

Open

Planning Committee

Agenda

6pm
Tuesday, 20th February 2018
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor S J Williams
Vice-Chairman: Councillor J R Desmond

Councillor J Aston
Councillor M J Hart
Councillor N Martin
Councillor C Rogers
Councillor J D Smith

Councillor J A Hart
Councillor D Little
Councillor F M Oborski MBE
Councillor J A Shaw
Councillor R Wilson

Information for Members of the Public:-

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

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

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

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

Public Speaking

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 Corporate Director: 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 Corporate Director: 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, 20th February 2018

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 16th January 2018.	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.	49
7	Section 106 Obligation Monitoring To consider a report from the Corporate Director: Economic Prosperity and Place that gives details of the most current Section 106 Obligations which require monitoring.	69
8	Land at Bewdley Methodist Church, 12 High Street, Bewdley. To consider a report from the Corporate Director: Economic Prosperity and Place to determine whether the Tree Preservation Order No 418 (2017) relating to a young Walnut tree growing within the garden to the rear of Bewdley Methodist Church, 12 High Street, Bewdley, should be confirmed or not.	86

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

Not open to the Press and Public

11.	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**

16TH JANUARY 2018 (6PM)

Present:

Councillors: S J Williams (Chairman), J R Desmond (Vice-Chairman), J Aston, J A Hart, M J Hart, N Martin, F M Oborski MBE, C Rogers, J A Shaw, J D Smith, H S Williams and R Wilson.

Observers:

Councillor H E Dyke.

PL.44 Apologies for Absence

Apologies for absence were received from Councillor D Little.

PL.45 Appointment of Substitutes

Councillor H S Williams was appointed as a substitute for Councillor D Little.

PL.46 Declarations of Interests by Members

There were no declarations of interests.

PL.47 Minutes

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

PL.48 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 560 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 560 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.49 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

Decision: The details be noted.

There being no further business, the meeting ended at 6.43pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16th January 2018 Schedule 560 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.

Councillor J Shaw entered the meeting at 6.07pm.

Application Reference: 17/0511/OUTL

Site Address: LAND OFF SPENNELLS VALLEY ROAD, KIDDERMINSTER, DY10 1XJ

Delegated authority to APPROVE, subject to

- a) the signing of a **Section 106 Agreement** to secure:
 - 28.9% Affordable Housing on site
 - £20,000 for the improvements to 2 bus stops on A449 and Chester Road South which shall include but not be limited to bus shelter, Kassel kerbs, timetabling information, bus stop flagpole and any ancillary engineering works
 - £1500 for the provision of an uncontrolled pedestrian crossing on Chester Road South
 - Public Open Space contributions

- b) the following conditions:
 1. A1 (Standard Outline)
 2. A2 (Standard Outline – Reserved Matters)
 3. A3 (Submission of Reserved Matters)
 4. A5 (Scope of outline permission - Access from Spennells Valley Road)
 5. A11 (Approved Plans)
 6. Construction of the vehicular access shown in the approved plan to be submitted (to include the provision of the pedestrian crossing)
 7. Provision of visibility splays in accordance with the details approved by the Highway Authority
 8. Implementation and Monitoring of the of the Residential Travel Plan in accordance with the regime set out in the Plan
 9. B1 (samples/details of materials)
 10. Details of walls, fences and other means of enclosure to be submitted
 11. Details of existing and proposed levels to be submitted
 12. Details of hard and soft landscaping to be submitted
 13. Details of landscape management plan to be submitted
 14. Details of finished floor levels
 15. Details of Surface Water drainage to be submitted

16. Flood Management Plan to be submitted
17. Details of SuDS management plan to be submitted
18. Details of foul and surface water flows to be submitted
19. Submission of details to demonstrate that noise levels in external amenity areas will not exceed 50dB LAeq
20. Reporting of any unexpected contamination
21. Tree protection details to be submitted
22. Landscaping scheme
23. Bat and bird roosting and nesting features
24. A lighting scheme to restrict light spill

Application Reference: 17/0638/FULL

Site Reference: SHIRE HOUSE, GROVE FARM BARNES, DOWLES, BEWDLEY, DY12 2LQ

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)
4. Retention of hedge to a height of 4m

Application Reference: 17/0653/FULL

Site Address: 13 FRANCHE ROAD, WOLVERLEY, KIDDERMINSTER, DY11 5TP

APPROVED, subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Brickwork to match existing dwelling
4. Construction of parking spaces prior to extensions being brought into use and their permanent retention

Application Reference: 17/0660/ADVE

Site Address: 1 COMBERTON PLACE, KIDDERMINSTER, DY10 1QR

APPROVED subject to the following conditions:

1. L1 (Standard advertisement conditions)
2. Consent granted for 5 year period

Application Reference: 17/0661/RESE

Site Address: STOURPORT ON SEVERN HIGH SCHOOL, MINSTER ROAD, STOURPORT-ON-SEVERN, DY13 8AX

APPROVED subject to the following conditions:

1. A4 (Reserved matters only)
2. A11 (Approved plans)

Application Reference: 17/0662/RESE

Site Address: CHICHESTER CARAVANS, VALE ROAD, STOURPORT-ON-SEVERN DY13 8YL

APPROVED, subject to the following conditions:

1. A4 (Reserved matters only)
2. A11 (Approved plans)

Application Reference: 17/0732/REGS3

Site Address: WYRE FOREST DISTRICT COUNCIL, GREEN STREET DEPOT, GREEN STREET, KIDDERMINSTER, DY10 1HA

Delegated authority to APPROVE subject to a 'no objection' response from the Environment Agency and North Worcestershire Water Management, and the following conditions:

1. A6 (Full with no reserved matters)
2. Permission for Wyre Forest District Council only
3. A11 (Approved plans)
4. B1 (Samples/details of materials)
5. Details of windows and doors
6. Bat Survey
7. Bat Boxes/Mitigation
8. Highways
9. Foul drainage
10. Surface water drainage
11. Highway improvements / offsite works / site access
 - Access alterations on Green Street and Island Drive
 - Alterations to pedestrian crossing across Tram Street
 - Provision of a crossing facility on New Street
 - Provision of a crossing facility on Green Street
12. Travel Plan
13. Construction Environmental Management Plan (CEMP)

Application Reference: 17/0737/ADVE

Site Address: ROUNDABOUT AT JUNCTION OF FREDERICK ROAD/WORCESTER ROAD/EASTER PARK, HOO FARM, KIDDERMINSTER, DY10 1HB

APPROVED subject to the following conditions:

1. L1 (Standard advertisement conditions)
2. L2 (Removal of rights to advertise)
3. L9 (Standard time)

Note
Approved plans

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

20/02/2018

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
17/0780/FULL	BLAKEBROOK SCHOOL BEWDLEY ROAD KIDDERMINSTER	DELEGATED APPROVAL	12

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
17/0617/OUTL	111 CHESTER ROAD SOUTH KIDDERMINSTER	APPROVAL	25
17/0724/FULL	40A WORCESTER ROAD TITTON STOURPORT-ON-SEVERN	APPROVAL	34
17/0792/REGS3	FORMER LLOYD GARAGE 8 BRIDGE STREET STOURPORT-ON-SEVERN	DELEGATED APPROVAL	41
18/0003/FULL	13 SPRINGHILL RISE BEWDLEY	REFUSAL	44

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH FEBRUARY 2018

PART A

Application Reference:	17/0780/FULL	Date Received:	30/11/2017
Ord Sheet:	382488 276624	Expiry Date:	19/03/2018
Case Officer:	Helen Hawkes	Ward:	Blakebrook & Habberley South

Proposal: Demolition of existing buildings and erection of 40 dwellinghouses and conversion of former listed school library building into a two-bed bungalow, together with new access road, parking and landscaping

Site Address: Blakebrook School, Bewdley Road, Kidderminster, DY11 6RS

Applicant: The Community Housing Group Limited

Summary of Policy	DS01, DS03, CP01, CP02, CP03, CP04, CP11, CP12 (CS) SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.WK1 (SAAPLP) Paragraphs 14, 17 and Sections 4, 6, 7, 8, 10, 11 (NPPF) National Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application. Third party has registered to speak at Committee Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL subject to a Section 106 Agreement

1.0 Site Location and Description

- 1.1 The site relates to Blakebrook School, which has remained vacant for a number of years and is located on the north side of Bewdley Road within walking distance of Kidderminster Town Centre.
- 1.2 The site measures 1.06 hectares in area and comprises a variety of single and two storey classroom buildings of stone, brick and render construction. The site also includes two temporary classroom buildings, storage sheds, informal play areas and a tarmac area for car parking. The site is predominantly level, with a small soil mound near to the informal play area. There is a 2 metre high front boundary wall to Bewdley Road and a number of trees are located around the northern, eastern and western boundaries of the site, some of which are covered by a Tree Preservation Order (TPO 125).

17/0780/FULL

- 1.3 The prevailing character of the area is residential alongside the presence of a small parade of shops to the east of the site, a restaurant located on the opposite side of the road and a small number of community and religious uses. Immediately to the east of the site are the County buildings (formerly the Registry office), which are Grade II listed and adjoining the site to the west, is Woodfield House and its coach house, which are also Grade II listed. Within the application site, the former 1936 school library building and the attached 1930s classroom buildings are designated as curtilage listed buildings.
- 1.4 The application seeks planning permission for the demolition of the existing school buildings and erection of 40 dwellinghouses, and the conversion of the curtilage listed former school library building into a two-bed bungalow, together with new access road, parking and landscaping
- 1.5 Listed Building Consent Application 17/0781/LIST for alterations to the curtilage listed school library building to facilitate change of use into a two-bed bungalow is currently being considered alongside the current application.

2.0 Planning History

- 2.1 17/0781/LIST - Alterations and conversion of Grade II Listed Building to create dwellinghouse : Awaiting determination

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Approve.
- 3.2 Highway Authority – No objection subject to conditions to ensure a satisfactory development of the site in terms of access and parking arrangements and to secure cycle storage facilities. An informative is also recommended to make the applicant aware that they should undertake a technical design check of the proposed highway works with the Highway Authority and enter into a legal agreement under Section 278 of the Highway Act 1990 for all works to the public highway and a Section 38 Agreement (including agreement on the road drainage details) if the proposed road is to be adopted.
- 3.3 Severn Trent Water – No objection subject to a drainage condition.
- 3.4 Arboricultural Officer – No objection subject to conditions to require a Tree Protection Plan for all trees to be retained and an Arboricultural Method Statement (AMS) on how the hardsurfacing located around the London Plan tree would be removed and how the new surfacing would be laid.

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It is also recommended that the proposed new tree planting along the rear boundaries of plots 15 – 20 should be replaced with a new 'Ready' hedge, at a height of 2.5 metres at the time of planting, as this is likely to provide a better screen and less likely to be removed compared to trees. (*Officer Comments – A revised landscaping plan has been submitted showing a proposed 2.5 metre high 'Ready' hedgerow along rear boundaries of plots 15-20*).

- 3.5 Countryside Conservation Officer (*Initial comments*) – No objection to the findings of the Bat Survey Report subject to conditions. However, it is considered that the closure of 3 existing badger setts would result in a net loss of biodiversity and that mitigation should be sought. Concerns are also raised about the temporary closure of the fourth sett, without enhancements to the foraging habitat.

(*Revised comments*) – The revised landscaping plan showing native and fruit bearing trees would enhance the foraging habitat for the retained badger sett and the agreed off-site contribution of £5000 towards habitat enhancements at Blakemarsh Local Nature Reserve would be satisfactory mitigation to off-sett the loss of the identified badger colonies on site. Conditions are recommended to secure ecological mitigation during construction works and habitat enhancement measures.

- 3.6 West Mercia Police Designing Out Crime Officer - No objection but recommends that the side gates, where possible should be level with the front building line and that there should be a communal gate level with the front building line if a side entrance is to serve two properties. (*Officer Comments – The proposed site layout has been amended to reflect the comments received from the West Mercia Police Crime Prevention Design Advisor*).

- 3.7 Worcestershire Regulatory Services

POLLUTION CONTROL (*Initial comments to the revised noise assessment submitted during the application*) - The revised noise assessment indicates that noise levels in some garden areas of the proposed dwellings fronting onto Bewdley Road exceed 55dBLAeq 16hr which is the upper limit specified in BS8233:2014 and considered Significant Observed Adverse Effect Level (SOAEL) in the WRS Technical Noise Guidance. The NPPF states that SOAEL should be avoided and Lowest Observed Adverse Effect Level (LOAEL) should be mitigated against, which is specified as 50dBLAeq 16hr in the WRS Technical Noise Guidance. I therefore cannot recommend the application for approval.

(*Revised Comments following a further update to the noise assessment*) – The updated noise assessment which takes into account the existing two metre high front boundary wall as a noise barrier is now acceptable and as such, I raise no objection to the application).

17/0780/FULL

CONTAMINATED LAND

No objection subject to conditions to require the applicant to report any unexpected contamination and if found to undertake and submit a site investigation and risk assessment report to the local planning authority, including an appropriate remediation scheme.

AIR QUALITY

No objection subject to the standard conditions for residential development to require: Electric Vehicle Charging (appropriate cabling and an outside electrical socket must be supplied for each property to enable ease of installation of an electric vehicle charging point); Low Emission Boilers and Secure Cycle Parking Facilities.

- 3.8 North Worcestershire Water Management – No objection subject to conditions to secure details of a scheme for surface water drainage and to ensure permeable paving areas are maintained.
- 3.9 Worcestershire County Council Archive & Archaeology Service – No objection subject to a condition to require a historic building recording to be undertaken. It is noted that the building to be converted is the former library wing of the King Charles I Grammar School. It stands to the west of the original Grade II listed school building, which was constructed in 1848 in Gothic style (NHLE 1100070). The Library building was constructed in 1936 of rusticated stone to match the original School House building and has a stained glass window in its east elevation which includes a representation of the 1848 school building.
- 3.10 Conservation Officer – No objection to the application and advises in terms of the loss of the curtilage classroom buildings that they do not possess the level of artistic, architectural or archaeological interest of the County Buildings nor indeed the 1936 Library which it is proposed to be retained. However these buildings do have a degree of historic interest in that they provide evidence of the development of King Charles School on the site. The retention of the 1936 library goes some way to mitigate the loss of the remainder of the buildings however I agree with the recommendations made by the County's Historic Environment Advisor that further mitigation measures are required in the form of a level 3 building recording is necessary.

With regard to the impact on the setting of the Grade II listed building, it is considered that the principal elevations of both the County Building and 1936 library face Bewdley Road and these elevations will remain relatively unaffected by the development, as parking already exists adjacent to the mature trees on the site boundary. Indeed the removal of the metal fencing which currently divides the site will enhance the setting of these heritage assets.

17/0780/FULL

There is a degree of co-visibility from Bewdley Road in which both buildings can be appreciated in relation to each other. Plot 40 sits immediately to the north of County Buildings. The side elevation of this dwelling is at least 15 metres distant from the five court, and the layout of the development allows sufficient views from the access road in an easterly direction to fully appreciate the scale and form of this extension to the County Buildings.

Amendments are recommended to reposition plots 3 and 4 further back behind the front building line of the 1936 library to retain a degree of inter-visibility between the eastern elevation of the library with its stained glass window and the western elevation of County Buildings with its gothic turret.

In all other respects I consider that the library has been given a sufficiently large garden to enable the side elevations to be appreciated from within the garden and from viewpoints further afield.

(Officer Comments – Amended drawings have been received that show plots 3 and 4 set back a further 0.5 metres to maintain a degree of inter-visibility between the 1936 library building and the County Buildings).

- 3.11 Natural England – No comments to make on this application.
- 3.12 Worcestershire County Council Children, Families and Communities – An education contribution will not be sought for either the primary or secondary phases of education.
- 3.13 Neighbour/Site Notice - 5 letters of objection have been received raising the following issues:
- Loss of privacy and light, due to the close proximity of the proposed dwellings to neighbouring boundaries
 - Noise and disturbance during construction works
 - Traffic congestion during construction works, which is likely to contribute to pollution reducing air quality, and in particular during the summer months when buildings works are to commence and residents are likely to be using their gardens
 - Removal of trees, which would reduce privacy and harm birds/animals
 - New tree planting would take years to establish and could easily be cut down by future tenants/ buyers as they would no longer be in the Council's ownership
 - Devalue neighbouring houses
 - Harm wildlife habitats, especially badgers
 - The removal of existing boundary treatment may cause neighbouring rear garden, that are 0.6 metres higher, to become unstable and existing garden sheds unsafe. It is requested by the writer that there needs to be a substantial new boundary treatment, with retaining walls.

17/0780/FULL

Letter received from Ward Member – Advises that residents in St John’s Close are in support of this application but are concerned about the closeness of the proposed dwellings to their properties. (*Officer Comments – The siting of the proposed dwellings in plots 29-34 have been amended to increase the separation gap to 14.5 metres between the side gable wall in plot 29 and the existing dwellings at Nos. 1 and 2 St John’s Close*).

1 letter of support has been received on behalf of the adjoining occupier of Woodfield House advising that the application removes the uncertainty regarding the former school site and that they support the principle of residential development. However, they request that the side (west) boundary wall be retained and protected by condition and that any future boundary treatment adjoining their property is also conditioned.

4.0 Officer Comments

4.1 The proposal seeks for the redevelopment of the former Blakebrook School for 41 dwellinghouses comprising of 40 new build of which 7 will be market housing and 34 affordable and the conversion of the curtilage listed former school library building into a two-bed bungalow, together with new access road, car parking and landscaping.

4.2 The proposed scheme is made up of 18 two-bed, 20 three-bed, 2 four-bed and 1 conversion to a 2 bed bungalow and the 34 (83%) affordable dwellinghouses would comprise 18 affordable rent and 16 shared ownership.

PRINCIPLE OF DEVELOPMENT

4.3 The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also requires local planning authorities to conserve heritage assets in a manner appropriate to their significance. It also advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.4 Policy DS01 of the Adopted Core Strategy and Policy SAL.DP1 of the Adopted Site Allocations and Policies Local Plan seeks to concentrate new residential development on brownfield sites within the urban area of Kidderminster. Moreover, the application site is specifically identified within Policy SAL.WK1 of the Adopted Site Allocations and Policies Local Plan as being suitable for housing and is recognised in the Strategic Housing and Economic Land Availability Assessment (HELAA) 2016 under Site BHS/18 as being developable within 5 years, that could deliver around 50 dwellings to help maintain the supply of housing in the District.

17/0780/FULL

- 4.5 A Local Plan Review is currently being undertaken by Wyre Forest District Council. The Council recently consulted on the Preferred Options of the emerging Local Plan (15th June 2017 until 14th August 2017) and will be working towards the pre-submission document, therefore some weight can be given to the emerging Local Plan (see paragraph 216 of NPPF), as it is progressing to pre-submission stage. The emerging Local Plan proposes to allocate the site residential use for up to 47 dwellings as the site is in a sustainable location within Kidderminster which is the strategic centre of the District. This is shown in Policy 30 – Kidderminster Town Allocations in the emerging Local Plan.
- 4.6 As the application site is a previously developed site located within an urban area of Kidderminster and is considered suitable for housing by both local and national planning policies, I am satisfied that the principle of residential development is acceptable in terms of site location.

DESIGN AND LAYOUT

- 4.7 The design and appearance of the proposed dwellings are appropriate being two-storeys with pitched roofs and a mix of house types is proposed, including narrow and wide fronted properties to add variety to the street scene. The dwellings to the front of the site would be constructed in red multi brick to relate well with the prevailing character in the area and the dwellings within the site would have elements of render and a banding of buff block to provide visual interest and a sense of place.
- 4.8 The proposed layout would utilise the existing vehicular access off Bewdley Road and would consist of a new spine road with two spurs to the rear of the site. The proposed dwellings would face onto the new roads with rear gardens sited adjacent to existing and proposed neighbouring gardens to ensure active frontages and secure and private rear gardens. The proposed dwellings along the front of the site would be set back approximately 25 metres to respect the deep building line of the former school library building that is to be retained. The parking layout in the form of front and side driveways is also considered acceptable and the proposed soft landscaping would ensure that the parking areas do not dominate the street scene.
- 4.9 The plot sizes are considered to be appropriate in size and would be in keeping with the typical plot sizes in the area. The garden sizes would be a minimum of 10 metres in length and would provide adequate outdoor amenity space for future occupiers. The density would be 39 dwellings per hectare which is considered acceptable given that the site is located in a sustainable urban area and I am satisfied that the proposed development in terms of site layout and density would not result in an over development of the site. I therefore consider that the design and layout of the proposed development is acceptable and in keeping with the character of the local area.

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IMPACT ON HISTORIC ASSETS

- 4.10 The former school library building, was constructed in 1936, and is located at the front of the site. Its architectural style largely replicates the adjacent Grade II listed County Buildings, which is a one storey stone Gothic building, built in the mid 19th century and was originally the School House building of the former Charles I Grammar School.
- 4.11 The Conservation Officer raises no objection to the conversion of the former school library building into a two-bed bungalow and considers that the proposed alterations are necessary to facilitate the conversion. I concur with this view. The proposed residential conversion would secure the long term viable use of the heritage asset and the proposed interventions would be sympathetic to the historic fabric of the building. The main building features, in terms of the symmetry of the front windows and the impressive stained glass side facing window would remain unaltered and the proposed side entrance door would only involve minor alterations to a later addition of the building.
- 4.12 With regard to the impact on the listed County Buildings, the proposals have been amended to show the proposed dwellings on plots 3 and 4 set back 0.5 metres from the front elevation of the former library building to maintain some degree of inter-visibility between the former school library building and the listed County Buildings. Whilst this is an improvement, the siting of plots 3 and 4 would, in my opinion, reduce the visual link between the two historic assets and reduce the contribution the former library building makes to the significance of the listed County Buildings. I therefore consider that the proposed development would result in less than substantial harm to the Grade II listed County Buildings.
- 4.13 Paragraph 134 of the NPPF requires that any harm should be weighed against the public benefits deriving from the proposal. In this case, there are a number of benefits, including the contribution to the housing supply affordable housing provision, the improvements to a vacant and neglected site next to listed buildings and the siting of plots 3 and 4 would provide natural surveillance to the access road and the listed buildings. I consider that these benefits weigh in favour of the proposed development and because there would be no other harm arising from the development, I am satisfied that the proposals would accord with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and the NPPF.

RESIDENTIAL AMENITY

- 4.14 The application has received objection from adjoining occupiers concerning impact on privacy and light, loss of trees and the close proximity of the development and in response the applicant has amended the site layout and the landscaping scheme in an attempt to address the concerns that have been raised.

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- 4.15 The proposals would achieve a 'back-to-back' separation distance of at least 21 metres between the proposed dwellings and the adjoining residential properties in Kings Road and St John's Street to maintain a good standard of amenity for existing occupiers and ensure no loss of privacy.
- 4.16 Also, a separation distance of at least 14 metres would be provided between the side gable wall of the proposed dwellings on plots 20 and 29 and the rear elevations of the existing dwellings at No. 25 Kings Road and Nos. 1 and 2 St John's Close. I therefore do not consider that the proposed dwellings would have an overbearing or oppressive impact on the occupiers of the existing dwellings. Also, the separation gap of the proposed dwellings from the rear gardens of the existing dwellings at Nos. 1 and 2 St John's Close would ensure there is no significant loss of sunlight to warrant a refusal of the application.
- 4.17 I recognise that all of the trees along the east boundary of the site would be felled to facilitate the development of plots 15-20. However, these trees are not Category A (highest quality) trees and it has been agreed by the applicant and shown in the revised landscaping scheme, that a 2.5 metre high 'Ready' hedge would be planted along the rear boundaries of plots 15-20 to provide a similar, if not better screening than the existing trees. A 21.0 metre separation gap between building faces can be achieved and on this basis, I do not consider that the proposed development would result in loss of privacy to the existing occupiers at 1, 2 and 3 St John's Close.
- 4.18 I therefore consider that the proposed development would not unduly affect residential amenity, in accordance with Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and the NPPF.

PARKING AND HIGHWAY SAFETY

- 4.19 The proposed scheme would provide 200% parking provision and accords with the guidelines set out in the Worcestershire County's Interim Parking Standards. The site is also located in a sustainable location with good access to local bus services and within walking distance of Kidderminster Town Centre.
- 4.20 The Transport Statement concludes that the proposed development of 41 dwellings is expected to generate 44 fewer vehicular movements in the morning peak hour (0800 to 0900) and 40 less traffic movements in the evening peak hour (1700 to 1800) compared to the existing school use of the site. The Worcestershire County's Highways Authority considers the Transport Statement to be robust and they have raised no objection to the scheme, subject to conditions. I concur with this view and consider that the proposed development would have no severe adverse impact on highway safety, in accordance with Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan and the NPPF.

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ECOLOGY AND TREES

- 4.21 A Protected Species/Habitat Survey accompanied the planning application, relating in particular to bats and badgers. The Bat Survey confirmed that no roosting bats were present on site and recommends that the felling of any trees is supervised by a qualified ecologist. The Countryside Conservation Officer is satisfied with the findings of this report. The Ecological Assessment for badgers identified four subsidiary/outlier setts located along the eastern and northern boundaries of the site and underneath two temporary buildings. The report concluded that three of the setts would be directly affected by the proposed development and recommended the temporary closure of the fourth sett to avoid disturbing badgers during the construction-phased works and for it to be re-opened because an acceptable foraging zone along the northern boundary would be maintained by the rear gardens of the proposed dwellings.
- 4.22 A revised landscaping scheme has been submitted to show additional fruit trees along the eastern boundary to enhance the local foraging habitat, and an off-site compensation of £5000 has been agreed and would be secured through a Section 106 Agreement to mitigate against the loss of the badger setts and the financial contribution would be used to enhance foraging habitats for badgers at Blakemarth Local Nature Reserve. Both survey reports also recommend a number of good practice mitigation measures to address site clearance and construction-phased impacts, which can be secured by condition. Conditions are also recommended to ensure the site's lighting scheme does not harm roosting bats and to ensure all mature trees proposed for felling are inspected prior to any tree works commencing to avoid harm to bats.
- 4.23 In respect of existing trees, the Tree Survey Report identifies that there are 42 trees within the site and the application proposes the removal of 23 trees, which are mainly located along the western boundary of the site, and 4 trees located along the eastern boundary. The 10 mature trees along the northern boundary and the trees along the road frontage including a large London Plane (Category A) tree would be retained. The trees proposed for removal are included within TPO 125. The Arboricultural Officer is satisfied that the trees affected are mostly low quality and he does not object to the removals subject to replacement planting and adequate tree protection around the retained trees.

PLANNING OBLIGATIONS

- 4.24 The applicant has offered to enter into a Section 106 Agreement to achieve the following objectives;
- 83% Affordable Housing on site, consisting of 18 Affordable Rent and 16 Shared Ownership. All of the Affordable Rents would be set below the Local Housing Allowance and all Shared Ownership properties would be offered for sale at an initial share of 40%.

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- Off-site contribution of £19,174.32 towards improvements to White Wickett Park, Franche Road, this would include: the supply and installation of 2 concrete table tennis tables, additional seating for adults/carers in the play area and replacement play equipment for toddlers; and supplying additional MOT Type 1 stone to fill existing potholes/undulations across the entire car park area and re-grade as required with a 360 excavator.
- Off-site contribution of £5,000 towards habitat enhancement works at Blakemarsh Local Nature Reserve.

4.25 The adopted Planning Obligations Supplementary Planning Document requires the above contributions to be sought based on the size of the development proposed and to compensate against the loss of the identified badger colonies on site. The affordable housing on-site provision of 83% exceeds the Council's requirement of 30% on all developments with 11 or more dwellings and the tenure split is considered satisfactory by my colleagues in Housing Strategy.

4.2 An agreement under Section 106 of The Town and Country Planning Act 1990 is required to secure the ongoing provision of affordable housing on this site and to secure the financial contribution towards public open space and biodiversity.

5.0 Conclusions and Recommendations

5.1 The proposed development for 41 dwellings would deliver new housing to help maintain the District's housing supply in a sustainable location. The public benefits of the scheme would outweigh the less than substantial harm to the designated heritage assets and the proposed scheme would provide adequate compensation for the loss of the identified badger colonies found on site. The proposed scheme would provide a high quality design and layout that responds well with the local character and adequate parking provision is proposed. There would be no detrimental impact on the amenity of existing residents and a good standard of living would be provided for future occupiers. Subject to the imposition of planning conditions and a Section 106 Agreement, I consider that the proposed development would accord with the Development Plan policies and the National Planning Policy Framework.

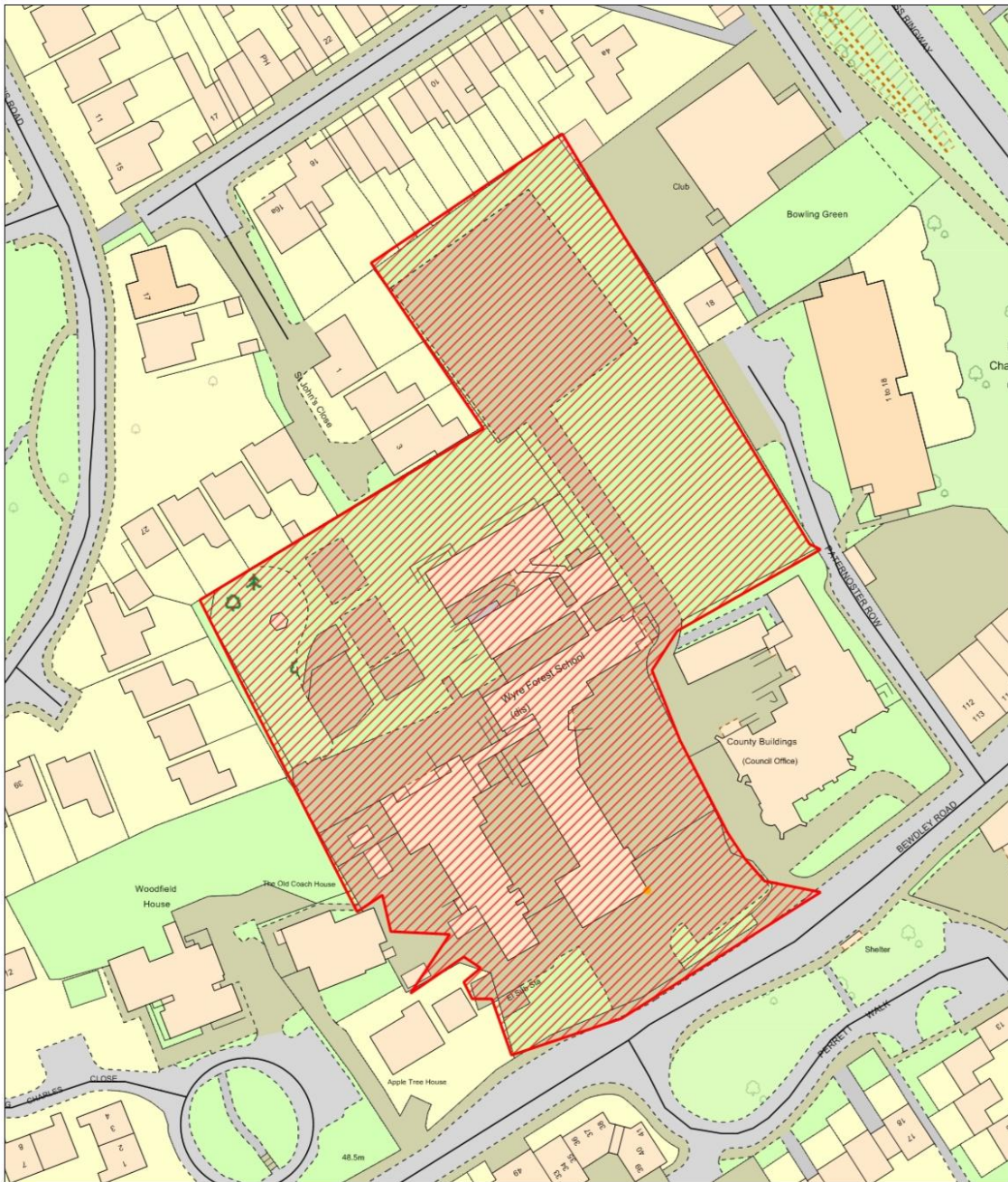
17/0780/FULL

5.3 It is therefore recommended that the application be given **delegated APPROVAL** subject to:

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B1 (Samples/details of materials)
 - 4. B11 (Details of enclosure)
 - 5. B13 (Levels details)
 - 6. C3 (Tree protection during construction)
 - 7. Arboricultural Method Statement (AMS)
 - 8. C8 (Landscape implementation)
 - 9. Reporting of any unexpected contamination
 - 10. Air Quality conditions (Electric vehicle charging provision, low emission boilers and secure cycle storage facilities)
 - 11. Noise mitigation as set out in the noise report to be adhered to in full
 - 12. Foul and surface water drainage details
 - 13. Surface Water drainage scheme to be submitted
 - 14. To require permeable paving areas to be maintained.
 - 15. Submission of Construction Environment Management Plan
 - 16. Highways conditions (as suggested by the Highway Authority)
 - 17. Lighting scheme
 - 18. Ecology mitigation and enhancement measures
 - 19. Historic Building Recording

Notes

- A Natural England Protected Species Licence
- B Section 278 of the Highway Act 1990 for all works to the public highway
- C Section 38 Agreement (including agreement on the road drainage details) if the proposed road is to be adopted.



Economic Prosperity and Place Directorate

Blakebrook School
Bewdley Road
Kidderminster, DY11 6RL



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH FEBRUARY 2018

PART B

Application Reference:	17/0617/OUTL	Date Received:	03/10/2017
Ord Sheet:	383780 275850	Expiry Date:	21/02/2018
Case Officer:	Helen Hawkes	Ward:	Aggborough & Spennells

Proposal: Outline application for proposed residential development of 10 dwelling houses with all matters reserved

Site Address: 111 CHESTER ROAD SOUTH, KIDDERMINSTER, DY10 1XG

Applicant: Mrs B Butler

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP04, CP05, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9, SAL.KSS1 (SAAPLP) Paragraphs 14, 17 and Sections 4, 6, 7, 8, 10, 11 (NPPF) National Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site relates to a former petrol filling station that is currently being used as a vehicle repair garage and car dealership. It measures 0.41 hectares in area and is located on the northwest side of Chester Road South (A449) within the urban area of Kidderminster. The site contains a single storey office building and workshop, free-standing canopy and the frontage is predominantly hardsurfaced for car parking and car sales. The rear section of the site is overgrown with vegetation and there are a number of self-seeded trees, as well as an area for the storage of cars, disused fuel tanks and machinery. The site levels fall north to south and from the railway embankment along the rear boundary down to the road in a west to east direction.

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- 1.2 The surrounding area is predominantly residential in character with residential properties immediately adjoining the site to the south, 30 metres to the north (beyond a public footpath) and to the east, on the opposite side of Chester Road South. To the rear of the site is a railway line with Severn Valley Railway's goods shed located approximately 200 metres to the north. The Harriers football club grounds are also located to the west beyond the railway line.
- 1.3 The application is for Outline planning permission for the demolition of the existing buildings and erection of 10 new dwellinghouses with layout, scale, appearance, landscaping and access being reserved for future determination.
- 1.4 The layout plan provided indicates that a vehicular access point off Chester Road South would be located halfway along the front boundary of the site and would serve all of the proposed dwellinghouses. The layout shows a cul-de-sac form of development with three detached dwellings located on either side of the new access road along the road frontage and four detached dwellings located to the rear of the site. The dwellinghouses to the rear would face onto the new access road and would be sited perpendicular to the proposed six dwellings sited at the front.
- 1.5 The application has been submitted with the following supporting documents:
 - Design and Access Statement
 - Environmental Noise Assessment
 - Report Drainage Strategy
 - Phase 1 Site Investigation and Desk Study for Land Contamination

2.0 Planning History

- 2.1 No planning history.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Approval.
- 3.2 Highway Authority – No objection subject to conditions to require cycle storage facilities, welcome packs and details of the construction of the new vehicular access point and details of reinstatement of redundant accesses. Notes are also recommended to inform the applicant to take measures to ensure no mud or other materials are deposited on the road during construction works and information about installing dropped kerbs and works to the public Highway, including entering into a Section 278 Agreement.
- 3.3 Arboricultural Officer – No objection subject to conditions to require a Arboricultural Impact Assessment (AIA) and a landscaping scheme.

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- 3.4 North Worcestershire Water Management Officer – (*Initial comments*) Advises that the site is at a low risk of surface water flooding and that the proposed development has the potential to significantly reduce the amount of runoff being generated on the site compared to the existing use of the site for car repairs and sales. However, no drainage strategy has been submitted and as such there is insufficient information to fulfil the statutory consultee role.

(*Revised comments*) Following receipt of a drainage strategy and further information – No objection to the application and advises that the proposed method for the disposal of foul and storm water are considered acceptable and the percolation test have revealed that the infiltration rate is sufficient to allow drainage via infiltration.

Although the proposed discharge via infiltration may not be possible if it is found that there is a risk of contamination to controlled waters arising from the previous and current uses of the site. It is recommended that conditions are attached to secure details of a scheme for surface water drainage and a Sustainable Drainage System (SuDS) management plan).

- 3.5 Severn Trent Water – No objection subject to a drainage condition.
- 3.6 West Mercia Police Designing Out Crime Officer - No objection to the application and recommends good perimeter security fencing.
- 3.7 Network Rail – No objection, but advises that the rear part of the site is subject to a demarcation agreement (DA2250/RT) with Network Rail and that any construction works within this section of land would require a Risk Assessment and Method Statement (RAMS) to be submitted directly to Network Rail and that the developers would also need to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail. It is also advised that the local planning authority should take into consideration the potential impact on future occupiers in terms of noise and vibration from the use and maintenance of the adjoining railway line to ensure there will be no future issues with occupiers of the proposed dwellings. Also, any proposals for new tree and vegetation planting would need to be in line with Network Railway's guidance which requires adjoining land owners to always ensure that the railway line is kept free from danger or obstruction from fallen trees.

- 3.8 Worcestershire Regulatory Services

POLLUTION CONTROL (*Initial comments*) - Due to the close proximity of the adjacent railway line and the A449 the applicant should submit a noise assessment in line with BS8233:2014 in order to specify the necessary noise mitigation measures (Glazing, Ventilation and boundary fencing) so that the internal and external noise limits of the standard can be achieved.

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(Revised comments) To the submitted Environment Noise Assessment and revisions - the recommended noise mitigation measures relating to glazing, ventilation and acoustic fencing are considered necessary and should be implemented).

CONTAMINATED LAND

No objection subject to a condition to require a land contamination site investigation and risk assessment to be carried out and if remediation is required, a detailed remediation scheme to be submitted along with a validation report to demonstrate the effectiveness of the remediation that has been carried out.

AIR QUALITY

It is recommended that either a Air Quality Assessment is undertaken or for the developer to incorporate mitigation measures, which should include: appropriate cabling and electrical sockets to be provided to enable the installation of an electric vehicle charging point by the future occupiers; and for ultra-low emission boilers and cycle parking facilities to be provided.

3.9 Neighbour/Site Notice - 3 letters of support have been received stating the following:

- The proposed residential development is appropriate to the area, as the current use is both unsuitable and an eyesore. The writer also recommends that the local planning authority takes into consideration the provision of sufficient parking and highway safety. It is considered that the new vehicular access could increase risk to road safety due to the existing problems with speeding and reckless driving on Chester Road South. It is further suggested that this development increases the need for a permanent speed enforcement camera and for other agencies to come together in order to take positive action on pollution, noise and enforcement on the Harriers match day parking. Also, that any improvement to the lighting/safety/tidying of the footpath leading to the railway bridge that could come from this development would be for the general good.
- Pleased to support this proposal, as there will be less automotive industry noise, pollution and disturbance and it would add to the residential status of the area.
- It will greatly improve the area and add value to properties along this road but concerns are raised about existing football traffic parking that accumulates along Chester Road South and that parking and speeding restrictions are required as part of this development otherwise the writer anticipates many accidents occurring.

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1 letter of comment has been received stating the following:

- This application is an opportunity to consider the laying of double yellow lines on both sides of Chester Road South outside the site and along the bend in the road as for many years the volume of traffic has increased, coupled with inconsiderate parking in general and dangerous parking on match days for the Kidderminster Harriers home games will continue to occur and is an accident waiting to happen

4.0 Officer Comments

4.1 The application for residential development has been submitted in outline form with access to be determined at this stage.

POLICY CONSIDERATIONS AND PRINCIPLE OF DEVELOPMENT

4.2 The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.3 Policy DS01 of the Adopted Core Strategy seeks to concentrate new residential development on brownfield sites within the urban area of Kidderminster. Policy SAL.DP1 of the Adopted Site Allocations and Policies Local Plan (SAPLP) deals with proposals for residential development and the application site is specifically allocated for housing, for up to 20 dwellings, within the table set out in paragraph 4.8 of the SAPLP and on the Proposals Map. Policy SAL.KSS1 of the Adopted Site Allocations and Policies Local Plan identifies the application site as an opportunity for housing development.

4.4 A Local Plan Review is currently being undertaken by Wyre Forest District Council. The Council recently consulted on the Preferred Options of the emerging Local Plan (15th June 2017 until 14th August 2017) and will be working towards the pre-submission document, therefore some weight can be given to the emerging Local Plan (see paragraph 216 of NPPF), as it is progressing to pre-submission stage. The emerging Local Plan proposes to allocate the site for residential use for up to 20 dwellings as the site is in a sustainable location within Kidderminster which is the strategic centre of the District. This is shown in Policy 30 – Kidderminster Town Allocations in the emerging Local Plan.

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- 4.5 The proposal would help to boost the housing supply within the District and would involve the redevelopment of a previously developed site located within an urban area of Kidderminster, with good accessibility to public transport, local shops and services. The removal of an existing non-conforming use within an otherwise residential area is also welcomed. I therefore consider that the principle of residential development on this site would be acceptable subject to the following site specific considerations.

DESIGN AND LAYOUT

- 4.6 The indicative design and layout demonstrates that a suitable arrangement of up to 10 dwellings could be achieved whilst providing adequate separation distances between the rear facing windows and gable ends and front-to-front relationships of the proposed dwellings within the site.
- 4.7 The indicative layout also shows that adequate separation distances would be achieved between proposed rear facing windows and adjoining rear gardens of neighbouring dwellings at Nos. 110 and 116 Chester Road South, to maintain an appropriate degree of privacy for adjoining residents. I am also satisfied that the indicative layout would accord with the 45 degree code in relation to the nearest habitable room windows at the these two neighbouring properties.
- 4.8 I note that the neighbouring property at 110 Chester Road South is situated on much lower ground level than the application site. Therefore careful consideration would need to be given to the layout and landscaping at the reserved matters stage to ensure adequate privacy is retained for this property.
- 4.9 The indicative layout also demonstrates that six of the new dwellings would face onto the main road and would follow the existing front building line to relate well with the prevailing character of the area. I am also of the view that the cul-de-sac form of development is acceptable given that there are existing dwellings within the immediate area that do not face onto the main road, such as the tandem development at No. 510 Chester Road South (located opposite the site) and the cul-de-sac development known as Bernie Crossland Way, which is located approximately 550 metres south of the site on Chester Road South.
- 4.10 In terms of design, I note that the surrounding area comprises two-storey dwellinghouses and I consider it necessary to recommended a condition to restrict the proposed dwellings to two-storeys in height. The indicative elevation drawings show pitched roof forward gables, which would be supported as this is a key architectural feature on the neighbouring properties and it would retain the rhythm in the street scene.

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PROPOSED LIVING ENVIRONMENT

- 4.11 Due to the previous use of the site as a petrol filling station and its current use as a vehicle repair garage, together with the evidence of an existing LPG pump and disused above ground and below ground storage tanks on site, there is a high potential that the site could have land contamination. I therefore agree with Worcestershire County's Regulatory Services that a further land contamination site investigation and risk assessment needs to be undertaken and appropriate remediation schemes agreed by the local planning authority, in accordance with Paragraph 120 of the NPPF which seeks to ensure that sites are suitable for its new use taking account of ground contamination from previous uses.
- 4.12 An Environmental Noise Report has been submitted during the course of the application and revised following concerns raised by Worcestershire Regulatory Services about potential noise impacts arising from the adjacent railway line and the A449 on external spaces of the proposed dwellinghouses. The Noise Report has recommended specific glazing and ventilation in all new dwellings and a 2 metre high acoustic fencing around all rear gardens to ensure the prospective occupiers of the new dwellings are not adversely impacted by both rail and traffic noise. I am satisfied that the development can be mitigated against adverse noise impacts to ensure a good standard of amenity can be achieved for prospective occupiers of the new dwellings. Worcestershire Regulatory Services also raise no objection to the application subject to the implementation of the recommended mitigation measures.

PARKING AND HIGHWAY SAFETY

- 4.13 The principal concerns to the proposal from local residents are on highway grounds, possibly due to spectators parking in an inconsiderate and illegal manner during the Harrier's home matches. I acknowledge that there is a public footpath adjoining the site to the north, which provides access from Chester Road South over the footbridge to the Harrier's football grounds and that many spectators park their vehicle on Chester Road South to use this footpath link.
- 4.14 The Highway Authority has advised that the Traffic Management team did not raise any issues when consulted on the application and that it appears that these concerns are more historic/existing rather than being directly linked to the development. I also consider that it would be unreasonable to require the applicant to provide parking restrictions or traffic speeding controls as the parking problems are associated with the nearby football club and unrelated to the proposed development.
- 4.15 In respect to on-site parking, the indicative layout proposes 27 car parking spaces, which would equate to 300% provision for the 4-bed dwellings and 200% provision for the 3-bed dwellings. I consider that this level of parking provision is acceptable and would accord with the Worcestershire County's Interim Parking Standards.

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- 4.16 The Highway Authority has carefully considered the application and have raised no objection subject to conditions. In their comments they advise that the proposed vehicular access point to serve all 10 plots would be feasible. I am satisfied that the site can be developed for up to 10 dwellings without causing an adverse impact on highway safety. The conditions suggested by the Highway Authority have been recommended.

IMPACT ON TREES

- 4.17 The indicative layout show that the site could be developed for 10 dwellinghouses without impacting on existing trees. The Arboricultural Officer is also satisfied that the site can be developed for housing subject to conditions to require a Arboricultural Impact Assessment (AIA) and a detailed landscaping scheme, which I have recommended accordingly.

OTHER MATTERS

- 4.18 The application site adjoins the railway line to the rear and Network Rail have been consulted and have raised no objection subject to a number of informatives to make the applicant aware about their obligations and agreements when working in close promity to the railway line. I consider that the site can be redeveloped for housing without adversely impacting the railway line and I have recommended the informatives accordingly.
- 4.19 In terms of site drainage, it is intended that storm water water from the development would be discharged via infiltration (the most preferable method) and that there would be individual soakaways for the roofs of the new dwellings, permeable block paving for private drives and turning areas and soakaways for the access road. However, if land contamination is found to be present and discharge via infiltration is deemed to be impossible due to gound conditions, then a controlled discharge to the existing surface water sewer in the road would need to be proposed. Due to the uncertainty about the ground conditions, the North Worcestershire Water Management Officer has raised no objection subject to conditions to require details of the drainage scheme once further site investigations has been carried out and to require a Sustainable Urban Drainage Systems (SuDs) Management Plan to be submitted. I consider that these conditions are necessary and reasonable and have recommended them accordingly.

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5.0 Conclusions and Recommendations

5.1 I consider that the principle of redeveloping this previously developed site for up to 10 dwellinghouses would be acceptable and would help to boost the housing supply in appropriate sustainable locations within the District. Indicative plans show how the site could be developed without resulting in an adverse impact on existing residents, the operation of the railway line and upon trees. The main issue raised by local residents is the impact on highway safety, however, the development would provide adequate parking provision and access and there is no evidence to suggest that the proposed development would exacerbate the historic and/or existing on-street parking problems caused by the nearby football club during home games. The proposals would therefore accord with Development Plan Policies and the National Planning Policy Framework.

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

1. A1 (Standard outline)
2. A2 (Standard outline – reserved matters)
3. A3 (Submission of reserved matters)
4. Restrict number of dwellings to no more than 10 and building heights to no more than two-storeys.
5. B1 (Samples/details of materials)
6. B11 (Details of enclosure)
7. B13 (Levels details)
8. Arboricultural Impact Assessment (AIA)
9. Require closure of existing vehicle access points and construction of new access point
10. Details of welcome pack
11. Details of cycle storage facilities
12. Electric Vehicle Charging Points in each property
13. Ultra-Low Emission Boilers in each property
14. Ecological Enhancement Measures
15. Lighting Scheme
16. Details of foul and surface water drainage scheme
17. Sustainable Drainage System (SuDS) management plan
18. Land contamination
19. Noise Mitigation Measures

Notes

- A Requires the Highway to be free of mud and other materials during construction works.
- B Requires all new dropped kerbs to be constructed by Ringway Infrastructure Services only.
- C Requires the applicant to enter into a Section 278 of the Highway Act 1990 prior to any works to the public Highway.
- D Requires Network Rail obligations/agreements to be met.

Application Reference: 17/0724/FULL	Date Received: 24/11/2017
Ord Sheet: 382275 270137	Expiry Date: 19/01/2018
Case Officer: Kate Whitfield	Ward: Mitton

Proposal: Residential redevelopment comprising of 4 semi-detached dwellings

Site Address: 40A WORCESTER ROAD, TITTON, STOURPORT-ON-SEVERN, DY139PD

Applicant: Lewis Homes (Gloucester) Ltd

Summary of Policy	DS01, DS03, DS05, CP01, CP02, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.C11, SAL.CC2, SAL.CC7 SAL.UP7 (SAAPLP) Design Guidance SPD Part 6, 7 (NPPF)
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is an existing scrap metal yard located in the Tilton area, to the south of Stourport-on-Severn. The site contains sheds / workshop buildings associated with the business at the rear of the site and an open working area at the front.
- 1.2 The site fronts the A4025 Worcester Road but the vehicular access to the site is at the rear via an un-adopted service road which also serves a number of other properties. To the north west of the site lies a couple of residential properties and 'Tilton Stores', a local convenience store. To the south east lies an industrial / commercial unit, however, the immediate surrounding area is predominantly residential.

2.0 Planning History

- 2.1 WF/0928/99 : Full - Erection of two detached dormer bungalows after demolition of existing buildings and alterations to existing vehicular access : Approved 18/1/2000
- 2.2 WF/0655/95 : Full - Use of Land as a Scrap Yard for ferrous and non-ferrous metal : Approved 12/12/1995

17/0724/FULL

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council - No objection and recommend approval.

3.2 Highway Authority - There is no objection in principle to the proposed development and whilst the parking quantum is correct and cycle parking is provided, it is unclear whether vehicular access to the parking spaces can be achieved. The applicant needs to demonstrate on plan that they have the required rights of access and this should be shown within the red line drawing.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

Subsequent Comments 15 January 2018

Further to the previous deferral comment, the applicant has submitted revised plans showing access to the highway within the red line drawing.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

The Highway Authority therefore submits a response of no objection subject to conditions relating to provision of the access, parking and turning facilities prior to occupation.

3.3 Planning Policy Manager - The application site is approximately 872 sq.metres in size, it is situated to the south of Stourport on Severn town centre on the Worcester Road. The site has been used as a scrap yard for ferrous and non ferrous metal, planning permission for this use was by a planning application in 1995.

A residential dwelling is situated adjacent to the application site and is not situated in the Green Belt. The site is previously developed land (brownfield) There have been many planning applications for residential units on the site, from 1978 until 1988 there were a number of planning approvals for two detached bungalows.

The proposal on this brownfield site is for two pairs of semi detached dwellings with eight parking spaces behind the dwellings with access off an existing access track.

The application site is opposite Hartlebury Common, SSSI and a Local Nature Reserve.

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CONCLUSION:

Planning Policy would support this planning application, the site is situated in a sustainable location close to a shop, public house and employment at Sandy Lane Industrial Estate. Residential development on this site appears more appropriate than the existing scrap yard use. The design of the dwellings is considered to be in keeping with the adjoining dwelling, part of the roof proposed is a flat roof but due to the design this is hidden by the pitch of the roof on both the front and rear elevations, the dormers comply with the adopted design SPD.

The proposal would tidy up the site which is close to a SSSI and Local Nature Reserve and is likely to improve the appearance of the area.

- 3.4 Worcestershire Regulatory Services (WRS) [Contaminated Land] - WRS have reviewed the above application for potential contaminated land issues; the proposed development is on the site of a scrap yard, there is the potential for contamination from metals and metalloids, inorganics such as acids, alkalis, chlorides etc., organics including hydrocarbons, solvents etc., asbestos and biodegradable materials. Therefore conditions are recommended in relation to site investigations and risk assessments prior to commencement of development.

- 3.5 North Worcestershire Water Management - To my knowledge this site is not at risk of any type of flooding. A national modelling exercise has established a low risk of surface water flooding for areas in the vicinity of the site. It will therefore be important that the proposed development includes measures to adequately deal with any additional runoff.

The application form details that surface water from the development will be discharged to soakaway. This is the preferred method of discharge where ground conditions allow. Ground conditions are only suitable if the permeability is sufficient and there is no risk of pollution. I understand from the application form that the site is currently used as a scrap metal yard. The application form indicates that contamination is suspected for all or part of the site and that the proposed use would be particularly vulnerable to the presence of contamination.

I understand from the application form that the intention is to discharge foul water to a mains sewer. I note that a foul sewer is present south of the site. The new connection will require Severn Trent's approval.

CONCLUSION:

Further information is required before it can be concluded that the proposed method of discharge of surface water using soakaways is appropriate for this site. I would have thought that given the indication that contamination is suspected for part of the site a report into the extent and nature of this would have formed part of this application

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3.6 Severn Trent Water - As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

3.7 Neighbour/Site Notice – No representations have been received.

4.0 Officer Comments

4.1 Planning permission is sought of the erection of 2 pairs of semi-detached, three bedroom residential properties. The application site lies in an area which is not allocated and is not ordinarily supported for residential development under the adopted Local Plan and therefore represents a departure from policy.

4.2 The main issues to consider are:

- (i) The principle of development
- (ii) The appearance, scale and design of the proposed dwellings.
- (iii) Residential amenity issues
- (iv) Highways Matters
- (v) Other Matters – Contaminated Land, Drainage

THE PRINCIPLE OF DEVELOPMENT

4.3 Policy SAL.DPL1 of the Site Allocations and Policies Local Plan states that new residential development should only be allowed on previously developed sites in the urban areas of the major towns and within areas allocated primarily for residential development. The proposed application site does not meet this criteria and lies outside the urban area of Stouport-on-Severn and the area allocated for residential development. Ordinarily, therefore, it would not be a site supported for residential development.

4.4 However, in this case it is considered that there are several arguments which can be made in favour of the re-development of the site. It is a 'previously developed site' and an existing brownfield site where development is supported under Core Strategy policy DS03. The site itself is considered to be in a highly sustainable location, with good transport links and access to local services, a local shop being located only a short distance away.

4.5 The immediate surrounding area is predominantly residential and the amenity of these properties would clearly benefit from the re-development of the site for housing. It is also likely to enhance the visual amenity of the surrounding area. Whilst it is acknowledged that the site does provide an existing commercial unit it is also noted that Sandy Lane Industrial Estate also lies close by and is a protected employment area. There are therefore potential alternative sites within close proximity which could be utilised by businesses.

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- 4.6 The NPPF has an overarching presumption in favour of sustainable development. In light of this it is considered that the site is appropriate for residential development and the proposed scheme would boost housing supply numbers within the district whilst also bringing about benefits to the amenity of the immediate surrounding area. Therefore, when considered against the ‘tilted balance’ as set out in Paragraph 14 of the NPPF, in this case, the proposal can be supported as sustainable development.

THE APPEARANCE, SCALE AND DESIGN OF THE PROPOSED DWELLINGS

- 4.7 Two pairs of three bedroom semi detached properties are proposed. The front building line would be in line with the neighbouring residential dwellings lying to the north west, along Worcester Road. To the rear the dwellings would also have a rear garden around 14 metres long, with two parking spaces at the bottom, accessed from the road running along the rear of the site. It is considered that the plot can comfortably accommodate the proposed four dwellings, providing each with appropriate levels of amenity and parking space.
- 4.8 The scale and design of the proposed dwellings also closely reflects the neighbouring properties. The proposed dwellings are described as ‘chalet style’ and would have first floor accommodation within the roof space and appropriately sized pitched roof dormer windows on the front and rear elevations. The roof design includes a flat roof which is slightly unconventional, however, this is also a design feature on the neighbouring property and within this context is considered to be acceptable.
- 4.9 It is proposed to construct the dwellings from a mix of brick and render. These materials are also in place on neighbouring properties. A new brick wall is shown along the frontage of the site which continues the wall which currently runs along the front of the neighbouring properties. Overall the proposed dwellings will integrate well into the surrounding area. The overall re-development, which will see the removal of the existing scrap yard and associated, fairly run down buildings, should also greatly enhance the visual amenity of the surrounding area. The proposal is therefore considered to comply with Policy SAL.UP7 of the Site Allocations and Policies Local Plan and provide a high quality of design which is in keeping with the surrounding area.

RESIDENTIAL AMENITY ISSUES

- 4.10 One of the core planning principles of the NPPF is to ensure a high standard of amenity for all existing and future occupants. In this case it is clear that the removal of the scrap yard would be expected to significantly improve the amenity of neighbouring residential properties to the site. In addition, the siting and scale of the proposed new dwellings should not result in any adverse impact on the light or outlook of the existing dwelling lying close to the north western boundary of the site.

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- 4.11 It is also considered that the development will provide an adequate standard of amenity for future residents. The general overlooking between the properties is in line with that reasonably expected for new residential development and it is proposed to enclose each garden with 1.8 metre fences.
- 4.12 A commercial unit remains at no 40b Worcester Road and close to the south eastern boundary of the site. There is no planning history on the established use of this site, however, it is currently occupied as a cabinet manufacturers. There is no current indication that the amenity of neither the existing or proposed dwellings would be compromised by this use. Whilst it is acknowledged that there is a possibility that the future activities of this unit may impact on amenity it is considered that this would be a matter to be taken into consideration by future purchasers and would not outweigh the overall benefits of the proposal.

HIGHWAYS MATTERS

- 4.13 Vehicular access is to be provided at the rear of the site via a undeveloped Service Road. The Highway Authority has confirmed that the proposal is acceptable in access terms and provides the required number of parking spaces. It is also noted that garden sheds are to be provided to provide potential bicycle storage.
- 4.14 The proposal is therefore deemed to provide a safe means of access and will not result in any deterioration in highway safety. The proposal therefore accords with Policies SAL.CC1 and SAL.CC2 of the Site Allocation and Policies Local Plan.

OTHER MATTERS - CONTAMINATED LAND, DRAINAGE

- 4.15 Due to the existing use of the site Worcestershire Regulatory Services has confirmed that contaminated land surveys will be required. In response to the consultation comments the Agent has submitted a Phase II Contaminated Land Investigation during the course of the application and this is currently under review by Worcestershire Regulatory Services. A condition will also be placed on the decision notice to state that surface water drainage proposals must be submitted for prior approval in the event that soakaways are not deemed to be appropriate for the site due to the aforementioned issues with potential contaminated land.

5.0 Conclusions and Recommendations

- 5.1 This is not a site which would be ordinarily acceptable in principle for new housing development. However, it is considered that in this case there are significant benefits arising from the re-development of the site. This factor, along with the general sustainability of the site, indicates that a departure from policy is appropriate. The layout, scale and design of the proposed new dwellings is acceptable and there should be benefits to the residential and visual amenity of the surrounding properties and area.

17/0724/FULL

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. Contaminated Land Site Investigation & Remediation conditions
4. Surface Water Drainage scheme to be submitted for approval
5. B1 (Samples/details of materials)
6. Provision of vehicular access & parking spaces.
7. Foul water drainage
8. B11 (Details of enclosure; boundary treatment)
9. C6 (Landscaping – small scheme)
10. C8 (Landscape implementation)

Application Reference:	17/0792/REGS3	Date Received:	19/12/2017
Ord Sheet:	380901 271180	Expiry Date:	13/02/2018
Case Officer:	Kelly Davies	Ward:	Areley Kings & Riverside

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

Site Address: LLOYDS GARAGE, 8 BRIDGE STREET, STOURPORT-ON-SEVERN, DY138XA

Applicant: Wyre Forest District Council

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

1.0 Site Location and Description

- 1.1 The application site encompasses the former Lloyds garage site. The site lies within the Stourport on Severn Conservation Area No.1, fronting onto Bridge Street with part of the southern boundary abutting Engine Lane; the application site excludes the building at No.8 which is locally listed.
- 1.2 The site forms part of the wider area known as the Bridge Street Basins Link which incorporates a large part of the frontage to Bridge Street, from Engine Lane northwards up to and including No.4 Bridge Street. This wider area has a site specific policy relating to it within the Adopted Site Allocations Local Plan and a Development Brief which was adopted in 2005.
- 1.3 A temporary planning permission was approved on 19th February 2016 for the use of the site for a car park for two years. This application seeks for a renewal of this permission for a further two year period.

2.0 Planning History

- 2.1 13/0667/FULL - Demolition of buildings comprising the former Lloyds Garage Site and replacement with Temporary Car Parking for a period of two years : Approved 20/02/14

17/0792/REGS3

- 2.2 15/0719/REGS3 - Retention of temporary car park at the former Lloyds Garage site for a further period of two years. Approved 19/02/16

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Awaiting comments

- 3.2 Highway Authority – The application is contrary to the policies contained within the adopted local transport plan (LTP3) which seek to promote walking, cycling and bus access. This application will create additional car parking capacity within the town centre of Stourport on Severn which will encourage car movements into an area which already suffers from congestion. The LTP3 seeks to promote sustainable travel patterns for all developments and due to the nature of the application this can only encourage car trips and cannot mitigate for the additional movements it will create.

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

- 3.3 Conservation Officer – No objections

- 3.4 Neighbour/Site Notice (consultation period expires 13th February 2018) – One objection received:

- This is further evidence of the poor follow through re planning in Stourport. The town is unlikely to experience any sort of renaissance until there is something to attract more visitors and encourage locals to spend more time/money in their own town. The gateway to the basins is an essential start to this process

4.0 Officer Comments

- 4.1 The application site is within the Bridge Street Basins Link area, which is defined for redevelopment under Policy STC1 of the Adopted Site Allocations and Policies Local Plan. The long term aim is for the redevelopment of the wider area for a mix of commercial and residential uses.

- 4.2 Whilst great strides have been made to bring forward a proposal for development on this site over the last two years, the District Council is not in a position to submit an application at this stage. As the temporary consent lapses in February, it seems eminently sensible to renew the temporary consent for a further two years.

17/0792/REGS3

- 4.3 As noted with the previous application this temporary use of land will not prejudice the development of the site, which still can come forward at any time. It does in the meantime provide a suitable use for the site within the Town Centre location and would preserve the character of the Conservation Area.
- 4.4 The Highway Authority has repeated their objection to this scheme on sustainability grounds. As noted in the previous application the proposal is for a temporary two year period and the provision of parking does not fall within the longer aspirations for the site. It is considered that a further temporary permission would not be harmful in this respect.

5.0 Conclusions and Recommendations

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

Application Reference: 18/0003/FULL **Date Received:** 02/01/2018
Ord Sheet: 379266 275803 **Expiry Date:** 27/02/2018
Case Officer: Kate Whitfield **Ward:** Wribbenhall & Arley

Proposal: Two storey side extension, along with associated dropped kerb, driveway and parking area

Site Address: 13 SPRINGHILL RISE, BEWDLEY, DY121EA

Applicant: Mr A Wilkes

Summary of Policy	CP11 (CS) SAL.CC1, SAL.CC2, SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance SPD
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application refers to a three bedroom dwelling lying at the northerly end of a terrace of 6 properties located on a residential estate road in the town of Bewdley.
- 1.2 The application seeks permission for a two storey extension and driveway access to the existing dwelling.

2.0 Planning History

- 2.1 17/0533/FULL - Two Storey Side Extension : Withdrawn 19/10/2017
- 2.2 17/0196/FULL - Two Storey Side Extension : Refused 25/5/2017

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Awaiting comments

18/0003/FULL

- 3.2 Highway Authority (Initial comments) - Whilst there is no objection in principle to the proposed development, the driveway access meets the highway at an acute angle and this should be set to an angle of 90 degrees as far as possible in line with the Highway Design Guide. It is also noted that the driveway land is edged in blue and should be within the red line drawing and the driveway itself seems to be excessive in width.

These matters could be resolved by the tapering the driveway down to a single vehicle width and curving it round to meet the highway straight on. The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

(Subsequent comments 22 January 2018) Further to the deferral comment the applicant has submitted revised plans to accurately show the red line drawing plus the access and parking for 3 vehicles.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

The Highway Authority therefore submits a response of no objection subject to conditions relating to the provision of the access and parking area prior to the development being brought into use.

- 3.3 Neighbour/Site Notice – No representations have been received.

4.0 Officer Comments

- 4.1 It is proposed to add a two storey extension to the side elevation of the host dwelling, to provide a new kitchen and family room on the ground floor and two additional bedrooms on the first floor. This application is the resubmission of an application for a similar proposal which was refused in 2017 and a further application which was withdrawn later in the year.

- 4.2 The main issues to consider are:

- (i) The appearance and design of the proposed extension
- (ii) The impact on residential amenity of neighbouring properties
- (iii) Highways Impacts

18/0003/FULL

APPEARANCE AND DESIGN

- 4.3 Site Allocation and Policies Local Plan Policy SAL.UP8 states that residential extensions should be in scale and keeping with the form, architectural characteristics and detailing of the original building. Extensions should also harmonise with the existing townscape and not result in incongruous features.
- 4.4 This policy is reinforced in the Design Guidance SPD, which states that extensions should respect the character of the area and the streetscene. In relation to side extensions this guidance also states that the 'front face width' should have a maximum width of 4/7ths of the original front face width.
- 4.5 In this case the host dwelling has a front facing gable and provides the 'bookend' of a short terrace of properties. The terrace is set back from the road itself and fronts a triangular shaped area of landscaping and hard standing.
- 4.6 It is proposed to add a two storey extension to the property and the end of the terrace. It has been consistently advised that a two storey extension on this particular dwelling would not be considered appropriate. It is considered that the proposed extension will sit awkwardly against the 'bookend' of the terrace, which provides clearly visually defined full stop to the block by the existing gable and roof form. As a result the extension would appear as an awkward and contrived addition which will not integrate well with the host dwelling or the terraced block. The front canopy roof over the ground floor section of the extension is also deemed to appear out of place and does not harmonise well with the general appearance of the terrace.
- 4.7 In addition the wider residential estate is relatively spacious in its appearance and it is deemed that the almost total infilling of the existing gap between the host dwelling and the boundary will result in an uncharacteristically cramped appearance. Although it is acknowledged that under this latest application that the width and height of the extension has been reduced it is still considered that the proposal would have a negative impact on the appearance of the terrace and the street scene.
- 4.8 It is therefore considered that the proposed extension fails to accord with policy SAL.UP8 of the Site Allocations and Policies Local Plan and the Design Guidance SPD in terms of scale and design, and will detract from the appearance of the property and its setting in the street scene.

IMPACT ON RESIDENTIAL AMENITY

- 4.9 Site Allocation and Policies Local Plan Policy SAL.UP8 states that residential extensions should not have a serious adverse effect on the amenity of neighbouring residents or occupiers.

18/0003/FULL

- 4.10 The previous application was also refused on grounds that it would have an overbearing and oppressive impact on the outlook of the neighbouring dwelling on the northern side. This property directly fronts Springhill Rise and the rear elevation is angled towards the application site.
- 4.11 Under this new application the overall scale of the extension has been reduced and the rear of the extension is now slightly set in from the rear building line of the main house. It is still considered that, due to the relative angles of the properties, the proposed extension will have quite an overbearing impact on the outlook of this neighbouring dwelling, however, the plans demonstrate that the proposal accords with the 45 degree code and with the reduction in the overall scale it is now considered that the proposal would not have a 'serious adverse effect' which would justify refusal.
- 4.12 There is no forward or rear projection beyond existing elevation lines of the terrace and therefore there would be no adverse impact on the amenities of the attached neighbouring dwelling.
- 4.13 The proposal therefore is deemed to comply with Policy SAL.UP8 of the Site Allocations and Policies Local Plan in respect of its impact on the amenity of neighbouring properties.

HIGHWAYS IMPACTS

- 4.14 The most recent application on this site was withdrawn in order to address concerns that the extended property did not benefit from any off road parking spaces. The proposed extension would therefore fail to comply with the Interim Parking Standards of Worcestershire County Council.
- 4.15 Under this application the plans indicate that the required 3 parking spaces for the resulting 4 bedroom property will be provided at the front of the dwelling. It is advised that permission has been granted by the owner of the estate land in front of the property to remove the landscaping and establish a vehicular crossing over this area.
- 4.16 It is considered that having the parking spaces so tight up against the front of the house will appear very cramped and is likely to have a generally negative impact on the overall appearance of the application site property and the wider estate. Given that the works may give rise to neighbouring properties requesting similar parking spaces it is surprising that a wider and more co-ordinated approach has not been taken by the land owner to provide parking for the entire row of properties within the landscaped area. However, notwithstanding this, the provision of the required number of parking spaces has resolved the Highway Authority's concerns and the impact on the visual amenity of the area is not considered to be sufficiently detrimental to warrant refusal of the application specifically on these grounds.

18/0003/FULL

5.0 Conclusions and Recommendations

5.1 The proposed extension and driveway access have been fully considered. It is concluded that the proposal would be in direct conflict with Local and National Planning Policies in respect of design.

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

1. By virtue of its scale and design the proposed extension is not considered to be in keeping with the form and architectural characteristics of the host property and the surrounding street scene. The proposed extension will result in a cramped and contrived form of development which fails to harmonise with the character and appearance of the host dwelling and its setting within the terrace and street scene. The proposal is therefore considered contrary to policy CP11 of the Adopted Core Strategy, Policies SAL.UP7 and SAL.UP8 of the Wyre Forest Adopted Site Allocations and Policies Local Plan and the Wyre Forest Design Guidance Supplementary Planning Document, adopted June 2015.

WYRE FOREST DISTRICT COUNCIL

Planning Committee

20 February 2018

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
WFA 1485 17/0398/FULL	APP/R1845/D/17 Mr C Page /3181927		THE RETREAT LOWE LANE KIDDERMINSTER DY115QP Extension to existing building to provide toilet, sink and storage	WR 16/10/2017	20/11/2017			Allowed 22/12/2017

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
WFA1478 16/0550/OUTL	APP/R1845/W/1 7/3173741	Gladman Developments Ltd	OFF THE LAKES ROAD BEWDLEY DY122PH Outline planning permission for up to 195 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works. All matters to be reserved with the exception of the main site access off The Lakes Road (DY12 2BP).	LI 16/05/2017	20/06/2017	11/07/2017	24/10/2017 Council Chamber	

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
WFA1482 17/3020/PNRE	APP/R1845/W/1 7/3180731	Mr W Rodenhurst	HONEY BROOK FARM BRIDGNORTH ROAD KIDDERMINSTER DY115RR Change of use of agricultural building to a dwellinghouse	WR 28/09/2017	02/11/2017			Dismissed 22/12/2017
WFA1483 16/0703/FULL	APP/R1845/W/1 7/3179604	Mr R Owen	FIELD 2 GLEBE LAND CHURCHILL LANE CHURCHILL KIDDERMINSTER Construction of detached 4 bed dwelling (Resubmission)	WR 02/10/2017	06/11/2017			Allowed 08/01/2018

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
WFA1484 17/0624/ENF	APP/R1845/C/17 /3175891	Mr J Bradley	LAND AT CURSLEY LANE KIDDERMINSTER DY104LF Unauthorised change of use of land from the keeping of horses to a mixed use comprising of the keeping of horses and the stationing of 2 caravans for residential use (Enforcement Case 15/0209/ENF).	HE 04/10/2017	08/11/2017	29/11/2017	23/01/2018 Council Chamber	

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
WFA1487 17/0651/ENF	APP/R1845/C/17 /3184429	Mr & Mrs Voyce	VALE FARMHOUSE SPARUM FARM STANKLYN LANE SUMMERFIELD Unauthorised change of use from dwellinghouse to dwellinghouse, dog boarding and dog grooming establishment and erection of dog kennel building.	WR 19/10/2017	23/11/2017			
WFA1488 17/0258/FULL	APP/R1845/W/1 7/3183842	Mr Molsen Manrouf	CAR PARK, THE TOLL HOUSE DUNLEY ROAD STOURPORT- ON-SEVERN Proposed car wash facility	WR 29/11/2017	03/01/2018			

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
WFA1489 17/0730/ENF	APP/R1845/C/17 /3188932	Mr M Fentiman	TROUGH OFF HABBERLEY ROAD BEWDLEY DY121LD Unauthorised construction of a dwelling, domestic curtilage and associated garden building (Enforcement Case 17/0053/ENF)	WR 29/11/2017	03/01/2018			
WFA1490 17/0186/TREE	APP/TPO/R1845/Mr Paul 6243 Yeo		1 COMBERTON GARDENS KIDDERMINSTER DY103DB Pollard Lime Tree	HE 03/01/2018	07/02/2018	28/02/2018		

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
WFA1491 17/0525/FULL	APP/R1845/D/17 /3191479	Mr Nick Ashmead- Siers	WHEEL COTTAGE HILLPOOL KIDDERMINSTER DY104PD Subterranean extension beneath existing bedroom and en-suite and upper patio area	WR 08/01/2018	12/02/2018			
WFA1492 16/0441/FULL	APP/R1845/W/1 7/3189794	P & J Lawley	LAND AT WHYTEHOUSE FARM GREENWAY ROCK KIDDERMINSTER 20 starter homes and other ancillary works	WR 02/02/2018	09/03/2018			

Appeal Decision

Site visit made on 14 December 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 8th January 2018

Appeal Ref: APP/R1845/W/17/3179604

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Robert Owen against the decision of Wyre Forest District Council.
- The application Ref 16/0703/FULL, dated 14 November 2016, was refused by notice dated 18 May 2017.
- The development proposed is described as '*a unique, innovative, sustainable designed single family dwelling of 330m² which exceeds the latest energy performance standards and fits in eloquently within its rural setting. The 4 bedroom house with surrounding restored and enhanced landscape will be wheelchair housing standard compliant to offer the owner and his family quality of life, whilst dealing with a chronic debilitating illness when the equestrian use is changed to residential use*'.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a four bed dwelling (resubmission), at Glebe Fields, Field 2 Glebe Land, Churchill Lane, Churchill, Kidderminster DY10 3LX, in accordance with the terms of the application Ref 16/0703/FULL, dated 14 November 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development is taken from the appeal form and decision notice which both contain a more concise description of the proposed development.
3. Comments were sought from the parties regarding the effect of a recent judgement¹ dated 15 November 2017 on the appeal proposal. The appeal has been determined accordingly.
4. Based on the evidence² before me, the parties agree that the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and Policy SAL.UP1 of the Site Allocations and Policies Local Plan (SAP). Based on all I have seen and read, I have no reason to disagree on the consensus reached on this matter. Accordingly, the main issues are as below.

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)

² With reference to paragraph 6.6 of the Appellant's Appeal Statement and as set out within the Council's Committee Report and Statement of Case

Main Issues

5. The main issues are

- The effect of the proposal on the openness of the Green Belt;
- Whether the location of the site would accord with local and national planning policy, with particular regard to whether future occupants would have reasonable access to shops and services; and,
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons*Openness*

6. The appeal site comprises a stable with associated hardstanding and grassed area. The site and the settlement of Churchill are located within the Green Belt. A Christmas tree farm abuts the southern boundary of the site, with its associated fields to the south west. A field gradually rises in level to the north west of the site and is bounded by a public right of way. The main built form of Churchill is to the east and north east of the site.
7. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. Taking into account the scale, footprint and mass of the proposed dwelling and likely associated domestic paraphernalia, the proposal would result in a loss of Green Belt openness. At its most noticeable, this loss of openness would be seen from the immediate adjoining section of Churchill Lane at the site access.
8. Therefore, based on my reasoning above, the proposal would have a harmful impact on Green Belt openness.

Site location

9. Combined, Core Strategy (CS) Policy DS01 and SAP policies SAL.DPL1 and SAL.DPL2 seek to concentrate development into existing settlements and closely control development in the open countryside. One underpinning purpose of these policies is to ensure that the location of development reduces greenhouse gas emissions. Based on the Council's Committee Report, it is the access of future occupants to shops and services which is of particular concern to the Council.
10. The site is located in the open countryside for planning purposes, and as such Policy SAL.DPL2 applies. This policy states that residential development within rural areas will not be permitted unless exceptional circumstances apply. The proposal would not meet any of the exceptional circumstances listed within Policy SA.DPL2.
11. Based on the Council's measurements, the site is located over 1.4km away from services (which include a primary school, post office, general store) and transport links (which includes a railway station) at Blakedown. I agree with the Council that taking into account the distance involved and the absence of continuous footway and street lighting along this route, it is unlikely that future

occupants would be able to access services and facilities at Blakedown on foot or by bicycle. Given the limitations of travel by public transport, on foot and by bicycle, future residents of the site would be likely to rely on the private car to access essential shops and services. Consequently, the additional vehicular journeys associated with the proposal would result in an increase in greenhouse gas emissions.

12. Future occupants would have a level of access to shops and services similar to neighbouring occupants. However this factor would not reduce or remove the harm identified above. Nor would the appellant's dependency³ on private vehicular means of transport remove or reduce this harm.
13. The Council's decision notice refers to Paragraph 55 of the Framework which states that local planning authorities should avoid new isolated homes in the countryside. Of relevance, the above noted court judgement sets out that 'isolated' should be given its ordinary objective meaning of "far away from other places, buildings or people; remote" with reference to the Oxford Concise English Dictionary. The judgement also set out that paragraph 55 cannot be read as a policy against development in settlements without facilities and services. Consequently the proposal would not comprise an isolated new home in the light of paragraph 55 of the Framework. Nonetheless, for the reasons given above, the proposal would remain contrary to the noted development plan policies.
14. Therefore the location of the site would not accord with local and national planning policy, with particular regard to whether future occupants would have reasonable access to shops and services. Consequently the proposal would not meet the requirements of SAP Policies SAL.DLP1 and SAL.DLP2, Core Strategy (CS) Policy DS01, and paragraph 7 and 17 of the Framework. Combined, these policies seek to ensure development is located in sustainable locations to make the fullest use of public transport, walking and cycling and to support the transition to a low carbon economy and reduce greenhouse gas emissions.

Other considerations

15. The proposal comprises a permanent new dwelling and would be inappropriate development, which by definition is harmful to the Green Belt. In addition, there are adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. The Framework is clear that substantial weight should be given to Green Belt harm and that very special circumstances will not exist unless this harm and any other harm are clearly outweighed by other considerations.
16. The Council refer to a Ministerial Statement⁴ which states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Whilst the Ministerial Statement does not prevent personal circumstances from comprising very special circumstances capable of clearly outweighing Green Belt harm, it highlights the high level of protection afforded to the Green Belt. The Council also refer to an appeal⁵ for a wooden chalet dwelling at the site dismissed in 2007. The Council highlight

³ The personal circumstances of the appellant are matters that I will return to in my consideration of whether very special circumstances have been demonstrated.

⁴ Dated 17 December 2015, entitled '*Green Belt protection and intentional unauthorised development*'

⁵ Council Ref 07/0258/FULL

that the appeal was dismissed on the grounds of inappropriate development and harm to Green Belt openness. Similarly, the appeal before me is inappropriate development and harmful to Green Belt openness.

17. A number of considerations are put forward in support of the proposal, which principally relate to the personal medical circumstances of the appellant.
18. The appeal is supported by NHS documentation which set out that the appellant has a progressive, terminal, life limiting and rare form medical condition. The documentation also confirms that the medical condition has had an impact on the appellant and his family, alongside setting out the medical equipment and property adaptations necessary to meet needs of the appellant. The documentation sets out that a re-diagnosis of the condition could result in a shortened life span and that 24 hour care could be needed as the condition progresses. The documentation also states that it is very important that the appellant can continue his crucial role in family life and as such, having access to his entire home environment is fundamental. The supporting documentation states that the absence of this access would have a severe detrimental impact on the appellant's quality of life and that of his family.
19. The Council do not dispute the personal medical circumstances of the appellant. However the Council dispute the need of the appellant to live in close proximity of their existing dwelling. In my view, the requirement to live within an area local to the appellant's existing dwelling has been sufficiently justified, with particular reference to the supporting role family and friends would have for the appellant and his family. The Council accept there is a limited range of available properties⁶ in Churchill, but identify three bungalows for sale within one mile of Churchill. However as set out by the appellant, the bungalows identified would require extensions and adaptations, one of which would be located within a different development plan area where a favourable stance to a planning application is not guaranteed. Coupled with the submitted evidence of property searches taken to date, I am satisfied that the appellant has taken satisfactory steps in trying to secure a suitable and alternative property in the local area.
20. The Council state⁷ that the weight afforded to the medical circumstances of the appellant is tempered by the absence of clear evidence to demonstrate that it is not feasible or possible to adapt, extend or replace the appellant's existing property to meet his existing and future needs. A Future Access, Inclusive Design and Wheelchair Housing Design Assessment Report (FAR) has been submitted to assess the suitability of the appellant's existing property. The FAR focusses on the suitability of the existing property in the context of the potential wheelchair reliance⁸ of the appellant, alongside assessing whether the property could meet future needs associated with the medical condition.
21. During my visit to the appellant's existing property, I saw that the first floor corridor was narrow, as were doorways to the respective rooms which were sited close together. As set out in the FAR, and based on my site visit observations, the change in level at first floor would prevent a wheelchair from accessing a number of bedrooms and a bathroom. The FAR sets out that the dimensions at first floor would prevent the installation of a Building Regulation

⁶ At paragraph 4.48 of the Council's Committee Report

⁷ At paragraphs 4.69 – 4.70 of the Council's Committee Report

⁸ In the context of part M of the Building Regulations and the Wheelchair Housing Design Guide

- compliant ramp to address this change in level. In this respect, I note that the Council agree that based on the current property layout and configuration, future accessibility at the property would be restricted.
22. Based on my site visit observations and with no substantive evidence to the contrary, I have no reason to disagree with the conclusions of the FAR. In my view, the FAR demonstrates that in total, a significant amount of alteration would be required to adapt the property. Moreover, the alterations required would not provide the appellant full access to his family, nor would it secure facilities for 24 hour care if required in the future.
 23. The Council state that they would be amenable to extensions at the property. However, I note that the property has already been subject to extensions and is located within the Green Belt and a Conservation Area. I acknowledge that the Council's Conservation Officer considers that the historic architectural value of the property has been subsumed by extensions at the site. That said, in the Council's view, any extension required is likely to be functional in appearance, to the possible detriment of the design and appearance of the host dwelling. This reinforces my view that the existing property would not be suitable to meet the appellant's medical requirements. Furthermore, the Council acknowledge that extensions at the appeal property are only likely to allow access to one or two first floor rooms. In this context and based on the supporting medical documentation, in my view it would not be acceptable to prevent the appellant from having full access to his family.
 24. I share the Council's concern regarding the appraisal work undertaken to establish the feasibility of a proposed replacement dwelling. I also acknowledge that it is not uncommon for an applicant to obtain alternative accommodation during construction works. However, in the context of the appellant's medical condition and the absence of any nearby suitable accommodation, temporary living arrangements elsewhere during the construction period would be particularly disruptive to the appellant and his family.
 25. Taking the above into account, it is clear that a compelling case has been made to establish that the existing dwelling could not be altered, extended or replaced to meet the medical requirements of the appellant. Consequently I afford considerable weight to the exceptional medical circumstances of the appellant and his need for the proposed dwelling.
 26. Based on the evidence before me, the proposal would not meet the relevant tests at paragraph 55 of the Framework, in relation to the exceptional quality or innovative nature of design of the dwelling. This aside, the proposal would represent a high standard of design. In addition, the Council acknowledge that the proposal would enhance views of the Conservation Area and have a slight enhancement to a nearby Scheduled Ancient Monument. Furthermore, the Council state that subject to the proposed landscape enhancements, the proposal would have a small to medium positive effect on landscape character and visual amenity. These matters combined attract some weight in favour of the proposal.
 27. The proposal would make a modest contribution to housing supply and the local economy through increasing local expenditure and by generating construction employment. These factors attract moderate weight in favour of the proposal. Whilst the Council raise no concern in relation to highway safety

or ecology matters, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

28. With reference to my findings in the second main issue above, future occupants would not have reasonable access to shops and services. The proposal would also be contrary to Policies CB17 and CB18 of the Churchill and Blakedown Neighbourhood Plan, which require residential development to comprise small scale affordable and market housing to meet local needs, with a preference for 2 or 3 bedroom properties. Combined, these factors attract some weight against the proposal.
29. However, in this case, the substantial weight given to the harm arising from inappropriate development and its effect on Green Belt openness, and the weight afforded to the access of future occupants to shops and services, and to the conflict with NP policies are clearly outweighed by the considerable weight afforded to the medical circumstances of the appellant and the weight afforded to the benefits cited in association with the development. This amounts to the very special circumstances necessary to justify the proposal.

Other matters

30. Concern has been raised in relation to the effect of the proposal on the Churchill Conservation Area. However, based on the comments of the Council's Conservation Officer and all I have seen and read, I am satisfied no harm would occur in this respect.

Conditions

31. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity in order to comply with the National Planning Policy Framework, advice given in the Planning Practice Guidance and based on comments submitted by the appellant.
32. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions 3, 9 and 10 are necessary in the interests of the character and appearance of the surrounding area. Conditions 4, 5 and 6 are necessary in the interests of highway safety. Condition 8 is necessary to preserve wildlife interests, although the necessity has not been demonstrated to require post development monitoring arrangements. Condition 7 is necessary to ensure that the site is adequately drained.

Conclusion

33. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 103-PL-101, Section Drawings 103-S-102, Site Landscape Plan 103-PL-101, Proposed External Lighting Layout 103-P-110, Proposed Floor Plans 103-P-003, Proposed Elevations 103-E-001, Site Sections 103-S-101, 1-3-P-004, Topographical Survey Drawings Ref Nos 957/1, 957/2 and 103-P-103.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Before any works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway (measured perpendicularly), for a distance of 43 metres in each direction along the nearside edge of the adjoining carriage way. Nothing shall be planted, erected and/or allowed to grow in the triangular area of land so formed which would obstruct the visibility described above.
- 5) Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge, and shall be made to open inwards only.
- 6) Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority.
- 7) No development shall take place until a site drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall confirm with the non-statutory technical standards for SUDS (Defra 2015) and the principles set out in the submitted Sustainable Urban Drainage System Design Strategy. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The development shall be implemented in accordance with the approved strategy and thereafter maintained.
- 8) No development shall take place until details of the number, design, and location of bird nesting boxes/bat boxes/bricks/tubes have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
- 9) No development shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings have been submitted to and approved in writing by the local planning authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship

with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.

- 10) The dwelling hereby permitted shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The scheme shall include proposed means of enclosure, hard surfacing materials, and where proposed, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 2 years from the from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Appeal Decision

Site visit made on 14 December 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 22nd December 2017

Appeal Ref: APP/R1845/W/17/3180731

Honey Brook Farm, Bridgnorth Road, Kidderminster DY11 5RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr W Rodenhurst against the decision of Wyre Forest District Council.
 - The application Ref 17/3020/PNRES, dated 23 March 2017, was refused by notice dated 22 May 2017.
 - The development proposed is change of use and conversion of agricultural building to form dwelling.
-

Decision

1. The appeal is dismissed.

Background

2. Of relevance, Schedule 2, Part 3, Class Q and Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) set out the requirements in order for the proposal to be considered as permitted development. In addition, Section (3) paragraph 5 (a) of the GPDO sets out that permission granted by Schedule 2 does not apply if in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful. Should the proposal be considered permitted development, Class Q.2 of the GPDO lists a number of matters that require prior approval.
3. In the context of Section (3) paragraph 5 (a) of the GPDO, the Council's concern relates to the works undertaken to the north west elevation of the appeal building. Accordingly, the main issues are as set out below.

Main Issues

4. The main issues are:
 - whether the proposal constitutes permitted development, and if so;
 - Whether the proposal would require prior approval in respect of the accompanying conditions set out in paragraph Q.2.

Reasons

5. The appeal site is an agricultural building of metal frame construction with walls constructed from a mixture of concrete block, metal cladding and timber

boarding. The north west section of the building is covered by a roof that is held up by five posts and is open at three of its sides. The Council state that the north west elevation was constructed during the latter half of 2016 and that prior to these works the elevation was open. This is not disputed by the appellant.

6. With reference to the Town and Country Planning Act 1990¹, the appellant contends that the works undertaken at the north west elevation does not comprise "development" as it affects only the interior of the building and does not materially affect the external appearance of the building. Whilst the elevation is broadly in the center of the building, set behind five posts and beneath a pitched roof, it faces outside, with the adjoining section of the structure open on all of its sides. Thus I cannot agree that the works undertaken affects only the interior of the building. Moreover, as I saw during my site visit and with reference to the photographs submitted by the third party, the works have materially altered the building's external appearance.
7. Whilst I understand that the works were carried out for agricultural purposes, the Council state that no notification was provided for the works in accordance with Part 6 of Schedule 2 of the GPDO. In addition, no evidence is before me to demonstrate that the works undertaken are lawful in planning terms. Consequently, based on the evidence before me, the works to the north west elevation of the appeal building are unlawful.
8. The appellant asserts that the proposal would meet Class Q.1 (a) – (m) and prior approval matters listed at Class Q.2 of the GPDO. However the proposal would not constitute permitted development with reference to Section (3) paragraph 5 (a) of the GPDO.

Other Matters

9. Given that I have concluded that the proposal is not permitted development, it is not necessary for me to consider the prior approval matters listed at Class Q.2 which would not alter the outcome of the appeal.
10. It is highlighted that the lawfulness of the works undertaken to the north west elevation was not a reason for refusal in the previous application. However, I understand evidence of this matter was not before the Council when it determined the previous application. Moreover I must determine the appeal based on the submitted evidence.

Conclusion

11. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR

¹ At Section 55 (2) of the Town and Country Planning Act 1990

Appeal Decision

Site visit made on 14 December 2017

by B Bowker Mplan MRTPI

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

Decision date: 22nd December 2017

Appeal Ref: APP/R1845/D/17/3181927

The Retreat, Lowe Lane, Wolverley, Kidderminster, Worcestershire DY11 5QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Christopher Page against the decision of Wyre Forest District Council.
 - The application Ref 17/0398/FULL, dated 14 May 2017, was refused by notice dated 3 August 2017.
 - The development proposed is described as '*small extension to existing building to provide toilet- sink and storage*'.
-

Decision

1. The appeal is allowed and planning permission is granted for a small extension to existing building to provide toilet-sink and storage, at The Retreat, Lowe Lane, Wolverley, Kidderminster, Worcestershire DY11 5QP, in accordance with the terms of the application Ref 17/0398/FULL, dated 14 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing Floor Plan, Proposed Floor Plan, Existing North East and South West Elevations, Existing and Proposed North West and South East Elevations.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - The effect of the proposal on the character and appearance of the host building and surrounding area.

Reasons

Whether inappropriate development

3. The appeal site comprises a single storey detached building used for holiday accommodation that is located within the West Midlands Green Belt. Policy SAL.UP1 of the Site Allocations and Policies Local Plan (SAP) and paragraph 89 of the Framework set out which categories of development are not classed as inappropriate development in the Green Belt. Of relevance, one category of development not considered inappropriate development relates to the extension of an existing building/dwelling, provided that it does not result in disproportionate additions over and above the size of the original building/dwelling.
4. A single storey extension to the building was allowed at appeal¹ on 18 May 2016. In reaching the decision, the Inspector considered that the footprint of the extension would be modest (10.5sqm) and noted the proposal represented an approximate increase of 53% to the footprint of the appeal building. The extension allowed at the appeal in 2016 is yet to be constructed.
5. A more recent proposal for a single storey extension to the building was dismissed at appeal² on 19 April 2017. Based on the Council's measurements, the dismissed appeal involved an extension with a footprint of 9.3sqm. This extension would have been in addition to the extension allowed at the 2016 appeal. The Inspector in the 2017 case considered that the proposal was a disproportionate increase to the original building.
6. Based on the Council's measurements, the proposal before me would further extend the depth of the 2016 extension by 1.5m, giving an additional footprint of 5.55sqm. The Council calculate that the proposal would cumulatively increase the volume of the original building by approximately 73%.
7. The Council consider that a 70% increase in the size of the building would represent a disproportionate addition in the context of Policy SAL.UP1 and paragraph 89 of the Framework. However, based on the Council's calculations, the proposal would not result in a disproportionate addition over and above the size of the original building, as set out by the Framework and Policy SAL.UP1. This was clearly the case in relation to the 2017 appeal which in conjunction with the approved extension would have increased the floor space of the original building by more than 100%.
8. Policy SAL.UP1 states that applications for extensions to existing dwellings will be considered on a case by case basis. In this case, taking into account the footprint and single storey scale of the proposal, the proposal in conjunction with the previously approved extension would not represent a disproportionate addition over and above the size of the original building.
9. The Council refer to the effect of the proposal on Green Belt openness. However, the exception at bullet point 3, paragraph 89 of the Framework does not require an assessment on this basis, with the impact on Green Belt openness implicitly taken into account in the exception. Consequently, although the Council contends that the scheme would have an effect on Green Belt's openness, as the development would not be a disproportionate extension or addition, it is not necessary that I separately assess its effect on openness.
10. Consequently, the proposal would not be inappropriate development having regard to the Framework and Policy SAL.UP1.

¹ APP/R1845/D/16/3148576, decision date 23 May 2016

² APP/R1845/D/17/3167747, decision date 11 May 2017

Character and Appearance

11. The Inspector determining the 2016 appeal concluded that the proposal before her would not harm the character and appearance of either the host building or surrounding area. The Inspector determining the 2017 appeal concluded that in conjunction with the previously approved extension, the proposal before him would visually dominate and overwhelm the original building.
12. The ridge height of the proposal before me would be in line with the previously approved extension and consequently below the ridge height of the original building. The height of the extension and its reduced and modest footprint would ensure the proposal, in conjunction with the approved extension, would be subservient to and not overwhelm the original building. In addition, a suitably worded condition would ensure that materials used in the construction of the external surfaces of the proposal would harmonise with those used in the existing building. In this context and taking into account the discrete siting of the extension to the rear of the building, the proposal would not have a harmful effect on the character and appearance of the surrounding area.
13. Therefore the proposal would not have a harmful effect on the character and appearance of the host building or surrounding area. Consequently the proposal would meet the requirements of SAP Policy SAL.UP8. Insofar as it relates this matter, this policy requires extensions to be subservient to and retain the visual dominance of the original building and harmonise with the existing landscape or townscape.

Conditions

14. The conditions set out above are based on those suggested by the Council. A condition specifying the relevant drawings is necessary in the interests of certainty. A condition relating to materials is necessary to protect the character and appearance of the area and host building.

Conclusion

15. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be allowed subject to the noted conditions.

B Bowker

INSPECTOR

SECTION 106 OBLIGATION MONITORING

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

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

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0780/FULL	Blakebrook School Bewdley Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space of £19,174.32 • Biodiversity contribution of £5,000 • Affordable housing provision 		

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0511/OUTL	Land off Spennells Valley Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution of £43,428 • Education contribution of £116,372 • Contribution of £20,000 towards creation of bus stops • Contribution of £9,000 towards public and/or sustainable transport • Affordable housing – 13% • Costs to be confirmed towards increase of GP surgeries • Costs to be confirmed regarding waste and recycling • Public Open Space contribution of £3,384 • Affordable Housing 		Draft agreement in circulation

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0325/S106	Deasland Farm Deasland Lane Heightington	Variation of S.106 agreement associated with Planning Permission WF.0642/98 to allow Deasland Farmhouse to be separated from the farm holding and removal of agricultural tie		Awaiting title details from applicants
17/0269/FULL	Kidderminster Market Auction Site Market Place Kidderminster	<ul style="list-style-type: none"> Public Open Space contribution of £6,682 		Agreement completed 23.10.17
17/0168/FULL	Doveleys Worcester Road Clent	S.106 agreement required to prevent the previously approved Planning Permission being implemented		Agreement completed 18.7.17
17/0102/FULL	1 and 2 Barretts Farm Cottage Rectory Lane Rock	S.106 agreement required to prevent any further work under the previously approved and implemented Planning Permission 10/0434/FULL		Agreement completed 20.4.17
17/0090/FULL	Barrow Hill Farm Bournes Green Kidderminster	S.106 agreement required to ensure that existing property must be demolished within 3 months of the occupation of the new property		Agreement completed 22.5.17

Agenda Item No. 7

Application Number	Site	Provisions	Triggers for Compliance	Performance
17/0006/S106	Land off Mill Lane Stourport on Severn	Variation of S.106 agreement attached to WF.472/98 to allow a financial contribution in lieu of on-site provision of play area		Agreement finalised. Just resolving land transfer documents.
17/0001/OUTL	Alton Works Long Bank Bewdley	<ul style="list-style-type: none"> • Public Open Space contribution of £23,242 • Education contribution of £48,282 • Affordable Housing 		Draft agreement in circulation
16/0740/S106	14-36 (evens) Gala Drive Stourport on Severn	Variation of S.106 attached to Planning Permission 10/0321/OUTL to define and amend disposal and mortgage exclusion clause		Agreement completed 23.10.17
16/0688/FULL	Rifle Range Community Centre Dowles Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution of £3,384 • Affordable Housing – to be secured by condition 		Agreement completed 22.6.17
16/0480/S106	Tesco Stores Ltd Castle Road Kidderminster	Variation of existing S106 regarding car parking management		Draft being finalised

Application Number	Site	Provisions	Triggers for Compliance	Performance
16/0096/FULL	Eagles Nest Coningsby Drive Kidderminster	£10,000 to provide new bus shelter	First occupation	Agreement completed 2.3.17
16/0089/FULL	Corner of Castle Road and Park Lane Kidderminster	Public Open Space contribution of £6,878 towards St George's Park 'Bandstand' project'	Prior to first occupation	Agreement completed 19.4.16

Agenda Item No. 7

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

Agenda Item No. 7

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

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

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

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

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

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

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

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

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

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

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

20th February 2018

**Land at Bewdley Methodist Church
12 High Street, Bewdley, DY12 2DK**

OPEN	
CORPORATE DIRECTOR:	Corporate Director: Economic Prosperity and Place
CONTACT OFFICER:	Alvan Kingston – Ext. 2548 Alvan.Kingston@wyreforestdc.gov.uk
APPENDICES:	Location Map

1. PURPOSE OF REPORT

- 1.1 To determine whether the Tree Preservation Order No 418 (2017) relating to a young Walnut tree growing within the garden to the rear of Bewdley Methodist Church, 12 High Street, Bewdley, should be confirmed or not.

2. RECOMMENDATION

- 2.1 **That the Tree Preservation Order (TPO) be confirmed without modification:**

- **TPO to include 1 Walnut (*Juglans regia*) [T1]**

as it is a young tree that contributes to the amenity of the locality and is considered worthy of protection.

3. BACKGROUND

- 3.1 A formal notification was received on 7 August 2017 to remove a young, self-sown Walnut tree growing within the grounds of Bewdley Methodist Church, 12 High Street, Bewdley (17/0498/TCA).
- 3.2 As part of the consultation procedure, Bewdley Town Council commented that there were not many Walnut trees within the town and they were also increasingly concerned about the number of tree applications for felling which, over time, will severely affect the overall treescape and backdrop of Bewdley.
- 3.3 As a result, a new Tree Preservation Order was made and served on 8 September 2017.

4. OFFICER COMMENTS

4.1 The tree in question is a good young specimen, of around 10 to 15 years, which has most likely self seeded from a Walnut growing in Jubilee Gardens that borders the garden of 12 High Street. The tree is clearly visible when walking into Jubilee Gardens from the High Street entrance adding to the amenity and overall treescape of the area.

4.2 There are concerns about the longevity of the tree, given its location within a shrub bed of a moderate sized garden. However the tree contributes to the wider visual amenity of the area and the public perception of the locality. Therefore it is considered that the making of a Tree Preservation Order is justified on amenity grounds.

4.3 One objection to the TPO has been received from a representative of the Methodist Church.

4.4 The objection is as follows:

“The Order has been made without contact to the Minister or any officers of the Church, or access having been arranged to properly assess the merits of our original application to remove the tree in question. The tree is a self-planter, presumably from a nut from the old tree within QE2 Gardens adjacent to the Church gardens. It is still a young tree, yet its canopy covers the whole of the rear of the gardens and overhangs the neighbouring garden by a considerable amount. The shaded area is compounded by a large bean tree within QE2 Gardens also overhanging our boundary, thus making cultivation of our ‘garden of tranquillity’ very difficult.

It is a real concern to our Church members that this tree has already outgrown its location and, in time, will render our small gardens quite useless as an out-door resource for church activities”.

4.5 In response to the points made, the following comments are made:

- When assessing the tree work notification, the tree was clearly visible from the wall of Jubilee Gardens, so there was no need to arrange a formal appointment with members of the Church. It is not unusual to assess tree works applications from public vantage points, when there is a clear view of the application tree.
- Concerns around the long term suitability of the tree are appreciated. However there are minor pruning works that would allow the tree to be retained without it having a significant effect on the garden.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising directly as a result of this report.

6. LEGAL AND POLICY IMPLICATIONS

6.1 There are no legal and policy implications arising directly as a result of this report.

7. RISK MANAGEMENT

7.1 There are no risk management issues.

8. EQUALITY IMPACT ASSESSMENT

8.1 There are no equality impact implications to be considered.

9. CONCLUSION

9.1 Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be made.

10. CONSULTEES

10.1 None

11. BACKGROUND PAPERS

11.1 Tree Preservation Order No. 418

OS Sheet: SO786751

TPO 418



Wyre Forest
District Council

Economic Prosperity and Place Directorate



**Land at Bewdley Methodist Church,
12 High Street,
Bewdley
DY12 2DH**

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