

Open

Planning Committee

Agenda

6pm
Tuesday, 21st February 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

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

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

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

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

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

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

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

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

WEBCASTING NOTICE

This meeting is being filmed* for live or subsequent broadcast via the Council’s website site (www.wyreforestdc.gov.uk).

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, 21st February 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 17th January 2017.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	11
6.	Planning and Related Appeals To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	53
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

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

Not open to the Press and Public

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

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

17TH JANUARY 2017 (6 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, N Martin, F M Oborski MBE, J A Shaw and R J Vale.

Observers:

There were no members present as observers.

PL.56 Apologies for Absence

There were no apologies for absence.

PL.57 Appointment of Substitutes

No substitutes were appointed.

PL.58 Declarations of Interests by Members.

There were no declarations of interests.

PL.59 Minutes

Decision: The minutes of the meeting held on 13th December 2016 be confirmed as a correct record and signed by the Chairman.

PL.60 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 550 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 550 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.61 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been

determined since the date of the last meeting.

Decision: The details be noted.

PL.62 Section 106 Obligation Monitoring

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

Decision: The details be noted.

There being no further business the meeting ended at 6.26 pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

17th January 2017 Schedule 550 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: 16/0667/FULL
Site Address: BROADWATERS INN, 168 STOURBRIDGE ROAD, KIDDERMINSTER, DY10 2UL
<p>APPROVED subject to the following conditions:</p> <ol style="list-style-type: none"> 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 6. Prior to the commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and agreed in writing by, the Local Planning Authority. Such Method Statement shall include details of, but not be restricted to, the proposed method of construction; site access during construction; construction site compound; site office and welfare facilities; parking for site operatives during construction; hours of construction and deliveries

Application Reference: 16/0571/FULL
Site Address: FORMER DEPOT, BUTTS LANE, STONE, KIDDERMINSTER, DY10 4AR
<p>APPROVED subject to the following conditions:</p> <ol style="list-style-type: none"> 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

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

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

21/02/2017

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
17/0008/S73	EASTER PARK HOO FARM WORCESTER ROAD SUMMERFIELD KIDDERMINSTER	APPROVAL	12

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
16/0325/FULL	PARK ATTWOOD CLINIC TRIMPLEY LANE SHATTERFORD BEWDLEY	APPROVAL	23
16/0688/FULL	RIFLE RANGE COMMUNITY CENTRE DOWLES ROAD KIDDERMINSTER	DELEGATED APPROVAL	40
16/0708/FULL	2 QUEENS ROAD STOURPORT-ON-SEVERN	APPROVAL	45
17/0020/REGS3	2-3 NEW STREET STOURPORT-ON-SEVERN	APPROVAL	49
17/0021/LIST	2-3 NEW STREET STOURPORT-ON-SEVERN	APPROVAL	49

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
21st FEBRUARY 2017

PART A

Application Reference:	17/0008/S73	Date Received:	13/01/2017
Ord Sheet:	383962 274021	Expiry Date:	10/03/2017
Case Officer:	Paul Round	Ward:	Foley Park & Hoobrook

Proposal: Variation to condition 4 of 06/0065/RESE to allow two night time deliveries Tuesday - Saturday and one night time delivery on Sunday and Monday at Unit 3, Easter Park

Site Address: EASTER PARK, HOO FARM, WORCESTER ROAD, SUMMERFIELD, KIDDERMINSTER, DY117AR

Applicant: Legal & General Property Partners

Summary of Policy	CP08 (CS) SAL.GPB1 (SAAPLP) National Planning Policy Framework Planning Practice Guidance Noise Policy Statement for England
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application relates to Unit 3 of Easter Park, an industrial estate located on the A449 Worcester Road to the south of District. The industrial buildings were completed in 2008 and are occupied by a number of different businesses. Unit 3 is one of the larger units situated to the south of the main access road.
- 1.2 The unit is accessed from the front via the service road which loops around the unit. The main A449 runs to the front, the railway line to the rear and properties in Garganey Court and Porchard Close lie beyond the railway line. The area is allocated for industrial purposes within the Adopted Wyre Forest Site Allocations and Policies Local Plan.
- 1.3 The application seeks to vary the restrictive hours condition for Unit 3 in respect of night time deliveries, to allow a logistics operator to occupy the unit.

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2.0 Planning History (of relevance)

- 2.1 WF.722/03 - Outline : Erection of industrial units (Class B1, B2, B8) including new access onto A449 (renewal of Planning Permission WF.520/00) : Approved 09.09.03
- 2.2 06/0065/RESE - Reserved Matters: Erection of 10 industrial units (Class B1,B2 & B8) including new vehicular access : Approved 20.03.06

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Views awaited
- 3.2 Worcestershire Regulatory Services (Noise) - The application to allow night-time deliveries obviously has the potential to emit noise and potentially cause noise nuisance to residents to the rear of the unit. However I note from the supporting information that unloading will be done within the unit (with the roller shutter door closed) and without the use of reversing beepers. I also understand that the rear wall to the unit was insulated to mitigate noise egress from the unit and any reflections from the acoustic fence which borders the railway line.

I would therefore suggest a review of the need for any additional noise mitigation after a 6 month period.

- 3.3 North Worcestershire Economic Development and Regeneration - The proposal seeks to vary an existing condition to allow night time deliveries to be undertaken at an established business park on the outskirts of Kidderminster. In considering this application it is important to note that the National Planning Policy Framework (NPPF) places a presumption in favour of sustainable development and identifies that planning should “*proactively drive and support sustainable economic development*” and that “*Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*”. It is under this context, therefore, that it is felt this application should be considered.

It is also worthwhile noting that the unit in question is also located within the South Kidderminster Enterprise Park (SKEP). This designation has been adopted by Wyre Forest District Council to reflect the importance of the corridor in driving economic growth and investment. Given that this proposal would result in a new company locating within the SKEP boundary, it is considered that the proposals should be viewed favourably.

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In addition to the policy position, it is important to state the economic impact that the proposal will bring, as follows:

- 40 jobs;
- Investment of £1 million, which shows a long term commitment to the area;
- The use of a currently vacant building for the purpose it was originally conceived for;
- Potential spin off benefits for the local economy through supply chains and ancillary services

The company in question, PGS Logistics are proposing to close existing operations and co-locate these at this unit in Kidderminster. This type of inward investment is to be wholeheartedly welcomed and is a key ambition for the Council, building on other recent business success within the SKEP.

Given the above context, we are supportive of the proposals to introduce a variation to the existing conditions as this will help to create further economic uplift in an area designated for such activity.

3.4 Neighbour/Site Notice – 8 letters of objection raising the following points:

- We already get noises of vehicles reversing at night time from that direction
- Noise issues occurred during construction
- The view from our house has been blighted by this development, and now you want lorries during the night as well. If I wanted to live on a trading estate I would of bought a house near one.
- The building that now blots my view I am sure is unit 3. You now want to turn into a 24 hour a day transport hub as well .Well this not acceptable and I strongly object.
- One of the safeguards given in the original application was a condition for no night time deliveries. We objected to this proposal from the outset, but our concerns fell on deaf ears, reassured that at least our nights would not be disturbed. With this safeguard removed we again object on the grounds:-
 - 1) Noise pollution.
 - 2) Light pollution.
 - 3) Residential Area.
 - 4) Creeping change. If you feel free to ignore previous commitments what guarantee do we have that you will abide by any future promises?
- Currently no night time deliveries are allowed on the estate but I'm very concerned that changing the condition would greatly affect the residential area and residents lifestyles due to the increased noise and air pollution, also the environmental impact it would have on wildlife as the Spennells is a nature reserve.

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- Only moved 12 months ago and were re-assured due to restrictive conditions in place. I am quite concerned that changing the condition about delivery times on Easter Park will cause unwanted noise pollution.
 - The noise of the roller shutter door opening and closing.
 - The noise of the workers in general talking or shouting instructions to each other.
 - The noise of lorries parked up and waiting to enter the unit leaving their engines running.
 - Any radios or music devices used during the night.
 - The banging of lorry and van doors when loading and unloading
 - The noise from the use of lorry tail lifts if fitted instead of using fork lifts.

- Even now we get disturbed and awoken at night by noises from Easter park
- Also it greatly concerns me that granting permission could open the floodgates for other businesses to move onto the estate and take night time deliveries or be a 24hr business. Also the current businesses on the estate could retrospectively apply for the equivalent permission.
- Agreed by Wyre Forest Planning Committee at the time of approval for Easter Park construction, was the enforcement of night time restrictions on the operations and movement of traffic within the business park. This was the 'corner stone' restriction for the planning committee approving the development to proceed. We are therefore concerned, this proposal erodes the protection stipulated as part of the fundamental development process, which recognised that since the local residential area was well established several years before the proposed Industrial development, all efforts must be made to maintain and protect the privacy of the residential area.
- My understanding is that this is a residential area and when the units were originally built this condition was put in place to protect the resident's quality of life. The original stipulation was that there would be no night time delivery activity or noise from the units at night, with night time activity taking place within sound proofed units. Deliveries at night go against this principle due to both the lorries and unloading activity.
- The planning was agreed on the basis that acoustic fencing would be erected to cut out noise and sight of lorries using the access road at the back of the units. This was not carried out adequately. The night time freight trains are now louder than they used to be as the sound rebounds off the warehouses. The lowness of the fence also enables me to view lorries passing by and at times parked in the access road. Presumably as I am able to see the drivers sitting in their cabs I assume that they are able to see directly into 2 of my bedrooms
- I dread to think what it will be like with shutter doors opening, lorries reversing, crates being unloaded, workmen shouting instructions to each other, the shutter door opening again to let the lorry exit the unit and subsequently the shutters closing again, then of course the noise of the crates being moved around for the rest of the night dealing with the delivery.

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- There will be 12 deliveries per week! However, I suspect that there may be many more within the time slots suggested and how long, once a president is set, that the time restrictions will be relaxed and other businesses demand night deliveries as well.
- Sleep is a very precious commodity in our household! My quality of sleep will be adversely affected if every time I go to sleep there are noises from delivery vans and shutters going up and down.
- I understand if planning permission is granted that no-one will be monitoring the noise from these deliveries and it will be up to residents to police this. We are sceptical to the assurances of Planning departments to protect the integrity of the local residential area and would therefore simply object to the application been approved in the first instance, to prevent such reoccurrences, which over the years has impacted on our health (preventing uninterrupted night time sleep, leading to elevated blood pressure levels, requiring on-going medication).
- Environmental enforcement officers, using specialised noise monitoring equipment, established and reported, that night time noise levels were lower than 30dB – stating this as quiet as remote rural areas within the Wyre Forest. Hence we have an established base line which the proposed application must not exceed.
- Agreed by Wyre Forest Planning Committee at the time of approval for Easter Park construction, was the enforcement of night time restrictions on the operations and movement of traffic within the business park. This was the ‘corner stone’ restriction for the planning committee approving the development to proceed. We are therefore concerned, this proposal erodes the protection stipulated as part of the fundamental development process, which recognised that since the local residential area was well established several years before the proposed Industrial development, all efforts must be made to maintain and protect the privacy of the residential area. Rescind

4.0 Officer Comments

- 4.1 The application seeks to vary condition 4 of 06/0065/RESE which dealt restricted operation and deliveries across the whole site. This variation seeks to allow Unit 3 only to receive limited night time deliveries. The condition as imposed in 2006 reads as follows:

“(4) Notwithstanding the details provided within the Noise Impact Assessment received by the Local Planning Authority on 23rd December 2005, the hours of operation, including deliveries, loading/unloading and other associated external activities shall be restricted to the following hours:

Monday-Friday

B1 (Business Use) – 24 hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities between 11.00 pm and 7.00 am

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B2 (General Industry Use) – There shall be no B2 use of any premises (including deliveries, loading/unloading and other associated external activities) between 7.00 pm and 7.00 am

B8 (Storage or Distribution Use) – 24 hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities between 11.00 pm and 7.00 am

Saturdays

B1 (Business Use) – 24 hours of use within buildings. Deliveries, loading/unloading or other associated external activities shall only take place between 8.00 am and 5.00 pm

B2 (General Industry Use) – There shall be no B2 use of any premises (including deliveries, loading/unloading or other associated external activities) outside the hours of 8.00 am to 5.00 pm

B8 (Storage or Distribution Use) – 24 hours of use within buildings. Deliveries, loading/unloading or other associated external activities shall only take place between 8.00 am and 5.00 pm

Sundays/Bank Holidays

B1 (Business Use) – No restriction on hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities.

B2 (General Industry Use) – There shall be no B2 use (including deliveries, loading/unloading or other associated external activities).

B8 (General Industry Use) – No restriction on hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities.”

- 4.2 The building is currently vacant and has been for approximately 12 months.. A logistics company are seeking to occupy the unit but in order to operate their business they require a maximum of two night time deliveries to allow parcels to be unloaded, sorted and ready to be loaded onto vans for same day delivery into the local business and residential area.
- 4.3 The operator has set out a specific management plan for these deliveries which is set out below:

Between the hours of 1am and 2am the first arrival of parcels will be received into the depot. It will arrive on a Euro 6 Volvo articulated lorry fitted with the D13K engine designed for low-emission in terms of both exhaust gases and noise. It will be driven by a long-standing employee of PGS.

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On arrival, it will be reversed into the road facing shutter which will be closed prior to any unloading taking place. No reversing alarms will be engaged by the vehicle during this process.

The parcels, which will be stacked into cages, will be unloaded using an electric forklift truck which has significantly lower noise output compared to LPG forklifts. The forklift driver will unload the 42 cages onto the floor of the warehouse which will take approximately 30 minutes.

The lorry will then return to the hub, based in Cannock, before returning to Easter Park for its second delivery between 4am and 6am.

Once the vehicle has left, the doors will remain closed and a team of 4-5 staff will sort the parcels into postcodes which are then planned into the day's routes and loaded onto vans in preparation for the morning deliveries.

- 4.4 The restrictive condition was originally imposed to minimise noise disturbance to neighbouring residents to the rear. Properties in Garganey Court and Porchard Close are judged to be closest to the building with no.12 Garganey Court closest being 50m from the rear of Unit 3. The key consideration with any changes to the restrictive condition is that of potential noise issues and as such the views of Worcestershire Regulatory Services (WRS) have been sought, the response received is set out above.
- 4.5 All deliveries to Unit 3 are taken through the front of the building away from residential units and facing the A449 Worcester Road. The proposed management plan set out above stipulates that all unloading will be done within the buildings with the roller shutter door closed. As such it is considered that there will be minimal noise disturbance from unloading process.
- 4.6 In respect of vehicular movements to the unit. The access road is bounded by 2.5m high acoustic fence on one side and the rear wall of Unit 3 on the other. Members are advised that rear elevation Units 3, 4 and 5 were specifically designed when constructed with acoustically absorbent panels to control any noise reflections from the acoustic fence.
- 4.7 It is accepted that any change from nil night time deliveries will alter the noise environment. It is however noted that there are no restrictions of vehicular movements, other than deliveries, or working hours for storage uses. As such there is the ability for vehicles to travel along the access road and for persons to entering the units at all hours of the night.
- 4.8 WRS are satisfied that whilst there is potential for noise this is unlikely due to the precise factors in this case, particularly in view of the existing noise attenuation measured in place. However, they have recommended a review of the situation after a 6 month period to allow the ability to require additional attenuation as WRS feel is appropriate.

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- 4.9 I understand the concerns of residents and appreciate the need to maintain an acceptable relationship between residential and industrial. However I feel that the change proposed is minimal in view of a maximum of 12 lorry visits over the whole week at specific times. When considered in the context of the noise from railway line, the existing road noise from the A449 and the circumstances of the site, it is concluded that the level of disturbance to residents as a result of this change will not be significant. I agree that it will be useful to incorporate a monitoring aspect to the condition, which will allow a review of the site within 6 months. Whilst it will not be able to amend the condition to rescind the permission, it will allow any additional mitigation felt necessary by WRS to be provided to the site.
- 4.10 When looking at balancing the factors of this application, the positive aspects of the creation of 40 jobs, the £1 million investment and the spin off benefits as expounded by North Worcestershire Economic Development and Regeneration, hold significant weight in favour of the application in line with National Planning Policy Framework.
- 4.11 When taking the planning balance, there may be potential for additional noise however this is balance against the positive benefits to the economy and the additional monitoring aspect of the condition, the conclusion is that the proposal should succeed.
- 4.12 The new condition is recommended to be varied in the following way (altered or additional elements are in *italics*):
- (4) Notwithstanding the details provided within the Noise Impact Assessment received by the Local Planning Authority on 23rd December 2005, the hours of operation, including deliveries, loading/unloading and other associated external activities shall be restricted to the following hours:
- Monday-Friday
B1 (Business Use) – 24 hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities between 11.00 pm and 7.00 am
- B2 (General Industry Use) – There shall be no B2 use of any premises (including deliveries, loading/unloading and other associated external activities) between 7.00 pm and 7.00 am
- B8 (Storage or Distribution Use) – *With the exception of Unit 3*, 24 hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities between 11.00 pm and 7.00 am

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B8 (Storage and Distribution Use) – In respect of Unit 3 only - 24 hours of use within buildings. There shall be no external loading/unloading or other associated external activities between 11.00 pm and 7.00 am.

Deliveries between 11.00 pm and 7.00am shall only take place in accordance with the submitted Delivery Management Plan (PGS Global – Kidderminster Depot) and between the following hours;

*Monday – Maximum of 1 delivery between 4am and 6am
Tuesday to Friday – Maximum of 2 deliveries. Only 1 delivery shall take place between 1am and 2am and 1 delivery shall take place between 4am and 6am.*

Saturdays

B1 (Business Use) – 24 hours of use within buildings. Deliveries, loading/unloading or other associated external activities shall only take place between 8.00 am and 5.00 pm

B2 (General Industry Use) – There shall be no B2 use of any premises (including deliveries, loading/unloading or other associated external activities) outside the hours of 8.00 am to 5.00 pm

B8 (Storage or Distribution Use) – *With the exception of unit 3*, 24 hours of use within buildings. Deliveries, loading/unloading or other associated external activities shall only take place between 8.00 am and 5.00 pm

B8 (Storage and Distribution Use) – In respect of Unit 3 only - 24 hours of use within buildings. There shall be no external loading/unloading or other associated external activities between 11.00 pm and 7.00 am. Deliveries between 11.00 pm and 7.00am shall only take place in accordance with the submitted Delivery Management Plan (PGS Global – Kidderminster Depot) with a maximum of 2 deliveries. Only 1 delivery shall take place between 1am and 2am and 1 delivery shall take place between 4am and 6am.

Sundays/Bank Holidays

B1 (Business Use) – No restriction on hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities.

B2 (General Industry Use) – There shall be no B2 use (including deliveries, loading/unloading or other associated external activities).

B8 (General Industry Use) – *With the exception of Unit 3*, No restriction on hours of use within buildings. There shall be no deliveries, loading/unloading or other associated external activities.

17/0008/S73

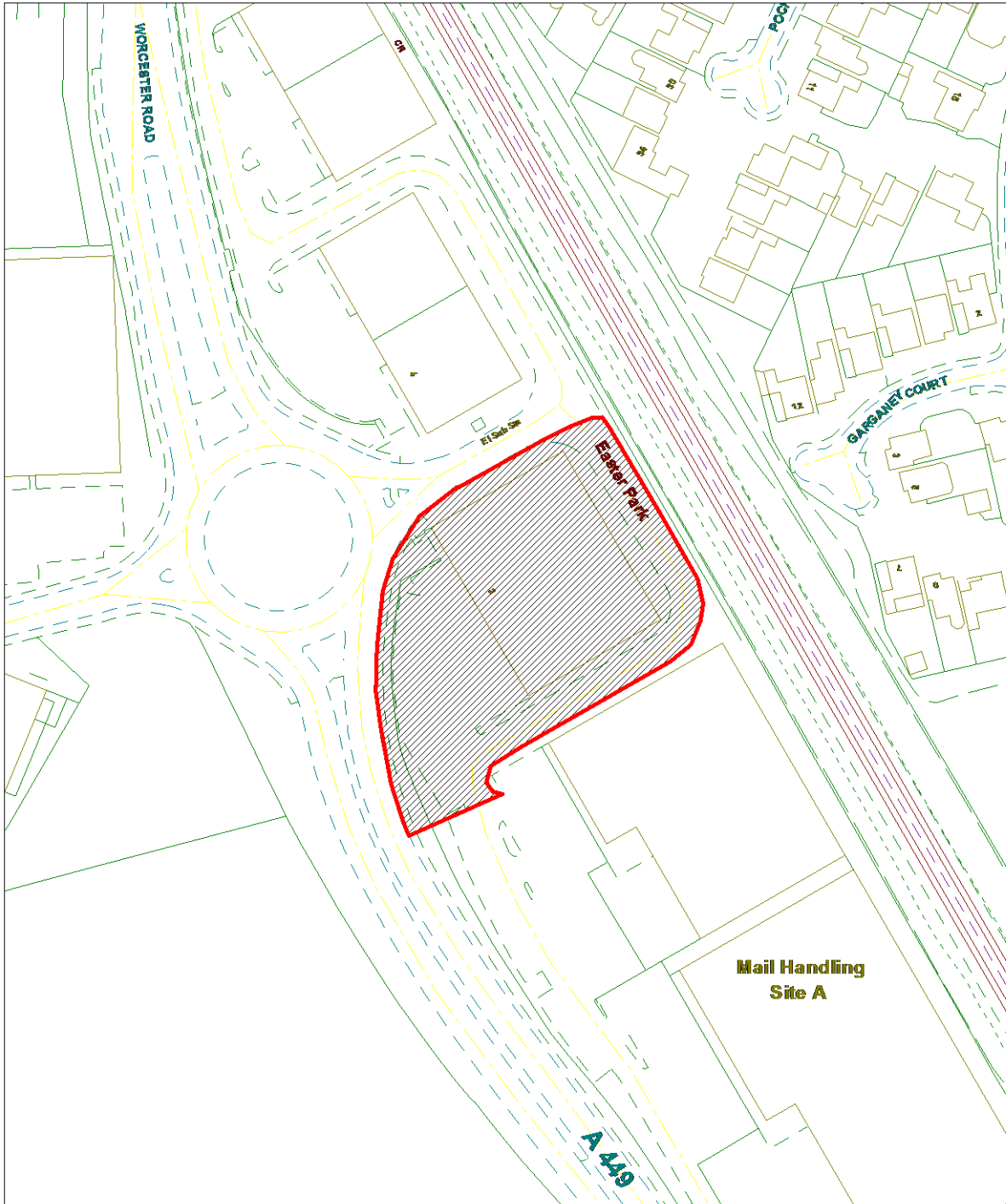
B8 (Storage and Distribution Use) – In respect of Unit 3 only - No restriction on hours of use within buildings. There shall be no external loading/unloading or other associated external activities between 11.00 pm and 7.00 am. Deliveries between 11.00 pm and 7.00am shall only take place in accordance with the submitted Delivery Management Plan (PGS Global – Kidderminster Depot) with a maximum of 1 delivery between 4am and 6am. There shall be no deliveries between 11pm and 7pm on Bank or Public Holidays.

Monitoring of Unit 3

A noise statement on behalf of occupiers of Unit 3 shall be submitted to the Local Planning Authority within 6 months of the first deliveries to unit 3, following the grant of this permission. The Local Planning Authority will review this statement and any recommended mitigation required by the Local Planning Authority shall be carried out by the owner or occupier of the unit 3 within the time frame set by the Local Planning Authority.

5.0 Conclusions and Recommendations

- 5.1 The proposal modification of Condition 4 has been fully considered taking into account the potential for additional noise generation and the positive arguments in favour of the application. It is considered that when taking the planning balance the variation is acceptable and conforms to national and local policies.
- 5.2 I therefore recommend **APPROVAL** to the variation of Condition 4 of 06/0065/RESE as set out at paragraph 4.12.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Easter Park, Hoo Farm, Worcester Road,
Summerfield, Kidderminster, DY11 7AR**

Date:- 07 February 2017

Scale:- 1:1250

OS Sheet:- S08374SE

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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
21st FEBRUARY 2017

PART B

Application Reference:	16/0325/FULL	Date Received:	12/05/2016
Ord Sheet:	379675 279612	Expiry Date:	11/08/2016
Case Officer:	Emma Anning	Ward:	Wribbenhall & Arley

Proposal: Conversion of existing clinic to form 5no. Apartments (3no. 3 bed and 2no. 2 bed apartments). Conversion and Extension to existing staff house to form dwelling. Erection of 4No dwellings.

Site Address: PARK ATTWOOD CLINIC, TRIMPLEY LANE, SHATTERFORD, BEWDLEY, DY121RE

Applicant: Christopher Charles Properties

Summary of Policy	DS01 DS04 DS05 CP01 CP02 CP03 CP05 CP11 CP12 CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL2, SAL.DPL4, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7, SAL.UP9, SAL.UP11 (SAAPLP) Sections 4, 6, 7, 9, 11 (NPPF)
Reason for Referral to Committee	'Major' planning application. 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 covers 2.3 hectares of Green Belt countryside at Trimpley. The site is home to the former Park Attwood Clinic, a brain injury unit which opened in 2011 but closed in 2014. Since that time Ruskin Mill Trust, a learning difficulties charity, has leased the property but were not able to sustain a viable business on site and at present, despite marketing, the property stands vacant.

1.2 The main Park Attwood house sits in the centre of the site accessed via a partly shared private driveway off Trimpley Lane. Other associated outbuildings also occupy the site including an existing staff house located to the south-west of the main building. There is a sizeable car park between the staff house and main house.

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- 1.3 Immediately to the north of the site, beyond a shared boundary are a collection of former barns (Park Attwood Farm) which have been converted to residential use. To the west of the converted barns sits park Attwood Poultry Farm and the associated agricultural workers dwelling. Both properties are accessed via the same shared driveway which however forks off at the start of the park Attwood Clinic private drive.
- 1.4 The site sits in an elevated position with spectacular views towards Kidderminster which sits to the east. The site is however well screened from the south, west and partially to the east by established mature trees, many of which are covered by a Tree Preservation Order.

2.0 Planning History

- 2.1 The site has benefited from numerous planning approvals, the earliest on record being in 1969 but the most relevant being the planning permissions as set out below:

WF/0073/98 – Alterations and amendments to Planning Permission WF.579/93; Erection of extensions comprising 7 single rooms, Doctors rooms, seminar room and 3 staff bed sitting rooms in South wing, re-siting of the approved patients' wing, extension of a maintenance workshop and studio with training to north wing and extension of the existing staff house : Approved

WF/0579/93 – Extension for training, patient and therapeutic facilities : Approved

It should be noted that the development approved by each of the above permissions is only partially implemented and as such there exists an extant consent across the site for sizable additions to the existing building in accordance with the approved plans.

3.0 Consultations and Representations

- 3.1 Kidderminster Foreign Parish Council (Comments as of 06/01/2017 and 26/07/2016) -
 - a. We feel that some mention of "Change of Use" should have been in the application. There is a considerable difference between the commercial enterprise which amounted to the Clinic, and the now proposed residential use. The term "Conversion" could just refer to a structural change of the building - not a "change of use".
 - b. The same comment, about "change of use" also applies to the existing staff house - which was only granted to be erected in connection with the previous "clinic", and now appears to have "stand alone" status.

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- c. It was only after we contacted the planning team that the owners of Home Lodge were notified of this application we hope that this now has been rectified - and that the residents of Home Lodge have made the District council aware of how this application could well affect their property - particularly in respect of land they own (and not in ownership of the applicant) where their septic tank is sited.
- d. With regard to the trees mentioned, we would ask (with advice to you from the Arboricultural Officer) that the small-leaved Lime Tree stump be retained (it is already shooting - after severe cutting back by the applicant's agents), and we would like to see as a condition in any permission granted that there must be tree planting to replace trees (like for like) of those already felled to be stipulated.
- e. With regard to Section 106 monies, no mention has been made of these since the original application. Is there going to be a 106 agreement, and where are these monies to be spent? My members are not happy that such monies will not be spent in the parish for the benefit of local people.

We ask that the District Council Planning Committee take full consideration of the points made by this Parish, particularly in respect of the type of housing development proposed.

3.2 Highway Authority – Recommends that the permission be refused for the following reasons:-

The proposed development would be situated in an isolated, rural location whereby the distance to amenities including retail, employment, education, health and leisure are such that the site is unsustainable. There is no infrastructure or opportunity for sustainable modes of transport such as walking, cycling and public transport and future occupants would be wholly reliant on the car.

As such the application does not accord with Local Transport Policy or with the NPPF (paragraph 32 and 35).

3.3 Arboricultural Officer (Comments as of 09/01/2017) - No objection to the scheme as revised, subject to conditions requiring an 'Arboricultural Method Statement' and 'Tree Protection Plan'.

3.4 Countryside & Conservation Officer (Comments as of 15/12/2016) - A condition requiring the installation of bat boxes is required and that a condition to ensure that no additional lighting will be introduced that will impact on their locations.

The badger survey provided confirms that no badger activity was present at the time of the survey, however a new survey will be required to be carried out if works on site have not commenced by August 2017.

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We have details of the design and a rough location for the owl box and hedgehog house, we just need to condition that these are installed.

The proposal has the potential to affect habitats on site. The detail provided does not sufficiently cover exactly what types of habitat the site supports. It will therefore be necessary to require a full landscape and landscape management plan (including a habitat survey) which shows a biodiversity gain to be submitted and approved prior to any development commencing on site.

3.5 Planning Policy Manager – The application is made up of a number of proposals:

- Conversion of existing clinic – no policy issues are raised for this part of the application.
- Conversion and Extension to existing staff house to form dwelling – No policy issues are raised regarding the conversion of this building however:
Extension - the proposal includes large extensions which increase the size of the dwelling by approximately 50%.
- Erection of 4No dwellings and erection of garage block
The proposal is for the erection of 4 large dwellings and 8 car garage block.

There have been a number of previous planning approvals on the site for large extensions to the existing building. If these permissions were all implemented the overall mass of buildings on the site would be in excess of the mass and scale of the current proposal. It is considered that this could be considered as an exception case due to these outstanding approvals.

3.6 Worcestershire County Council Countryside Service – No comments received

3.7 Worcestershire County Council Archive & Archaeology Service (Comments as of 24/06/2016) - This application affects a heritage asset of built historic environment interest and is also located in an area of some archaeological potential. The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above-ground evidence including buildings of historic and architectural interest.

The proposed development affects Park Attwood House and surrounding grounds (WSM28644). In 1362 a licence to enclose a park was granted to John Attwood, the King's Yeoman. The estate remained with the Attwood family until 1595 when it was purchased by Henry Chellingworth. Henry and Elizabeth Chellingwood married around 1756 and had ten children. One of their sons, John, lived at Park Attwood until he died in 1825. The Chellingworth's association ended in 1887 when the house and park was sold to William Clement Green, a carpet manufacturer in Kidderminster.

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By 1912 the estate had been broken up. The house was in a poor state of repair when it was taken over by the army in 1940. The house itself was set up as a radar headquarters and the ballroom contained a radar screen. Nissan huts were built in the surrounding fields and there is still one on the site known as the Colonel's billet. Home Lodge was the Guard House. After the war the farmland was restored and the house turned into a country club and then in 1955 a hotel. Over time the building became neglected and vandalised but was purchased and restored in about 1977. The existing house is believed to date from around 1750 but given the long history of the site it is highly likely that the 18th century house replaced an earlier, medieval building.

Given the scale of the development and both the known and anticipated historic and archaeological potential of the site, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works. This will involve an initial programme of trial trenching to determine the presence/ absence and extent of any archaeological deposits surviving in the new housing development area, coupled with historic building recording of the 18th century house to Historic England level 3 standard prior to the commencement of development/ conversion works. If the presence of archaeological remains is verified by the field evaluation then where they cannot be preserved in-situ this should then be followed by a defined programme of archaeological excavation and/ or a watching brief in order to record the threatened remains prior to damage or destruction.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 128, which states:

"...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"; and paragraph 141,

"...They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted".

Consequently, in order to comply with policy we recommend that the following two conditions should be attached to any grant of permission:

- a) programme of archaeological work
- b) The development shall not be occupied until the site investigation and post investigation assessment has been completed

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- 3.8 North Worcestershire Water Management (NWWM) (Comments as of 01/11/2016) - I confirm that I am happy to condition the drainage, as the drainage is to be designed to deal with the 1 in 100 year return period as requested. If this intention could be added to the already submitted drainage strategy then that would make it easy to condition, as that would mean that the drainage strategy sets out the agreed design criteria. I believe that a condition is required as building regulations have not caught up with reality and still specify 1 in 10 year return periods.

Subject to receipt of an amended drainage strategy, I propose the following condition:

“No works or development shall take place until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the details of field percolation tests and shall be designed conform the non statutory technical standards for SuDS (Defra, 2015) and the principles as set out in the drainage strategy submitted with the application. The approved scheme shall be completed prior to the first use of the development hereby approved.”

(Comments as of 21/06/2016) - I note that the site will use non-mains drainage for the discharge of foul water. As no public sewers are present within the vicinity of the site I believe that this is acceptable. I understand that unit 1-5 will have individual treatment plants whereas plots 6-12 will be served by a communal treatment plant. I believe this will be dealt with sufficiently in a future building control application.

This site is located in the catchment of the Honey Brook, an ordinary watercourse that has been known to cause severe flooding to properties downstream. To my knowledge this site is not at risk of any type of flooding. Due to the known flood risk downstream it is however extra important that surface water from the development will be dealt with appropriately so the development will not increase flood risk downstream.

I understand from the application form that the intention is to discharge surface water to soakaways. As soakaways are regarded as a sustainable drainage solution this is in line with the national policy. No further information has been submitted. However, as the proposed developed is classed as a major application I believe that the submission should be accompanied by a drainage strategy. Following changes in planning policy in 2015 the Lead Local Flood Authority is the statutory consultee on all major planning applications for surface water management, and my team (North Worcestershire Water Management) fulfils this role on behalf of Worcestershire County Council. We are required to ensure that appropriate SuDS are provided for the management of run-off, unless it is demonstrated inappropriate, and that the proposed scheme is in compliance with the non statutory technical standards for SuDS (Defra, 2015 - attached).

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Although we appreciate that it is perhaps not appropriate to expect a detailed design as part of the current planning application we would expect to see a simple drainage strategy that includes the intended design criteria. For this particular development I believe that it is important that the drainage strategy details what return period will be used to design the soakaways and how climate change will be taken into account (use updated guidance, March 2016). We would also need clarification who would maintain the proposed soakaways. A detailed drainage design can then be conditioned. Alternatively the applicant could submit a detailed design now to avoid attaching a drainage condition altogether.

Conclusion

As this is a major application I believe that a simple drainage strategy setting out the design criteria and maintenance arrangements should be submitted for our perusal before this application can be determined.

3.9 Severn Trent Water (STW) (Comments as of 14/06/2016) – No objections to the proposals subject to the inclusion of the following conditions/notes:

- a) Drainage details to be agreed
- b) Scheme to be implemented in accordance with approved drainage details
- c) Note: Public sewer
- d) Note: Building Regulations and public sewers

3.10 Ramblers Association (Comments as of 23/06/2016) - Bridleway KF-514 passes along the boundary of the site immediately to the west. However it is not anticipated that the proposed development would have any significant impact on the public right of way or walkers enjoyment. Given the previous use it is not expected that there will be a problem from increased traffic on the bridleway.

We note that the site is located within the West Midlands Green Belt where new development is restricted to a very limited range. It is our understanding that new dwellings are unlikely to be acceptable unless required for essential workers needed in agriculture. As Ramblers wishes to see the countryside protected from unnecessary development we strongly support the objectives of the Green Belt. Consequently we would wish to see this application refused in its present form.

3.11 Neighbour/Site Notice – Two letters have been received from neighbours and the main matters raised are summarised as follows:

- The access road is not wide enough for increased traffic
- The proposal would result in conflict between new users of the access track and those who are using it as a bridleway
- The owner of the site has taken no interest in the upkeep of the shared access to date.

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- I have concerns about the noise and disruption when building works and any “stump blowing” take place on site. This could cause young chickens at the poultry farm to stampede and suffer shock, thus having a direct economic impact on the existing business.
- Non-country folk moving to the country and complaining about smell.
- The cutting down of trees and the destruction of habitat for nesting birds which has taken place is not acceptable.
- The buildings should be locally listed.
- The present house may be on the site of a medieval one as such the applicant should be commissioning a survey of the existing buildings to verify that they do not incorporate elements of earlier buildings.
- Little problem in the proposed conversion to dwellings.
- An increase in bulk of the buildings ought to be unacceptable on this Green Belt site.

4.0 Officer Comments

PROPOSED DEVELOPMENT

- 4.1 Planning permission is sought for the conversion of the existing Park Attwood house to form five apartments (comprising two two-bed apartments and three three-bed apartments) and the redevelopment of the site to provide five detached dwellings within the grounds, four to be new build dwellings and the fifth to be created through the conversion and extension of an existing staff house, along with associated improvements to the existing site access.
- 4.2 It is proposed that all of the residential units on site would be open market housing however the applicant has indicated a willingness to contribute to any required affordable housing provision through legal agreement of a kind to be negotiated (this is discussed further below) if required.

PRINCIPLE OF DEVELOPMENT

- 4.3 The application site is washed over by the West Midlands Green Belt and as such strict regard must be had to whether the proposal would constitute inappropriate development in principle and if so, whether there are any very special circumstances (VSC) which would outweigh any harm by definition and any other harm.
- 4.4 Policy SAL.UP1 of the Site Allocations and Policies Local Plan refers specifically to development in the Green Belt and is clear that the proposed redevelopment of a previously developed site is not inappropriate where it would be in accordance with the requirements of Policy SAL.PDS1 of Part B of the Site Allocations and Policies Local Plan document. Policy SAL.PDS1 is relevant to the Park Attwood site by virtue that it could be considered an ‘other’ previously developed site in the Green Belt outside of those referenced specifically by the policy.

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4.5 Having carefully assessed the status of the site I consider the application site to meet the definition of an 'other' previously developed site in accordance with the definition of Previously Developed Land (PDL) as set out at Annex 2 of the National Planning Policy Framework (NPPF). I am also comfortable therefore that the redevelopment of the site would accord with the principles of Policies SAL.UP1 and SAL.PDS1 of the Site Allocations and Policies Local Plan and the general spirit of Green Belt policy established in the NPPF.

4.6 Whilst Policy SAL.UP1 requires that proposals within the Green Belt must not be detrimental to the visual amenity of the Green Belt by virtue of their siting, materials or design I am mindful that, in accordance with the NPPF paragraph 89, it is necessary to assess the comparative impact of the proposal on the Green Belt by reference to any greater impact on openness which the proposals might have. The NPPF provides that redevelopment proposals for the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, does not constitute inappropriate development requiring very special circumstances to be demonstrated. In assessing the proposal I also apply significant weight to this requirement of the NPPF.

VERY SPECIAL CIRCUMSTANCES (VSC)

4.7 As set out above VSC are only required to be demonstrated where the proposed development would constitute inappropriate development in the Green Belt. For the purposes of this application such would arise where the proposal would result in harm to openness or visual amenity, which are considered in more detail below;

OPENESS & VISUAL AMENITY (DESIGN)

4.8 The conversion of the existing Park Attwood house would not have any material impact on openness and therefore would not constitute inappropriate development in the Green Belt. Similarly, the proposal to extend the existing staff house on site with proportionate extensions is also an appropriate form of Green Belt development. The construction of the proposed new buildings on site would unquestionably result in a loss of openness in this location and would therefore constitute inappropriate development. Very special circumstances are therefore required to demonstrate why the harm to openness is outweighed by other material considerations.

4.9 The applicant has advanced a case for VSC based on the fact that the site benefits from an extant consent for sizeable additions to the property. The case for VSC is that, given the proposal would result in a net gain in terms of openness when compared with what could lawfully be constructed on site and that the scheme offers considerable visual benefit over and above the extant consent, then these factors must weight in favour of the proposal in terms of a betterment to the likely impact on the Green Belt.

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- 4.10 Details of the application which granted planning permission for extensions to the property (WF/0579/93) are shown above. The approved plans show extensions to all sides of the existing property, a new training wing to the front (left) of the main house and a patients wing to the front (right) of the main house, all of which would be joined by connecting corridors. The approved extensions to the building would take the form of a number of 'blocks' linked by corridors between. The extensions would be a mix of single and two storey structures and would significantly increase the size of the Park Attwood building. The approved floorplans show that the extant consents would allow for substantial development on the site which would exceed the floorspace of the currently proposed development.
- 4.11 The applicant has provided floorspace calculations for the existing building, estimates of the amount of additional floorspace which could be added by virtue of the extant consent and details of the total floorspace of the development proposed. These figures are provided as:
- | | |
|------------------------------------|--------------------------------|
| Floorspace of existing building | 1628sq.m |
| Floorspace of approved extensions | 1348sq.m (not yet constructed) |
| Floorspace of proposed development | 2599sq.m |
- 4.12 Based on the figures quoted above, the proposed development would result in a reduction in overall floorspace of 377sq.m compared with what could lawfully be constructed on site were the extant consent to be fully implemented.
- 4.13 In terms of the visual benefits of the proposed development over and above the already approved development I am mindful that the approved development would result in a sprawling building of up to two storeys, which would extend the footprint of the Park Attwood building to the east, west and south. The proposed plans show the refurbishment of the existing house, existing extensions to the left of the main house would be demolished and replaced with a detached dwelling (Plot 4) and four further detached dwellings would be constructed. The new dwellings to be constructed would occupy the footprint of existing extensions or extensions which could be lawfully constructed on site so that the proposed development would not extend beyond the envelope of what could be considered as the previously developed parts of the site. Each dwelling is proposed as a high design quality property, responding to the topography of the site.
- 4.14 It stands to be considered whether the circumstances of the site as well as the scale and design of the proposed development, is sufficient to constitute the VSC required to outweigh the harm to openness as previously identified. In concluding that this is in my opinion the case I attach very significant weight to the fact that an extant planning permission exists on this site for a form of development which, in my view would have a greater impact on the Green Belt both in terms of openness and visual amenity than the current proposal. It is my opinion that the proposed scheme is far superior to that which was approved in 1993 in terms of scale, design and layout.

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- 4.15 The layout of the proposed buildings, being detached as opposed to a large sprawling extension, would allow for some relief to be afforded to the mass of development on site. The layout when combined with the reduction in built form of 377sq.m, in my opinion offers significant benefit to openness therefore representing a positive gain in this respect. The proposed development would not extend beyond the footprint of the extensions already approved and there would be no increase in terms of height. The proposal therefore would not offer any further detriment to openness over and above the previous scheme. I find that, on balance, the proposed scheme would result in a betterment to openness by virtue of its reduced scale, improved design and better layout which is sufficiently significant to amount to the very special circumstances required to outweigh the harm which would be caused by the development proposed.
- 4.16 In general design terms the proposed new buildings are considered to be of a suitable and high quality design appropriate for their proposed setting. To ensure that the finish of the properties would be appropriate it would be necessary to control the facing materials by condition.
- 4.17 Whilst the development is found to be acceptable because it would not have a materially greater impact on openness than the extant scheme, it is considered necessary to remove permitted development rights for any future extensions and outbuildings which might subsequently have a detrimental impact on openness.

HOUSING PROVISION

- 4.18 It has already been established that the application site is a previously developed site in the Green Belt the principle of the redevelopment of which is acceptable and that VSC exist. It now falls to be determined whether the proposal to locate new residential development in this location would satisfy the policies of the Development Plan.
- 4.19 Development plan policies directing housing provision across the District are set out in the Adopted Core Strategy and Site Allocations and Policies Local Plan. In being mindful of recent Counsel's advice relating to the Sion Hill Middle School site, I conclude that the site, being an 'other' previously developed site in the Green Belt would satisfy the requirements of Policy SAL.DPL1 relative to the location of new housing development.
- 4.20 In accordance with the same Counsel's advice and contrary to the requirement set out in the Adopted Core Strategy, there is no requirement for housing on such site to come forward exclusively for affordable purposes. In this case, the proposal is made as a market housing scheme.

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PLANNING OBLIGATIONS
(AFFORDABLE HOUSING)

- 4.21 The Council's Development Plan requires that affordable housing at a proportion of 30% be provided on all developments of six dwellings or more in the rural areas and that for developments of 11-30 dwellings the following contributions ought to be secured; transport, open space, air quality and public realm.
- 4.22 The affordable housing requirement set out in the development plan is however superseded by the 'small sites exception' which follows the order of the Court of Appeal (13/05/16) which gave legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account. The result of this ruling is that contributions for either affordable housing or tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. The application proposes a total combined gross floorspace of 2599 square metres which clearly exceeds the threshold however the Council have been asked also to consider the implications of the Vacant Building Credit (VBC) on the requirement for planning obligations in this instance.
- 4.23 The VBC is intended to encourage brownfield development on sites containing vacant buildings such as this. The National Planning Policy Guidance (NPPG) is clear that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. The VBC means affordable housing contributions should be sought on the net increase in development floorspace only. In this instance the net increase in floorspace equates to 975sq.m. Taking the 'small sites exemption' into account, when combined with the VBC the 'new' floorspace coming forward for development (the net figure) is 975sq.m which would result in the scheme falling below the threshold for affordable housing contributions as established in the Written Ministerial Statement. There is therefore no requirement to provide affordable housing on the site based on the scheme proposed, or for any off site contributions.

(OTHER PLANNING OBLIGATIONS)

- 4.24 The Adopted Planning Obligations SPD sets out the instances in which the District Council would expect developers to make contributions towards physical, social and green infrastructure (excluding affordable housing contributions). The SPD requires that contributions are only required where the proposal would involve the development of 11 dwellings or more.

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HIGHWAY SAFETY

- 4.25 It is proposed that the development would be accessed via the existing driveway which leads to Trimpley Lane. Improvements are proposed to the access track to include widening to allow two vehicles to pass and to prevent vehicles accessing or exiting the site having to wait on Trimpley Lane. Car parking provision was originally intended to be accommodated by a detached garage block however the garage block has been removed from the proposal due to concerns regarding the impact on the Green Belt. Car parking provision will therefore be within the individual curtilage of each property as well as on the site of an existing car park off the main driveway. Cycle parking would have been provided in the proposed garaging however the removal of the garage block from the scheme would necessitate a condition requiring details of cycle parking provision to be provided and approved by condition. As part of the Planning Statement submitted with the application the applicant advances that the proposed residential (C3) use would result a reduction in the transport impacts of the site by virtue that movements would be reduced compared with the types and frequency of trips which would be generated by a C2 (Residential Institution) use.
- 4.26 The Highway Authority does not support this application for reasons that the location is unsustainable and due to its isolated location and would therefore not accord with the NPPF paragraphs 32 and 35. Paragraph 32 of the NPPF sets a requirement for schemes which would generate large volumes of traffic to be accompanied by a Transport Statement/Assessment to demonstrate that the proposal would not result in significant adverse impacts on existing infrastructure or safety. Paragraph 35 requires local planning authorities through their development plans, to exploit opportunities for sustainable transport and facilitate access for all.
- 4.27 Having carefully considered the case put forward by the applicant and the objections of the Highway Authority against the policy backdrop of the Development Plan, I take the view that the proposed development of ten dwellings would be very likely to generate less trips to and from the site than the lawful residential care facility use and as such would result in a lesser impact on the existing surrounding road network. Similarly, the proposal to widen the access to prevent vehicles waiting on Trimpley Lane would serve as a benefit to highway safety and would serve to address the highway safety concerns raised by third party objectors to the application. Whilst I do agree with the Highway Authority that the location is remote and that there is no opportunity for access to sustainable modes of transport, I am mindful that the site is an existing facility.

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- 4.28 There is no doubt that in plan making terms, the site would fail to meet the sustainability requirements of the NPPF, however to apply this blanket approach to decision taking where the site is an existing previously developed site proposed for redevelopment would stifle development sites which were in all other respects suitable for development where they were located in rural areas of the District. Given that the site is served by the adopted road network, that volumes of traffic are likely to reduce, that facilities for adequate car and cycle parking can be provided on site to serve the development and that the site accords with the strategic housing allocation policies of the development plan I find no tangible reason to withhold planning permission on highway safety grounds.

WATER MANAGEMENT

- 4.29 The comments provided by NWWM provide a clear overview of the drainage potential of the site and the potential for wider impacts of poor water management on this site to the nearby ordinary watercourse, namely Honey Brook. The comments, following initial concerns and the submission of additional information, conclude that a suitably worded condition requiring a full drainage scheme for surface water would mitigate against any potential harm from surface water run-off on the site and surrounding. This condition would also serve to partly address the concerns raised by Severn Trent Water in respect of surface water disposal. In accordance with the comments of STW a separate condition relating to details of foul water disposal is also considered necessary in the interests of flood prevention.
- 4.30 Concerns raised by third party comments relating to the existing septic tank belonging to Home Lodge the residential property at the start of the shared driveway are private matters between the applicant and property owner and the technical aspects are covered by the Building Regulations.

ECOLOGY & BIODIVERSITY

- 4.31 The application is submitted with an Ecology Survey which includes proposals for mitigation to ecology and biodiversity known to be on or adjacent to the site. The survey has been carefully considered by the Council's Countryside & Conservation Officer who raises no objections but does make strong recommendations for conditions which are required to ensure that the proposal can proceed without detriment to flora or fauna on or around the site. Such protection and enhancement measures include a requirement for a detailed landscaping plan which includes an assessment of the existing habitats on the site and how these will be protected.

ARBORICULTURE & LANDSCAPE

- 4.32 The site is home to a number of high quality trees, many of which are protected through a Tree Preservation Order (TPO) which covers the site. Accordingly, the application was submitted with an Arboricultural Impact Assessment which has been carefully considered by the Council's Arboricultural Officer.

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- 4.33 Following discussions between the Arboricultural Officer and the Agent and the submission of additional information/revised drawings the Arboricultural Officer is now satisfied that the proposed layout is acceptable and that, subject to a condition requiring an Arboricultural Method Statement and Tree Protection Plan (which would provide for all works to be overseen by a qualified arborist), that the proposal is capable of implementation without harm being caused to existing trees on site.
- 4.34 The application is submitted without the benefit of a full landscaping plan. Whilst the proposed site layout drawing does provide an indication of the layout of each plot as well as some detail of the proposed hardsurfacing, the drawings read as being for illustration only in respect of landscaping. The drawings do suggest that boundary treatments between the proposed properties would be soft landscape features which is, in my view, a more appropriate design approach in this rural setting. It would not be acceptable to introduce features more akin to a built-up urban environment such as walls and high timber fencing to this setting as it would detract significantly from the character of the site, its rural surroundings and would serve to 'urbanise' what is an attractive rural estate. In order to ensure that suitable hard and soft landscape features are installed I consider it necessary and reasonable to control this by condition. To ensure the visual amenity of the site is preserved I also consider it would be necessary to remove 'permitted development rights' relating to means of enclosure. This would also serve to protect those parts of the site of high habitat value and which would be transferred into private ownership (for each of the proposed dwellings) in accordance with the recommendations of the Countryside & Conservation Officer.
- 4.35 A condition requiring the submission of a full landscaping plan incorporating the landscape features described above would be required as part of any approval issued.

HERITAGE IMPACT

- 4.36 The site is recognised as being likely to benefit from remains of archaeological importance. The comments provided by Worcestershire Archive & Archaeology Service provide a detailed description of exactly the type of historic artefacts which may exist.
- 4.37 The development plan is very clear that development which is likely to affect a heritage asset should demonstrate how that asset will be protected (SAL.UP6 of the Site Allocations and Policies Local Plan). Based on the advice of Worcestershire Archive & Archaeology Service, I am satisfied that the protection of any archaeological remains could be suitably addressed by condition and that the development is capable of implementation without harm to any heritage asset.

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OTHER MATTERS

- 4.38 Concerns relating to noise raised by the neighbour at Park Attwood Poultry Farm and the effect on young birds are based on the assumption that stump blowing will take place on site. There is no suggestion in the application that this would be the case and therefore I am satisfied that it is unlikely that there would be any greater noise than that which would be typically associated with any construction project.
- 4.39 The suggestion that the Park Attwood building ought to be included on the Local Heritage List is noted. However the Council's Conservation Officer has not offered support for this proposal and in any case this is not a consideration material to the determination of the planning application.

5.0 Conclusions and Recommendations

- 5.1 The proposed conversion works and the extensions to the existing staff house are appropriate forms of development in the Green Belt which would satisfy the housing allocation policies of the Development Plan. The applicant has demonstrated that very special circumstances exist which would outweigh the harm to openness which would result from the construction of four new dwellings in this Green Belt location, namely the net reduction in the quantum of development on site and improvements to visual amenity over and above the previously approved scheme.
- 5.2 Subject to suitably worded conditions the development is capable of implementation without harm to ecology, biodiversity, land drainage and heritage assets. The proposal is considered likely to have less impact on the surrounding highway network and is, due to the size of the site, capable of accommodating the car and cycle parking demand generated by the development.
- 5.2 For this reason it is recommended that the application be **APPROVED**, subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Materials to be agreed
 4. Removal of PD rights – extensions and outbuildings and fences
 5. Scheme for surface water drainage
 6. Disposal of foul water flows
 7. Satisfactory means of drainage
 8. Scheme of archaeological work
 9. Site investigation and post investigation assessment
 10. Arboricultural Method Statement
 11. Provision for accommodating bat roost facilities
 12. External lighting
 13. Badger survey

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14. Owl boxes and hedgehog homes to be installed
15. Landscaping plan to include a habitat plan
16. Landscaping works

Notes

- A Public sewers
- B Building Regulations
- C Wildlife and Countryside Act 1981

Application Reference:	16/0688/FULL	Date Received:	23/11/2016
Ord Sheet:	381580 274915	Expiry Date:	18/01/2017
Case Officer:	Emma Anning	Ward:	Foley Park & Hoobrook

Proposal: Demolition of existing Community Centre to provide 12 new dwelling houses with associated landscaping and parking for affordable housing

Site Address: RIFLE RANGE COMMUNITY CENTRE, DOWLES ROAD, KIDDERMINSTER, DY117NU

Applicant: Oakleaf Commercial Services

Summary of Policy	DS01 DS05 CP01 CP02 CP03 CP04 CP05 CP11 CP13 CP14 (CS) SAL.PFSD1 SAL.DPL1 SAL.DPL11 SAL.CC1 SAL.CC2 SAL.CC6 SAL.CC7 SAL.UP5 SAL.UP7 SAL.UP9 (SAAPLP) Design Guidance SPD Affordable Housing SPD
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 Dowles Road Community Centre occupies the centre of a 0.236ha site on the Rifle Range residential estate. The building itself occupies a footprint of 275sq.m and is a single storey, flat roof structure of typical 1960s design.
- 1.2 To the south of the building is a grassed amenity area however the remainder of the site is hard surfaced for informal car parking. Residential properties surround the site on all boundaries.
- 1.3 The community centre appears to be vacant and there is no obvious recent use of the building.
- 1.4 The development plan identifies the site as being within a residential area as set out on the Proposals Map.

2.0 Planning History

- 2.1 None relevant

16/0688/FULL

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – No objection and recommend approval
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Strategic Housing Services Manager – Support the application for 12 units of accommodation on the former Dowles Road Community Centre site and will work with the Registered Provider regarding tenure and letting arrangements.
- 3.4 West Mercia Police Designing Out Crime Officer – Views awaited
- 3.5 Disability Action Wyre Forest – Observation/comment: ensure that all dwelling have level threshold approaches
- 3.6 Severn Trent Water (STW) – No objection subject to drainage conditions
- 3.7 Central Networks – Views awaited
- 3.8 Neighbour/Site Notice – No representations received

4.0 Officer Comments

PROPOSAL

- 4.1 Planning permission is sought for the redevelopment of the above site to provide 12 dwellings arranged in four blocks of three terraced properties. Two of the four blocks would sit between 43 and 45 Dowles Road with car parking proposed to the front of each dwelling. The remaining two blocks would sit perpendicular to the aforementioned proposed dwellings at the rear of the site with access off Dowles Road to a shared parking area.
- 4.2 The proposed dwellings would be of a contemporary design with a pitched roof and gable ends, being finished in brick and tile. All of the properties would be 2-bed homes and as such two car parking spaces are proposed for each dwelling. Each dwelling would have private rear gardens of a minimum length 9m, but in most cases in excess of 10m.

PRINCIPLE OF DEVELOPMENT

- 4.3 Residential development policies in the Adopted Core Strategy (Policy DS01) and Site Allocations and Policies Local Plan (Policy SAL.DPL1) support residential development on brownfield sites within the urban area of Kidderminster. Being the site of a community centre and its curtilage the site is considered to be a brownfield site and as such the principle of residential development is sound.

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- 4.4 Policy SAL.DPL11 of the Site Allocations and Policies Local Plan (SAAPLP) refers directly to community facilities and resists the loss of such facilities where they are safeguarded on the Policies Map. The Dowles Road Community Centre is not a safeguarded site and as such there is no extra requirement to justify its loss as part of any redevelopment proposal.
- 4.5 For the reasons set out above the principle of development is considered to be acceptable as it accords with the policies of the development plan relating specifically to the location of residential development and the loss of a community facility.

PLANNING OBLIGATIONS

- 4.6 The development plan (Policy CP04), including the 'Affordable Housing' SPD (Supplementary Planning Document) requires that a minimum of 30% affordable housing provision be delivered on a site of ten or more proposed dwellings. The development is put forward by Wyre Forest Community Housing and is proposed as 100% affordable and therefore more than meets this requirement. It is proposed to secure the level of affordable housing through a Section 106 Agreement. Advice of the Housing Services Manager is that the scheme would comprise ten units for rent-to-buy and two for either affordable rent or social rent, to be determined by the funding available.
- 4.7 The adopted Planning Obligations SPD also requires that obligations should be sought in respect of; transport; open space; air quality and public realm. Matters relating to transport, air quality and public realm are, in my opinion, capable of being adequately addressed through the construction of the development itself however a commuted sum of £3384 would be required towards open space provision. The Cultural Services Manager has confirmed that such monies should contribute towards improving access arrangements at Rifle Range Local nature Reserve, and such monies would be secured via a S106 Agreement.

LAYOUT, SCALE AND DESIGN

- 4.8 The scale of the dwellings and their associated curtilage space would be similar to existing dwellings immediately adjacent to the site and as such the proposed development would sit comfortably amongst the existing neighbouring properties in terms of the proposed plot size. Being two storeys in scale and being of modern design similar to surrounding properties, the proposed dwellings would reflect the scale and design of their immediate setting and would thus harmonise into the existing Dowles Road streetscene. The layout of the proposed development is therefore considered to be acceptable as it would form a pattern of buildings and spaces that would harmonise with the established character of its immediate setting.
- 4.9 For the reasons set out above the layout, scale and design of the development proposed is considered to be acceptable.

16/0688/FULL

LANDSAPING AND BOUNDARY TREATMENTS

- 4.10 Small landscaped areas are proposed, one to the front/side of Plot 9 adjacent to 45 Dowles Road and two on the northern site boundary between the gable end of the proposed properties and the site entrance and front elevation of numbers 25-31 Dowles Road. These amenity areas would serve to soften the visual appearance of the proposed development, most significantly on the northern boundary where they would serve as an attractive buffer between the new properties and the highway. In order to ensure that appropriate type and species of landscaping is provided it is considered both reasonable and necessary to control this by condition.

IMPACT ON AMENITY

- 4.11 The proposed dwellings would benefit from gardens with a minimum length of 9m, although in most cases the rear garden lengths exceed 10m in depth. This is considered to be a sufficient amount of amenity space for occupiers of the proposed dwellings. The same minimum garden lengths are considered sufficient to ensure that properties which would sit perpendicular to existing dwellings would not result in a loss of light or be overbearing due to their proximity. There would be no breach of the 45 degree code relative to any existing neighbouring property and it is for these reasons that I consider there would be no adverse impact on the amenity of neighbouring occupiers.

HIGHWAY SAFETY

- 4.12 The scheme proposes two car parking spaces per dwelling which is consistent with the requirement of the Highway Authority and therefore in respect of parking provision the proposal would accord with the relevant development plan policy.
- 4.13 The proposed plans show that six spaces (associated with Plots 4-6) would be provided in what is currently a highway pull-in adjacent to 43 Dowles Road. It is proposed that this part of the highway is to be stopped up under Section 248 of the Highways Act. This is a matter to be dealt with separate to the planning application however, due to the need to ensure that the six car parking spaces it would facilitate are capable of being provided then it is considered necessary and reasonable to impose a condition requiring that no development shall commence until the requisite Stopping Up Order has been confirmed. This is to ensure that the development would be adequately served in terms of car parking provision.
- 4.14 The applicant has provided revised plans to show that the necessary visibility splays to the fronts of Plots 4 and 9 can be achieved through alterations to land within the applicant ownership. As such, and given the comments of the Highway Authority I am satisfied that the proposal is capable of implementation without harm to highway safety.

16/0688/FULL

5.0 Conclusions and Recommendations

- 5.1 The proposed residential development of this former community centre site is consistent with the requirements of the development plan in respect of the location of new homes.
- 5.2 The dwellings proposed are of a scale, layout and design which would harmonise with their immediate setting and would not result in a loss of amenity to existing residents or future occupiers. The proposal is capable of implementation without harm to highway safety.
- 5.3 For the reasons set out above it is recommended that **delegated** authority to **APPROVE** the application be granted, subject to:-
- a) the signing of the **Section 106 Agreement**; and
 - b) the following conditions:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Materials to be agreed
 4. Landscaping (Small scheme)
 5. Affordable housing only
 6. Drainage to be agreed
 7. Closure of existing vehicular access
 8. Stopping up of existing layby
 9. Provision of visibility splays
 10. Parking in accordance with approved plans
 11. Cycle parking
 12. Construction Management Plan
 13. Welcome pack for new residents

Notes

- A SN2 (Section 106 Agreement)
- B Private apparatus within the highway
- C Section 278 Agreement
- D Protection of visibility splays

- 5.4 Should the S106 Agreement as required not be signed and agreed by 18/07/2017 then **delegated** authority is sought to **REFUSE** the application for the following reason:

The applicant has failed to enter into an agreement under Section 106 of the Town and Country Planning Act (1990)(as amended) for the contributions required towards open space provision in the District. To approve the application without such agreement would be contrary to the policies of the development plan. There are no material consideration, in this instance, which would override the requirement to provide such contributions. The proposal therefore fails to satisfy the requirements set out in the Planning Obligations SPD.

Application Reference:	16/0708/FULL	Date Received:	07/12/2016
Ord Sheet:	380676 270155	Expiry Date:	01/02/2017
Case Officer:	Emma Anning	Ward:	Areley Kings & Riverside

Proposal: Change of use to hot food take-away (use Class A5)

Site Address: 2 QUEENS ROAD, STOURPORT-ON-SEVERN, DY130BH

Applicant: Mr A Ioannou

Summary of Policy	CP01 CP03 CP11(CS) SAL.GPB2 SAL.GPB3 SAL.CC1 SAL.CC2 SAL.UP7 SAL.SSS1 (SAAPLP)
Reason for Referral to Committee	Councillor request for application to be considered by Committee. Town Council request to speak on application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 2 Queens Road is a ground floor shop located at the extreme eastern end of a group of retail premises, the majority of which are currently vacant. The area is identified in the Site Allocations and Policies Local Plan as a 'Local Centre' but is also subject to a site specific policy (SAL.SSS1) which seeks for the redevelopment of the site for residential purposes, although with some small convenience retail provision included.
- 1.2 The two upper floors of the three storey block are occupied as flats, however at the time of my site visit the flat directly above No. 2 appeared to be vacant.
- 1.3 The proposal is to provide a fish and chips hot food takeaway (Use Class A5). Car parking to serve the premises is on-street at the front of the shop unit and there are additional spaces to the rear. The existing shop front would also be replaced and reconfigured to feature an offset doorway with plate glass windows, instead of an inset, more centralised door as at present. The present rear yard servicing area is proposed to remain unchanged in form and function. Opening hours are indicated to be 11am – 10pm Monday – Friday, 11am – 9.30pm on Saturdays, closed on Sundays.

2.0 Planning History

- 2.1 10/0745/FULL - Full change of use at ground floor from A1 (Retail) to A5 (Hot food Takeaway) (resubmission of application 10/0610/FULL) : Approved

16/0708/FULL

- 2.2 10/0610/FULL - Full change of use at ground floor from A1 (Retail) to A5 (Hot food Takeaway) : Withdrawn

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Wish to address the Planning Committee in respect of this application.

- 3.2 Highway Authority – No objection.

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

The proposal is in a local shopping parade with a significant residential catchment surrounding it which maximizes the opportunity to access the site on foot. Any trips by car are considered to be passing and there is a layby area along the frontage of the parade for customer short duration stay. Consequently, whilst this proposal is likely to increase trips, they are unlikely to be car based trips and the car trips which do occur will not create an unacceptable situation from a highways point of view therefore there is no objection to raise.

- 3.3 Planning Policy Manager – The proposal will bring back into use a retail unit that has been unoccupied for some time. There is no objection to the proposed development in planning policy terms.

- 3.4 Worcestershire Regulatory Services (WRS) - Requested additional information relating to odour control. (*Officer Comment - Final, concluding comments are awaited and will be added to the Addenda and Corrections sheet*).

- 3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 As previously stated, the proposed development is for the change of use of this ground floor vacant retail (A1) unit to a hot food takeaway (A5 use).

16/0708/FULL

- 4.2 The proposed reuse of this retail premises for an alternative retail use is, in principle, acceptable. However Policy SAL.GPB2 of the Site Allocations and Policies Local Plan is clear that for development proposals involving the sale of food and drink it must be demonstrated that there would be no adverse impact in terms of:
- Residential amenity
 - Pollution (light, litter, noise, odour)
 - Crime and disorder
- 4.3 The principal concern relating to hot food takeaway uses is the impact on air pollution in terms of odour and noise generated by the extraction systems required for ventilation. This is particularly important in this instance due to the residential property which sits immediately above the retail unit and as the unit is surrounded by other dwellings. The applicant, at the request of WRS, has provided details of the proposed extraction system to be used including details of filtration and operating hours. WRS have not provided final comment however they have not indicated that it would be impossible to install a suitable extraction/ventilation system at this location which would alleviate any impact of either odour or noise to surrounding occupiers. It is for this reason that I consider it would be necessary to condition any approval so that the proposed use could not take place without an agreed extraction system being fully installed to the satisfaction of WRS. This is the same approach that was taken at the time of the previous approval, application for an identical use in 2010 (Ref. 10/0745/FULL). The equipment should thereafter be retained in a fully operational form for the lifetime of the development. In this way I am satisfied that the development is capable of implementation without harm to air pollution and without being detrimental to residential amenity.
- 4.4 In addition to the change of use, the development proposed includes some physical changes to the property comprising a new shopfront, as described above and the installation of an external flue to serve the required extraction equipment. The external alterations proposed to the shopfront would, in my opinion, serve to enhance the appearance of what is, at present, a run down property. The installation of an external flue to the side, gable end of the building would have the greatest potential to cause visual harm to the building however the applicant has proposed to clad the flue externally with brick facing tiles to match the existing brickwork so as to mimic a second chimney on the building. On balance I consider this design approach to be acceptable as it would allow the required equipment to be installed without resulting in the installation of an incongruous feature to the building.
- 4.5 The comments of the Highway Authority confirm that there would be no adverse impact on highway safety as a result of the proposal and also that there is sufficient parking provision to serve the development.

16/0708/FULL

- 4.6 The opening hours proposed have not given rise to any objection from WRS or from neighbouring residents. In fact no third party representations have been received. There is no reason to conclude that the introduction of the proposed development in this location would result in an adverse impact on the amenity of nearby occupiers by way of disturbance or litter, as is required to be considered under Policy SAL.GPB2.

5.0 Conclusions and Recommendations

- 5.1 The proposed external alterations to the building are acceptable and would harmonise with the host property and sit comfortably in the existing street scene.

- 5.2 The proposal to change the use of this property to a hot food takeaway is also acceptable as it would not give rise to a situation which would be detrimental to highway safety or neighbour amenity and, through the use of appropriate conditions, it is possible to ensure that the development is capable of implementation without causing an adverse impact on air pollution both in terms of noise and odour.

- 5.3 For the reasons set out above 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. Materials to be approved
4. The use shall not commence until an extraction system, to the satisfaction of WRS, has been installed and made fully operational. The extraction to remain in-situ for the lifetime of the development.
5. Opening hours

Application Reference:	17/0020/REGS3 17/0021/LIST	Date Received:	13/01/2017
Ord Sheet:	380915 271295	Expiry Date:	10/03/2017
Case Officer:	Paul Round	Ward:	Areley Kings & Riverside

Proposal: Use of property to provide 11 short term residential accommodation and associated office space

Site Address: 2-3, NEW STREET STOURPORT-ON-SEVERN, DY138UN

Applicant: Wyre Forest District Council

Summary of Policy	DS03, CP11 (CS) SAL.DPL1, SAL.CC1, SAL.CC2, SAL.UP6, SAL.UP7 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	The applicants is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms a building owned by Wyre Forest District Council located on New Street within the heart of Stourport-on-Severn. The building is surrounded by residential properties and business premises.
- 1.2 The properties lies within a Conservation Area and is a Grade II Listed Building.
- 1.3 The building was last used as a café and art gallery and it is proposed to convert the building to provide short term rented accommodation.

2.0 Planning History

- 2.1 14/0504/FULL - Change of use to Café (A3) at ground floor only : Approved 06.11.14

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Views awaited
- 3.2 Highway Authority – No objections
- 3.3 Canal & River Trust – No objections

17/0020/REGS3 and 17/0021/LIST

3.4 Conservation Officer – Recommend approval subject to conditions.

2-3 New Street occupies a prominent position on the southern side of New Street within Stourport No.1 Conservation Area. It was originally a pair of houses however it has in the past been subdivided horizontally so that the ground floor and basement are now a retail premises. The original staircase has been removed and now the only access to the first and second floors is via an external staircase set between 1 and 2 New Street.

The first and second floors have been comprehensively adapted, probably since the 1960's, to form self contained bedsit type flats. The first floor features a suspended floor through which all services and drainage pass. It is possible that the original historic floor survives beneath this.

There appear to be no original fittings remaining within the first and second floors, all internal doors have been replaced, as have all skirtings and any original coving or cornices have been removed. The chimney breasts (although redundant) survive and support external chimneys.

The roof is a twin pitched roof, parallel to the street, with central valley gutter which exits via a downspout on the gable of 2 New Street. Access to each roof space is via a single loft hatch.

Within the flats themselves the only historic features remaining of note are the timber vertical sliding sash windows to the front elevation.

EXTERNAL WORKS

As detailed in the accompanying design and access statement, the proposed works to the exterior of the building will remove inappropriate late 20th century alterations such as the fire escape from the side elevation, which is highly visible from New Street, and repair the sash windows facing New Street.

I am very supportive of the restoration of timber sash windows to the rear of the property which will have a positive impact on the surrounding Conservation Area as the rear of the property is visible from several vantage points.

The rationalisation of drainage and external pipework will also serve to improve the appearance of the building to the benefit of the surrounding Conservation Area.

The insertion of small windows within the original coal holes will permit full use of the basement areas, and this is to the benefit of the building as a whole.

INTERNAL WORKS

Almost all historic features internally have been lost, save for the chimney breasts which remain within the proposed scheme. The minor works required to revise the layout to obtain the 11 units will have no further impact on the significance of the building.

17/0020/REGS3 and 17/0021/LIST

Whilst originally there would have been two staircases almost all evidence of the original staircases has been lost. I welcome the reintroduction of an internal staircase as this enables the removal of the external fire escape which currently disfigures the side elevation.

Overall the proposals will serve to bring this listed building back into a full and beneficial use. The impact upon the Conservation Area will be to enhance it by removing unsightly external features and reinstating historic features which contribute positively to views across the town.

As such these proposals comply with WFDC Policy SAL.UP6

3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The application seeks to utilise an underused historic asset and use it to provide 11 residential units of accommodation. The units provide bedroom, kitchen and bathroom facilities on a bed-sit basis along with associated office accommodation to allow the management of the units. The basement is proposed to be utilised to provide an accessible flat providing facilities for disabled tenants.
- 4.2 The last use of the ground floor was for a café and art gallery, with residential accommodation above. The planning application seeks to change the whole property to residential whereas the Listed Building Consent Application deals with the internal works required.
- 4.3 The principle of residential use within this part of Stourport-on-Severn is supported by the Development Plan and as such there is no objection to the principle of development.
- 4.4 Limited parking is available, although one will be specifically allocated for the basement flat. In view of the town centre location, the public parking facilities in the vicinity and the nature of the units I am satisfied that there is no issue in respect of parking provision. A 'no objection' response has been received from the Highway Authority.
- 4.5 The property is located in order to access large amounts of public open space at Riverside Meadows. Therefore the lack of amenity space to the rear does not present any difficulties from a policy or design perspective. Bin provision is to be provided to the rear and managed by the appropriate Council department.

17/0020/REGS3 and 17/0021/LIST

- 4.6 The works to the listed building are considered to be appropriate by the Conservation Officer and provide the opportunity bringing the heritage asset back into optimum use which is wholly supported by the National Planning Policy Framework and Policy SAL.UP6 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.
- 4.7 There are no outstanding issues with these applications which accord with local and national policies

5.0 Conclusions and Recommendations

- 5.1 The use of this listed building for provision of residential accommodation is acceptable in principle and brings a heritage asset back into optimum use. The details of the applications have been fully considered and found to be acceptable in all aspects.
- 5.2 It is therefore recommended that application **17/0020/REGS3** be **APPROVED** subject to the following conditions:
1. Permission to ensure for the benefit of the Council only
 2. A6 (Full with no reserved matters)
 3. A11 (Approved plans)
- 5.3 It is also recommended that application **17/0021/LIST** be **APPROVED** subject to the following conditions:
1. A7 (Listed Building/Conservation Area Consent)
 2. A11 (Approved plans)
 3. B1a (Samples/details of materials)
 4. B2 (Sample brick panel - doorway)
 5. B9 (Details of windows and doors)

WYRE FOREST DISTRICT COUNCIL

Planning Committee

21 February 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
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			Allowed 23/01/2017

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
WFA1472 16/0566/FULL	APP/R1845/W/1 6/3165099	Shared Access	CHESTER ROAD SPORTS & SOCIAL CLUB CHESTER ROAD NORTH Erection of 15m shrouded monopole to support 3no. telecommunications antennae for use by Telefonica, which together with the installation of 2no. dishes and 4no. ground based equipment cabinets will provide 2G, 3G and 4G mobile electronic communication services from the installation.	WR 23/01/2017	27/02/2017			

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
WFA1473 17/0052/ENF	APP/R1845/C/16 /3164662	Mr D Hensall	HOARSTONE STABLES HOARSTONE LANE BEWDLEY DY121LB Unauthorised Mobile Home (Enforcement Case 16/0023/ENF)	WR 31/01/2017	07/03/2017			
WFA1474 17/0056/ENF	APP/R1845/C/16 /3165263	Mr G Smith	THE GRANARY HODGE HILL FARM BARNES BIRMINGHAM ROAD Unauthorised single storey orangery/garden room to side of main building (Enforcement Case 14/0116/ENF)	WR 01/02/2017	08/03/2017			

Appeal Decision

Site visit made on 5 January 2017

by **G Powys Jones MSc FRTPI**

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

Decision date: 23rd January 2017

Appeal Ref: APP/R1845/D/16/3162356

The Dell, Cakebole Lane, Rushock Village, Droitwich, Worcestershire, WR9 0NR

- 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 Wootton against the decision of Wyre Forest District Council.
 - The application Ref 16/0413/FULL, dated 8 July 2016, was refused by notice dated 31 August 2016.
 - The development proposed is the erection of an orangery to rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an orangery to rear of property at The Dell, Cakebole Lane, Rushock Village, Droitwich, Worcestershire, WR9 0NR in accordance with the terms of the application, Ref 16/0413/FULL, dated 8 July 2016, subject to the conditions set out in the attached Schedule.

Main issues

2. The appeal property lies in the designated Green Belt (GB). Having regard to this and the thrust of the Council's sole reason for refusal the main issue is whether the proposal is inappropriate or not inappropriate development in the GB for the purposes of the *National Planning Policy Framework* (the Framework) and local development plan policy.

Reasons

Inappropriate or not inappropriate development

3. The Framework provides at paragraph 89 that local planning authorities should regard the construction of new buildings as inappropriate in the GB. The exceptions to this general rule provided in paragraph 89 include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 4. The term '*original building*' is defined in the Framework's Glossary as '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.*' In this case, a dwelling stood on the site on 1 July 1948 but this was demolished and replaced by another granted planning permission by the Council in 2005 (Ref WF/0454/05). Certain permitted development rights were removed under the terms of this permission.
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5. Thus the building that stood on the site in 1948 no longer exists. It follows, to my mind, for the purposes of the Framework's definition, that the '*original building*' is that constructed pursuant to the 2005 permission.
6. Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan is designed to protect the GB from inappropriate development. In line with national policy, this local policy restrains development within the GB, with some exceptions, including '*the extension of an existing dwelling, provided that it does not result in disproportionate additions over and above the size of the original dwelling.*' Unlike the Framework, this part of the policy is directed to dwellings rather than buildings.
7. Neither national nor local policy provides empirical guidance on what may or may not comprise disproportionate additions. Thus a subjective assessment becomes necessary. In my opinion, the orangery represents a very modest single storey extension in terms of its proposed scale, volume and floorspace in comparison with that of the original two-storey building or existing dwelling.
8. The Council, however, has sought to include the nearby garage in its assessment of proportionality on the basis that '*it clearly reads as part of the built form of the property rather than an entirely separate free standing structure*'.
9. The garage, as a matter of fact, is not a dwelling and is an entirely separate building. Moreover, given the degree of separation from the dwelling, the garage in my view is also reasonably perceived as a separate building. The proposed development would not impinge upon the space currently separating the dwelling and garage. I do not therefore share the Council's view that the garage is '*read*' as being part of the original dwelling; in my view, it '*reads*' as an entirely separate building.
10. It would accordingly be mistaken to include the garage within the scope or ambit of the '*original building*' for the application of national policy or the '*existing dwelling*' for the purposes of local policy.
11. I therefore conclude that the proposed extension would not comprise a disproportionate addition to the original building or dwelling and that, accordingly, the development comprises not inappropriate development in the GB for the purposes of national and local policy.

Other matters

12. The development, in view of its modest proportions, would have but a very limited effect on the GB's openness, consistent with that which could reasonably be expected from not inappropriate forms of development of this type.
13. The extension would be built on a raised sitting out area to the rear of the property in a sheltered position, where only glimpses of it would be available from the highway. It would be barely noticeable from the public realm and would thus cause no visual offence to the surrounding area.
14. The appeal shall therefore succeed. The Council's suggested condition in relation to materials shall be imposed in the interests of visual amenity. It is also necessary in the interests of certainty that the development should be carried out in accordance with the approved plans.

15. All other matters raised in the representations have been taken into account, including the views of the Parish Council, who had no objection, but no other matter outweighs the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. P1; P2; P3 & P4.