

Open

Planning Committee

Agenda

6pm
Tuesday, 16th May 2017
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

To be advised following the meeting of Annual Council to be held on 10th May 2017

Information for Members of the Public:-

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

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

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

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

Public Speaking

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

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

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

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

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

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

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

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

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

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

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

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

WEBCASTING NOTICE

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 16th May 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 18th April 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.	61
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

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

Not open to the Press and Public

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

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

18TH APRIL 2017 (6 PM)

Present:

Councillors: S J Williams (Chairman), C Rogers (Vice-Chairman), J Baker, H E Dyke, I Hardiman, J A Hart, M J Hart, D Little, N Martin, F M Oborski MBE, J A Shaw and R Wilson.

Observers:

There were no members present as observers.

PL.75 Apologies for Absence

Apologies for absence were received from Councillors: J Aston, S J M Clee, J R Desmond and R J Vale.

PL.76 Appointment of Substitutes

Councillor J Baker was appointed as a substitute for Councillor J Desmond. Councillor H E Dyke was appointed as a substitute for Councillor J Aston. Councillor I Hardiman was appointed as a substitute for Councillor R Vale. Councillor R Wilson was appointed as a substitute for Councillor S Clee.

PL.77 Declarations of Interests by Members

There were no declarations of interests.

PL.78 Minutes

Decision: The minutes of the meeting held on 21st March 2017 be confirmed as a correct record and signed by the Chairman.

PL.79 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 553 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No.553 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.80 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.81 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 6.21 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18th April 2017 Schedule 553 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: 16/0749/FULL
Site Address: REDTHORNE HOUSE, REDTHORNE COURT, 11 HIGH STREET, BEWDLEY, DY12 2FB
APPROVED subject to the following conditions: <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B1 (Samples/details of materials)

Application Reference: 17/0086/FULL
Site Address: 74 SUMMER ROAD, KIDDERMINSTER, DY11 7JS
APPROVED subject to the following conditions: <ol style="list-style-type: none"> 1. A11 (Approved plans) 2. B6 (External details – approved plans)

Application Reference: 17/0091/FULL
Site Address: FORMER CHADDESLEY CORBETT ENDOWED SCHOOL, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4SD
APPROVED subject to the following conditions: <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. Notwithstanding the plans hereby approved, no approval is granted for a UPVC conservatory and full details of the proposed timber conservatory design shall be submitted for approval. 4. Low reflectivity glass to be used to minimise reflections and glare.

Application Reference: 17/0104/RESE
Site Address: VALE ROAD CAR PARK, VALE ROAD, STOURPORT-ON-SEVERN, DY138YJ
APPROVED subject to the following conditions: <ol style="list-style-type: none"> 1. A4 (Reserved matters only)

2. A11 (Approved plans)
3. Method statement for working with protected tree root protection zone
4. C9 (Hedge protection)
5. C11 (Maintenance of existing hedge)
6. C13 (Landscape management plan)
7. Highways – details of access, turning area and parking
8. Highways – details of 'Right Turn Only' and 'One Way' signage
9. Highways – Cycle parking
10. Highways – Submission of welcome pack

Note

No works in publicly maintained highway

Application Reference: 17/0164/FULL

Site Address: WYRE FOREST LEISURE CENTRE, SILVERWOODS WAY,
KIDDERMINSTER, DY11 7DT

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. C8 (Landscape implementation)

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

16/05/2017

PART A Report

Ref.	Address of Site	Recommendation	Page No.
16/0703/FULL	FIELD 2 GLEBE LAND CHURCHILL LANE CHURCHILL KIDDERMINSTER	REFUSAL	12

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
16/0227/FULL	CHURCHILL GRANGE CHURCHILL KIDDERMINSTER	APPROVAL	39
16/0640/FULL	HOBRO CROFT HOBRO WOLVERLEY KIDDERMINSTER	APPROVAL	44
17/0163/FULL	KIDDERMINSTER TENNIS CLUB BAXTER GARDENS KIDDERMINSTER	REFUSAL	48
17/0170/FULL	WEST MIDLAND SAFARI PARK SPRING GROVE BEWDLEY	APPROVAL	54

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16TH MAY 2017

PART A

Application Reference:	16/0703/FULL	Date Received:	15/11/2016
Ord Sheet:	388207 279617	Expiry Date:	10/01/2017
Case Officer:	John Baggott	Ward:	Wyre Forest Rural

Proposal: Construction of detached 4 bed dwelling (Resubmission)

Site Address: FIELD 2 GLEBE LAND, CHURCHILL LANE, CHURCHILL,
KIDDERMINSTER, DY103LX

Applicant: Mr R Owen

Summary of Policy	DS01, CP01, CP02, CP03, CP05, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.PDS1 (SAAPLP) CB3, CB5, CB6, CB8, CB17, CB18 (Churchill & Blakedown Neighbourhood Plan) Design Guidance SPD NPPF (Sections 3, 4, 6, 7, 9, 11 and 12)
Reason for Referral to Committee	Councillor request for application to be considered by Committee Parish Council request to speak on application
Recommendation	REFUSAL

THIS APPLICATION WAS DEFERRED FROM THE 21 MARCH 2017 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

1.1 The application site is located off Churchill Lane, Churchill, and is adjacent to but outside of the Churchill Conservation Area. The site, as with the entire settlement of Churchill and the surrounding area, is located within the Green Belt

16/0703/FULL

- 1.2 The site is accessed directly from Churchill Lane via an existing gated access, and consists of largely disused equestrian related land made up of mostly open grassland, rising to the north west, with an area of concrete hardstanding at the south east end of the site (nearest to Churchill Lane) along with a stable block and tack room (capable of accommodating 3 horses).
- 1.3 The site features mature boundary hedging supplemented by young trees in the vicinity of the entrance to the site.
- 1.4 A public footpath runs along the north west boundary of the overall site.

2.0 Planning History

- 2.1 WF/0758/02 – Change of use of land to the keeping of horses and erection of building for loose boxes, implement and feed storage : Approved.
- 2.2 02/0960/FULL – Change of use of land for the keeping of horses and erection of 3 stables and tack room : Approved.
- 2.3 07/0258/FULL – Erection of wooden chalet (dwelling) in association with the keeping of horses : Refused and Dismissed on Appeal (as inappropriate development in the Green Belt and impact on openness).
- 2.4 08/0254/FULL – Erection of hay and implements barn : Refused and Dismissed on Appeal (as inappropriate development in the Green Belt and impact upon openness).
- 2.5 16/0442/FULL – Construction of detached two storey dwelling : Withdrawn

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – No objection. Members agreed in principle that the (Applicant's) case, in their opinion, meets the criteria of the NPPF, Wyre Forest District Council's Site Allocations and Policies Local Plan, and the emerging Churchill & Blakedown Neighbourhood Plan regarding Local Housing Need for families and those with disabilities, and persons wishing to build their own home.

If their planning application is recommended for approval Members are minded to designate the area of the proposed building plot (being the land currently developed as stables) as a Rural Exception Site reflecting the Owen's exceptional circumstances, subject to the further advice requested from Wyre Forest District Council's Planning Policy and Development Control Officers regarding the procedure for designating this land.

16/0703/FULL

The Parish Council would not wish to see any wider or more intensive development of the proposed building plot or the Green Belt land adjoining it.

3.2 Highway Authority – No objection, subject to conditions.

3.3 Planning Policy Manager – Objection, and recommends Refusal.

The application has been supported by additional information regarding the health of the applicant who currently lives in Churchill. The evidence states that the dwelling that the applicant currently occupies cannot be adapted satisfactorily to meet the applicants needs. The applicant is seeking support for the scheme under paragraphs 87, 88 and 89 of the NPPF which relate to very special circumstances.

However in planning policy terms it is considered that the requirements of the applicant and his personal circumstances do not override the requirements to safeguard the Green Belt.

In conclusion, the proposals are considered to be contrary to Chapter 9 of the NPPF and policies DS01 and CP05 of the Adopted Core Strategy and policies SAL.UP1, SAL.DPL1, SAL.DPL2 of the Wyre Forest District Site Allocations and Policies Local Plan.

3.4 Countryside Conservation Officer – No objection.

3.5 Conservation Officer – No objection.

The application site lies adjacent to but not within the Churchill Conservation Area. It is also within quite close proximity to Bache's Forge, a scheduled monument and listed building however it is separated from the monument by a minor road with densely wooded and hedged verges and a small stream.

Given that development of the type proposed may be considered inappropriate within the Green Belt I note that the proposal has been designed to meet the tests set out in paragraph 55 of the NPPF and very special circumstances have been outlined.

The Churchill Conservation Area is vulnerable to development which impinges on wide-reaching views across the Area from both the high ground at the western edge of the Area and from the railway line and A456 road which run to the east. Views across the Area from within the Area itself, with the exception of the high ground to the rear of Church Farm are limited due to the linear nature of the majority of the Area, which follows Churchill Lane and the adjacent stream.

16/0703/FULL

In the Planning Statement (Section 6, Heritage Statement) the applicant clearly analyses the potential impact the proposed development could have on views across the area. I generally agree with this analysis however I do consider that in winter (when the tree screen is less effective) the development will be somewhat more visible from both the west and east of the Area than is suggested in the application documents.

The Planning Statement also refers to paragraph 137 of the NPPF which states that “proposals that make a positive contribution to...the heritage asset should be treated favourably”.

In this application the design of the proposed dwelling has been very carefully considered both in relation to the end-users and to the context in which it will sit. I note that the design has been subject to a full Review by the Design Panel at MADE and I concur with its conclusions:

“The Panel welcomed the proposed location of the new dwelling at the lowest point of the site currently occupied by the stable block.”

“Indeed the Panel recognised the careful consideration and extensive analysis that had gone into the development of the design and the overall high quality of the proposed dwelling, its landscape setting and the combination of sustainable design features incorporated in nearly every element of the building including high levels of insulation, ground heat pumps and solar shading.”

“...given its juxtaposition with other buildings in the village and that its development would be a natural evolution of Churchill’s rather loose and informal settlement pattern.”

I consider that this building which has resemblance to a cluster of agricultural or historic forge buildings is entirely appropriate to the location, set into the east-facing sloping ground leading down to Churchill Lane. I am not overly concerned that it could be partially visible from the west or east, particularly in winter, as its design makes a positive contribution to the adjacent Churchill Conservation Area, and will enhance views of it. If it is visible at all from Bache’s Forge it will again provide a degree of enhancement of that view across the Conservation Area.

As such I believe the proposal meets the requirements of the NPPF and WFDC Policy SAL.UP6 and I have no objections.

- 3.6 North Worcestershire Water Management (NWWM) – No objection, subject to conditions.
- 3.7 Severn Trent Water – No objection, subject to conditions.

16/0703/FULL

- 3.8 Strategic Housing Services Manager – No comments received.
- 3.9 Arboricultural Officer – No objection.
- 3.10 Campaign to Protect Rural England (CPRE) – We object to this application as premature and as being unacceptable development in the Green Belt.

The site is in Green Belt, adjoining but outside the Churchill Village Envelope. Your Council is undertaking a review of its Green belt boundary, but this is at an early stage and has not yet been consulted upon. The site falls in a gap in the developed frontage that might conveniently be filled in by the Envelope boundary being altered through the Green Belt Review. However, unless and until the boundary is altered, this application is for unjustified and unacceptable development in the Green Belt. No Very Special Circumstances have been shown by the applicant to justify departure from the normal prohibition on most development in the Green Belt.

Churchill and Blakedown Neighbourhood Plan has reached its Submission stage. The existence of this is not a “Very Special Circumstance”. Indeed, the Submission Version of it gives no aid to the applicant at all. Its Objective 7 refers to “small-scale housing developments within the village boundaries”. Since the term “village boundaries” is not otherwise defined, it appears to be identical to the village envelope, which is identical to the Conservation Area, shown on one of its plans. Furthermore its policy CB18 expresses a preference for small “affordable” schemes and bungalows. This is about small dwellings for local people to meet local needs. This would be a large dwelling and likely to be for an outsider.

As a site adjoining the Churchill Conservation Area, it is important that the development should conform to (and better still enhance) the character of that Area. The artist’s impression on the front of the Design and Access statement shows a design which would be a punch in the face to the Conservation Area: it is much too bold in its impact. A black steel roof is inappropriate for a dwelling in an area where the norm is red tiles or grey slates.

The proposal appears to indicate that the whole of a substantial field would be taken out of agriculture (currently perhaps keeping horses for leisure) and become garden land. This is also an unacceptable change to the Green belt. At worst, the part of the site beyond the proposed house should retain an agricultural use. Otherwise the argument may be made in future that it is garden land, whose development is (at that point) acceptable, making it difficult to resist an application for housing on a scale that would be wholly inappropriate to Churchill.

16/0703/FULL

Approval of this application would be an unjustified departure from planning policy. If it is recommended for approval, we would ask that the decision should be referred to the Planning Committee, not taken under delegated powers.

(Officer Comment: Whilst the CPRE's comments have been reproduced in full, Members are advised that they do contain some factual inaccuracies (e.g. the origin of the Applicant) and include comments in relation to the Conservation Area and the building design which are arguably beyond the remit of the CPRE. There are also comments which speculate as to the future development of the site, which are not relevant to the current application).

- 3.11 Neighbour/Site Notice – The application has been the subject of local neighbour notification and site notices have been posted.

A single letter of objection has been received, raising concerns regarding:

- Inappropriate development in the Green Belt;
- Incongruous design and adverse impact upon the streetscene;
- Highway Safety

In addition, a total of 90 letters of support have been received, with approximately 50% of these response coming from addresses within the Churchill and Blakedown area; 25% from within the wider vicinity of the site (i.e. elsewhere in the Wyre Forest District and beyond into the Dudley Metropolitan Borough); and, the remaining 25% somewhat further afield from addresses elsewhere within the UK, which suggests that the applicant has proactively sought support for the proposal from friends and family.

The ground for support can be summarised under the following two bullet points:

- The personal circumstances of the applicant and the associated long term needs of the family;
- The quality and design of the proposed dwelling.

4.0 Officer Comments

- 4.1 Planning permission is sought for the erection of a substantial, and distinctive, 4 bedroom detached dwelling which would also feature additional carer facilities, the need for which is described later within this report.

- 4.2 In addition to the requisite application forms and plans, the application has been accompanied by the following documents:

- Planning Statement;
- Design and Access Statement;

16/0703/FULL

- Landscape Design Statement;
 - Landscape and Visual Assessment Report;
 - Structural Feasibility Report;
 - Construction Methodology Statement;
 - Phase 1 Habitat Survey.
- 4.3 In addition, and in support of the application in terms of the Personal Circumstances of the Applicant, which are discussed in detail later in the report, the following additional (confidential) submissions have been provided, which are not in the public domain due to the personal and sensitive nature of their content:
- Suitability Statement (in terms of the Applicant's existing nearby property);
 - Accessibility Statement ((in terms of the Applicant's existing nearby property);
 - Very Special Circumstances and Justification Statement;
 - Letters from the Medical Profession regarding the Applicant's Medical condition and associated needs.
- 4.4 The Applicant's Agent claims that the proposed dwellinghouse takes its design influences from the existing local agricultural buildings resulting in a contemporary, open plan, property, which takes advantage of the contours of the site to present a single storey elevation to the North.
- 4.5 The proposed property would be entirely DDA (Disability Discrimination Act) compliant and has been designed specifically to meet the needs of the applicant, and the existing site constraints and characteristics. Laid out over 3 floors (including the roof space), the internal layout is fairly simplistic, allowing for the necessary accessibility and adaptability to meet the needs of the applicant, whilst delivering a functional family friendly home. Whilst the principal living area would be on one level, the house has been designed around the provision of a DDA compliant through lift to maximise access to all areas for the applicant, again for the reasons set out later in this report. There are 4 bedrooms, along with separate carer accommodation integral to the dwelling, but with no direct access between the two. The varied roof form and split level design serves to reduce the overall bulk and massing of what is a not insignificant building, but which nevertheless would not sit uncomfortably within the surrounding landscape.

16/0703/FULL

- 4.6 The design is considered to be of a high quality and the proposed palette of external materials, which include larch cladding; corten steel (i.e. a weathering steel which is corrosion resistant and when left uncoated develops an outer layer patina); white render; and, zinc roof, which is reflective of the agricultural heritage of buildings within the wider vicinity, are considered appropriate, notwithstanding the immediate proximity to the boundary with the Churchill Conservation Area. In this particular regard, the comments of the Conservation Officer at paragraph 3.5 of the report are noteworthy and confirm the support for the design and appearance of the building as proposed.
- 4.7 There is much to commend the proposed design, not least of which being the use of sustainable technologies within the build to include, but not restricted to, a SUDs drainage scheme; Rainwater harvesting; Solar PV roof mounted panels (integral to the design rather than an “add-on” or after thought); Energy Management technologies; Internal Thermal Store; Mechanical Ventilation with Heat Recovery (MVHR) technologies; and, the latest technologies in terms of insulation and the circulation of heat within the property. That said, whilst welcomed these are not unusual or ground breaking.

PLANNING POLICY

- 4.8 The starting point in considering the application in terms of relevant planning policy must be National and Local Green Belt Policy, give the above mentioned location of the site within the Green Belt. To clarify, at this point, with the exception of the stable building and associated hard-standing, the site has not previously been developed.
- 4.9 Paragraph 79 of the National Planning Policy Framework (NPPF) states that:
- “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*
- 4.10 The status and importance of the Green Belt has been the subject of a relatively recent (July 2016) Ministerial Statement, which in turn is a material planning consideration. Within the Statement, the Communities and Local Government Secretary of State stressed that the Green Belt is “*absolutely sacrosanct*” and that:
- “The Green Belt remains special. Unless there are very exceptional circumstances, we should not be carrying out any development on it”.*

16/0703/FULL

4.11 Paragraph 87 of the National Planning Policy Framework (NPPF) states that:

“... inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (Officer’s emphasis).

While Paragraph 88 of the NPPF makes it clear that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” (Officer’s emphasis)

4.12 Paragraph 89 of the NPPF goes on to add that:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”.

However, listed (within paragraph 89) exceptions to this statement are:

- *Buildings for agricultural and forestry;*
- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries;*
- *The extension or alteration of a building provided that it does not result in disproportionate additions*;
- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *Limited infilling in villages, and limited affordable housing for local community needs*;
- *Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact upon the openness of the Green belt and the purpose of including land within it than the existing development”.*

These exceptions are essentially replicated, and supplemented, within Policy SAL.UP1 “Green Belt” of the Adopted Wyre Forest District Site Allocations and Policies Local Plan (SAAPLP).

4.13 The Applicant’s Agents have identified Bullet Point 5 *“Limited infilling in villages, and limited affordable housing for local community needs ...”* as being relevant to their client’s application, and in doing so state that the NPPF provides no definition as to what is meant by *“infilling in villages”*.

16/0703/FULL

- 4.14 Firstly, in considering this argument it is necessary to establish whether Churchill represents a village in terms of the policies of the SAAPLP. Whilst on the face of it this may appear so, Paragraph 4.19 of the SAAPLP, under the heading of “*Housing within Settlement Boundaries*”, identifies a number of rural settlements which have settlement boundaries for the purposes of allowing infill development. However, Churchill is not included in this list
- 4.15 Secondly, whilst it is the case that “*limited infilling*” is not defined within the NPPF, it is Officers’ opinion, based upon past experience, that “*limited infilling*” normally comprises the development of a modest gap in an otherwise substantially built up frontage. The application site consists of a large enclosed paddock with associated stables, with an extensive frontage width of some 35 metres, which in Officers’ opinion does not constitute a modest gap.
- 4.16 The site is situated on the western side of Churchill Lane which in this vicinity is characterised by occasional residential development interspersed with paddock land and pockets of trees. The large landscaped plots serving the small number of dwellings located along this part of Churchill Lane add to the sense of spaciousness, and one might say “openness” of this area. The proposed development would punctuate the existing tapestry of fields and paddocks, rather than providing a cohesive group of buildings. This being the case, it is considered that the application cannot be viewed as being located within an otherwise built up frontage.
- 4.17 Whilst it is the case that Policy SAL.UP1 of the SAAPLP is silent on the matter of limited infilling in villages, it remains closely aligned with the NPPF in respect of limited affordable housing for local community needs, stating there would be support for:
- “... small-scale affordable housing, reserved for local needs in accordance with Policy SAL.DPL2: Rural Housing” (of the SAAPLP).*
- 4.18 The personal circumstances, and in turn the needs, of the Applicant, are discussed more fully later in this report. Policy SAL.DPL2 “Rural Housing” of the SAAPLP states that:
- “Within the rural areas of the District, proposals for residential development will not be permitted unless one of the following exceptional circumstances applies:*
- *The site is identified by the relevant town/parish Council as an exceptions site to meet an identified local housing need;*
 - *The site is required to meet an established existing functional need for a rural worker’s dwelling;*
 - *It is for the replacement of a permanent existing lawful dwelling;*
 - *The site is subject to a Community Right to Build Order.”*

16/0703/FULL

- 4.19 The proposed residential development does not satisfy any of the above listed exceptions, and in terms of the first of the above bullet points, whilst there is support for the Applicant and his development from Churchill and Blakedown Parish Council, as reported above, it is the case that the application site has not been formally identified as an exception site to meet an identified housing need; its has not been promoted as such within the Churchill and Blakedown Neighbourhood Plan; nor has any detailed evidence been supplied to demonstrate why there is a strong case for the land in question to be included within any local Housing Needs Survey.
- 4.20 In any event, given the size and likely cost of the proposed dwelling, Officers question if the new property would meet the definitions of "*limited affordable housing for local community needs*" or "*small-scale affordable housing reserved for local community needs*", (Officers emphasis) as referred to within the above referenced National and Local Policies.
- 4.21 For the above reasons, Officers are of the opinion that, contrary to the Agent's assertions, the development would not represent "*limited infilling*" within a village. Nor does it provide "*limited affordable housing for local community needs*". This being the case, the proposed development fails to satisfy any of the criteria set out within the aforementioned exception list under Paragraph 89 of the NPPF, and as such must be viewed as constituting inappropriate development in the Green Belt, which is therefore harmful by definition.
- 4.22 At this juncture, Members attention is drawn to Section 2 of this report and the relevant planning history for the application site. At paragraph 2.3 in particular, reference is made to a previous planning application for what was a two bedroom dwelling on this site which was refused on the grounds of being inappropriate development in the Green Belt and harmful to the openness of the Green Belt, amongst other reasons. Members will have noted that a subsequent appeal against the Council's decision was dismissed, with the Planning Inspector also concluding that the proposed development was harmful to and inappropriate within the Green Belt. Such previous decisions cannot be ignored and are relevant and material to the consideration of the current application.
- 4.23 Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas, but states that "*local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances*" which at associated bullet point 4 includes:

*"the exceptional quality or innovative nature of the design of the dwelling.
Such a design should:*

- *Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *Reflect the highest standards in architecture;*
- *Significantly enhance the immediate setting; and*
- *Be sensitive to the defining characteristics of the local area".*

16/0703/FULL

- 4.24 As has already been stated, the proposed dwelling is of a high quality design and makes effective use of the topography of the site. The design takes its references from traditional agricultural and stable buildings evident in the wider area and the sustainable credentials, in terms of building and renewable technologies, is recognised and to be applauded. However, under no circumstances could the design be considered to be “exceptional” or “truly outstanding”, an observation confirmed by an independent MADE Design Review Panel Report issued in April 2016 (in respect of the earlier identical, but subsequently withdrawn planning application – 16/0442/FULL). The summary of the Report commented that:

“The Panel were impressed by the effort and careful consideration that had gone into the development of the design to date and how these were focused around the specific needs of the client and the particular opportunities and constraints of the site.

The rationale for the dwelling’s location, form and architectural treatment was clear and to a high standard. Much thought had also been given to the way the building would sit in this sensitive setting.

This was a very good building which could be a great building. Further work was thought necessary, however, to..... reach the standards necessary to meet the requirements of NPPF Paragraph 55”.

- 4.25 Policy CP05 of the Adopted Wyre Forest Core Strategy which, amongst other things, supports ‘innovative housing schemes which assist older and vulnerable people to live securely and independently in sustainable locations with access to local services’. Whilst there is a degree of support for the current proposal under this Policy, such development should be situated in sustainable locations with access to local services.
- 4.26 Churchill comprises of a fragmented cluster of development which extends south from Stakenbridge Lane towards the village of Blakedown. Despite its proximity to other properties on Churchill Lane, the application site is situated over 1.4 kilometres from services and transport links including a primary school, post office, general store and railway station in Blakedown. Given the distance involved and the absence of a continuous footway and street lighting, it is unlikely that the occupants of the dwelling would access these facilities on foot or by bicycle. As such, the applicant and his family would be reliant on the private motor vehicle to meet their basic daily requirements.

16/0703/FULL

4.27 The proposal would introduce a somewhat isolated home within the countryside which is poorly located in terms of accessibility to local services and facilities. Whilst it is acknowledged that the same argument would apply equally to the existing long established properties in the vicinity, that is no basis for arguing that an additional dwelling would be acceptable. As such, the proposed development is considered to be in conflict with the sustainability objectives in the NPPF, and Policies SAL.UP1 and SAL.DPL2 of the SAAPLP, as well as Policy CP05 of the Core Strategy. The development would also conflict with two of the three dimensions which define the NPPF's presumption in favour of sustainable development. These are matters to which Officers must attach considerable weight in the planning balance.

4.28 At the very local level, the policies contained within the (post examination, pre-referendum) Churchill and Blakedown Neighbourhood Plan are of relevance, with Policy CB17 "Scale and Type of New Residential Development" worthy of note and which states that within the settlement boundary defined within the Wyre Forest SAAPLP:

"... small-scale affordable/market housing development that meets local needs and is in keeping with the scale, demands and population profile will be permitted"

Subject to the criteria listed within that policy.

4.29 As stated previously, however, whilst Blakedown does, Churchill has no defined settlement boundary within the SAAPLP and as such Policy CB17 would not come into play on this occasion.

4.30 In any event, Policy CB18 (Ensuring an appropriate range of tenures, types and size of houses" of the Neighbourhood Plan states that:

"As the Parish has a preponderance of 4+ bedroom detached dwellings, significantly above the national average, preference will be given to applications for

- *Smaller houses of 2 or 3 bedrooms, for affordable rental/shared ownership housing*

And

- *Private market bungalows to meet local needs of mature residents wishing to downsize from larger homes"*

Clearly, the application as proposed is at odds with this Policy.

16/0703/FULL

- 4.31 As previously stated, the application site lies adjacent to but not within the Churchill Conservation Area. It is also situated within relatively close proximity to Bache's Forge, a scheduled monument and listed building. However, the site is separated from the monument by Churchill Lane and mature tree and hedgerow planting which is a key characteristic of the area. The Conservation Area is vulnerable to development which impinges on wide-reaching views across the area from both the high ground to the west and from the railway line and A456 road which run to the east. Views across the area from within the area itself, with the exception of the high ground to the rear of Church Farm, are limited due to the linear nature of built development which largely follows Churchill Lane and the adjacent stream.
- 4.32 The submitted Heritage Statement and Landscape & Visual Assessment clearly analyses the potential impact of the proposed development on views across the area. Although Officers broadly agree with the applicant's analysis, in the winter months when the tree screen is less effective the proposed development will be somewhat more visible from both the west and east of the area than is suggested.
- 4.33 The Applicant makes reference to Paragraph 137 of the NPPF which states that "*proposals that make a positive contribution to....the heritage asset should be treated favourably*". In this application the design of the proposed dwelling has been very carefully considered both in relation to the end-users and to the context in which it will sit.
- 4.34 The building which would have a resemblance to a cluster of agricultural or historic forge buildings is appropriate to the location, set into the east-facing sloping ground leading down to Churchill Lane. Notwithstanding earlier observations, Officers are not overly concerned that it could be partially visible from the west or east, particularly in winter, as its design would make a positive contribution to the adjacent Conservation Area, and will enhance views of it, as confirmed by the Conservation Officer. If it is visible at all from Bache's Forge it will again provide a degree of enhancement of that view across the Conservation Area. This all being the case, Officers are satisfied that the proposal meets the requirements of the NPPF and Policy SAL.UP6 of the SAAPLP.

16/0703/FULL

- 4.35 The site forms part of the 'Sandstone Estatelands' character area as defined in the Worcestershire County Council Landscape Character Assessment (LCA) which comprises of an *'open landscape characterised by an ordered pattern of large, arable fields, straight roads and estate plantations. Fields are typically defined by straight thorn hedges, reflecting the late enclosure of much of this landscape from woodland waste.'* Whilst the land shows some characteristics of the 'Sandstone Estatelands' with its well-defined straight boundary hedges its landscape quality is somewhat compromised by its use as a pasture land for horses rather than arable grazing by livestock. Officers concur with the conclusions of the LCA that the quality of the landscape character is ordinary, and is of medium value with medium sensitivity to change. These observations, however, should not be confused with concerns expressed regarding impact upon the openness of the Green Belt.
- 4.36 Although the proposed dwelling and its associated curtilage would encroach slightly beyond the existing built up part of the site and there would be a temporary adverse effect on landscape character during the construction phase, the proposed landscape enhancements including additional planting and establishment of a field flower meadow on the existing paddocks, over time would lead to a small to medium positive effect on the landscape character of the area.
- 4.37 Turning to its visual effect, the development would be largely hidden from the public views identified in the submitted Landscape Visual Impact Assessment (LVIA), including public footpaths, by a combination of intervening landscaping and the topography of the site and its immediate surroundings. Given its overall design which is characteristic of a group of agricultural buildings and in combination with the schedule of landscape enhancements, Officers find that the development would, admittedly over time, also lead to a small to medium effect on visual amenity. In this respect the development would accord with Policy SAL.UP9 of the SAAPLP which, amongst other things aims to enhance landscape character and the visual effect of developments.
- 4.38 Having assessed the application against the relevant National and Local policies above, and having established, without any doubt, that the proposed development would constitute inappropriate development within the Green Belt and would therefore be harmful by definition, and be harmful to the openness (Officer's emphasis), not to mention the non-compliance with other SAAPLP and emerging Neighbourhood Plan policies, it remains to be assessed as to whether Very Special Circumstances exist in this case which would outweigh the harm to the Green Belt, along with the other harm identified, and would tilt the planning balance in favour of the application. In this case, the Very Special Circumstances promoted by the Applicant are entirely Personal Circumstances.

16/0703/FULL

PERSONAL CIRCUMSTANCES

- 4.39 Members are advised that guidance from the Government (in the form of DCLG) states that an applicant's personal circumstances would not be a material planning consideration, unless exceptionally or clearly relevant, a stated example of which would be the provision of facilities for someone with a physical disability.
- 4.40 The application site is located in relatively close proximity to the Applicant's current property, both of which are located within Churchill. The application site, as previously described, consists of stable block, an associated area of hardstanding and a rising area of open grassland/paddock beyond. The Applicant has purchased the site, which given its planning status and Green Belt location, was not marketed as a residential plot at the time of its sale/purchase.
- 4.41 Given the personal and sensitive nature of the Personal Circumstances being presented in this case, it is not considered at all appropriate to divulge in this report, which is a public document, the full extent of the personal circumstances at play in this case. Rather the full details should be kept as confidential. That said, Officers are aware that following the deferral of the application for a site visit that the Applicant has written to sitting Members of the Planning Committee and in doing so has divulged full details as to his medical condition. Officers do not propose to do the same here, for the reasons given above. However, to assist Members in appreciating and understanding the background to this application, and ultimately being able to determine the application, Officers have provided a summary of the key facts within the following paragraphs.
- 4.42 The Applicant, and his family, currently live in a detached property in nearby Stankenbridge Lane. This property was originally of modest proportions but over the passage of time it has been the subject of a series of extensions culminating in the property as it stands today, which features 4 bedrooms at first floor level. The Applicant has lived within the property for the last 9 years and has close ties to the area, especially with the children attending the local schools. Against this backdrop, and given what follows, it is perhaps easy to understand why the Applicant is seeking to continue living in the Churchill area.
- 4.43 The applicant has been diagnosed with a life-limiting, degenerative condition, which causes increased loss of mobility and associated complications, and at some point he will be reliant upon a motorised wheelchair for accessibility. More latterly, it has also been suggested that this condition may be hereditary and as such there may be longer term implications for the children of the Applicant, although at this stage this remains unclear. Officers have met with the Applicant to better understand the nature, and implications (short, medium and long term) of the condition.

16/0703/FULL

- 4.44 The Applicant has stressed his desire for him and his family to remain in the vicinity of Churchill and in doing, and given his condition, he is seeking living accommodation which, notwithstanding the known implications of his degenerative disease, would enable him to not have to rely upon others for assistance for as long as possible. At some point it is inevitable that he will become wheelchair bound and in turn would need adequate space to move from room to room, and floor to floor, of the family home. In the longer term, sadly, he will become dependant upon others and rather than place such burdens upon his family, he would wish to be able to make provision for a “live-in” carer.
- 4.45 At the same time, the Applicant is keen for his family to live as normal a life as is possible and as such would wish to be able to access his children’s bedrooms, and all rooms within the home, as well as keep some of the more sensitive activities of a future carer out of sight of the family.
- 4.46 Whilst not wishing to sound in anyway patronising, Officers are understanding of the Applicant’s aspirations in this regard and do have every sympathy for the Applicant and the clearly devastating impact his condition will have, and arguably is already having, upon him and his family, and their “way of life” both currently and in the future. It is difficult to remain dispassionate when faced with the personal circumstances at play in this case. Whilst it would be wrong to say that the circumstances in this case are unique, they are most certainly rare, and full consideration is warranted and a factor in the overall planning balance and in arriving at a recommendation.
- 4.47 As indicated above, the Applicant is wishing to maintain as active a role with his children for as long as his condition will allow, and critical to that is the issue of accessibility, not just to and from the property, but within and throughout the property. In this regard, the Applicant states that the existing family home in Stakenbridge Lane, which is a short walk from the application site, is incapable of adaption to meet his accessibility requirements; that there are no other suitable properties available in the local area; and, as such the option of a purpose built, new build, dwelling as is being proposed is the only feasible option to meet the Applicant’s specific needs and the only viable option for his family who wish to remain within the area, where they are active members of the local community and the children attend local schools.

16/0703/FULL

4.48 In terms of no other suitable or available properties which might satisfy the Applicant's existing and future needs, it is accepted that given the modest size of Churchill and the surroundings, there will be a limit on the range of properties available. No details have been submitted in respect of any property searches which may have been undertaken by the Applicant. However, Officers have previously undertaken an admittedly rudimentary search via a recognised Property Search Company (i.e. Right Move – although other search companies are available), and as of 7 March 2017, it appears that there were 4 properties on the market within the Churchill area, of which 2, admittedly with some adaption, may be suitable for the family's future occupation. On 5 May 2017, a similar rudimentary search listed 6 properties of which, again, 2 may have been adaptable.

The applicant's existing property

4.49 Officers have visited the applicant's existing property, which as stated above is located a short walk from the application site (in Stakenbridge Lane, Churchill). As previously identified, the property features 4 bedrooms and takes its current form following a series of extensions to the somewhat modest original building. At ground floor, as well as the first floor, the rooms are all of a good size and at first glance appear capable of adaption to meet the Applicant's needs. However, and especially at first floor, the nature of the staircase: configuration of the landing, which includes a small flight of steps up to 2 of the children's bedrooms; and, access to rooms is relatively narrow, and wheelchair accessibility (even if a through lift were installed) does appear to Officers to be at best restricted, such that access to all rooms would not appear to be possible without major alterations, and even then it would appear that some rooms would remain inaccessible.

4.50 The Applicant has submitted supporting reports regarding the ability, or otherwise, of the property to be converted, altered and adapted to meet the Applicant's future accessibility requirements. The content of these reports supports the observations made by Officers that future accessibility would be restricted, based upon the current property layout and configuration.

4.51 Notwithstanding the above, however, and whilst acknowledging that in the past the Applicant had been verbally advised (quite correctly in light of the previous extensions to the property) that further extensions to the property would not be encouraged, given the Applicant's significant change in personal circumstances, Officers have indicated that they would be more amenable to consider more favourably extensions to the existing property to assist in making it more accessible. After all, this is the established family home, and extensions to the property, despite its Green Belt location, could be supported, in principle, under the circumstances.

16/0703/FULL

- 4.52 Officers have discussed ‘in principle’ additions to the property with the author of one of the Applicant’s submitted supporting accessibility reports and it has been acknowledged that, in admittedly crude terms, extensions could be added, certainly at the ground floor, which would assist in facilitating circulation between the principal rooms. Furthermore, whilst admittedly not an ideal solution an external lift could be accommodated to allow for access to the first floor. However, given the previously acknowledged constraints at first floor, this admittedly may only allow for access to one or two of the first floor rooms, and not provide the level of accessibility the Applicant is ideally seeking. No detailed discussions have taken place as to how any such extensions might be designed, and in turn what impact they would have upon the appearance of the host property. Officers are aware that the Applicant has written to Planning Committee Members further on this matter, and in light of this it is worthwhile restating at this point that Officers accept that extensions to the existing property would be achievable, but are not likely to result in the level of access to all parts of the house that the Applicant would wish.
- 4.53 It is also worthy of note that the existing property is included upon the Local Heritage List for Churchill and Blakedown and is also located within the Churchill Conservation Area, and as such the issue of design and appearance of any extensions takes on more importance. That said, Officers have discussed such matters with the Council’s Conservation Officer who is of the view that the original host property and any historic architectural value it may once have had has long since been subsumed by the extensions already added to the original property. Whilst no plans have been prepared or considered it is likely that, out of necessity, any such extensions would be likely to be somewhat functional to the possible detriment of overall form, design and appearance of the host dwelling. However, under the circumstances, Officers are of the opinion that some compromises would be appropriate and could be accommodated in order to assist the Applicant. In turn, the Applicant may also have to accept a compromise solution that falls short of his current vision.
- 4.54 In light of the above, and notwithstanding the supporting submissions made on behalf of the Applicant, Officers are not sufficiently persuaded that the existing house cannot be altered and/or extended sufficiently to provide an appropriate level of accommodation, albeit perhaps not to the level that the Applicant aspires to, for both himself and his family.

New Build on the site of the Applicant’s existing property

- 4.55 Paragraph 89 of the NPPF does make provision for the erection of replacement buildings within the Green Belt as appropriate development and on that basis there is clear “in principle” support for such an alternative, which would allow for a DDA compliant property to replace the existing. Granted, in order to erect a replacement dwelling the existing property would have to be demolished in its entirety.

16/0703/FULL

In this regard, and given the aforementioned Local Listing status of the property, Officers have discussed such a proposal with the Council's Conservation Officer who has confirmed that he would remain supportive of such a proposal. Given the size of the existing residential curtilage, it would appear impossible to retain the existing dwelling whilst a replacement dwelling of the nature and size envisaged is being constructed.

- 4.56 That being the case, were the option of a replacement dwelling to be pursued then it would be necessary for the Applicant and his family to find alternative, temporary, accommodation elsewhere. Such a course of action is not at all unusual and on that basis Officers consider the principle of such an arrangement perfectly reasonable and achievable. Of course, there would be some short term upheaval but these are the compromises applicants sometimes have to make in order to achieve their long term goals.
- 4.57 The Applicant contends that this would not be desirable or realistic, but appears to be doing so purely on the basis that the proposed dwelling, and reconfiguration of the property, could not be satisfactorily accommodated onto the site of the existing house. Whilst this may be true, although Officers are not entirely convinced of this argument, no evidence has been presented to demonstrate that alternative designs and layouts have been considered. Indeed, to support this observation, at page 15 of the submitted Design and Access statement it is stated that the proposed dwelling:

"... has been designed as absolutely site-specific. The design is in no way interchangeable, and could not be used anywhere other than on this site in Churchill".

Yet, in an attempt to demonstrate that a replacement dwelling on the site of the existing family home could not be accommodated, the Applicant's Agent appears to have done little more than superimpose the existing "*site-specific*" and "*in no way interchangeable*" design onto the plot it was not designed for. In this regard, Officers do not consider that sufficient and demonstrable evidence has been provided that a replacement dwelling on the site of the current property is truly unachievable.

- 4.58 There is no doubt that a new build on an essentially virgin site, such as is being proposed, is the least complicated solution for the applicant, and as such the proposal as presented is understood. However, the fact remains that this would establish a new, additional, permanent dwelling within the Green Belt and the implications of this in terms of National and Local Green Belt policy have already been identified and amount to a very high bar.

16/0703/FULL

ADDITIONAL SUBMISSIONS AND CASE LAW

- 4.59 In support of the application, and more latterly, additional submissions have been made on behalf of the Applicant which reference planning appeal cases, all of which in some form or another relate to Green Belt development where the personal circumstances of the applicants have been pivotal to the decision of the Planning Inspector. In addition reference is made to an application considered by Planning Committee in 2016 to allow an extension to a previous barn conversion in the Green Belt, due to the personal circumstances of the Applicants. In that instant, however, the development proposed was in accordance with Green Belt policy and rather it was the Council's own Rural Building Conversion policy that the development did not comply with. In short, the comparison of the two cases is flawed.
- 4.60 The appeal cases presented all do reference personal circumstances, and in particular medical conditions, and Officers would be the first to acknowledge that such matters can be material planning considerations and are capable of carrying weight in the overall planning balance. In each of the Green Belt cases presented, however, other factors also appear to have been at play and it must be stressed that direct comparison with the current proposal does not appear relevant in the majority of the cases cited, with the possible exception of the case where the medical needs of children formed the very special circumstances to justify the granting of, albeit, temporary permission for a gypsy pitch in the Green Belt (Officers emphasis). This case, which made its way as far as the Court of Appeal (ref: Wychavon DC v SoS for Communities and Local Government (and others) (2008) EWCA Civ 692) made it clear that it is open for the relevant local planning authority (i.e. The Council) to find that medical requirements can amount to very special circumstances.
- 4.61 Notwithstanding this, and as acknowledged by the author of the additional submissions, each case must be considered on its merits. In this case, unlike the Court of Appeal case referred to above, and as previously stated, the current application proposes a permanent development within the Green Belt which would have a lasting impact, unlike the temporary permission granted in the Wychavon case. It is Officers opinion that the permanence of the proposed development must carry greater weight in the planning balance in terms of the impact upon the Green Belt.
- 4.62 Members are advised that officers have undertaken their own search of appeal cases, independent of the Applicant's own submissions referred to above, and in doing so have been unable to identify a truly comparable appeal case, which has been allowed by an Inspector, which may be referenced or otherwise used to support the Applicant's case. It may well be that such a case does exist, but the fact that both Council Officers and the Applicant's own representatives have been unable to locate such a case speaks volumes.

16/0703/FULL

THE PLANNING BALANCE

- 4.63 The matter of personal circumstances has been debated in the Courts, with Lord Scarman in the case of *Westminster City Council v Great Portland Estates PLC (1985)* defining a material consideration by whether it served a planning purpose and whether that planning purpose related to the use and character of land. Of particular relevance, he added:
- “Personal circumstances of the occupier are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of the environment the human factor. The human factor is always present, of course, indirectly as background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases. If a planning authority is to give effect to them, a specific case has to be made and the planning authority must give reasons for accepting it.”*
- 4.64 In *Chelmsford BC v First Secretary of State and Draper (2003)* the conclusion was made that very special circumstances, if personal to the applicant, do not create a precedent. That would very much support the well worn phrase of “each case on its merits”, and the following paragraphs explore the merits of this case before arriving at the a recommendation.
- 4.65 Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to say that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 4.66 In this case the harm to openness and purposes of including land within the Green Belt must be added to the harm by reason of the development’s inappropriateness. In accordance with national policy, Officers must therefore attribute very substantial weight to the totality of harm to the Green Belt. In doing so, Officers dismiss the Applicant’s unsubstantiated and contrary claim that the harm to the Green belt would be “minimal”.
- 4.67 In addition to this, the proposal would also introduce an isolated home within the countryside which is poorly located in terms of accessibility to local services and facilities. As such, it would conflict with the sustainability objectives in the NPPF and Policies SAL.UP1 and SAL.DPL2 of the SAAPLP and Policy CP05 of the Core Strategy. In identifying such environmental and social harm, the scheme would also conflict with two of the three dimensions which define the NPPF’s presumption in favour of sustainable development. These are matters to which Officers attach considerable weight.

16/0703/FULL

- 4.68 The applicant has put forward a number of other considerations to weigh into the Green Belt balance. These can be grouped into two broad categories, namely those associated with the personal circumstances of the applicant, and secondly, the benefits derived to the character and appearance of the area, including the setting of the adjacent Conservation Area, nearby scheduled monument and surrounding landscape.
- 4.69 In the first group, Officers attach some weight to the applicant's medical condition and the requirement for a DDA compliant property to meet his existing and future needs. However, the weight which Officers attribute to such benefits is tempered by the absence of clear evidence to demonstrate that it is neither feasible nor possible for the applicant's existing property to be adapted to meet his existing and future needs. Therefore, whilst the needs of the Applicant are understood only moderate weight is attached to these matters, despite the fact that they go to the very heart of the proposed development.
- 4.70 Furthermore, Officers do not consider that every alternative to a new build dwelling in the Green Belt has been fully explored. In the first instance, there do appear to be potential options in terms of extensions and alterations to the existing which have not been fully explored. Secondly, the option of demolishing the current property and erecting a DDA compliant new build dwelling (i.e. a replacement dwelling in the Green Belt) has not been sufficiently addressed.
- 4.71 In light of the above, whilst Applicant's preference for the option of a new build dwelling on a the application site is understood, it appears to officers that more appropriate alternatives exist and should take preference over the current proposal.
- 4.72 Turning to the second group, the new dwelling would, for the reasons set out, make a positive contribution to the setting of the adjacent Conservation Area and would enhance views of it. There would also potentially be a slight enhancement of the setting of the nearby scheduled monument. These are matters to which Officers attach some weight.
- 4.73 In respect of its landscape and visual impact, Officers find that subject to the implementation of the proposed landscape enhancements, the appeal scheme would, over time, lead a small to medium positive effect on both landscape character and visual amenity. Officers also attach some weight to the benefits arising.
- 4.74 It is also suggested that the scheme would not impact on ecology or highway safety. However, these are, in Officers opinion, neutral factors which neither weigh for or against the proposal.

16/0703/FULL

- 4.75 In addition to the above, the planning history of the application site cannot be ignored and is a material consideration in the consideration of the current application. In particular, the previously dismissed appeal (on the grounds of inappropriateness in the Green Belt and harm to openness of the Green Belt) for a two bedroom dwelling is of clear relevance. This must weigh against the current application also.
- 4.76 Accordingly, applying paragraphs 87 and 88 of the NPPF, Officers find that the other considerations in this case do not clearly outweigh the harm to the Green Belt (as required under Paragraph 88 of the NPPF) and any other harm identified. Consequently, whilst the personal circumstances at play are recognised they do not, in Officers opinion, amount to the very special circumstances necessary to justify the development, and Officers therefore conclude that the application should not succeed.

5.0 Conclusions and Recommendations

- 5.1 The personal circumstances of the Applicant and all that brings with it are recognised and in no way called into question by Officers and it is difficult to remain dispassionate when faced with facts as they have been presented. These personal circumstances lie at the very heart of the planning application, and there is no need to revisit or further summarise the background at this point in the report.
- 5.2 The application site lies within the Green Belt and what is proposed is a new four bedroom DDA compliant dwelling, of not insignificant size which is clearly, and for the reasons set out in the main body of the report, inappropriate development in the Green Belt and therefore harmful by definition. Further harm, notwithstanding the design and layout of the dwelling on the site, is caused to the openness of the Green Belt.
- 5.3 The site lies outside of a defined settlement boundary (as defined within the SAAPLP) and is therefore, notwithstanding the presence of established properties in the vicinity, considered to be in an unsustainable location and as such falls foul of Policies DS01 and CS05 of the Core Strategy and SAL.DPL1 and SAL.DPL2 of the SAAPLP in terms of suitable sites for residential development and rural housing. Furthermore, the proposal, in this location, would also be contrary to the Housing policies contained within the Churchill and Blakedown Neighbourhood Plan.
- 5.4 As identified within the report, the planning history of the site cannot be ignored and is a material consideration in the consideration of the current application. In particular, the previously dismissed appeal (on the grounds of inappropriateness in the Green Belt and harm to openness of the Green Belt) for a two bedroom dwelling is of clear relevance.

16/0703/FULL

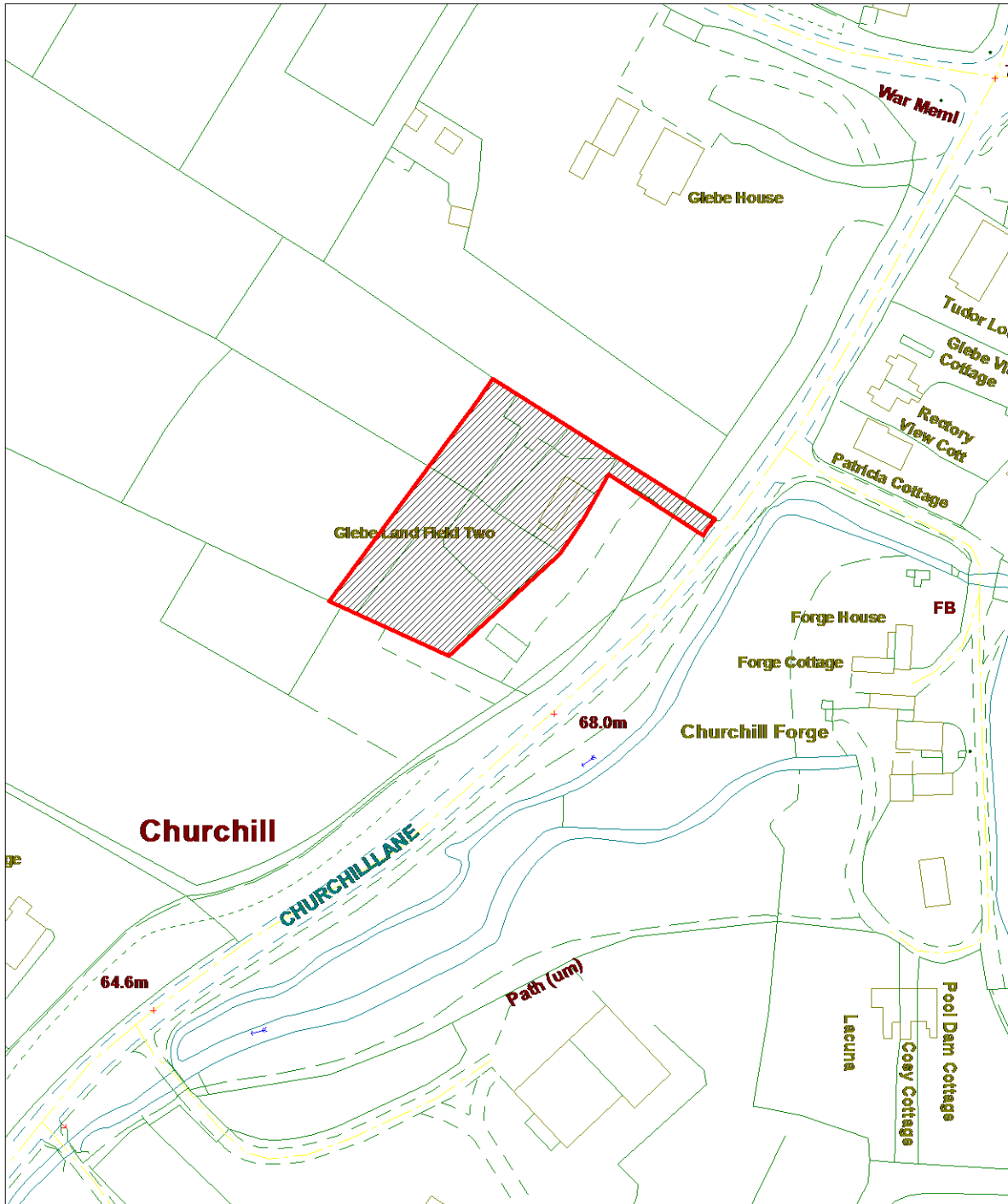
- 5.5 Notwithstanding the Green Belt location and the impact upon openness referred to above, the actual design of the property proposed is considered favourably and the impact upon the adjacent Conservation Area, and other heritage assets in the vicinity, would actually be viewed as positive.
- 5.6 Notwithstanding the submissions made by the Applicant, Officers are not persuaded that other alternatives are not available at the Applicant's current property either in terms of conversion, adaption and extension, or via a replacement dwelling, which would be supportable, in principle, within the Green Belt.
- 5.7 Officers have wrestled long and hard with the issues at play in this case, and the resulting recommendation is not made lightly. However, and notwithstanding the personal circumstances presented, for the reasons set out above and on the planning balance, these do not clearly outweigh the harm to the Green Belt and any other harm identified.
- 5.8 It is, therefore, recommended that the application is **REFUSED** for the following reasons:
1. The application site is located within the West Midlands Green Belt. The proposed development would represent inappropriate development in the Green Belt, which Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan (2013) and paragraph 87 of the National Planning Policy Framework (NPPF) states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The other considerations advanced by the Applicant do not clearly outweigh the significant weight that the NPPF demands is attached to inappropriateness, the harm identified to the openness and the purposes of including land in the Green Belt. As such, very special circumstances do not exist. The proposal would therefore be contrary to Policy SAL.UP1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan (2013) and paragraph 89 of the NPPF.
 2. The location of the application site lies outside of any recognised settlement boundary as defined within the Adopted Wyre Forest District Core Strategy and the Adopted Wyre Forest District Site Allocations and Policies Local Plan, and in turn is not considered to be a sustainable form of development in accordance with paragraph 55 of the National Planning Policy Framework (NPPF). The application fails to accord with:
 - i. The settlement hierarchy identified within Policy DS01 of the Adopted Wyre Forest District Core Strategy and Policy SAL.DPL2 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan; and,

16/0703/FULL

- ii. Sites for Residential Development identified within Policies SAL.DPL1 and SAL.DPL2 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

It is considered that there are no material circumstances that outweigh the conflict with the above policies, which seek to guide residential development to appropriate locations within the Wyre Forest District that would safeguard the landscape character and promote the regeneration of the District's urban areas.

3. The proposed development consists of a large four bedroom detached dwellinghouse to address the needs of the Applicant, outside of any recognised settlement boundary within the Churchill and Blakedown Neighbourhood Plan. The application therefore fails to accord with Policies CB17 and CB18 of the Churchill and Blakedown Neighbourhood Plan which seek to provide small scale affordable/market housing to meet local needs and make provision for smaller houses to address local housing needs.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

Field 2 Glebe Land
Churchill Lane, Churchill, DY10 3LX

Date:- 06 February 2017 Scale:- 1:1250 OS Sheet:- SO8879NW Crown Copyright 100018317 2014
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16TH MAY 2017

PART B

Application Reference:	16/0227/FULL	Date Received:	20/04/2016
Ord Sheet:	387533 279309	Expiry Date:	15/06/2016
Case Officer:	John Baggott	Ward:	Wyre Forest Rural

Proposal: Creation of new driveway access to residential property

Site Address: CHURCHILL GRANGE, CHURCHILL, KIDDERMINSTER,
DY103LZ

Applicant: Mr R Boot

Summary of Policy	CP11, CP12 (CS) SAL.UP1, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) CB3, CB6 (Churchill & Blakedown Neighbourhood Plan) Sections 9, 12 (NPPF)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a sizeable detached dwelling occupying an elevated position above the adjoining public highway, and accessed via a gated entrance at the junction of an unmade access track and Waggon Lane.
- 1.2 Beyond the existing domestic curtilage of the property, to the east, lies land currently used for agricultural purposes (the grazing of sheep), which falls in an easterly direction. There is an existing field gate off Waggon Lane virtually opposite the existing access to a number of properties created through the conversion of former agricultural buildings (4 no. in total), along with Churchill Old Farm.
- 1.3 The application property and the surrounding area are located within the West Midlands Green Belt. Whilst the application property and the immediately adjoining land fall outside of the Churchill Conservation Area, the lower section of the aforementioned grazing land and the existing access gate are located within the Conservation Area.

16/0227/FULL

2.0 Planning History

- 2.1 Whilst there is a planning history in respect of extensions to the property itself, the most recent of which being a conservatory extension in 2000, there is no planning history of direct relevance to the current application proposal.

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – Objection.
This application is in the Green Belt and the pathway will pass through the conservation area. It is suggested that the application be referred to the Heritage (Conservation) Officer.
- 3.2 Highway Authority – Following the submission of amendments to the original proposal, there are now no objections raised, subject to suitable conditions.
- 3.3 Conservation Officer – No objections.
The application will have no physical impact on Churchill Grange itself which is included on the Local Heritage List for Churchill and Blakedown ref: CB071.

The access drive starts from Waggon Lane (at a location which is within the Churchill Conservation Area), and through an existing gateway almost opposite Churchill Old Farm which is a Grade II listed building.

The proposal thus has potential to impact on two designated heritage assets. I note that the proposed gate is to be a farm style gate which will be in keeping with the character of the Conservation Area, existing trees will be retained and the use of recycled planings is proposed to create a track (rather than smooth paved access road) which will also reduce the impact of the proposal.

The NPPF at paragraph 134 allows for the public benefits to be weighed against a development proposal causing less than substantial harm to a designated heritage asset. In this case it is inevitable that the widening of the gateway opening to create visibility splays and the removal of the historic iron gate (although perhaps this could be relocated elsewhere) contributes less than substantial harm to the Conservation Area. However the improvement to highway safety is an important public benefit, which I understand is supported by Worcestershire County Council, and thus on balance I recommend approval.

16/0227/FULL

3.4 Neighbour/Site Notice – Two letters of objection have been received raising the following issues:

- Destruction of hedgerow and associated loss of wildlife;
(Officer Comment – Following receipt of amended plans, previous proposals to remove a section of hedgerow are now no longer necessary and have been omitted from the plans)
- Inappropriate development which is contrary to conservation and heritage principles;
- Unclear as to whether stated improvements to highway safety are proportionate and justify removal of hedgerow;
(Officer Comment – Following receipt of amended plans, previous proposals to remove a section of hedgerow are now no longer necessary and have been omitted from the plans)
- Impact upon character and appearance of the conservation area;
- Alternative proposals have not been demonstrated as having being considered to improve highway safety.

4.0 Officer Comments

4.1 It is the case that the existing vehicular access to Churchill Grange is so located that when exiting the property by car, visibility in both directions is poor, but especially to the east. The applicant cites this as being the prime reason for the submission of the current planning application.

4.2 Planning permission is sought for the use of the existing field gate access (located opposite the access that serves several “barn conversion” properties) as the primary vehicular access to serve Churchill Grange, which would also involve the creation of a vehicular track across the agricultural land, all of which is within the applicant’s ownership. In doing so, it is also intended to cease the use of the existing access, which would be altered and be kept available for pedestrian access only.

4.3 The proposed development would introduce replacement, automated, gates, at the existing access set back 6.0 metres from the public highway along with the protection of the associated necessary visibility splays. In this regard, Members are advised that following discussions involving Council Officers and representatives of the Highway Authority, amendments to the originally submitted scheme have been secured such that previous proposals to remove a section of the established hedgerow are no longer necessary. Rather, a small section of the hedgerow, in a westerly direction, now only needs minimal trimming, and continued maintenance, to secure and protect the necessary visibility splay.

16/0227/FULL

- 4.4 Members will have noted under paragraph 3.4 above that objections have been submitted on the basis of the loss of the hedgerow. Clearly, this is no longer the case by dint of the amended scheme, and as such those previously expressed objections are no longer of relevance.
- 4.5 The proposed route of the access track would optimise an existing gap amongst some significant, landmark, trees such that they would be unaffected by the proposal. Thereafter, the track would turn west and rise with the ground up towards Churchill Grange itself. Details as to the finished surfacing of the track are to be conditioned for future consideration, but it is noteworthy that a simple 'black-top' tarmac surfacing, which would look somewhat alien in the landscape would not be appropriate.
- 4.6 As outlined above, the lower section of the land falls within the Churchill Conservation Area, and Members will have noted the objections that have been submitted regarding the potential impact of the track. However, Members will have also noted that the Council's own Conservation Officer is content with the proposal, as identified at paragraph 3.3 above. Officers have taken a similar approach in considering the application that, on balance, the benefits in terms of highway safety, by virtue of the improved visibility that the new access affords when considered against the existing arrangements, weigh heavily in favour of the application.
- 4.7 In response to objections received, Officers have met on site to consider if alternative arrangements could be undertaken in respect of the existing access, but guided by Highway Authority colleagues Officers have concluded that, notwithstanding the suggestions made by one of the objectors that other options should be considered (e.g. reduced speed limit; use of convex safety mirrors; etc), the now revised proposals and associated reduced visibility splays (and resulting minimal impact upon the hedgerow) offer the more preferable solution.
- 4.8 Objective 1 of the Churchill and Blakedown Neighbourhood Plan (CBNP) seeks;

"To create a safe community for our residents and visitors; giving particular attention to traffic management and parking".

In this regard, Officers conclude that the proposed development would deliver a safer access and egress arrangement for the applicant, which in turn is seen as a positive in terms of highway safety, which is of relevance to the aforementioned Objective 1.

16/0227/FULL

- 4.9 The CBNP also seeks to protect and enhance existing heritage assets and the landscape, under policies CB3 and CB6, respectively. In this regard, the Council's Conservation Officer is satisfied that the introduction of the new access track would be acceptable, causing less than substantial harm to the Conservation Area. In a similar vein, with judicious use of appropriate surfacing materials (to be agreed by condition), the proposed track would not look alien or out of place in this rural location.
- 4.10 The concerns expressed by Churchill and Blakedown Parish Council are acknowledged. However, the fact that the site is located within the Green Belt is no reason in itself to resist such a proposal. Such tracks, usually serving remote farmsteads, are common features within the rural areas of the District. The matters raised by the Parish Council regarding any impact upon the Conservation Area have already been addressed above.

5.0 Conclusions and Recommendations

- 5.1 The existing vehicular access/egress arrangements in respect of Churchill Grange are considered to be undesirable due to very poor visibility when exiting the site. There is no scope to widen or otherwise improve the existing access, primarily due to the topography of the land and adjoining highway.
- 5.2 The proposed development has been assessed in terms of impact upon the landscape in this Green Belt location as well as in terms of any impact upon the Churchill Conservation Area and has been found to be acceptable for the reasons stated above.
- 5.3 There would be no adverse impact upon nearby properties, and the amended plans ensure that the existing hedgerow is retained, albeit with some trimming to provide the necessary visibility splays.
- 5.4 It is recommended that the application be **APPROVED**, subject to the following suggested conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Provision and protection of visibility splays, as per approved plan
 4. Protection and enhancement of existing hedgerow
 5. Closure of existing access to vehicles upon completion of the new access
 6. Consolidation and surfacing of access track in accordance with details to be submitted to and approved in writing by the local planning authority

Application Reference:	16/0640/FULL	Date Received:	27/10/2016
Ord Sheet:	381308 280895	Expiry Date:	22/12/2016
Case Officer:	Julia McKenzie-Watts	Ward:	Wyre Forest Rural

Proposal: Refurbishment of existing property comprising of first floor extension (Including new roof). Alterations to external appearance including fenestrations and addition of render, timber cladding, glass roof to kitchen. New conservatory.

Site Address: HOBRO CROFT, HOBRO, WOLVERLEY, KIDDERMINSTER, DY115SZ

Applicant: Mr & Mrs Taylor

Summary of Policy	CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.UP7 SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) CC9 (Chaddesley Corbett Neighbourhood Plan) Section 9 (NPPF)
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Hobro Croft is a substantial 2 storey dwelling situated in a 6 acre plot in Wolverley. The property is reached from a single track lane off Sladd Lane close to Kingsford Caravan Park and is within an area washed over by the West Midlands Green Belt.

1.2 The property has been the subject of substantial extensions in the past. The current proposal seeks to refurbish the property, a new roof and first floor extension, alterations to the external appearance of the property including fenestration and the addition of render and timber cladding. A new glass roof to the existing kitchen and a new conservatory is also proposed.

2.0 Planning History

2.1 WF.304/77 – Demolish existing outbuildings and erect new garage and stables : Refused

2.2 WF.526/77 – Garage and stables : Approved

2.3 WF.621/77 – Swimming pool : Approved

16/0640/FULL

- 2.4 WF.39/78 – Storage building : Approved
- 2.5 WF.667/79 – Games room with bedroom over : Approved
- 2.6 WF.1089/79 – Living room with bedroom over : Approved
- 2.7 WF.92/99 – Erection of new wing to provide living room, hall, cloakrooms, master bedroom and two bathrooms, extension to provide internal garage, other alterations : Refused
- 2.8 WF.0668/01 - Change of use of existing garage and stables (with link extension) to form one dwelling; reconstruction of former access and provision of passing bay : Refused

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – No objection
- 3.2 Neighbour/Site Notice – No representations received

4.0 Officer Comments

PROPOSAL

- 4.1 The application site is located in Wolverley in an area washed over by the West Midlands Green Belt and consists of a six acre piece of land that is currently occupied by a large dwelling. The site itself comprises the main property, a detached garage and a former coach house which is shown on the 1884 Ordnance survey map.
- 4.2 The original building was a steeply pitched dormer bungalow which was extended at one end with the addition of a snug and a part of the lounge which replaced a lean-to building. Subsequent modifications at the property have resulted in the occupation of more of the roof and the addition of the dormer windows which has increased the overall footprint and volume of the property.
- 4.3 The current application proposes the addition of a conservatory, new chimneys and slight lifting of the roof in order to provide reasonable headroom height in all of the first floor.

16/0640/FULL

PRINCIPLE OF DEVELOPMENT AND POLICY CONTEXT

- 4.4 Section 9 of the National Planning Policy Framework (NPPF) sets out guidance for the forms of development considered acceptable within the Green Belt. Paragraph 89 of the NPPF contains the relevant policy for extensions to existing properties within the Green Belt and states that appropriate development would include:

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

- 4.5 This national policy is replicated through Policies SAL.UP1 and SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan Policy which both require that residential extensions should not result in disproportionate additions over and above the size of the original dwelling, be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers.
- 4.6 Calculations submitted by the agent show that the proposed alterations / extensions would result in an overall increase in floor area of 22%:

	Existing Floor area	Proposed floor area
Ground floor	190 square metres	229 square metres
First floor	111.25 square metres	159 square metres
Total	301.25 square metres	388 square metres

- 4.7 The agent has stated that it is his opinion that the ‘original building was of little or no architectural merit and subsequent extensions were consistent with current policy as they emulated the lack of any design quality or flair apparent in the original. The current application would allow the occupation of the existing volume of the roof by adopting a low pitched metal roof and simplifying the form of the roof. The silhouette is the same; however, the appearance following the modifications would result in a crisp, modern dwelling befitting the 21st century’.
- 4.8 The property has been subject of extensive extension in the past; however the cumulative impact of these extensions has resulted in a property that is disjointed and unbalanced and aesthetically unattractive. The new extension, refurbishment, new modern materials and raising of the roof will result in a more cohesive and visually attractive property which would have a reduced impact on the openness of the West Midlands Green Belt and would not constitute inappropriate development. The proposals would be considered to be in compliance with Policies SAL.UP1, SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations Local Plan and section 7 of the National Planning Policy Framework which relates to the requirement for good design.

16/0640/FULL

MATERIALS

- 4.9 The materials proposed are modern and are not considered to be in character with the surrounding area due to their modern nature and as such would not comply with policy which states that extensions should be keeping with the form, materials and detailing of the original building. However due to the isolated location of the property and the fact that the materials will not be read against any other properties it is considered that the re-cladding, new metal roof and insulating of the existing property will result in a contemporary design with clean lines and enhanced sustainability in terms of energy use and the retention of an existing structure giving it a long term viability in line with Paragraph 7 of the NPPF. It is considered that the design is of sufficient quality to allow a deviation from established policy.

5.0 Conclusions and Recommendations

- 5.1 The proposed extensions and alterations at the property would result in an acceptable increase in volume, appropriate in terms of both scale and design. The materials proposed whilst not matching the existing are considered to be acceptable. As a whole the proposal is considered to be in compliance with Policies SAL.UP1, SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.2 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. B3 (Finishing materials to match)

Application Reference: 17/0163/FULL	Date Received: 15/03/2017
Ord Sheet: 383815 277126	Expiry Date: 10/05/2017
Case Officer: Paul Round	Ward: Broadwaters

Proposal: Creation of additional tennis court with associated fencing

Site Address: KIDDERMINSTER TENNIS CLUB, BAXTER GARDENS,
KIDDERMINSTER, DY102HD

Applicant: MR TIM HOLLIS

Summary of Policy	CP09, CP11, CP13 (CS) SAL.CC1, SAL.CC2, SAL.UP4, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 Baxter Gardens is a District Council owned Park bounded by properties in Baxter Gardens, Baxter Avenue, Hurcott Road, Shrubbery Avenue, Shrubbery Gardens and Birmingham Road. The tennis club, which is the subject of this application, is located within the Park close to the Birmingham Road entrance.
- 1.2 The proposal seeks to extend the existing facilities through the creation of a third tennis court.

2.0 Planning History

- 2.1 LAD.0054/67 – Ladies and Gents Changing Rooms : Approved 09/05/67
- 2.2 WF/0598/01 – Erection of 3m practice wall with 1.8m screen wall : Approved 27/09/01
- 2.3 12/0236/FULL – Proposed modification and extension of clubhouse plus installation of outdoor sports lighting : Approved 01/08/12.
- 2.4 12/0790/FULL - Extension of Club House : Approved 15/02/13.

17/0163/FULL

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Refuse; loss of a public open space and the loss of listed Jubilee Gardens
- 3.2 Highway Authority – As there is no additional parking proposed, a survey of existing car park usage undertaken at times of maximum usage and a statement of future demand would be required to enable an accurate assessment of parking provision to be made
- 3.3 Arboricultural Officer – Recommend refusal. There is no Arboricultural Impact Assessment (AIA) for the mature cherry tree that is very close to the location of the proposed tennis court. I understand that the applicant has concluded that the tree will not be affected by the proposals; however I am going to need an AIA from a reputable Consulting Arborist before I can be happy to conclude the same. I would have concerns about the loss of public amenity space for a private enterprise, especially as there are no benefits being offered to the park. Baxter Gardens is not a large park and the location for the proposed court is quite narrow. Allowing the construction of the court will block views through the park and could well allow for anti-social behaviour to increase in that part of the park.
- 3.4 Landscape Officer (Parks) – Whilst there is an acknowledgement of the positive role that the Tennis Club play within Baxter Gardens and constructive relationship between the club and the Council, there are concerns about the proposal these are as follows;
1. We are effectively allowing a private club to take over an area of public open space with no benefit to park users
 2. The area they are proposing to put the 3rd court on is an informal kick about open area which does get well used by younger children with their parents which is in close proximity to the play area, it is also used by local residents kids. The main football area at the top end of the site tends to get used by older children/teens
 3. The 3rd court will not have any real benefit to park users/community as anyone wishing to use it will effectively have to become a member, there will be no access to recreational tennis on this 3rd court
 4. By putting the 3rd court in this location from a landscape design perspective it is effectively splitting the site in two, I had previously asked for it to go on the left hand side (looking from the car park) but there were issues with services here.
 5. I am concerned that by having a 3rd court which no doubt will encourage new members that there will then be a parking issue, the car park is very small and with the close proximity of the school, cars may well end up parking on the access road from Birmingham Road!

17/0163/FULL

- 3.5 Countryside Conservation Officer – No objection subject to a condition requiring ecological assessment to identify any badger activity (setts runs etc) and any resulting mitigation plan will be prepared and implemented prior to any development taking place.
- 3.6 West Mercia Police Designing Out Crime Officer – No objections
- 3.7 Worcestershire Regulatory Services (Noise) - The application is not seeking to extend the times the court would be used and I cannot find any historic complaints relating to the club on our database. Therefore I have no objection to the application in terms of noise
- 3.8 Neighbour/Site Notice – 37 letters of objection and 7 letters of support from local residents and users of the park.

The objectors raise the following issues:

- Loss of green space for use by public. Should be used for the community and not just for a private club.
- Tennis Courts hardly ever occupied all the time.
- Located close to three schools and is important space for children.
- The area is used for playing football and allows parents to be able see children in this area and on the park at the same time. Will limit the ability of the park to provide activities through the WFDC Summer Programme and events by Friends of Baxter Park.
- An additional court would impact disproportionately on the visual amenity of the area.
- Would damage the visual openness and overall flow of the park. Would make this part of the park just a cut through from Birmingham Road.
- The extra court will split the park in half both socially and geographically. It will take the heart out of the park.
- May lead to increase in antisocial behaviour.
- Will impact on newly laid path and trees.
- No benefits offered in compensation.
- Parks should remain as parks.
- Use of area by air ambulance.
- Noise impact on surrounding properties.

Those in support raise the following points:

- Users of the courts – Would love more people to join us.
- The extra court is vital to allow the club to expand and offer more community sessions as well as meet the demand of members
- There would still be plenty of space for other users
- Important to get more people into tennis and remain active

17/0163/FULL

- Lack of court availability.
- Better to have recreational users rather than as a place for drug users.
- Would be a sympathetic and well planned expansion

4.0 Officer Comments

- 4.1 The proposal seeks for the expansion of the existing tennis courts to create a third court. This will extend the existing fenced area by an additional 10m to the north-east of the Park towards the rear gardens of Shrubbery Avenue. The Tennis Club has provided a supporting statement with the application which states *“The club was formed in 1990 and relocated to Baxter Gardens in 1996. The club has grown to a membership of 78 adults, 44 juniors, 18 affiliated juniors and up to 30 additional juniors who attend Saturday morning coaching sessions. The two courts are very intensively used and, to enable the club to continue to grow a third court is required”*.

POLICY CONSIDERATIONS

- 4.2 The Park is allocated within the Adopted Wyre Forest Site Allocations and Policies Local Plan as Public Open Space. Policy SAL.UP4 sets out the circumstances where allocated Public Open Space can be reduced or lost. It states that the loss of public open space is only supported where either *“...the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”* The proposal will result in the loss of approximately 370 square metres. There are no proposals to provide any enhancements to the park or provide equivalent or better provision. The supporting statement put forward by the club sets out a need which is linked to numbers of members and the need to grow. No use data has been provided to support the statement and as such limited weight can be given. Based on the consultation responses, particularly that from the Landscape Officer and the additional considerations set out later in this report it cannot be concluded that the need clearly outweighs the loss.
- 4.3 The proposal therefore would be contrary to Policy SAL.UP4 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and result in an unacceptable loss of Public Open Space.

17/0163/FULL

VISUAL AMENITY

- 4.4 The existing courts are located to the south-west side of the Park and already have a visual impact when approaching this part of the Park, especially when entering from the Birmingham Road entrance. The additional court with its associated fencing will exacerbate this impact and effectively limit the space around the court to footpaths only. This impact will reduce the flow of the Park and in my opinion split the Park in two. The recent enhancements, including footpath creation and tree planting, would be reduced to the overall detriment to appearance of the area. The overall impact will be unacceptable reducing the openness of the Park and adversely impacting on the visual amenity of the area.

TREES

- 4.5 Directly adjacent to the existing club house is an attractive mature Cherry Tree. No Arboricultural Impact Assessment has been provided despite requests for such information. It is the Arboricultural Officer's opinion that the proposed expansion may cause harm or loss to this tree or at least diminish its attractiveness in this setting. This would cause additional harm to the amenity of the Park.

HIGHWAY IMPACT

- 4.6 The existing courts are served by a small parking area; the additional court would be likely to result in an increased requirement for parking. The Highway Authority has requested additional information to enable a full assessment to be made. This information has not been provided. It is likely that the potential additional usage would not be supported by adequate parking facilities. This would result in displacement of cars onto Birmingham Road or surrounding streets where on-street parking is at a premium or unacceptable in highway safety terms. This forms a further reason for refusal.

NEIGHBOURS AMENITY

- 4.7 Concerns have been raised over noise impact of the proposal. Although it is acknowledged the courts will be within approximately 13m of the rear gardens of Shrubbery Gardens and 20m of those in Shrubbery Street, given the existing club and the response from Worcestershire Regulatory Services, it is not considered that an adverse additional loss of amenity will occur in terms of noise. There will be some loss of outlook but this is not to such an extent sufficient to result in an additional reason for refusal.

17/0163/FULL

5.0 Conclusions and Recommendations

5.1 The proposed additional tennis court will result in a loss of public open space without any compensatory provision or need that would clearly outweigh the harm caused by the loss, contrary to established policy. The proposal would result in significant visual impact and would potentially cause harm to the adjacent tree. The additional traffic generation has not been equated and it is likely that insufficient car parking can be provided which will result in a displacement of cars onto the surrounding highway network to the detriment of highway safety. The scheme is therefore unacceptable and contrary to the national and local policies.

5.2 It is recommended that the application be **REFUSED** for the following reasons:

1. The proposal will result in a loss of public open space without any provision of equivalent or better provision. It is considered that the needs for the additional tennis court do not clearly outweigh the harm that would be caused as identified in the additional reasons below. To allow the proposal in these circumstances would be contrary to Policy SAL.UP4 of the Wyre Forest Site Allocations and Policies Local Plan and Government advice in the National Planning Policy Framework.
2. The proposal would by virtue of its size and siting adversely impact on the openness and visual amenity of the Park. An appraisal of the impact of the proposal on the adjacent Cherry Tree has not been undertaken and it is considered that the proposals could result in its loss or diminish its appearance which would further exacerbate the impact on visual amenity. To allow the proposal in light of this harm would be contrary to Policy SAL.UP7 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.
3. Insufficient information has been provided to enable the Local Planning Authority to assess the requirement for parking provision for the tennis club and the Park as a whole. The additional court is likely to attract additional vehicular trips with inadequate parking facilities, resulting in displacement of cars parking in unsuitable locations to the detriment of highway safety. To allow the proposal in these circumstances would be contrary to Policies SAL.CC1 and SAL.CC2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government advice in the National Planning Policy Framework.

Application Reference:	17/0170/FULL	Date Received:	15/03/2017
Ord Sheet:	380248 275671	Expiry Date:	10/05/2017
Case Officer:	Paul Round	Ward:	Wribbenhall & Arley

Proposal: Proposed new elephant houses and associated works

Site Address: WEST MIDLAND SAFARI PARK, SPRING GROVE, BEWDLEY, DY121LF

Applicant: WEST MIDLAND SAFARI PARK

Summary of Policy	DS04, CP02, CP10, CP11, CP12 (CS) SAL.GPB5, SAL.UP1, SAL.UP6, SAL.UP7 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
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 West Midlands Safari Park is one of the District's major tourist attractions located on the Kidderminster Road between the towns of Kidderminster and Bewdley. The Park has been in existence since the 1970's.
- 1.2 The area, the subject of this application, relates to the Wildlife part of the Park, where elephants have existed for a considerable number of years. To the south of the site lies the Severn Valley Railway line and to the east residential properties known as Salantarn Cottage and Lower Lowantarn Cottage.
- 1.3 The site is located within the West Midlands Green Belt, and is covered by a Tree Preservation Order.
- 1.4 The proposals seek for new buildings for housing elephants along with the remodelling of the outdoor space.

2.0 Planning History (of relevance)

- 2.1 WF.0293/97 – Erection of a building for housing elephants : Approved 20/5/97
- 2.2 12/0006/FULL – Extension to existing elephant house and re-theming of building, erection of pelican house and associated works : Approved 21/2/12

17/0170/FULL

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objection to the proposal and Recommend Refusal due to the effect on the visual amenity of neighbouring properties and proposed installation of a very large, artificial Baobab tree with viewing tower - potentially resulting in overlooking and loss of privacy to those properties. Town Councillors recalled that the recommendation to approve the previous application (12/006/FULL) was made subject to the conditions that the applicant deleted the viewing tower from the proposal and resited the Baobab tree and reduced waterfall noise/reverberation (Minute No. 5978, 6th February 2012 refers). It is understood that initial negotiations with the applicant have indicated they are unwilling to make alterations to the proposed plans to mitigate the impact of this extensive development, covering approximately one third of an acre of Green Belt land.

Town Councillors made clear that they fully support the applicant's desire to ensure animal welfare and the elephants are able to live happily within a safe and stimulating environment, but feel that compromises are necessary to ensure that all parties upon which the proposals impact are not adversely affected.

- 3.2 Arboricultural Officer – I am satisfied that no trees, with a high amenity value, will be directly affected by the proposed new elephant house. The only caution would be a coupe of trees on the edge of the outcrop that may be affected by the new access road that is to be installed on the edge of the site, where the current elephant house is situated. These trees have limited rootable soil area, so may well be running into the grassed area at the foot of the outcrop. If there are roots there and they are cut to allow the new access road, it could make the trees unsafe.

The landscaping for the site is very good, but the new trees and shrubs around the proposed elephant house, will need suitable protection to prevent the elephants from destroying them.

- 3.3 Conservation Officer – The proposed development sits within the settings of two undesignated heritage assets:

To the east is Salantarn Cottage, a C19 farmhouse included on the Worcestershire HER ref: WSM 54120, but not included on the Local Heritage List.

The original isolated setting of Salantarn Cottage has to some extent been compromised for the past 40 years by its close proximity to the Safari Park. The proposed new elephant house sits some 125 metres from this building to the south west. It will be partially concealed by the natural topography of the site and further concealed by the proposed tree planting.

17/0170/FULL

Views towards and from the Severn Valley Railway line will be largely unaffected by the development. In my opinion the principal significance of Salantarn Cottage is its surviving form and architectural features which will remain unaffected by the proposed development.

To the south west is Sandbourne Viaduct which is included on the Local Heritage Lists for Bewdley ref: LLB76 and Severn Valley Railway ref: SVR018.

The significance of the viaduct is that it is an original stone-constructed engineering feature of the Severn Valley Railway dating from 1861. Its setting is important however the setting of the viaduct has already been compromised by the construction of the Bewdley by-pass at its eastern extremity. Views of the viaduct can be glimpsed by motorists driving along the by-pass. More substantial views can be obtained from public footpath 648 and the residential estate around Sandbourne Drive. The viaduct can also be glimpsed by motorists driving through the Safari Park. Generally the construction of the new elephant house will have little impact on views towards the viaduct from the east as it is partly set into the hillside and the majority of the land is used for grazing safari park animals. It will certainly be visible from the viaduct (from train windows, for example) but the impact on the setting of the viaduct itself is minimal.

The impact of the proposed new bull house on the undesignated heritage assets is negligible as this is to replace the present (larger) structure.

The overall impact on undesignated heritage assets is thus limited. Although there is a degree of harm to the isolated setting of Salantarn Cottage as viewed from the Severn Valley Railway, this is already compromised by the existing paraphernalia associated with the present elephant enclosure. The cottage will still be seen as somewhat isolated from the new building (approximately 125m away) and have a clear line of sight to the railway.

The applicant has not provided any archaeological assessment of the site. Given that the site of the new elephant house has not been previously developed (other than to create a landscaped waterfall feature in the past) there is potential for buried archaeology, and advice should be sought from Worcestershire Archive and Archaeology Service in this respect, as a written scheme of investigation may be called for.

17/0170/FULL

3.4 Neighbour/Site Notice – 2 letters of objection received raising the following concerns:

- The enormity of this project will change the whole landscape situated in the Green Belt and part of the Severn Hills. Includes posts and fencing and massive concrete tree directly in line of sight of both properties.
- The huge artificial tree is 26ft high (8m) and 26ft (8m) wide...[and] contains an internal stairway accessible to anyone, whether used for placing food into the tree by keepers, or for viewing, or using surveillance cameras in it as used in Disneyland. This is an invasion of our privacy...rooms on 2nd and 3rd floors will be easily visible from the tree. Plans already include enrichment, question the need for the tree. The siting of the tree would stand directly in the line of view from my house. There are other places for the tree which would be out of site.
- Concern over new pool and flooding or access track.
- Continuous noise and vibrations from waterfall
- Illumination from skylights at night

4.0 Officer Comments

4.1 The proposed building is to be located to the west of the existing and measures approximately 35m x 27m with an overall height of approximately 8m. The building will be set into the existing hillside. The building will be bundled to the western elevation which will be appropriately landscaped. The external areas will be treated with areas of handstanding and sand divided by low level fencing and rocks to allow separation of cow and bull elephants. A new pool and shelter will be provided and the former waterfall will be made operational.

4.2 A separate bull house building measure 18m x 17m is proposed on the footprint of the existing building, although smaller in area.

4.3 The existing building fails to provide adequate facilities for the elephants based on the Secretary of State's Standards for Modern Zoo Practice and the more stringent draft standards that are to be published later this year. Some of the inadequacies that have been highlighted are as follows:

- Individual pens for animals rather providing for the whole group;
- Metal railings separating each pen;
- Inadequate height of building to provide safe housing of animals;
- Lack of enrichment for animals within the building;
- Inadequate walkways for staff to meet safety guidance;
- Concrete floors for animals to sleep on;

17/0170/FULL

These, along with a number of other aspects, make the current facilities wholly inadequate to meet the needs of the animals both now and for any future expansion of the herd. The Safari Park is under no illusion that in its current position the Zoo Licensing Authority will not allow the retention of elephants at the Park.

PRINCIPLE OF DEVELOPMENT AND GREEN BELT POLICY

- 4.4 Within Green Belt areas national and local policy allow for the replacement of existing buildings subject to them being not materially larger than the one it replaces. It is clear that the Bull House is smaller and therefore is appropriate development in its own right.
- 4.5 The new cow house will create additional floor area, however Green Belt policy also allows for the new provision of appropriate facilities for outdoor recreation. The District Council has consistently viewed the provision of new animal buildings within the Safari Park as meeting this definition. This provision is subject to development not harming openness. Taking account of the location of the development and the way in which the new building will be situated into the embankment and bunded, I take the view that the openness of the Green Belt will not be adversely impacted. On this basis the cow house also constitutes appropriate development in the Green Belt.
- 4.6 The development is therefore acceptable in principle when taking account of local and national Green Belt Policy.

VISUAL AMENITY

- 4.7 The larger cow house building will be set into the hillside and along with bunding, screening and the proposed theming will not cause any adverse impact on the visual amenity area of the area. It is accepted that the layout and form of the area will change, however this does not immediately result in unacceptable development. The proposal will result in a high quality finish of design which also provides optimum facilities for the animals.
- 4.8 The bull house, although located in the same area as the existing building, is of a smaller footprint than the existing and has less impact visually.
- 4.9 Additional structures are proposed to create an enriched area for the elephants. In the main the fencing, posts and new shelter have little or no impact on the surrounding area. The largest structure is the proposed themed Baobab tree, which measures 4m in diameter and 6m in height with branches extending to 8m at the extremities. The tree is specifically designed to provide a point for enrichment for the elephants. It is located in a central position within the amenity area for the elephants at a point where it can be reached by all members of the herd, even if in separate pens.

17/0170/FULL

- 4.10 When looked at as a whole it is considered that the visual amenities of the area will not be adversely impacted, in fact the additional theming and design of the scheme will provide a visual improvement to a neglected area of the wildlife reserve.

NEIGHBOURS AMENITY AND PRIVACY

- 4.11 The neighbouring properties are Salantarn and Lowantarn situated to the south west. The properties, in particular Salantarn, have direct views across the reserve. The new large elephant house is approximately 135m from the nearest property and at a 35 degree angle. The line of site of the building will be obscured by the bunding, rock form and waterfall, with additional tree planting completely screening the new building once matured. On this basis, whilst there will be change, I do not consider that there will be any adverse impact on amenity as a result of this building. The new bull house will be further away from the residential properties and being smaller in size will offer no greater detriment.
- 4.12 Both properties have raised issue with the position and size of the Baobab tree. In 2012 the tree was approved and located within 150m of the properties, whereas the now proposed tree will be approximately 175m away. The height of the proposed tree is smaller than that of surrounding trees, and whilst it will be situated in the middle of an open area does not adversely impact on privacy or amenity. The supposition by the neighbours of internal access as a watch tower, a viewing platform or for surveillance equipment is unfounded. The Safari Park has confirmed that internal access is only for placing foodstuffs within the structure and there are no ladders or access to higher levels. In practice the tree will be managed externally. Only staff will be permitted to access this area.
- 4.13 The Safari Park has provided confirmation that the waterfall will only be operational when the reserve is open and will not run after 7pm on any night. The equipment to run the waterfall will be electric and it is planned to run at as low a noise level as possible in the best interest of the animals. Similarly lighting will only be required within the elephant houses until 7pm in summer months and 5pm in winter months. It is hoped that the skylights will provide the optimum amount of natural light which is essential for the animals. On this basis, and subject to conditions recommended on the grant of any permission, there will be no loss of amenity to the residential properties.

17/0170/FULL

OTHER MATERIAL CONSIDERATIONS

- 4.14 The Development Plan provides significant support for the tourism associated with the Safari Park and tourism across the District per-se. The improvement of facilities for the elephants will enable the Safari Park to keep the herd in Bewdley which is the overall desire of the Park, which a number of other attractions across the Country are choosing not to pursue. The proposals will enable the Safari Park to continue to provide elephants at the Park for the foreseeable future, bringing benefits to nature conservation and tourism. These factors further add to the arguments in favour of the development.

5.0 Conclusions and Recommendations

- 5.1 The proposals provide development that is appropriate within the Green Belt and that will enhance the appearance and visual amenity of the area. The buildings and associated structures have been suitably positioned and are designed so as to minimise impact on neighbouring properties which will not result in any adverse loss of privacy or amenity. The overall scheme will provide an enhancement to the tourism offer at the Safari Park and enables the retention of elephants at the Park to the over-benefit of nature conservation.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B6 (External details – approved plan)
 4. Details of plant/machinery for waterfall
 5. Waterfall operational until 7pm
 6. Use of the buildings for housing elephants only

WYRE FOREST DISTRICT COUNCIL

Planning Committee

16 May 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
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			Allowed 12/04/2017

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 16/0166/ENF)	WR 01/02/2017	08/03/2017			

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
WFA1475 16/0520/OUTL	APP/R1845/W/1 7/3167317	Mrs G Everton	31 CHURCH WALK STOURPORT-ON- SEVERN DY130AL Application for Outline Planning Approval for the erection of a detached dwelling	WR 24/02/2017	31/03/2017			
WFA1476 16/0569/FULL	APP/R1845/D/17 /3167747	Mr C Page Mr C Page	THE RETREAT LOWE LANE KIDDERMINSTER DY115QP Extension of existing bungalow to provide bathroom	WR 21/03/2017	25/04/2017			

Appeal Decision

Site visit made on 21 March 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/R1845/W/16/3165099

**Chester Road Sports and Social Club, Chester Road North, Kidderminster
DY10 1TL**

- 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 Shared Access against the decision of Wyre Forest District Council.
- The application Ref 16/0566/FULL, dated 27 September 2016, was refused by notice dated 16 November 2016.
- The development proposed is the erection of a 15m shrouded monopole to support 3 No. telecommunications antennae for use by Telefonica which, together with the installation of 2 No. dishes and 4 No. ground based equipment cabinets, will provide 2G, 3G and 4G mobile electronic communication services from the installation.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 15m shrouded monopole to support 3 No. telecommunications antennae for use by Telefonica which, together with the installation of 2 No. dishes and 4 No. ground based equipment cabinets, will provide 2G, 3G and 4G mobile electronic communication services from the installation at Chester Road Sports and Social Club, Chester Road North, Kidderminster DY10 1TL in accordance with the terms of the application, Ref 16/0566/FULL, dated 27 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Other than in respect of the olive green colouring to the mast indicated therein, the development shall be carried out in accordance with the following approved plans:
 - Drawing 100B - Site Location Maps
 - Drawing 201B - Proposed Site Plan
 - Drawing 301B - Proposed Site Elevation
 - 3) No development shall take place until full details of the colour finish to the proposed mast has been submitted to and approved in writing by the local planning authority. The mast shall be painted or otherwise coated in the approved colour before any of the telecommunications equipment hereby approved is brought into operation.

- 4) No development shall take place until additional planting has been carried out, in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority, to increase the density of trees to the Chester Road North and Offmore Lane frontages of the Sports and Social Club site.
- 5) Within 6 months of the mast hereby approved ceasing to be required to support operational antennae or other telecommunications equipment, the mast and all related cabinets and equipment shall be permanently removed from the land and the site shall be restored in accordance with details submitted to and approved in writing by the local planning authority prior to these works being carried out.

Main Issue

2. The main issue is the effect on the character and appearance of the area surrounding the sports and social club.

Reasons

3. Paragraph 42 of the National Planning Policy Framework (Framework) states that advanced, high quality communications infrastructure is essential for sustainable economic growth and that the development of high speed broadband and other communications networks plays a vital role in enhancing the provision of local community facilities and services. Paragraph 43 advises that local planning authorities should aim to keep the number of telecommunications masts and sites for such installations to a minimum consistent with the efficient operation of the network, and that existing masts, buildings and other structures should be used unless the need for a new site has been justified. Policy SAL.CC5 of the Wyre Forest Site Allocations and Policies Local Plan (SAPLP) applies this policy approach at a local level and includes a number of criteria that such proposals should meet.
4. The Council's committee report accepts the need for the proposal and the issue of need forms no part of the reason for refusal. No part of the cell to be served by the installation has no mobile communications coverage. However, the appellant's coverage maps demonstrate the less than satisfactory existing coverage, particularly in respect of the 4G network, and that an upgrade is required to meet the government's aspiration for the provision of advanced, high quality communications infrastructure. Given the relatively smaller cell size of the 3G network, the site is well located to facilitate the extension of such provision within the urban area of Kidderminster.
5. The 'stealth' design of the proposed mast, within which the antennae are shrouded, is appropriate for equipment proposed in an urban area. That design provides for a less obtrusive form of development compared to external antennae mounted on a supporting framework. The small dishes to be fixed at the top of the mast would be relatively inconspicuous in all but close up views.
6. At 15 metres (m) the mast would be taller than the street lighting columns in Chester Road North and the tallest, existing infrastructure in other nearby streets. However, masts of this type and scale are increasingly common in urban areas. As the appellant points out, many sports grounds within built up areas have floodlights and other infrastructure of a similar height. Its upper section would be visible from various points outside of the perimeter wall but

- the mast would not be out of place in the context of the existing use of the sports ground site. Neither would it have any material effect on the role of that site as an important green space within an otherwise built up area. The siting of the mast to the rear of the club house and the screening provided by the 2.3m high perimeter wall would ensure that the ground based equipment cabinets would be fully hidden from public view.
7. The houses on Lyndholm Road are some 170m from the appeal site and views are heavily filtered by trees and vegetation alongside the railway cutting. The nearest houses on Hardy Avenue are over 155m from the site and potential views would be extensively screened by tall conifer planting within the club's parking area and a 2 storey pavilion building. Although they are slightly closer (at around 100m distant), views from the nearest properties on Chester Road North would largely be restricted to the upper floors. These views would be filtered by mature trees within the sports ground and the visual effect of the proposed mast could be further softened by additional planting in the larger gaps between the existing trees.
 8. The nearest residential properties on Offmore Lane do not face directly towards the appeal site and views from the ground floors of Nos. 2-5 would be screened by the site boundary wall and tall hedging to the front of those properties. The mast would be visible from No. 6 but these would be oblique rather than direct views and would be filtered by the boundary hedge to that property and the trees within the sports ground. That filtering could be increased by additional planting between the existing trees.
 9. The mast would project above the wall on the site boundary but, even in close-up views, would appear as relatively slim, vertical structure. Views from Offmore Lane itself would be transient as the viewer moves along the lane and the mast would be seen against the background of trees extending to about 10m in height. The mast would not appear as over-dominant or oppressive in those views. Neither would it be likely to affect the willingness of local people to use the lane as a pedestrian route or their enjoyment in doing so.
 10. Although it would be visible from the western section of Offmore Lane, including from the elevated path over the railway, the mast would be seen alongside the group of buildings within the sports ground and would be partially filtered by the large tree on the corner of that site. In these longer distance views, an olive green finish could make the mast stand out more clearly against the normal blue/ grey of the sky and a light grey finish might be preferable. That change could be secured by means of a planning condition.
 11. Even with a different colour treatment, the mast would be visible to people walking or travelling along this part of Offmore Lane but would not be unacceptably dominant or intrusive. Oblique views would be possible from Chester Road North but these would be heavily screened by the perimeter wall and filtered by trees within the sports ground. These would be transient views and, given the busy nature of Chester Road North, users of the road are likely to be focused on other traffic and pedestrians rather than what is on the skyline.
 12. In summary, the proposal would introduce a new vertical structure into views from a limited number of public vantage points but the mast would not appear as an alien or over-dominant feature in those views. It would have minimal

- effect on the role of the sports ground as a significant open space within the built up area and on the use and enjoyment of pedestrian routes adjacent to the site. Hence, it would not cause any harm to the character and appearance of the area. Neither would there be any material harm to the outlook of the occupiers of any nearby residential properties.
13. My observations on my site visit do not lead me to conclude that the area surrounding the appeal site comprises a sensitive landscape or townscape. However, as I have found no material harm to the character and appearance of the area, no conflict arises with that part Policy SAL.CC5 which requires that proposals should not have a serious adverse impact on such areas. There would be no adverse effect on the setting of the two nearby locally listed buildings.
 14. Clauses iv and v of the policy reflect the Framework's requirements that existing masts, buildings and other structures should be used unless the need for a new site has been justified. The appellant's planning statement identified that there are no existing masts within 500m of the appeal site and that, in those circumstances, the option of fitting additional equipment to an existing mast or tower would be unlikely to provide the coverage required. The appellant has also assessed the potential for increasing the height of an existing mast within 2 kilometres of the site. The alternative sites assessment report sets out clear and cogent reasons why that would neither be an appropriate nor a preferable solution.
 15. That report also considers the possibility of fixing the equipment to an existing building or structure including various schools, churches, the railway station, an army reserve centre and residential apartments. These options have been ruled out on grounds relating to their proximity to existing telecommunications installations, the height and suitability of the structures to support such equipment, and whether they would be capable of effectively serving the area where improved coverage is needed.
 16. Taken together, these two parts of the alternatives sites assessment satisfy the requirement in paragraph 42 of the Framework that new sites should only be developed where the need for such a development has been justified. I consider that this assessment has been carried out in a comprehensive manner and I do not accept the Council's assertion that the appellant's business model calls the validity of that exercise into question. Subject to the painting of the mast in a suitable colour the proposal would also meet the requirement that installations on new sites should be appropriately designed and camouflaged where appropriate.
 17. Clause iii of SAPLP Policy SAL.CC5 sets out a test that there are no satisfactory alternative sites. In my view, this goes further than the Framework as there is no requirement in paragraph 42 that an applicant proposing a new site should demonstrate that there is no alternative or less harmful new site where that infrastructure could be located. However, this matter has been addressed in the alternative site assessment and I am satisfied that none of the alternative sites considered by the appellant represent a more appropriate location for the proposed installation. The test set out in clause iii has, therefore, been met.
 18. The supporting text to Policy SAL.CC5 provides no explanation as to what is meant by the reference in clause ii of the policy to '*interests of national*

importance'. Neither has the Council produced any evidence of a conflict with that part of the policy.

19. Accordingly, I find that the proposal would comply with the requirements of Policy SAL.CC5. As this is the only policy of direct relevance to the proposed development I also find that the proposal would comply with the development plan as a whole.

Other Matters

20. Concerns have been raised in the third party representations about potential effects on health. The appellant has provided a certificate that confirms that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The Framework advises that, in these circumstances, health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
21. The Framework is clear that local planning authorities should not question the need for telecommunications equipment and Planning Practice Guidance advises that the effect of a development proposal on the value of neighbouring properties is not a material consideration in the determination of the appeal. The effect on drainage within the sports ground is a private matter between the appellant and the Club.
22. The proposal would bring substantial economic and social benefits through the provision of a much improved mobile telecommunications network to serve local businesses, services and residents. The sports ground is a privately managed facility but I noted that it hosts a range of different sports and teams and have no doubt that its presence facilitates participation in outdoor sports by a large number of people. By making available a capital sum for the improvement of the sports facilities the proposal would also be likely to bring significant social benefits for the local community.
23. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. No such material considerations have been identified and, in accordance with paragraph 14 of the Framework, the proposal benefits from the presumption in favour of sustainable development and should be approved without delay.

Conditions

24. Planning permission is granted in accordance with the terms of the planning application but, in the interests of certainty, a condition is needed to tie the permission to the approved plans. That condition has been caveated to clarify that permission is not granted for an olive green colouring to the mast and an additional condition has been included requiring the submission of an alternative colour scheme before development commences. This is necessary to minimise the visual effect of the mast against the sky.
25. I have found the proposal to be acceptable with regard to its effect on the visual amenity of the area. However, in reaching that conclusion, I have had

regard to the opportunity that exists to provide additional filtering of key views by planting in the larger gaps between existing trees on the Chester Road North and Offmore Lane frontages of the sports ground. Because the red line of the application site excludes these frontages, and the Sports and Social Club was not a joint applicant, that mitigation can only be secured by means of a 'grampian' type condition requiring that these works be completed before the commencement of development. That timing is necessary because of the need for certainty that the additional planting will be carried out.

26. Finally, in the interests of safeguarding the visual amenity of the area over the longer term, a condition is needed that requires the removal of the mast and equipment, and restoration of the site, should the mast no longer be required to support operational telecommunications equipment.

Conclusions

27. For the reasons set out above and having regard to all matters raised I conclude that the appeal should succeed.

Paul Singleton

INSPECTOR