrangements and has included some basic information in the application.

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The proposal is to discharge the surface water from unit 1 and 2 to individual soakaways, whereas the surface water from unit 3-5 would be discharged to a wildlife/retention basin with an overflow into a communal soakaway. The access road will I understand drain via new gullies and a soakaway where it is to be realigned near the entrance, whereas the remainder of the existing concrete access roads will remain unchanged and will be provided with gravel filled drainage trenches on each side to deal with excess surface water runoff. The driveways will be finished with gravel on a permeable base.

The application does not detail the intended design criteria for the surface water drainage elements. Importantly the return period the elements will be designed for has not been specified. It is common to specify that systems need to be able to cope with 1 in 30 year rainfall events, whereas discharge should be contained on the site up to a 1 in 100 year rainfall event plus an allowance for climate change. This is in line with the Non Statutory Standards for Suds (Defra 2015).

A retention basin is normally defined as a pond where runoff is detained for a period above the 'permanent' water level. As far as I am aware these basins normally contain an outlet that directs a controlled flow to a receiving watercourse or surface water sewer and an overflow that provides a safe flow route in the event that the outlet is blocked. I understand that in this application the proposal is to discharge water from the basin to the communal soakaway. This is as far as I am aware not a common set-up and I therefore believe that we will require further details to appreciate how this will work.

I believe that there is no reason to withhold approval of this application on flood risk grounds, providing a surface water drainage system can be conditioned that will be able to cope with rainfall events up to 1 in 100 year plus climate change allowance. Given the somewhat unusual proposed set-up of a retention basin discharging into a soakaway I would recommend that further information gets submitted as part of the current application or that the submission of further information gets conditioned.

- 3.7 Countryside Conservation Officer - No objections to revised scheme for conversion of 3 units.
- 3.8 Neighbour/Site Notice – No representations received.

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4.0 Officer Comments

- 4.1 The principle of the redevelopment of this site has been established by virtue of the previous extant permissions, allowing the re-use of the buildings for residential purposes. There is general support through the Site Allocations and Policies Local Plan (SAAPLP) conversion Policy SAL.UP1 and SAL.UP11 which allows the reuse of rural buildings within the Green Belt establishing such developments as being appropriate. In addition where elements of the scheme require rebuilding works over and above that normally allowed under the conversion policy, the previous developed nature of the site allows for such works under Policy SAL.PDS1 subject to the development not resulting in any greater impact on the Green Belt.
- 4.2 I am satisfied that the policy context of the adopted Development Plan and national policy allows for the development and as such the principle of development is acceptable.
- 4.3 The proposal effectively replaces the previous permission, which when commenced will render the previous scheme unimplementable, therefore the scheme will result in a significant reduction in the number of residential units on the site, even when taking account of other buildings that could be converted in the future there will be substantial reduction and overall betterment. This factor plays heavily in the consideration of the application.
- 4.4 Access is to be provided from Butts Lane via a new access road which will lead to the individual properties which all have the required parking facilities. The Highway Authority has provided a no objection response to the number of properties proposed, the access provision and parking facilities. I would agree with this view, that there will be no adverse impact on the highway network as a result of these proposals.
- 4.5 The works to the buildings are considered appropriate within the context of the site and previous permissions. Where new additions are necessary these are to provide new roofs with such additional volumes being offset through the removal of a number of other buildings. This falls squarely within the policy allowance for previously developed sites as the additional are visually beneficial and will not result in an overall greater impact on the Green Belt. The design of resulting dwellings and their surrounds are supported as being of good design quality. Any lighting as part of the development can be dealt with by way of a condition to any approval given.

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- 4.6 The buildings on the site have been identified as being of historic interest. An appropriate Heritage Assessment has been undertaken that has allowed the significance of the site to be fully examined and explained. The conversion of the buildings proposed and the demolition of others is considered to result in a small amount of harm, however bringing a number of buildings into reuse and securing an optimum use for the site is of substantial benefit. Both the Council's Conservation Officer and Worcestershire Archive & Archaeology Service are satisfied with the development and the level of information and recording that has been submitted with the application. On this basis no adverse impact on heritage assets has been identified..
- 4.7 In respect of ecology, a full ecological report has been submitted with the application which identifies protected species within buildings which, following the receipt of revised plans, are now outside the scope of this application. The Countryside Conservation Officer is happy that the conversion of the buildings, the subject of this application, do not pose any danger to protected species. Those buildings that are of concern will be dealt with through a separate application at a future time, which will be considered alongside the additional ecological work that is required.
- 4.8 The drainage strategy for the site has been fully considered by North Worcestershire Water Management (NWWM), who are satisfied with the proposal as the amount of hard surfacing across the site will be reduced. The detailed aspect of the drainage for the dwellings and the wider site can be dealt with through appropriate conditions. In a similar vein matters of contamination are accepted as being capable of being dealt with as a conditional item.
- 4.9 Due to the number of properties concerned, and taking into account the Government's National Vacant Building Credit policy, there will not be any resulting requirement for affordable housing provision or other Section 106 financial contributions on the site.
- 4.10 Due to the position of the buildings to be converted, no adverse impact on neighbouring properties has been identified. The traffic movements associated with the development will not cause loss of amenity, nor will they have an adverse impact upon highway safety and the wider highway network.
- 4.11 The Parish Council has objected to the proposal for 19 reasons set out at paragraph 3.1. In response, the Applicant's Agent has provided the following response:
1. *Highways have been consulted on the proposal and are satisfied with the proposal which will generate considerable less traffic than the previous approval and its potential current use.*
 2. *Trees have been retained on site. The existing brambles have been removed and meadow / wild flower seed has been sown. Additional hedgerows are proposed. There will be no detrimental impact on the landscape or surrounding countryside.*

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3. *Trees have been retained and incorporated into the scheme*
4. *The proposed meadow will encourage wildlife such as snakes etc as suggested by the Local Authority environmentalist (i.e. Countryside Conservation Officer). In addition a wildlife pond has been introduced. A bat refuge has been incorporated to actively preserve and enhance bat population. An experienced ecologist has been engaged to give advice and report accordingly.*
5. *The site is not within a flood risk zone. The amount of impermeable areas has been reduced reducing potential run off water from the site. Soakaways have been introduced to ensure generated water remains on site. The site is also served by mains foul drainage.*
6. *Gas is currently available adjacent the entrance to the site. Mains water runs across the site as does electricity.*
7. *As the project is for conversion works the ground conditions are irrelevant. Mains foul drains are on site.*
8. *Windows, doors and colour of materials are to be chosen to blend into their setting and will be subject to approval by the Local Authority.*
9. *The proposal is below the threshold for affordable housing.*
10. *All reports required have been submitted.*
11. *A community meeting hall would not be viable for such a small development.*
12. *Vehicle access has been addressed with the Highway Authority. The service roads on the site are concrete and are of sufficient widths and strength for refuse lorries to access and turn on the site. Bins will be kept in each properties rear amenity areas.*
13. *Light and noise pollution will be significantly less than previously approved. A lighting condition is to be attached to any Planning Permission requiring details to be submitted.*
14. *Housing is in accordance with Green Belt plan i.e. Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan and also the Core Strategy.*
15. *Surface water will be directed to wildlife/balancing pools. Soakaways will also be introduced. All rainwater will be managed on site.*
16. *The openness of the Green Belt will not be compromised as there will be no increase in overall volume of buildings.*
17. *The scheme is to convert existing buildings and to repair as required to bring back into use. Some parts of the buildings have deteriorated to the point they are not convertible hence the reason for part demolition.*
18. *No neighbours rights are to be compromised.*
19. *The heritage asset is to be enhanced by the conversion. If this proposal was not to be implemented it is likely that the heritage asset would further deteriorated and ultimately disappear.*

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The scheme presented is a much smaller scheme than previously approved with less impact on infrastructure, local residents, environment etc. Our client has spoken with many local residents who have stated they are more than happy with the proposal for 5 (now reduced to 3) residential units rather than the previous approved scheme of 31 residential dwellings with Social Housing provisions.

- 4.12 I have taken account of all aspects of concern expressed by the Parish Council, however I find that all concerns have been duly addressed and the relevant consultees have provided no objection responses. The scheme is compliant with local and national policy. On this basis the scheme is acceptable and can be supported.

5.0 Conclusions and Recommendations

- 5.1 The proposed redevelopment of the existing site through the conversion of existing buildings is appropriate development in the Green Belt which will not result in additional harm to the visual appearance or character of the surrounding area.
- 5.2 The detailed design of the property and the surrounds are acceptable in the context of the site and provide a visual improvement. Matters of access, parking, drainage and heritage have been fully addressed and found to be acceptable. No adverse impact will arise to the amenity of neighbouring properties.
- 5.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. No demolition other than shown on approved plans
 4. Demolition of other buildings prior to any conversion works
 5. J1 (Removal of permitted development – residential)
 6. B1 (Samples/details of materials including windows and doors)
 7. B11 (Details of enclosure)
 8. Drainage
 9. Highways – Access
 10. Highways – Parking
 11. Contaminated land
 12. Scheme of lighting to be approved
 13. C6 (Landscaping – small scheme)
 14. C8 (Landscape implementation)

Application Reference: 16/0641/FULL **Date Received:** 17/10/2016
Ord Sheet: 375445 271137 **Expiry Date:** 20/01/2017
Case Officer: Tom Cannon **Ward:** Bewdley & Rock

Proposal: Single storey side extension to replace existing attached storage building

Site Address: MUSCOVY COTTAGE, GREEN HOUSE FARM, GREENWAY, ROCK, KIDDERMINSTER, DY14 9SR

Applicant: Mr R Makepeace

Summary of Policy	CP11 (CS) SAL.DPL6, SAL.UP7, SAL.UP8, SAL.UP11 (SAAPLP) Section 7 (NPPF) Planning Practice Guidance (PPG) Design Guide SPD
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The host dwelling was previously a redundant rural building, which was converted to residential use following the grant of planning permission WF.639/02. It sits in a modest landscaped plot, surrounded by several larger portal framed buildings which form part of Green House Farm. The accommodation at Muscovy Cottage is somewhat modest and comprises of a kitchen, lounge and WC on the ground floor, with one bedroom and bathroom at first floor level.

1.2 This application seeks to demolish the existing blockwork and sheet clad storage building to the side of the existing structure and replace it with a single storey extension. The development would allow for the applicants' elderly parents, who are in poor health, to reside with him at the property by providing an additional bedroom and en-suite bathroom at ground floor level. The new extension would be physically linked to the existing property by an inter-connecting door into the kitchen

2.0 Planning History

2.1 WF.639/02 – Change of use of redundant farm building to one dwelling : Approved

16/0641/FULL

3.0 Consultations and Representations

- 3.1 Rock Parish Council – Views awaited
- 3.2 Highway Authority – No objections
- 3.3 Planning Policy Manager – Views awaited
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

PLANNING POLICY

- 4.1 The starting point in considering the application must be Policy SAL.UP11 “Re-use and Adaption of Rural Buildings” of the adopted Site Allocations and Policies Local Plan (SAAPLP). The Council has adopted and maintained such a policy over many years within the predecessors of the current SAAPLP, and whilst the wording has been the subject of some minor changes over the intervening years the overall thrust of the Policy has remained very much the same. That is to say that, in particular, agricultural buildings to be converted should be permanent structures, in keeping with their surroundings, and they should be of sufficient a size to make them suitable for conversion without the need for additional extensions, substantial alterations or additional buildings within the curtilage.
- 4.2 It was with particular regard to the then Policies (CRB.1 to CRB.12) of the Wyre Forest District Local Plan (Adopted in May 1996) that the original permission to convert the building to the current dwelling was approved. At that time, no extensions or substantial alterations were proposed and permitted development rights for subsequent domestic extensions were removed in the granting of planning permission, which was and still is adopted good practice when considering such conversions.
- 4.3 In terms of the current proposal to extend the dwelling, the current SAAPLP Policy SAL.UP11, as with its predecessors, states unequivocally, without any form of conditions or qualifying criteria, that:

“ ... extensions to dwellings created through the re-use and adaption of rural buildings policy will not be permitted.” (author’s emphasis)

In light of the above, the current proposal is contrary to this adopted SAAPLP Policy and on that basis, at first glance, a refusal would appear to be justifiable.

16/0641/FULL

- 4.4 However, it is important to note that the supporting text explains the reasoning behind this aspect of the policy, namely that: *‘to ensure the character and heritage of the countryside remains in tact, no further extensions to dwellings that are created through Policy SAL.UP11 will be permitted.’* On the basis of this reasoned justification, it might be argued that if a proposed extension were found not to have an adverse impact on the character and heritage of the countryside that it would accord with the overall aims of the Policy. That said, Officers are wary of drawing such a conclusion.
- 4.5 There are other Policies at play in this case, not to mention the personal circumstances of the applicants parents, which Officers draw to the attention of Members, to enable a fully considered and suitably balanced decision to be made regarding to this application.
- 4.6 In Planning Policy terms, the following SAAPLP Policies must be considered in this case:
- SAL.DPL6 – “Accommodation for Dependants”;
 - SAL.UP8 – “Design of Extensions”.

These Policies are discussed, in turn, as follows.

- 4.7 Policy SAL.DPL6 “Accommodation for Dependants” recognises the need to allow for such accommodation, for elderly, disabled, sick or otherwise dependent relatives. At the same time, it is essential that such accommodation, often referred to as “granny annexes”, does not become a physically separate dwelling where new dwellings would not normally be permitted. To this end, Policy SAL.DPL6 supports the provision of such accommodation provided that:
- i. Accommodation should be provided by way of an extension which is physically incorporated into the existing dwelling with a shared entrance and strong links at both the ground floor and first floor;
 - ii. The dwelling and annex should share vehicular and pedestrian access and the extension should usually only incorporate one bedroom.”
- 4.8 The current application clearly satisfies the criteria above, as the accommodation provides for a single bedroom and access is via the main entrance to the house only. No other door openings to the resulting accommodation are proposed. To this end, the proposal is in accordance with Policy SAL.DPL6, save for the fact that the Policy, and the text of the accompanying reasoned justification for the Policy, makes it clear that any proposals must also conform with the other policies within the Local Plan. As already highlighted, taking the precise wording into consideration, the application falls foul of Policy SAL.UP11.

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- 4.9 Policy SAL.UP8 “Design of Extensions” sets out the Council’s Policy in terms of extensions to existing dwellings and is therefore also relevant to this application, and states:

“Proposals involving the extension or alteration to an existing residential property should:

- ii. Be in scale and keeping with the form, materials, architectural characteristics and detailing of the original building.
- iii. Be subservient to and not overwhelm the original building, which should retain its visual dominance.
- iv. Harmonise with the existing landscape or townscape and not create incongruous features.”

- 4.10 The existing building is a part two storey, part single storey detached former barn. It is a traditional structure, constructed from stone, with decorative brick detailing and a clay tile roof. The proposed extension has been designed to complement the character and form of the original building, and would be faced in materials to match. Its overall size and proportions would also be subservient to and not overwhelm the original building which would retain its visual dominance. The removal of the existing unsightly attached storage building and its replacement with an appropriately designed extension would also enhance the character and setting of Muscovy Cottage.

- 4.11 For these reasons, the development would preserve the character and appearance of the host building and its immediate surroundings. It would therefore accord with Policy SAL.UP8 of the SAAPLP.

PERSONAL CIRCUMSTANCES

- 4.12 In submitting the application, the applicant has presented what Officers do consider to be entirely genuine personal circumstances for the proposed extension.
- 4.13 The development is required to provide accommodation for the applicants’ elderly disabled parents who, it is stated, can no longer care for themselves at home, and therefore are seeking to reside with their son at Muscovy Cottage who will be responsible for their daily care, whilst continuing to manage his existing small holding at the application site.
- 4.14 The applicant’s aged father is partially disabled having limited mobility. His condition is inoperable, and he relies on daily medication. In the short term, the applicant’s aged mother who is registered disabled would also reside in the extended property. However, her condition is deteriorating, and is likely to require residential care in a nursing home. Under such circumstances, the proposed extension would also enable the applicant to be on hand to provide emotional as well as physical support to his father.

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- 4.15 Members are advised that guidance from the Government (in the form of DCLG) states that an applicant's personal circumstances would not be a material planning consideration, unless exceptionally or clearly relevant, a stated example of which would be the provision of facilities for someone with a physical disability. In this case, as set out above, it is Officers' opinion that there are clear and demonstrable personal circumstances in this case which are exceptional and clearly relevant and these must be taken into consideration in determining this application.
- 4.16 The matter of personal circumstances has also been debated in the Courts, with Lord Scarman in the case of *Westminster City Council v Great Portland Estates PLC* (1985) defining a material consideration by whether it served a planning purpose and whether that planning purpose related to the use and character of land. Of particular relevance, he added:
- "Personal circumstances of the occupier are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of the environment the human factor. The human factor is always present, of course, indirectly as background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases. If a planning authority is to give effect to them, a specific case has to be made and the planning authority must give reasons for accepting it."*
- 4.17 It is the case that Policy SAL.UP11, and its predecessors, has proven to be an extremely successful and effective policy in controlling the development of agricultural buildings and their conversion to dwellings. It is the case, as detailed above, that the proposed extension would conflict with the precise wording of this Policy. However, case law in the form of *Chelmsford BC v First Secretary of State and Draper* (2003) drew the conclusion that very special circumstances, if personal to the applicant, do not create a precedent. That would very much support the well worn phrase of "each case on its merits".
- 4.18 In this case, it is Officers' opinion that merits of this case are convincing. Notwithstanding the conflict with Policy SAL.UP11, this must be balanced against the other relevant SAAPLP Policies relating to Accommodation for Dependents (Policy SAL.DPL6); and, Design of Extensions (Policy SAL.UP8). Factor in the clearly made personal circumstances and the balance weighs heavily in favour of the application in this instance.

16/0641/FULL

5.0 Conclusions and Recommendations

- 5.1 The proposed extension would provide accommodation for dependant relatives and consists of a proportional addition to the rear of the existing dwelling, of an appropriate scale, design, height and overall appearance, which would have no adverse impact on the character and appearance of the existing property or its surroundings.
- 5.2 The host dwelling was created following the conversion of a former agricultural building and as such, notwithstanding the above, the proposed extension would conflict with the precise wording of Policy SAL.UP11. However, it is considered that in this instance material considerations, in the form of personal circumstances presented by the applicants, exist which when taken with the clear compliance with the other relevant SAAPLP Policies (SAL.DPL6 and, SAL.UP8), as detailed above, serve to outweigh the non-compliance with Policy SAL.UP11.
- 5.3 This being the case, whilst the application represents a departure from the Adopted SAAPLP, for the reasons set out within the report, Officers conclude that the application is, on balance, supportable and it is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)

WYRE FOREST DISTRICT COUNCIL

Planning Committee

17 January 2017

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
WFA1467 16/0005/FULL	APP/R1845/W/1 6/3152536	Mr N Griffiths	BUILDING ADJ 9 BURY HALL WOLVERLEY KIDDERMINSTER Conversion of existing building to 2 bed dwelling	WR 12/07/2016	16/08/2016			

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
WFA1468 15/0666/FULL	APP/R1845/W/1 6/3154782	Mr & Mrs A Downes	LAND ADJACENT TO THE BUNGALOW HEIGHTINGTON ROAD RIBBESFORD Erection of Dwelling	WR 16/08/2016	20/09/2016			Dismissed 07/12/2016
WFA1469 16/0176/TREE	APP/TPO/R1845/ 5337	Mr R Woodward	1 SEVERN MANOR GARDENS STOURPORT-ON- SEVERN DY130LX Fell Two 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.	WR 15/08/2016	19/09/2016			Allowed 30/11/2016

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
WFA1470 16/0257/FULL	APP/R1845/W/1 6/3158052	Mr & Mrs Ivan Shaw	LAND ADJOINING THE WOODLANDS WORCESTER ROAD CLEMENT STOURBRIDGE Dwelling with garage/garden store & studio over	WR 04/10/2016	08/11/2016			Dismissed 16/12/2016
WFA1471 16/0413/FULL	APP/R1845/D/16 /3162356	Mr & Mrs Wootton	THE DELL CAKEBOLE LANE RUSHOCK VILLAGE RUSHOCK DROITWICH WR9 0NR Orangery to rear of property	WR 29/11/2016	03/01/2017			

Appeal Decision

Site visit made on 29 November 2016

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/R1845/W/16/3158052

Land adjoining The Woodlands, Worcester Road, Clent, Hagley, Worcestershire DY9 0HS

- 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 and Mrs Ivan Shaw against the decision of Wyre Forest District Council.
 - The application Ref 16/0257/FULL, dated 26 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is a dwelling with garage / garden store and studio over.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are *firstly*, whether the proposed dwelling with garage, garden store and studio would be inappropriate development in the West Midlands Green Belt; *secondly*, the effect of the proposal on the openness of the Green Belt; *thirdly*, whether the proposal would provide a suitable site for a dwelling having regard to the aims of national and local planning policies for new residential development in the countryside; *fourthly*, whether the loss of Grade Two agricultural land has been justified; and *fifthly*, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Green Belt

3. The appeal site lies within the West Midlands Green Belt, and comprises part of a paddock that is currently laid to rough grass. The National Planning Policy Framework (the Framework) considers the construction of new buildings as inappropriate development in the Green Belt, unless it would be one of a number of identified exceptions. These exceptions include limited infilling in villages. Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan (2013) (LP) states that development will not be permitted in the Green Belt except in very special circumstances, unless it meets one of the listed criteria.
-

4. The appellants consider the proposed dwelling would be the limited infilling in villages that is exempted by the Framework. However, the appeal site is part of a larger paddock, and is separated from The Woodlands by a high evergreen hedge. Neither the site or the paddock as a whole is part of the garden of this property, nor are any residential uses present, being covered at it is with rough grass and bounded by fencing and an overgrown hedgerow along the roadside. Surrounding the paddock of which the site forms part are agricultural fields and woodlands, amongst which there is a loose scatter of mostly detached houses.
5. There are existing dwellings nearby, but the character of the area is one of mostly large dwellings positioned in generous plots, separated by agricultural land, paddocks and small woodlands. This is not a village, but disparate and scattered residential development in the open countryside. Consequently the provision of a dwelling would not be the limited infilling of villages exempted by the Framework. Whilst noting LP Policy SAL.UP1 remains silent as regards infilling, on the basis of the evidence before me the proposal would not comply with any of the other exceptions listed within this policy. As such the proposal would be inappropriate development in the Green Belt.
6. The proposed dwelling and garage would therefore cause an unacceptable loss of openness to the Green Belt. Even though there are hedges that partly screen the site from the road, the dwelling and its garage, studio, gardens and associated residential paraphernalia would erode the open, undeveloped appearance of the site. Openness has a spatial and visual aspect, and just because a development cannot be seen from certain points, does not mean that there would be no loss of openness.
7. I have had regard to the court cases referred to by the appellants. However, there are a number of differences between these cases and that before me, including the location of the site. For the reasons given above I do not consider the appeal proposal would be limited infilling as exempted in the Framework. Thus the proposal would be inappropriate development within the Green Belt, with a harmful loss of openness.

Countryside

8. The proposed house would be residential development in the countryside. Policies DS01 and DS04 of the Wyre Forest District Council Core Strategy (2010) (CS), seek amongst other things to concentrate new development on brownfield sites and within settlements in rural areas. LP Policies SAL.DPL1 and SAL.DPL2 expand on this hierarchical approach of directing development, with the latter specifying the exceptional circumstances where residential development could be provided in rural areas.
9. The site is considered by the appellants to be previously developed land. However, this was not apparent from my visit or from the evidence before me. The Framework defines previously developed land as land which is or was previously occupied by a permanent structure, and exempts agricultural buildings from this definition as well as private residential gardens. Whilst noting that the appellants consider the proposed dwelling would assimilate into its surroundings by the retention of the existing hedge and provision of further planting, the proposed dwelling would intensify and consolidate the existing sporadic development found within the area. The scheme would not satisfy any of the special circumstances cited in the Framework as regard the provision

of a dwelling in the countryside, nor would it accord with the requirements of the CS and LP policies referred to above.

Agricultural Land

10. The appeal site is of Grade Two quality as defined under the Agricultural Land Classification. LP Policy SAL.UP14 seeks the protection of the best and most versatile agricultural land. The appellants do not consider the site to be agricultural land but a large residential paddock.
11. Be that as it may, the site is distinctly separate from the garden of The Woodlands. Although not actively managed for agricultural or similar uses, it is laid to rough grass, and as pointed out by the appellants, has been heavily grazed in the past. In the absence of any evidence to justify the residential development of the site, the loss of Grade Two agricultural land would conflict with the requirements of LP Policy SAL.UP14 and those of the Framework, that expect a Council to take into account the economic and other benefits of the best and most versatile agricultural land.

Any Other Considerations

12. I have also considered the proposal in the context of the presumption in favour of sustainable development, as set out in the Framework. In paragraph 7 it is made clear that sustainable development has economic, environmental and social dimensions, none of which should be undertaken in isolation.
13. There would be a limited economic benefit arising from future occupiers of the dwelling in terms of investment in the local community. The dwelling would be constructed to be energy and resource efficient, and this would be a limited environmental benefit of the scheme.
14. However, I am not convinced that the dwelling would be in a sustainable location. Neither party has provided details as regards whether public transport facilities exist to provide a regular and frequent alternative for day-to-day living and working requirements. Walking to the nearest services and facilities that are over a kilometre away would be along an unlit footpath beside a busy road and this would not be a pleasant or convenient alternative to the private car. There may well be a need for large dwellings in rural areas, but the evidence of the essential need for a dwelling in this particular location has not been provided. For the reasons given above the proposal would have a significant adverse environmental impact. Taken as a whole, the proposal would not thus be the sustainable development required by the Framework. Even having regard to the very limited benefits of the scheme, they would not outweigh the harm I have found, and as such there are no very special circumstances to justify a new dwelling in the Green Belt.

Conclusion

15. The new dwelling would be inappropriate development in the Green Belt, contrary to development plan policy and the Framework. There would also be a loss of openness of the Green Belt. The site would not be suitable for a dwelling having regard to the aims of national and development plan policies for new residential development in the countryside, and it would result in the loss of Grade Two agricultural land. These harms and that to the Green Belt would not be outweighed by any other considerations that would amount to

very special circumstances. Consequently, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR

Appeal Decision

Site visit carried out on 22 November 2016

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/TPO/R1845/5337

1 Severn Manor Gardens, Stourport-on-Severn, Worcestershire DY13 0LX

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a grant of consent to undertake work to trees protected by a Tree Preservation Order subject to conditions.
- The appeal is made by Mr Robert Woodward against the decision of Wyre Forest District Council.
- The application, No 16/0176/TREE, dated 21 March 2016, was approved on 31 May 2016.
- The works for which consent was granted are described as '*Fell two Cedars and prune one Pine and one 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.*'
- The condition in dispute is No 2, which states that: '*Within the first planting season following removal of the trees hereby approved, two replacement trees of one Scots Pine (to replace T1) and one Atlas Blue Cedar (to replace T2) of 18-20 centimetres girth (measured at 1.5 metres up the stem) at a location to be agreed on site with the Council's Arboricultural Officer shall be planted. If, within a period of five years from the date of planting the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place unless otherwise agreed in writing with the local planning authority.*'
- The reason given for the condition is: '*To ensure a satisfactory replacement of the tree(s) to be removed and in accordance with policies CP11 and CP12 of the Adopted Wyre Forest District Core Strategy and policies SAL.UP7 and SAL.UP9 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.*'
- The relevant Tree Preservation Order (TPO) is the Wyre Forest District Council (Severn Manor, Areley Common, Stourport-on-Severn) Tree Preservation Order No 222, which was confirmed on 12 March 1997.

Decision

1. For the reasons that follow, the appeal is allowed and the TPO consent, No 16/0176/TREE, granted on 31 May 2016 by Wyre Forest District Council for works to protected trees at 1 Severn Manor Gardens, Stourport-on-Severn, is varied by deleting condition 2 and substituting for it the following condition:
 - 2) *Within the first planting season following removal of the trees hereby approved, two replacement trees comprising one deciduous tree, the species to have previously been agreed in writing with the local planning authority (to replace T1) and one Atlas Blue Cedar (to replace T2) each of 18-20 centimetres girth (measured at 1.5 metres up the stem) shall be planted at a location that shall previously be agreed in writing by the Council's Arboricultural Officer. If, within a period of five years from the date of planting the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place unless otherwise agreed in writing with the local planning authority.*

Main Issue

2. The appeal relates to the requirement in condition 2 to replace T1 with a Scots Pine. The appellant wants to replace T1, which has already been felled, with a deciduous tree. Accordingly, the main issue in this case relates to the effect of the proposed substitution on the amenity of the area.

Reasons for the Decision

3. Tree T1 of the TPO was a Cedar¹, located at the junction of Areley Common and Severn Manor Gardens. It lay to the southwest of the house, within a grassed area on made ground, within the curtilage to that property. The other trees the subject of the TPO are Cedars (T2, T4, T5) and a Corsican Pine (T3) with tree T2, which lay on the opposite side of the entrance to Severn Manor Gardens to T1, having also been felled at the time of my site visit.
4. T1 was relatively close to the dwelling. As a consequence of the remaining root ball to that tree, and bearing in mind the location of existing driveways etc, any replacement within this grassed area would be closer to the house. The appellant is concerned that, in such close proximity, sap and pine needles would drop onto the adjacent driveway and cars. I have no reason to suppose, in this regard, that Scots Pines have particular problems beyond that of other species. However, I see no reason in principle as to why a broadleaf tree would not, ultimately, provide a similar amenity value to that of a Scots Pine and am satisfied that there would be no material harm in this regard.
5. There is no discussion in the officer's report relating to possible replacement species. In particular, there is no explanation as to why a Scots Pine was specified in the condition as a replacement for T1. In any event, there is nothing in the evidence before me to suggest that the Council has any objection to substituting the reference in the condition to a Scots Pine with a reference to a deciduous specimen. Indeed, I note that in email correspondence dated 21 April 2016, the Council's Arboricultural officer considered an appropriate replacement for T1 to be a Liquidambar, a deciduous tree, adding that he was open to other suggestions.
6. The appellant proposes either a Copper Beech, Red Maple or a Birch as a replacement. Whilst the Council suggests that, were the appeal to succeed, I should identify a suitable replacement species, the Council will have a more in-depth knowledge of the prevailing site conditions locally and which particular species would be best suited to the site. I shall, therefore, vary the condition to allow for replacement with a deciduous specimen, with the species to be agreed in writing with the local planning authority.
7. For the reasons set out above, I conclude that the appeal should succeed and that the decision be varied accordingly.

Jennifer A Vyse

INSPECTOR

¹ The Cedars covered by the TPO are referred to as Atlantic Cedars in the Schedule to the Order, whereas the officer's report refers to them as Deodar Cedars.

Appeal Decision

Site visit made on 18 October 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 07 December 2016

Appeal Ref: APP/R1845/W/16/3154782

Heightington Road, Ribbesford, Bewdley DY12 2TU

- 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 & Mrs A Downes against the decision of Wyre Forest District Council.
- The application Ref 15/0666/FULL, dated 26 January 2015, was refused by notice dated 22 March 2016.
- The development proposed is replacement dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in a suitable location, having regard to the character and appearance of the area; and,
 - the effect of the proposed access on highway safety on Heightington Road, with particular reference to visibility splays.

Reasons

Suitable Location

3. The appeal site is located on land adjacent to 'the Bungalow' on Heightington Road. Though the large plot lies between two existing dwellings, it is in a rural location in the midst of fields and woodland and backs on to a local wildlife site. The town of Bewdley is the nearest major settlement.
4. Policy DS01 of the Wyre Forest Local Development Framework Core Strategy (2006-2026) (CS)¹ focusses new development on brownfield sites in urban areas and states that development in the open countryside will be closely controlled. Policy SAL.DPL1 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 (SAPLP)² supports the CS. Though it allows for some small windfall development in Bewdley, that does not extend to locations in the countryside surrounding the town such as the appeal site.
5. The appellants contend that the main existing structure on the site, a single storey brick and part breeze block building, was used as a dwelling in the past.

¹ Adopted December 2010

² Adopted July 2013

Policy SAL.DPL2 in the SAPLP states that within rural areas residential development will not be permitted unless certain exceptional circumstances apply. The appellants argue that the proposal meets the exception which refers to the replacement of a permanent existing lawful dwelling.

6. The building on the site has two wide garage-like doors and though there is evidence of some basic facilities inside such as a toilet, wash basin and fireplace, it does not give the impression or have the appearance of any typical house or residence. It is in a poor state of repair and appears long abandoned.
7. Correspondence has been supplied by the appellants from three local people with recollections of the past occupation of the property, ending about 30-40 years ago. Overall, I agree with the Council that on the basis of the limited evidence supplied the previous use of the building and whether such use was lawful remains unclear. The one certain aspect is that residential use has long since ceased leading to abandonment. The appellants' supporting planning statement refers to 'test-cases' concerning abandonment which they believe advance their case but no details have been supplied and I am, therefore, unable to consider that aspect further.
8. Though the Council has not objected to the design of the dwelling and the site would be relatively screened from the road, some trees and vegetation would need to be removed for the access. As the new building would also be brought forward on the site, residential development would be apparent. There would also be no guarantee that the existing planting would be retained in the future. Though there would be some improvement to the site compared with its current condition, the existing screening means that the public benefit of that would be limited.
9. Paragraph 55 of the National Planning Policy Framework³ (the Framework) also advises Councils to avoid new isolated homes in the countryside. Whilst it and Policy SAL.UP11 of the SAPLP do countenance exceptions to that principle in the re-use of redundant or disused buildings, the proposal is to demolish the existing structure rather than convert it. Consequently, it does not meet those exceptions or marry up with the encouragement given in paragraph 51 of the Framework to bring back empty housing or buildings into residential use.
10. Whilst the proposed development would be between two existing dwellings, I do not regard it as infill as that is normally considered to involve filling a relatively small gap between existing frontages within a denser built environment, rather than between looser groupings of houses on more generous plots. Furthermore, the existing two houses do not form a settlement which is usually considered to be a somewhat larger community of dwellings. In any event, it is on a country road, with no footway, in a relatively isolated rural location, beyond any settlement boundary and remote from services leading to a reliance on the private motor car. It would result in an intensification of residential development in the countryside and fail to safeguard the character of the landscape.
11. Therefore, I conclude that the proposal would be in an unsuitable location harming the character and appearance of the area. It follows that it conflicts with the objectives of policies DS01 of the CS and SAL.DPL1 and SAL.DPL2 of the SAPLP, which amongst other things, seek to focus new development on

³ 2012

existing towns and settlements and strictly control residential development in the countryside.

Highway Safety

12. The highway authority, Worcestershire County Council, expressed concern that the proposal does not make adequate provision for suitable visibility splays in relation to the access drive. That would endanger highway safety by leading to potential conflict between vehicles exiting the site and those travelling on Heightington Road. I am satisfied, however, that the issue could be resolved by means of a suitable condition.

Other Matters

13. Whilst I am sympathetic to the appellants wish to redevelop the site to house their elderly relatives, it does not amount to a local need for housing in policy terms. Such personal circumstances are not sufficient to outweigh the wider harm that I have identified.

Conclusion

14. Though I consider that the highway safety issue could be resolved by imposing an appropriate condition, the unsuitable location and resulting harm to the character and appearance of the area remains. Therefore, I conclude that, for the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR

SECTION 106 OBLIGATION MONITORING

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

This list only records applications dating back to 2010 and should Members wish to see records relating to applications before then, they are available on request. Members are advised that S106 Agreements will only appear as ‘completed’ once the relevant planning application has been determined.

Application Number	Site	Provisions	Triggers for Compliance	Performance
16/0480/S106	Tesco Stores Ltd Castle Road Kidderminster	Variation of existing S106 regarding car parking management	-	Draft being prepared
16/0096/FULL	Eagles Nest Coningsby Drive Kidderminster	£10,000 to provide new bus shelter	First occupation	Engrossment out for execution
16/0089/FULL	Corner of Castle Road and Park Lane Kidderminster	Public Open Space contribution of £6,878 towards St George’s Park ‘Bandstand’ project	Prior to first occupation	Agreement completed 19.4.16

Application Number	Site	Provisions	Triggers for Compliance	Performance
16/0003/OUTL	Land South of Stourbridge Road Kidderminster	<ul style="list-style-type: none"> • Education contribution (exact figure will depend upon number and mix of houses) • £20,000 contribution towards bus shelter provision • Open Space contribution (exact figure will depend upon number and mix of houses) • 30% Affordable Housing • Biodiversity enhancements 		Draft out for approval
15/0623/OUTL	Former Midland Industrial Plastics Site Steatite Way Stourport on Severn	<ul style="list-style-type: none"> • Affordable Housing – 14 units based on affordable rent tenure; 8 x two bed units and 6 x three bed units • Highway contribution – A contribution of £10,000 is required to improve the 2 nearest bus stops to provide Kassell kerbs 		Draft being prepared
15/0480/FULL	The Beeches Ribbesford Bewdley	To prevent the implementation of Planning Permission 11/0246/FULL and/or 14/0259/FULL as well as this permission	Commencement of development	Agreement completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
15/0429/FULL	Units 1-4 Baldwin Road Stourport on Severn	<ul style="list-style-type: none"> • 30% Affordable Housing provision. 3 units (1 x 2 bed and 2 x 3 bed) • Public Open Space provision - £7,614.84 	<ul style="list-style-type: none"> • Prior to occupation of general market dwellings 	Agreement completed
15/0305/OUTL	Site of Former Sion Hill Middle School Sion Hill Kidderminster	<ul style="list-style-type: none"> • Public Open Space : Will be based on the following calculation: <ul style="list-style-type: none"> - Number of childbed spaces – 24 x £20.47 There is 50% for affordable housing units. 	Prior to first occupation	Draft agreement with applicant's solicitors

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

Application Number	Site	Provisions	Triggers for Compliance	Performance
14/0591/FULL/OUT	West Midland Safari Park Spring Grove Bewdley	Highway Contribution of £87,000 to provide additional Sunday bus services on Sundays and Bank Holidays routing between Kidderminster Railway Station and Bewdley Town Centre.	Prior to the commencement of development	Agreement completed 19.4.16
14/0358/FULL	Land adjacent 29 Mitton Street Stourport on Severn	<ul style="list-style-type: none"> • Education contribution of £43,656.00 • Public Open Space provision of £6,877.92 (allocation of funds to be confirmed) 	<ul style="list-style-type: none"> • First residential occupation • First residential occupation 	Agreement signed and completed.
14/0105/FULL	Stone Manor Hotel Stone Chaddesley Corbett	<ul style="list-style-type: none"> • Education contribution of £9,810 • Open Space provision of £2,862.72 	<ul style="list-style-type: none"> • Commencement of development • First residential occupation 	Agreement signed and completed
14/0056/FULL	Land at Sebright Road Wolverley	Open Space provision of £6,679.68	First residential occupation	Agreement signed and completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
14/0027/OUTL	Chichester Caravans Vale Road Stourport on Severn	<ul style="list-style-type: none"> • Education Contribution of £48,069 – to be used at Stourport Primary School / Stourport High School • Public Open Space Contribution of £11,450.88 – to be used at Riverside, Stourport • 30% Affordable Housing Provision – 8 units (4 Social Rent / 4 Shared Ownership) 1 No. House and 7 No. Apartments. 	<ul style="list-style-type: none"> • First residential occupation • First residential occupation 	Agreement signed and completed.
13/0657/FULL	Former Garage Site Off Orchard Close Rock	Open Space provision of £1,908.48	First residential occupation	Agreement signed and completed
13/0645/FULL	Land adjacent to Upton Road Kidderminster	Open Space provision of £2,385.60	First residential occupation	Agreement signed and completed.

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Application Number	Site	Provisions	Triggers for Compliance	Performance
13/0573/FULL	Coopers Arms Canterbury Road Kidderminster	<ul style="list-style-type: none"> • Education contribution of £12,714 • Open space provision of £4,294.08 	<ul style="list-style-type: none"> • Commencement of development • First residential occupation 	Agreement signed and completed
13/0553/EIA	Land at Nelson Road Sandy Lane Stourport on Severn	Ecological mitigation scheme and future management of wetlands	Upon completion	Draft out for approval
13/0494/FULL	Reilloc Chain Stourport Road Kidderminster	Public Open Space contribution of £13,896 (The agreement should replicate the agreement previously agreed under reference 13/0049/FULL)	First residential occupation	Agreement signed and completed.
13/0465/FULL	Stadium Close Aggborough Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution of £6,202.56 • Transport contribution – To be confirmed 		Agreement signed and completed
13/0082/FULL	Riverside Building Former Carpets of Worth Site Severn Road Stourport on Severn	<ul style="list-style-type: none"> • Education contribution of £9,810 • Public Open Space contribution of £2,316 • Affordable Housing – 3 no. dwellings 		Draft with applicant's solicitors and remains unsigned

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

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

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

Application Number	Site	Provisions	Triggers for Compliance	Performance
12/0146/EIA	Former British Sugar Site Stourport Road Kidderminster	(i) a minimum of 12% affordable housing; (ii) £100k towards a MOVA to be installed to increase the capacity at the junction of Stourport Road/Walter Nash Road West; (iii) a minimum of £90k towards maintaining three areas of informal open space (i. the knoll, ii. the informal space to the south of the site, iii. the wooded embankment adjacent to the canal) (iv) up to £35k towards public realm	Phased triggers	Agreement signed and completed
11/0471/FULL	Clent Avenue, Kidderminster	Open space contribution of £2,023.92	First occupation	Agreement signed and completed

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

Agenda Item No. 7

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