

Open

Planning Committee

Agenda

6pm
Tuesday, 18th September 2018
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor J A Hart
Vice-Chairman: Councillor D Little

Councillor J Aston

Councillor N Harris

Councillor M J Hart

Councillor F M Oborski MBE

Councillor J A Shaw

Councillor S J Chambers

Councillor P Harrison

Councillor N Martin

Councillor C Rogers

Councillor S J Williams

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 Sian Burford, Assistant Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732766 or email sian.burford@wyreforestdc.gov.uk

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

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

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

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

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

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

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

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

WEBCASTING NOTICE

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

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

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or 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, 18th September 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 10 th July 2018.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	Land at The Great Western Public House, 42 Kidderminster Road, Bewdley To consider a report from the Corporate Director: Economic Prosperity and Place to determine whether the Tree Preservation Order No 432 (2018) relating to a Sycamore within the car park of The Great Western Public House should be confirmed or not.	63
7.	Local Enforcement Plan To consider a report from the Corporate Director: Economic Prosperity and Place to set out the background for the need and benefits of having a Local Enforcement Plan for Wyre Forest District, recommending Members to adopt the document.	66

8.	<p>Planning and Related Appeals</p> <p>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.</p>	82
9.	<p>Section 106 Obligation Monitoring</p> <p>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.</p>	112
10.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
11.	<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>	

Part 2

Not open to the Press and Public

12.	<p>New Enforcement Case</p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place on a new enforcement Case.</p>	-
13.	<p>Enforcement Matters</p> <p>To receive a report from the Corporate Director Economic Prosperity and Place that provides members with a summary on enforcement matters, and specifically the Volume of new complaints.</p>	-
14.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

10TH JULY 2018 (6PM)

Present:

Councillors: J A Hart (Chairman), J Aston, S J Chambers, M Cheeseman, I Hardiman, P Harrison, M J Hart, N Martin, F M Oborski MBE, J A Shaw, J D Smith and S J Williams.

Observers:

There were no members present as observers.

PL. 16 Apologies for Absence

Apologies for absence were received from Councillors: D Little (Vice-Chairman), C Rogers and R Wilson.

PL. 17 Appointment of Substitutes

Councillor M Cheeseman was a substitute for Councillor D Little.
Councillor I Hardiman was a substitute for Councillor R Wilson.
Councillor J D Smith was a substitute for Councillor C Rogers.

PL. 18 Declarations of Interests by Members

Councillor M Hart declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL, that he is a member of the same political group as the applicant and is also a personal friend. He informed the committee he would leave the room whilst the application was determined.

Councillor S Chambers declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL, that the business she works for is employed by the business the applicant runs. She is also a member of the same political group as the applicant. She informed the committee she would leave the room whilst the application was determined.

Councillor S Williams declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL, that he is a member of the same political group as the applicant, however, in light of the nature of the connection to the applicant, the councillor did not consider that there was a need to leave the room during the determination of the application.

Councillor P Harrison declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL, that he is a member of the same political group as the applicant, however, in light of the nature of the connection to the applicant, the councillor did not consider that there was a need to leave the room during the determination of the application.

Councillor I Hardiman declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL, that he is a member of the same political group as the applicant, however, in light of the nature of the connection to the applicant, the councillor did not consider that there was a need to leave the room during the determination of the application.

Councillor J Smith declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL, that she is a member of the same political group as the applicant, however, in light of the nature of the connection to the applicant, the councillor did not consider that there was a need to leave the room during the determination of the application.

Councillor M Cheeseman declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL, that he is a member of the same political group as the applicant, however, in light of the nature of the connection to the applicant, the councillor did not consider that there was a need to leave the room during the determination of the application.

Councillor J Hart declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL, that he is a member of the same political group as the applicant, however, in light of the nature of the connection to the applicant, the councillor did not consider that there was a need to leave the room during the determination of the application.

Councillor F Oborski declared an Other Disclosable Interest (ODI) in respect of application 18/0357/FULL that she works closely with the applicant as a member of Worcestershire County Council. However, in light of the nature of the connection to the applicant, the councillor did not consider that there was a need to leave the room during the determination of the application.

PL. 19 Minutes

Decision: The minutes of the meeting held on 19th June 2018 be confirmed as a correct record and signed by the Chairman.

PL. 20 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 566 attached).

Councillors M Hart and S Chambers left the room whilst application 18/0357/FULL was determined (6:17pm) and returned for the next application (6:18pm).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 566 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. 21 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 6:19pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

10th July 2018 Schedule 566 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Development Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Application Reference: 18/0339/FULL
Site Address: LAND AT SILVERWOODS WAY, KIDDERMINSTER
<p>APPROVED subject to the following conditions:</p> <ol style="list-style-type: none"> 1. A6 (Full with no reserved matters) 2. A11 (Approved plans) 3. B6 (External materials – approved plans) 4. To secure approved boundary treatment details 5. To secure approved levels details 6. To secure approved landscaping scheme 7. To require Landscape Management Plan 8. To require surface water drainage 9. E2 (Foul and surface water) 10. To secure approved remediation scheme to require a verification report and measures for unexpected contamination 11. To secure approved access, turning area and parking facilities 12. To secure approved Travel Plan and to require monitoring 13. To secure approved kitchen ventilation specification 14. To secure approved external lighting details 15. To secure approved Construction Management Plan in relation to noise, vibration and dust minimisation 16. To secure approved Service Yard Management Plan in relation to proposed delivery hours 17. To secure approved noise mitigation measures 18. To secure the approved details for security measures 19. To require first floor flat to remain ancillary. 20. To restrict opening hours to between 0700 – 2300 Monday to Sunday 21. To prevent amplified music being played outside <p>Note The applicant is recommended to register the approved Travel Plan</p>

Application Reference: 18/0310/OUTL

Site Address: 63 AUSTCLIFFE ROAD, COOKLEY, KIDDERMINSTER, DY10 3UP

APPROVED subject to 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 – maximum of 2 no. dwellings)
5. A11 (Approved plans)
6. B1 (samples/details of materials)
7. Details of walls, fences and other means of enclosure to be submitted
8. Details of existing and proposed levels to be submitted
9. Details of hard and soft landscaping to be submitted
10. Details of finished floor levels
11. Parking for the 2 dwellings to be laid out
12. Drainage condition
13. Tree protection details to be submitted
14. Site clearance works takes place out of the bird nesting season or is undertaken under the supervision of an ecologist

Application Reference: 18/0357/FULL

Site Address: 17 JAY PARK CRESCENT, KIDDERMINSTER, DY104JP

Delegated authority to APPROVE subject to no neighbour objections being received before the expiration of the notification period relating to the re-location of the boundary fence and subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan <render completed prior to first occupation>)

Application Reference: 18/0379/WCCR

Site Address: LAND ADJACENT TO, ST MARYS RINGWAY (A456) AND, CHURCHFIELDS / BLACKWELL STREET, KIDDERMINSTER

NO OBJECTION and recommend that the following conditions are imposed if the County Council are minded to approve the application:

1. Archaeological recording of the: Pavement Union Street Ref: LLK376; Car park and churchyard wall adjacent to St. Mary's Church; Horsefair (currently site occupied by short stay car park); and Route of new road over Dudley Street (as specified by Worcestershire Archive and Archaeology Service)
2. Details of a drainage strategy
3. Details of a landscaping scheme, to include replacement tree planting.

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

18/09/2018

PART A Report

Ref.	Address of Site	Recommendation	Page No.
18/0291/FULL	KNOLL HOUSE 33-34 MANOR AVENUE KIDDERMINSTER	APPROVAL	13

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
18/0180/FULL	WOLVERLEY MEMORIAL HALL SHATTERFORD LANE WOLVERLEY KIDDERMINSTER	APPROVAL	22
18/0207/FULL	SION HOUSE HILLPOOL KIDDERMINSTER	APPROVAL	32
18/0280/OUTL	HARE & HOUNDS WORCESTER ROAD SHENSTONE KIDDERMINSTER	APPROVAL	37
18/0349/LIST	WYRE FOREST DISTRICT COUNCIL BEWDLEY MUSEUM LOAD STREET BEWDLEY	APPROVAL	42
18/0425/OUTL	31 MIDDLETON ROAD KIDDERMINSTER	APPROVAL	45
18/0457/LIST	2-3 NEW STREET STOURPORT-ON-SEVERN	APPROVAL	50
18/0485/FULL	26 OLDNALL ROAD KIDDERMINSTER	APPROVAL	53
18/0512/OUTL	30 BURLISH CLOSE STOURPORT-ON-SEVERN	APPROVAL	59

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18TH SEPTEMBER 2018

PART A

Application Reference:	18/0291/FULL	Date Received:	27/04/2018
Ord Sheet:	381230 277172	Expiry Date:	22/06/2018
Case Officer:	Helen Hawkes	Ward:	Franche & Habberley North

Proposal: Erection of detached dwellinghouse, including parking and associated works

Site Address: KNOLL HOUSE, 33-34, MANOR AVENUE, KIDDERMINSTER, DY116EA

Applicant: Metis Developments (Habberley) Ltd

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP04, CP05, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP3, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance, Supplementary Planning Document National Planning Policy Framework National Planning Practice Guidance
Reason for Referral to Committee	Planning application represents Departure from the Development Plan Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site relates to the rear part of the rear garden belonging to No. 115 Habberley Road, a two-storey detached dwellinghouse, and part of the previous approved scheme (application 17/0213/FULL) for 6 new dwellinghouses on the former Knoll School site. The site is adjoined by residential properties to the north, east and west, and the former Knoll School site to the south which is currently under construction under application 17/0213/FULL. The site gradually slopes up from east to west and contains a number of mature trees. The surrounding area is predominantly residential in character and the site has good accessibility to local shops and services. During this application the Council have issued a Tree Preservation Order (TPO 428) on all the trees within the site.

18/0291/FULL

- 1.2 The application originally sought planning permission for the erection of two detached dwellinghouses, however, following concerns raised by the Planning Officer and the Arboricultural Officer in terms of overlooking of neighbouring gardens, overdevelopment and loss of mature trees, the application has been amended to one, five bed, dwellinghouse with a detached double garage.
- 1.3 The proposed dwellinghouse would be sited to the north of plot 6 of the approved scheme and would be two-storeys high with a traditional design style to reflect the dwellinghouses in the approved scheme and the surrounding local character. The proposed garage would be sited at the head of the new cul-de-sac and perpendicular to the proposed dwellinghouse. 3 car parking spaces would be provided and a double garage for 2 additional car parking spaces. The rear garden would require the construction of a new embankment with a gradient of 1 in 3 to support the change in ground level.
- 1.4 A total of 9 small scale trees or those with defects (identified as T16-T24) would be removed to facilitate the development. All of the existing mature trees located on the boundary line of the site and within neighbouring gardens (identified as T5-T15, T23, T25, T26, G2 and G3) would be retained and protected during the construction phase as shown on the submitted Tree Protection Plan.

2.0 Planning History

- 2.1 17/0291/FULL – Demolition of existing redundant school buildings and associated extensions. Construction of 6No. Residential dwellings and associated access, parking and garden areas : Approved 15.06.17

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Following consultation on the revised plans, the Town Council oppose the application on grounds that it would result in an over intensive use of the site and lack of additional parking.
- 3.2 Highway Authority – No objection to the revised scheme subject to a condition to require the access and parking facilities to be provided, retained and kept available at all times.
- 3.3 Severn Trent Water – No objection and do not require a drainage condition to be applied. It is also advised that a public sewer may be located within the site and for the applicant to obtain the necessary consents from Severn Trent Water.

18/0291/FULL

- 3.4 Arboricultural Officer – No objection to the revised scheme and following the submission of the Arboricultural Impact Assessment (AIA). It is advised that there is sufficient space between T14 and the proposed dwellinghouse and although there isn't much space between T15 and the proposed garage, it is just a garage and I feel confident I would be able to deal with post-development pressure to have excessive works undertaken to it. Add to that these two trees are on the north side on the dwelling, there would be no loss of direct sunlight. It is recommended that conditions are attached to require a Arboricultural Method Statement (AMS) and a pre-commencement site meeting to ensure the works to form the embankment in the rear garden do not harm T7 and T14, as the works extend up to the edge of the root protection areas of these two trees. A condition is also necessary to secure the location and type of tree protective fencing shown in the submitted Tree Protection Plan and a condition to secure replacement tree planting.
- 3.5 West Mercia Police Designing Out of Crime – No objection.
- 3.6 Neighbour/Site Notice : Ward Member – Objects to the original application for two dwellinghouses on the grounds that the development will be very detrimental to the trees and wildlife and to residents, and would be an overdevelopment of the site. In connection with the revised scheme he has requested to speak at planning committee.

Three letters have been received from nearby occupiers objecting to the original application for two dwellinghouses, including a petition against the development with 36 signatures from local residents. The objections were made on the following grounds:

- Cramped and overdevelopment of site.
- Loss of privacy to residents of Hillside Drive.
- Loss of trees which form an important part of the landscape character and are a distinct and recognisable local feature.
- Loss of trees which also act as a prominent buffer/screen between dwellinghouses.
- Missing specific arboricultural details.
- A provisional Tree Protection Order should be served prior to this application being determined.
- Loss of trees cannot be mitigated through replacement planting or landscaping.
- No allocation of public open space.
- Lack of useable garden space to the rear.
- It should be taken into account that residents affected by this proposal are elderly and not familiar with the planning system.
- Development in Kidderminster should be sustainable and seek to improve public amenity and biodiversity not harm it.
- Impact wildlife.
- Insufficient roadside parking outside each of the approved and proposed houses and lack of visitor parking.

18/0291/FULL

- Inadequate access for construction trucks and delivery of building materials. It is noted by one writer that the last 12 months has proven that the access is inadequate during the construction of the approved scheme on the former school site.

Nearby occupiers were re-consulted for 14 days following the submission of a revised scheme for one dwellinghouse with garage and the submission of an Arboricultural Impact Assessment. 4 letters of objection were received, including a petition against the construction of a 5 bed dwellinghouse, with 37 signatures. The objections were made on the following grounds:

- Loss of mature trees which are valued by local residents and are a benefit to the environment, especially as they are important for wildlife.
- Pressure to remove trees in the future as they look close to the proposed buildings and the trees have not reached their full-size potential.
- Detrimental impact on public amenity/privacy, due to the increased risk of harmful, onerous tree pruning or felling once the dwellinghouse is occupied. It is also considered by one writer that the Council would have no alternative but to grant consent for detrimental pruning or felling of the trees to be retained.
- Impact on the wider public amenity due to the loss of trees.
- Loss of privacy, particularly during the winter months.
- Impact of traffic to and from the site.
- Additional houses to the original scheme for six detached houses would be an over-development and would be damaging to the environment.

4.0 Officer Comments

- 4.1 The main considerations are whether the principle of development is acceptable in this location and whether there would be any adverse impact on the local character, residential amenity, highway safety and upon existing trees.

PRINCIPLE OF DEVELOPMENT/POLICY CONTEXT

- 4.2 The proposed dwellinghouse would form an extension to the approved development (17/0213/FULL) for six dwellinghouses on the former Knoll School site and would form a new cul-de-sac off Manor Avenue, within a residential area of Kidderminster. The approved scheme is currently under construction.

18/0291/FULL

- 4.3 The site which is the subject of this application relates to the rear part of the existing residential garden belonging to No. 115 Habberley Road and part of the former Knoll School site. As residential gardens are excluded as 'previously developed land' as defined by the glossary forming the National Planning Policy Framework, the development would be contrary to Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan which seek to concentrate new housing development on previously developed sites within areas allocated primarily for residential development on the Policies Map, starting in urban areas of Kidderminster and Stourport-on-Severn. The application is therefore a departure from the Development Plan.
- 4.4 Paragraph 59 of the National Planning Policy Framework ('Framework') advises that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. In paragraph 67, the Framework also advises that strategic policy-making authorities should identify a supply of specific, deliverable sites for years on to five of the plan period.
- 4.5 The housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years based its housing land availability figures on an assessed need. Relevant policies for the supply of Housing are out of date. Based on the latest Housing Residential Land Availability data the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. As such, the relevant policies for the supply of housing, such as Policies DS01 and SAL.DPL1, cannot be regarded as being up to date.
- 4.6 In these circumstances, paragraph 11 of the Framework states that, the presumption in favour of sustainable development means that planning permission should be granted without delay unless any identified harm significantly and demonstrably outweighs the benefits of the proposed development when assessed against the policies in the Framework as a whole. This application is to be considered in this policy context.

IMPACT ON LOCAL CHARACTER

- 4.7 The National Planning Policy Framework advises that good design is a key aspect of sustainable development, as it creates better places in which to live and work and helps to make development acceptable to communities. Paragraph 127 also advises that planning decisions should ensure that developments are (amongst others) sympathetic to local character; help to maintain a strong sense of place; and help to add to the overall quality of the area, not just for the short term but over the lifetime of the development. Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan also seek to secure well designed developments that respond well with the local character.

18/0291/FULL

- 4.8 The proposed dwellinghouse would follow the building line of the approved dwellinghouse on plot 6 and would have a similar built form, scale and design style as the dwellinghouses in the approved scheme. The proposed plot would also be of a sufficient size to accommodate the proposed dwellinghouse without appearing cramped or as an overdevelopment of the site. The layout of the site is considered acceptable. The dwellinghouse would be sited adjacent to the turning head of the new cul-de-sac and only the double garage would be visible Manor Avenue. The proposed garage would provide an end to the cul-de-sac and the development, as a whole, would sit comfortably within this new street scene.
- 4.9 I note that the proposed development would require the loss of 9 trees. All of the trees to be removed are a low category tree and are either small scale trees or trees with defects or limitations on the current amenity contribution or useful remaining life expectancy. As such, I am of the view that the loss of these low category trees would not have a detrimental impact on the character and appearance of the area.
- 4.10 Overall, I consider that the proposed development would be well designed and would add to the quality of the built environment and the character and appearance of the surrounding area, in accordance with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

IMPACT ON RESIDENTIAL AMENITY

- 4.11 The proposed dwellinghouse would comply with the 45 Degree Code in relation to the nearest habitable room windows in the dwellinghouse on plot 6 of the approved scheme. The proposed dwellinghouse would also be sited a sufficient distance from the existing rear garden to 32 Manor Avenue, 115 Habberley Road and 119 Habberley Road to ensure there is no loss of privacy to adjoining residential properties. Furthermore, the proposed garage would have a low scale hipped roof (measuring 4.6 metres to the ridge) and would not result in an overbearing or overshadowing impact on any adjoining rear gardens.
- 4.12 I am satisfied that the proposed development would provide a high quality living environment for future occupiers and that all internal room sizes would accord with the nationally described space standard of the Technical Housing Standards 2015. Although the rear garden would be split over two levels, I am satisfied that it would provide a sufficient private amenity space that would be useable and would not be significantly overshadowed by the existing trees that are to be retained. The development would therefore provide a good standard of amenity for existing and proposed residents.

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IMPACT ON HIGHWAY SAFETY

- 4.13 The Highway Authority has raised no objection to the application subject to conditions to ensure the car parking spaces and the extension to the new access road is provided. I concur with this view and have attached conditions accordingly. The proposed parking provision of 300% is considered to be adequate for the proposed five bed dwellinghouse and would accord with the Adopted Parking Standards. The application site is also located in a sustainable location, with good accessibility to local shops and services.

IMPACT ON TREES

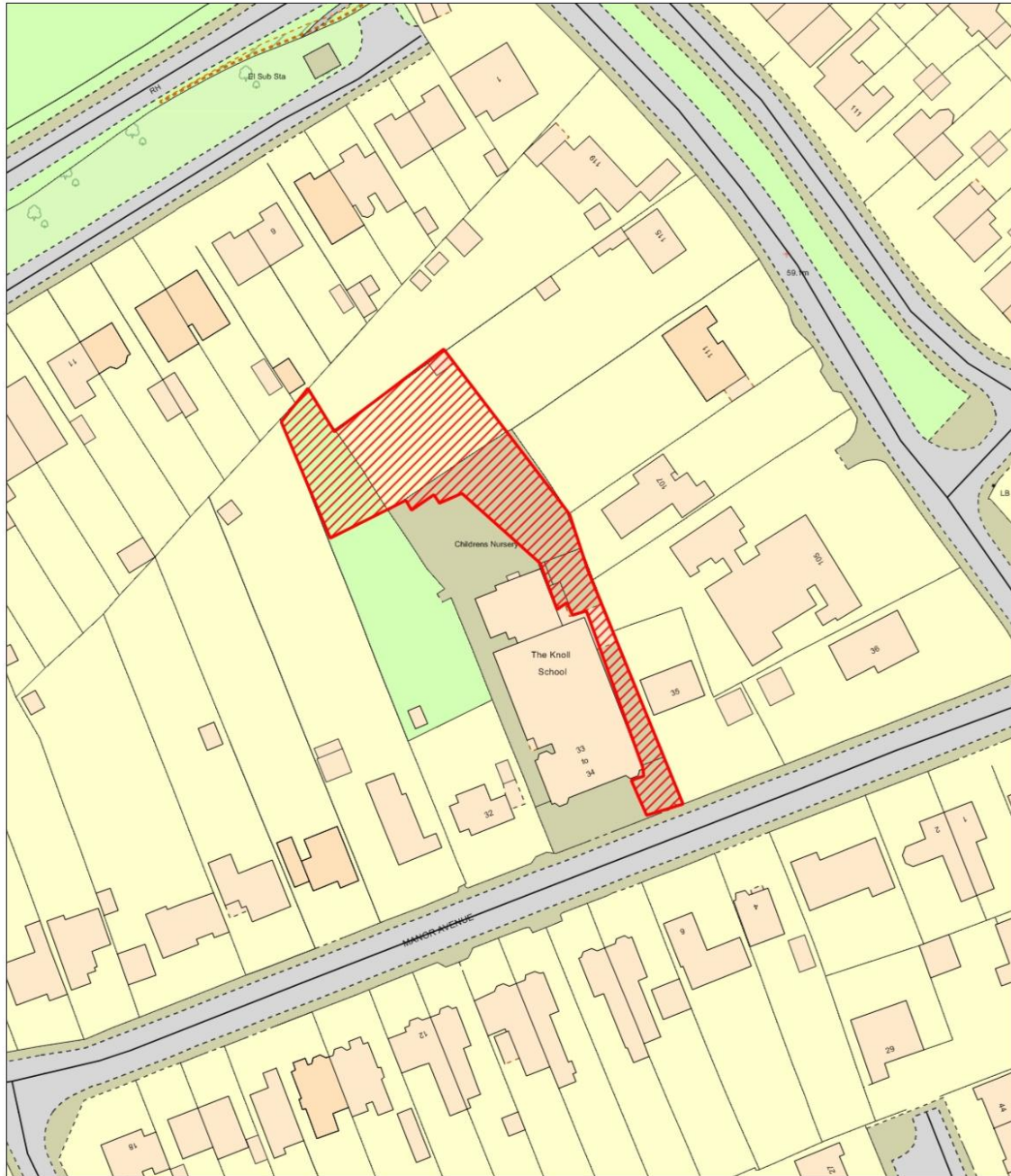
- 4.14 The applicant has submitted an Arboricultural Impact Assessment (AIA) including a Tree Protection Plan and whilst the development would require the loss of 9 trees, these are considered to be of the lowest category and either small scale trees or trees with a defect or limitation. I note that the trees to be lost are located within the rear part of the existing gardens and therefore are considered to have a low public amenity value.
- 4.15 The Arboricultural Officer has fully considered the application and has raised no objection. The Tree Officer considers that there would be sufficient separation between the proposed dwellinghouse and the garage to ensure the most important trees on the boundary line of the site and within the rear garden of neighbouring properties can be retained and protected during the construction phase. I also note that during this application a Tree Preservation Order (TPO 428) was served No.115 Habberley Road, which covers all the trees within the application site. As such, there is long term protection of the trees to be retained. I have attached a condition to secure a suitable landscaping scheme and to ensure the tree protection measures are implemented. Conditions have also been attached to ensure an arboricultural method statement is submitted in regards to the works required to create the embankment in the rear garden and a further condition has been attached to remove permitted development rights for any extensions or outbuildings in order to safeguard the existing trees.

5.0 Conclusions and Recommendations

- 5.1 The proposed development would reflect the siting, built form, scale and design style of the approved scheme on the former Knoll School site and would create a coherent development that is in keeping with the character and appearance of the surrounding area. Although the loss of trees is regretful, it is considered that in this instance, the trees to be removed are of a low category and make a limited amenity contribution. The most important trees on the boundary of the site and within neighbouring gardens can be satisfactorily retained and protected. The development would not cause any detrimental impact on highway safety or the amenity of existing residents.

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- 5.2 It has also been noted above that the proposed development would be contrary to the Development Plan in terms of its location on an existing residential garden. However, when balanced against the benefits of the scheme including the contribution to the supply of housing by one additional dwellinghouse, I am satisfied that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the Framework as a whole
- 5.3 For the reasons outlined above it is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. To secure external materials including hard surfacing details
 4. B11 (Details of enclosure)
 5. B13 (Levels details)
 6. Removal of permitted development rights for extensions and outbuildings
 7. To secure Tree Protection Plan details
 8. To require a Landscaping scheme
 9. To require Landscaping to be implemented
 10. To require Arboricultural Method Statement and site visit meeting prior to embankment works.
 11. Requires access, turning and parking facilities to be provided
 12. Details of external lighting to be agreed



Economic Prosperity and Place Directorate

Knoll House

33-34 Manor Avenue

Kidderminster, DY11 6EA



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18TH SEPTEMBER 2018

PART B

Application Reference:	18/0180/FULL	Date Received:	07/03/2018
Ord Sheet:	382593 279271	Expiry Date:	25/08/2018
Case Officer:	Helen Hawkes	Ward:	Wyre Forest Rural

Proposal: Proposed replacement memorial hall, sports and social club, additional tennis court and associated external works

Site Address: WOLVERLEY MEMORIAL HALL, SHATTERFORD LANE, WOLVERLEY, KIDDERMINSTER, DY115TN

Applicant: Wolverley & Cookley Parish Council

Summary of Policy	DS01, CP01, CP02, CP03, CP07, CP11, CP12 (CS) SAL.PFSD1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP7, SAL.UP9 (SAAPLP) Sections 2, 4, 8, 9, 12, 13, 14, 15 (NPPF) Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site measures 1.86 hectares in area and comprises the existing 1960's Memorial Hall, Sports and Social clubhouse, Sea Cadets building, a bowling green, two floodlit tennis courts, playground, sports field and a car parking area.

1.2 The site is situated to the northwest of the roundabout junction between the B4190 Franche Road and the B4189 Wolverley Road. The site rises gradually from the south to the centre of the site and then steeply by 6 metres up to the north corner of the site, adjacent to Wolverley Road. There is an existing vehicular access off Wolverley Road and the site includes a number of mature trees and hedgerows around the periphery. Adjoining the site to the west and to the south, on the opposite side of Franche Road, are residential properties. To the southeast, is Wolverley Sebright Primary School and to the east, on the opposite side of Wolverley Road, are further residential properties with the Grade II* listed Church of St John The Baptist beyond. Adjoining the site to the northwest and to the north, on the opposite side of Wolverley Road, are open agricultural fields. The site falls within the West Midlands Green Belt.

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- 1.3 Full planning permission is sought for the demolition of the existing buildings and the erection of a part single storey, part two storey building that would amalgamate the Wolverley Memorial Hall and the Sports and Social Clubhouse into one new facility.
- 1.4 The proposed building would be broadly rectangular in shape and would be built partially over the footprint of the existing Sports and Social Clubhouse and would extend towards the area where there is currently a children's playground. The building has been designed to take advantage of the changes in ground levels and would be part single storey as you access the building from the new car parking area to the north and would increase to two-storeys in height to create a first floor level that would incorporate a terrace to overlook the outdoor sports. Internally, the building would include two main function halls located at either ends of a centrally located main entrance. The main entrance would house an entrance foyer with cafe at ground floor and above there would be a member's lounge with a south-facing terrace. The two function halls would consist of a single storey hall that can be used for private functions and for entertainment events; and the second function hall would be a two storey space allowing for indoor sports such as badminton/basketball and other activities like live entertainment and amateur dramatics. The new facility would also provide changing rooms, toilets and storage facilities for the users of the outdoor sports provision on site.
- 1.5 The proposed scheme indicates a realignment of the footpath with a new pedestrian access provided adjacent to the roundabout junction which would lead up to the new facility. An enclosed memorial garden directly to the east of the building would be provided, which would be accessed from the external footpath as well as one of the function halls as an outdoor space. A new petanque area, children's play space and a third tennis court are also proposed. It is intended to install 12 x 6.7 metre high floodlighting columns with 18 lights around the perimeter of all three tennis court, which would replace the existing floodlighting. The proposed hours of use for the floodlights would be until 10pm daily.
- 1.6 Vehicular access to the site would remain unchanged and it is proposed that 80 car parking spaces including 16 overspill spaces and 4 disabled spaces would be provided.
- 1.7 1 Oak tree would be removed to facilitate the development of the third tennis court and it has been agreed with the applicant to provide replacement tree planting.
- 1.8 During the course of the application, the scheme has been revised to show: an amended car parking layout with adequate parking provision and manoeuvring space; 2no. Charging points for electric vehicles; the drainage strategy for the site; 12no. Floodlighting columns to the tennis courts; additional building features to manage solar gain; additional windows to maximise natural surveillance; and new planting areas to soften the views of the car parking area from Wolverley Road.

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2.0 Planning History

2.1 No planning history for the site.

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – All Parish Councillors declared an interest in this application as it was submitted in the name of the Parish Council to reduce application fees. From the 11 Councillors present only 1 had been involved with the project, they declared a Pecuniary interest and did not participate, the other 10 were not prejudiced and unanimously Recommended Approval.
- 3.2 Highway Authority – No objection to the amended site layout plan (Drawing No. 22167/03c) which includes all of the previous requirements, subject to conditions to ensure the access, turning area and parking facilities are provided and kept available at all times and to require details of adequate sheltered and secure cycle parking to be submitted.
- 3.3 Arboricultural Officer – No objection to the application subject to a condition to require replacement tree planting to mitigate for the loss of the Oak tree to facilitate an additional tennis court.
- 3.4 West Mercia Police Designing Out Crime Officer – No objection to the application and advises that the applicant should remove any possible climbing points to the roof and should consider security if the building is to be hired out to individuals.
- 3.5 North Worcestershire Water Management Officer – No objection to the amended site layout plan (Drawing No. 22167/03c) which shows a surface water drainage scheme for the development and recommends that a condition is attached to require a site drainage strategy to be submitted.
- 3.6 Worcestershire Regulatory Services – No objection and advises that they have no adverse comments to make in respect to contaminated land, noise and nuisance. It is recommended that a condition is attached to require a Construction Environmental Management Plan to be submitted in order to minimise any nuisance from noise, vibration and dust during the demolition and construction phases.

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3.7 Neighbour/Site Notice – 3 letters of objection have been received from nearby occupiers stating the following concerns:

- Loss of views of the countryside
- Loss of privacy
- A single storey building would be more in keeping with the area
- The building exterior is not aesthetically pleasing and will stand out.
- Risk of flooding to properties due to increased car park surface and site being higher in ground level than adjoining dwellinghouses
- The internal design of the building would not allow for its intended use for example there is no stage within the venue room for live bands to perform and the hall with the stage opens up into the top floor which will make the acoustics very low quality.
- The whole project will be become a charity which would result in the social club being dissolved as you cannot have a social club disguised within a charity. This will lead to the project falling into the hands of an entertainment company that will hire the rooms for events and charge the local community for attending.
- Lack of fencing to the bowling green.
- Concern that this project will not be viable.
- Concern that there will be a shortage of funding to maintain the flat roof, which may later cause the building to be blight on the landscape.

1 letter of objection received following re-consultation of revised plans. The writer raises concern that the proposed building would still be positioned closer to their house and that it would spoil not only their view but the essence of this conservation area. The writer further states that the natural flow into the countryside and the views would be lost. They do not consider that there is a need for a two storey building and that it would provide no additional benefit, and due to parts of the building being double height would also result in a detrimental impact as heating the space would be costly, economically inefficient and not environmentally friendly. The writer believes that the same floor space (as existing) and facilities can be achieved across a single storey facility which would be in keeping with the area and would support environmental efficiencies.

4.0 Officer Comments

4.1 The main considerations for this application are whether the proposed development would represent inappropriate development in the Green Belt, as well as its impact on the character of the area, on residential amenity, on highway safety and upon drainage/flood risk.

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BACKGROUND INFORMATION

- 4.2 The applicant have advised that the existing Memorial Hall and the Sports and Social clubhouse are no longer considered to be fit for purpose due to their age, impractical layout, lack of facilities and inadequate provisions for people with disabilities or with pushchairs. It is also advised that the site has no internet provision or audio-visual capacity and that the parking provision is insufficient when the hall is in active use. The applicant has undergone extensive consultation with the public since 2014 when a Sub Committee from the Wolverley Memorial AGM was set up to investigate the need and requirements for a new facility.
- 4.3 The applicant has also submitted a number of supporting letters from various organisations and individuals including: local sporting clubs; community groups; local schools; the Wolverley Woodland Trust and Women's Institute; the Leader of Wyre Forest District Council; Ward Councillors; and Worcestershire County Council (Health and Well Being section). The letters demonstrate the high level of support for this new facility and the benefits that the development would bring to the local community within Wolverley and the wider surrounding area.

WHETHER THE PROPOSALS REPRESENT INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

- 4.4 The application site lies within the West Midlands Green Belt. Section 13 of the National Planning Policy Framework (2018) refers to the protection of Green Belts and states that the fundamental aim "... is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 134 of the National Planning Policy Framework sets out the five purposes of including land in the Green Belts, these are to:
- To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of land of derelict and other urban land.
- 4.5 Policy SAL.UP1 ('Green Belt') of the Adopted Site Allocations and Policies Local Plan explains that all new development will not be permitted except in very special circumstances, unless the development (amongst other exceptions) is for a replacement of a building, which is in the same use and not materially larger than the one it replaces. Under this policy it also allows for the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The National Planning Policy Framework reflects this policy approach in Paragraph 145.

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- 4.6 The proposed development is for the erection of a new building that would replace and amalgamate the existing Memorial Hall and the Sports and Social clubhouse, which currently occupy two separate buildings. The replacement building would be in the same use and, on balance, would not be materially greater in size, height and mass compared to the existing buildings on site, which are to be demolished.
- 4.7 The existing buildings to be demolished include the Memorial Hall, the Sports and Social clubhouse, the Sea Cadets building which have a combined total floor area of 890m². The proposed building would have a total floor area of 1,275m² and the central cylinder feature would have a maximum height of 10.1 metres. The proposed building would be positioned in the centre of the site away from the road frontages and would utilise the differences in ground level across the site to reduce its prominence when viewed from the road and neighbouring properties. In addition, it has been designed in terms of built form, architectural features (such as the sliding barn like doors to the changing rooms) and materials to reflect the appearance of an agricultural barn and to respond well with its rural setting.
- 4.8 I also note that the proposed building would incorporate shared facilities such as changing rooms, storage areas for sporting equipment and spectators seating to ensure the bowling and tennis clubs do not put pressure on the Local Planning Authority to provide additional buildings for each club in the future.
- 4.9 Furthermore, the proposed development would include new hedgerows and shrub planting to the north and east of the proposed car parking area to minimise its impact on openness. The proposed scheme would increase the number of floodlighting columns to the tennis courts, however, a condition is recommended to require further details of the lighting to ensure they are of the slender design type to preserve the openness of the Green Belt. The applicant has also confirmed that there would be minimal light spillage beyond the confines of the tennis courts and have agreed that the floodlights would be used until 10pm to protect the character of the Green Belt.
- 4.10 On balance, the proposed development would represent one of the exceptions for new buildings in the Green Belt, would preserve the openness of the Green Belt and I am of the view that it would not conflict with any of the five purposes of including land within it as listed in the National Planning Policy Framework. The development would therefore represent an appropriate form of development in the Green Belt, in accordance with Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

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IMPACT ON LOCAL CHARACTER

- 4.11 Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and the Design Guidance SPD all require new developments to achieve a high quality design based on an understanding of the local character. Section 12 of the National Planning Policy Framework also requires the creation of high quality buildings and places.
- 4.12 The Memorial Project team was formed to undertake the design process and to ensure regular engagement with the local community. This is supported by the National Planning Policy Framework which states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 4.13 The applicant has had a clear aspiration to incorporate all existing facilities into one coherent, landmark building whilst reinforcing the identity of Wolverley, in particular the use of sandstone in the retaining walls, and respecting the scale and materials of the local character.
- 4.14 I am of the view that the contemporary design of the building with the use of simple architectural features and materials that would not only be durable and hard-wearing but would also reflect the appearance of a rural agricultural building would be acceptable and would achieve a high quality design.
- 4.15 The scale of the building would also relate well with the neighbouring two-storey dwellinghouses and the massing and bulk of the building has been broken down with lower elements to ensure it does not appear overly prominent in the street scene. I also consider that the increase in the height and change in the built form of the central element of the building, together with use of glazing, helps to highlight the main entrance of the building and make it obvious for visitors. The design of the building also provides a good proportion of windows and a terrace at first floor to maximise overlooking of the outdoor sports area and to provide natural surveillance of the surrounding area and car park. Overall, I consider that the proposals would create an attractive, welcoming and distinctive building that is also sympathetic to the local character, in accordance with Policy SAL.UP7, the Design Guidance SPD and the National Planning Policy Framework.

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IMPACT ON RESIDENTIAL AMENITY

- 4.16 The proposed building would be sited over 48 metres from the nearest neighbouring properties and the car park would be located further away. The proposed building would also be positioned on a lower part of the site compared to the existing Memorial Hall, which would give the new building a lower roofline than the existing Hall. Furthermore, the southern elevation of the building is set further away from the nearby residential properties compared to the Sports and Social Clubhouse, which also includes an outdoor seating terrace. Given the separation distance of the proposed building from existing residential properties and when taking into account the current situation, I am of the view that the proposed development would not result in a materially greater impact on the amenities of existing residents, in terms of privacy and light.
- 4.17 I also recognise that there would be increased use of the site following the redevelopment of the Memorial Hall and the Sports and Social clubhouse and that the development would enable the site to hold a greater number of private functions such as wedding receptions and birthday parties. Worcestershire Regulatory Services have been consulted on the application and have raised no objection. I concur with these comments and do not consider that the proposed development would result in undue noise or any other disturbance to existing residents. Conditions are also attached to require further details about the proposed floodlighting to the tennis courts in order to limit light overspill beyond the tennis courts.

IMPACT ON HIGHWAY SAFETY

- 4.18 A total of 64 car parking spaces would be provided within the main car park with an additional 16 spaces in the overflow /temporary on site car park. It is also proposed that 4 disabled car parking spaces would be provided within the main car park. I agree with the Highway Authority that the proposed parking provision is adequate for the use of the site. The existing access point would remain unchanged and overall I consider that the proposed development would not have a detrimental impact on highway safety, in accordance with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and Section 9 of the National Planning Policy Framework.

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DRAINAGE/ FLOOD RISK

- 4.19 The application site is not located in a designated flood risk area and amended drawings have been received to show the principles of an acceptable surface water drainage strategy. It is intended that the proposed building would be designed with a rain water harvesting system and it is anticipated that the volume of collected water would provide sufficient supply to meet the non-potable water demand of the building and any excess would be used to irrigate the Bowling Green. The proposed car park would have a permeable surface and surface water attenuation would be incorporated into the proposed development. The North Worcestershire Water Management Officer who acts for the Lead Local Flood Authority has raised no objection subject to a condition to require full details of the surface water drainage strategy to be submitted and agreed. I concur with this view and have attached a condition accordingly. I am therefore satisfied that the proposed development would comply with Policy CP02 of the Adopted Core Strategy, Policy SAL.CC7 of the Adopted Site Allocations and Policies Local Plan and Paragraph 165 of the National Planning Policy Framework.

IMPACT ON TREES

- 4.20 The proposed scheme would require the removal of an Oak tree to facilitate the development of the third tennis court. The Council's Arboricultural Officer has raised no objection providing at least two replacement trees are planted along the Franche Road frontage to offset the loss of this tree. I am of the view that there is an opportunity to provide additional planting to the road frontage which would have a greater amenity value than the existing tree. I therefore have attached a condition to secure the replacement tree planting and consider that the development has carefully considered the other mature trees within the site to ensure no further loss of trees during the construction of the proposed building.

OTHER MATTERS

- 4.21 I note that nearby residents have expressed concern that the proposed development would result in the loss of their view of the surrounding countryside. However, the right to a view is not a material planning consideration to be made on this application.

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5.0 Conclusions and Recommendations

5.1 Whilst the building would be larger than the buildings it is to replace, it has been sited and designed to appear sympathetic with its surroundings and would not detract from the openness of the Green Belt or conflict with the purposes of including land within it. Moreover, it would provide additional provision for outdoor sport and would help to avoid the need for future buildings to support sporting clubs in the future. It is therefore considered that the development would represent an appropriate form of development in the Green Belt. The proposed development would provide a fit for purpose multi-use community building that would bring social benefits as well as economic and environmental benefits through the replacement of the existing buildings which are both dated and poor quality. Subject to conditions there would be no adverse impact on highway safety, the amenities of nearby occupiers or upon flood risk.

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. Floodlighting Scheme to be submitted for approval
4. Floodlighting only to be used until 10pm Monday to Sunday
5. Provision of vehicular access, turning area & parking spaces
6. Cycle Storage to be submitted for approval
7. Construction Environmental Management Plan
8. Surface Water Drainage scheme to be submitted for approval
9. B1 (Samples/details of materials)
10. B11 (Details of enclosure; boundary treatment)
11. Landscaping Scheme including two replacement trees
12. C8 (Landscape implementation)

Application Reference:	18/0207/FULL	Date Received:	19/03/2018
Ord Sheet:	389787 276495	Expiry Date:	14/05/2018
Case Officer:	Julia McKenzie-Watts	Ward:	Wyre Forest Rural

Proposal: Outdoor manège with retractable lighting

Site Address: SION HOUSE, HILLPOOL, KIDDERMINSTER, DY104PE

Applicant: Mr Wilson

Summary of Policy	CP11, CP12 (CS) SAL.PFSD1, SAL.CC1, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7, SAL.UP9, SAL.UP13 (SAAPLP) CC10 (Chaddesley Corbett Neighbourhood Plan) National Planning Policy Framework Landscape Character Assessment
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Sion House is a large dwelling located in Hillpool, Chaddesley Corbett, Kidderminster consisting of 34 hectares. There are two accesses to the property, the main one off the Worcester road and a second to access the existing stables and proposed manège site is via a narrow lane in Hilpool. The application site is immediately adjacent to the lane and is screen by an established hedge.

1.2 The site is within the West Midlands Green Belt and is identified in the County Council's Landscape Character Assessment as Estate Farmland. The Assessment characterises Estate Farmland as "*a landscape of increasingly dominant arable land uses where the function of hedgerows can accordingly become gradually redundant. Hedgerow loss and deterioration is already apparent and it can only be assumed that this will accelerate. Estate villages with distinctive architectural styles and detailing are often associated with such areas but face dilution of their distinctive character by modification and new development. These are landscapes that have restricted opportunities for wildlife. These are areas that can accommodate considerable new woodland planting which would be of benefit in strengthening the overall landscape structure. The restoration of tree cover associated with parkland and ornamental grounds together with improving the tree cover along watercourses should also be encouraged. The conservation of the hedgerow pattern is desirable but priority should be given initially to the primary hedgerow framework. In order to improve opportunities for wildlife, the development of good field margins is of particular relevance in these landscapes.*"

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The overall landscape strategy for the Estate Farmlands would, therefore be to restore and enhance the distinctive estate characteristics of this farmed landscape, - seeking primarily to enhance the landscape with further woodland planting, whilst seeking to restore the parkland character and primary hedgerow patterns.

Landscape Guidelines

- *Enhance tree cover through further planting of small scale plantations and tree belts*
- *Conserve the pattern of hedged fields, with priority given to primary hedgelines*
- *Conserve and restore parkland and the tree cover associated with large ornamental grounds*
- *Conserve and enhance tree cover along water courses*
- *Promote the development of wide field margins for wildlife benefit*
- *Conserve the integrity of estate villages”*

2.0 Planning History

2.1 None relevant

3.0 Consultations and Representations

3.1 Chaddesley Corbett Parish Council – Recommend refusal for the following reason:

Policy CC10 item 6 of the Neighbourhood Plan refers to “Proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient”.

The proposal includes floodlighting up to 20ft high and due to the location of the site on a hill would be visible to many other properties in the area.

3.2 Worcestershire Regulatory Services - No objection in terms of light nuisance. Light can be considered a nuisance if light shines directly onto any nearby properties and substantially interferes with the occupants’ enjoyment of their property. In this case the specified lamp units appear to have side shields preventing light from spilling towards the dwellings to the North of the site. Therefore it would appear that there would be no direct line of sight to the underside of the lamp units from the dwellings to the North of the site as long as they are angled as proposed (20 degrees above the horizontal).

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- 3.3 Countryside Manager – No objection. The ecological report looks at the risk to protected species and identifies that lighting is the only real area where potential harm could occur.

This plan shows light levels falling sharply near the ecological receptors and combined with the relatively low frequency use of these lights (the ecological report states a maximum of 3 hours, 3 times a week), this would mean the ecological impact of this application is minimal.

- 3.4 North Worcestershire Water Management Officer – No objection. This site is not at risk of flooding from any source. I understand that the proposal includes a herringbone drainage system within the ménage that discharges to a new soakaway.

- 3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT

- 4.1 The site lies within the Green Belt where particular regard should be had to preserving and positively enhancing the area through appropriate development. The National Planning Policy Framework (NPPF) and Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, amongst other exceptions, allows for the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Proposals within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design.
- 4.2 The proposal seeks for the construction of a manège to be used for the exercise and training of horses for dressage. It would be a private facility, used solely by the occupiers of Sion House. The Adopted Wyre Forest Site Allocations and Policies Local Plan sets out at Policy SAL.UP13 the District's approach to Equestrian Development. The policy states that '*all proposals for equestrian related development will be assessed to ensure that they will not individually or cumulatively affect the quality and character of the landscape and the amenity of any adjacent residential areas. In addition they will be required to demonstrate that they have taken full account of their potential impact on local biodiversity and habitats and, wherever possible, should incorporate measures to promote and protect biodiversity*'.

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- 4.3 The manège would measure 20m by 50m enclosed with a timber post and rail fence to a height of 1.3m with a 5 bar gate to the northern border. The surface of the manège would be elevated above the existing ground level by 260mm and constructed of a geotextile woven membrane and 100mm arena surface with rubber all weather add ins. It is also proposed to install retractable lighting masts which would extend to a maximum height of 6m, and host 300w LED lights to a maximum of 34.5k Lumen. The facility is considered to be an appropriate facility in the context of Green Belt policy. Whilst there will be some impact on the Green Belt in the immediate vicinity this is very localised. When considered in the wider context of the surroundings the proposals will preserve the overall openness of the Green Belt and will not harm the visual amenity or conflict the purposes of including land within the Green Belt and as such the manège represents appropriate development in the Green Belt.

DESIGN AND SITING

- 4.4 The manège area will be located in the next field to the stables with its perimeter fenced with a 1.3m high timber post and rail fence. The layout of the manège has been chosen to fit in with the alignment of existing ancillary and maintenance building located to the west. The site is on a parcel of land set down from adjacent buildings to nestle comfortably within its context and reduce the visibility impact on the nearest residential properties as well as the wider areas. The location also benefits from landscaping which will provide natural screening from the public highway.
- 4.5 The siting and design of the manège is considered to maintain the key characteristics as defined by the Landscape Character Assessment. Given the nature of the facility and the fact that the only above ground works being a 1.3m high post and rail fence, there will be little impact on the character of the countryside as a result of the works and as such the proposal is in accordance with the policies of the Development Plan.

LIGHTING

- 4.6 The application proposes retractable lighting at the site which will consist of six masts to a height of 6m (2.6m when retracted) at an angle of 20 degrees above the horizontal and host 300w LED lights to a maximum of 34.5k Lumen. This type of lighting solution has been chosen in order to avoid any undue intrusion or significant adverse impact upon the immediate locality or wider environment. The SportPro LED floodlights are fitted with a guard which will prevent glare and spillage by containing the light to within the manège.
- 4.7 Concern has been raised by the Parish Council that the proposal includes floodlighting up to 20ft high and due to the location of the site on a hill would be visible to many other properties in the areas. They have stated that their recommendation of refusal to the application is that policy C10 item 6 of the Chaddesley Corbett Neighbourhood Plan refers to the fact that "*proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient*".

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- 4.8 As stated above, the type of lighting has been specifically chosen in order to minimise its impact on the surrounding area or wider environment and as such would not be in conflict with the policy contained in the Chaddesley Corbett Neighbourhood Plan. The masts are retractable and at their lowest height will measure 2.6m when not in use, this will further reduce the visual impact on the surrounding area.
- 4.9 In order to address both the concerns of the Parish Council and in biodiversity terms to ensure that the risk from the floodlights to protected species is kept to a minimum, a condition will be included in any forthcoming permission which will restrict the use of the lighting to three days in any seven day calendar week (Monday-Sunday). The condition will require that the floodlights are retracted and extinguished by 9pm, this will limit the wider impact that would occur if lighting were present at the site on a permanent basis.

5.0 Conclusions and Recommendations

- 5.1 The position of the manège is considered acceptable to be constructed in materials that would offer no detrimental impact to the character and openness of the area. The post and rail fence enclosing the manège is considered to be of a type that would not appear atypical in this environment. With regard to the proposed floodlighting, a condition restricting the use of this to three days per week, retraction of the masts and the lights turned off by 9pm on the days they are in use will ensure that the development has the minimal possible impact on the ecology of the area. In addition, a condition preventing the use of the manege for commercial purposes should also be included in any forthcoming permission.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B6 (External details – approved plan)
 4. Lighting to be retracted and switched off at 9pm each evening
 5. The stables hereby approved shall be used for the stabling of horses owned by or leased to the applicant and shall not be used for any commercial purpose(s) whatsoever.

Agenda Item No. 5

Application Reference: 18/0280/OUTL **Date Received:** 10/04/2018
Ord Sheet: 386169 273713 **Expiry Date:** 05/06/2018
Case Officer: Sarah Mellor **Ward:** Wyre Forest Rural

Proposal: Erection of extension to provide up to 7 motel rooms (Outline application with access and layout to be determined)

Site Address: HARE & HOUNDS, WORCESTER ROAD, SHENSTONE, KIDDERMINSTER, DY104BU

Applicant: SMP Estates Ltd

Summary of Policy	CP01, CP02 (CS) SAL.UP1, SAL.UP6, SAL.CC7 (SAAPLP) Paragraphs 80, 88 (NPPF)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The property is a detached public house located on the A450 Stourbridge Road at Shenstone. The property forms part of a small cluster of properties lining the main road with residential properties to the south and west, and open countryside to the north. The property is within the West Midlands Green Belt with access to the public house directly off the main road. The property is of historic interest being identified on the County Council's Historic Environment Record (HER). The proposal has been amended to incorporate an extension to the property to create 7 motel rooms. The application is submitted in outline with access and layout to be determined at this stage.

2.0 Planning History

2.1 13/0155/FULL - Proposed children's play area : Approved 29/05/13

3.0 Consultations and Representations

3.1 Stone Parish Council : ORIGINAL COMMENTS - The Parish Council unanimously object to this application for the following reasons: The land falls within the Wyre Forest District Council Green Belt and it is not possible to build within the Green Belt except within exceptional circumstances. The applicant has not identified any exceptional circumstances for this outline application.

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FURTHER COMMENTS ON RECONSULTATION - The Parish Council resolved to object to this application as the land falls within the Wyre Forest District Council Green Belt and it was not possible to build within the Green Belt except within exceptional circumstances. Council believes that nothing has been identified to suggest any exceptional circumstances on this outline application. Stone Parish Council vigorously supports the District Council Green Belt Policy and would not like to see extensions linking the original Inn which they believe, has a heritage listing attached to it, taken out into the adjoining Green Belt.

With two well established Hotels within our Parish at the moment Stone Parish Council believe there is no proven need for additional Hotel/Motel accommodation. The Parish Council believes this application would have an adverse impact on the Parish Hotels within our Parish.

- 3.2 Highway Authority – No objection to condition. It is noted that this is an outline application with access and layout to be determined. The proposed development is of a modest scale and the introduction of motel accommodation could be seen as taking trips off the network at peak times..
- 3.3 Conservation Officer – No objections in principle, subject to reserved matters relating to archaeology, form and massing, external materials, precise footprint and location of footprint.
- 3.4 Worcestershire Regulatory Services (Noise) – No objection
- 3.5 Planning Policy – The application site is in the Green Belt and therefore needs to be assessed against Green Belt policy initially. In both national and local policy there is a general presumption against inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and local authorities are directed to attach substantial weight to any Green Belt harm. Paragraph 88 of the National Planning Policy Framework (NPPF) states that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The main issue for this planning application is whether the proposed development is inappropriate within the Green Belt, and, if so, whether there are any very special circumstances to overcome the presumption against such development.

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The applicant outlines the perceived very special circumstances in the accompanying Design and Access Statement. In particular they consider that the pub/site must offer additional forms of accommodation and income generating activity to widen demand and increase turnover otherwise the business will not survive. It states that there would be increased employment for local people, increased food and service supply chain activity and provision of short stay accommodation at affordable price levels. It also states that the impact on the Green Belt would be minimal as the site is well screened by hedgerow.

There are five purposes for the Green Belt, in this case the most relevant purpose is “to assist in safeguarding the countryside from encroachment” (Paragraph 80, NPPF). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Reference has already been made to the policy in the adopted Local Plan which defines the Green Belt and sets out a range of categories for which development may be acceptable (Policy SAL.UP1 – Green Belt). In accordance with the requirements of Policy SAL.UP1, the applicants have submitted evidence to support their view of why they consider these particular proposals demonstrate very special circumstances. It is now for the decision maker to take a view as to whether the evidence submitted is robust enough to outweigh the presumption against inappropriate development in the Green Belt in this particular case.

3.6 Severn Trent Water - No objection subject to conditions

3.7 Neighbour/Site Notice : one neighbour responded with the following comments -

- existing boundary hedges should be preserved for privacy.
- concern that the “events room” might mean loud music at all hours. Would it not be possible to site it at the other end of the row of motel rooms next to the car park rather than close to the boundary with neighbouring property
- how will lorries and vans be accommodated?
- the proposed building will be clearly visible from the highway and even with structural planting to the detriment of the character and appearance of the area.
- there is no formal one way system in the car park as stated.
- inappropriate location

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4.0 Officer Comments

- 4.1 The application seeks outline consent for the construction of up to 7 motel rooms on land adjacent to the existing public house, Hare and Hounds on Worcester Road.
- 4.2 The site is situated in the West Midlands Green Belt and therefore policy SAL.UP1 is relevant. The policy prevents the construction of new buildings where they do not comply with the strict criteria. As set out in Paragraph 145 of the NPPF (2018), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building are acceptable.
- 4.3 The original proposal sought to construct a separate building for use as motel rooms, which would have constituted inappropriate development. The application has since been amended to show the development as an extension rather than a separate building. Whilst the layout of the scheme is included in the scale of the development, it has not been submitted at this stage due to it being an outline application; therefore it is not possible to determine fully that the works would not exceed the 75% increase limit that is considered to be 'proportionate'. It is however considered that it is reasonable that this could be achieved at reserved matters.
- 4.4 On this basis, it will be conditioned that a reserved matters application show a development no greater than 75% of the original volume of the main public house.
- 4.5 It is noted that on the receipt of amended plans that there shows to be an indicative increase in the number of rooms proposed; from 7no. to 10no. As referred to previously, this is an application in outline form and therefore the quantity of rooms is not for consideration at this stage. However it will be conditioned that a maximum of 7 no. rooms is shown at reserved matters stage.
- 4.6 Following reconsultation on the amended scheme with the Parish Council, although they acknowledge that the scheme now forms an extension, their objection was upheld on the basis that the development still lies within the Green Belt (West Midlands), and no special circumstances have been advanced to justify the development. As the proposal is appropriate development there is no requirement to provide very special circumstances.

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- 4.7 Neighbour comment regarding the parking issues has been considered, however it is the view of the Highway Authority there would be no impact on the access and parking provision and refer to their previous comments that the development proposed is of a modest scale and the introduction of motel accommodation could be seen as taking trips off the network at peak times. With regard to concern over noise generated from the proposed use, this is an outline application and the internal layout of the scheme is to be determined. Notwithstanding this, Worcestershire Regulatory Services has considered the scheme and raises no objection in terms of noise.
- 4.8 The Highway Authority has considered the scheme and states that the proposed principle of an extension to the motel is considered acceptable. It is considered to be beneficial to the highway network in reducing the number of vehicles by providing overnight accommodation. Subject to conditions, the layout and access, parking and turning facilities are considered acceptable.

5.0 Conclusions and Recommendations

- 5.1 The proposal is appropriate development in the Green Belt which does not result in unacceptable impact or amenity or highway safety. Final details of design and massing will be submitted as part of the Reserved Matters application. There are no outstanding matters notwithstanding the Parish Council's objection.
- 5.2 It is therefore recommended that the application is **APPROVED** subject to the following conditions:
1. A1 (Standard outline)
 2. A2 (Standard outline – reserved matters [Appearance, Landscaping, Scale])
 3. A3 Submission of reserved matters)
 4. A5 (Scope of outline permission) [extension of not more than 7 no. motel rooms; no more than 75% of volume]
 5. B1 (Samples/details of materials)
 6. The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on Drawing No 703/08f
 7. A desk based archaeological assessment to identify potential for archaeology shall be submitted with any reserved matters application
 8. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

Application Reference:	18/0349/LIST	Date Received:	22/05/2018
Ord Sheet:	378653 275319	Expiry Date:	17/07/2018
Case Officer:	Julia McKenzie-Watts	Ward:	Bewdley & Rock

Proposal: To install two antennas onto external walls

Site Address: WYRE FOREST DISTRICT COUNCIL, BEWDLEY MUSEUM,
LOAD STREET, BEWDLEY, DY122AE

Applicant: Wyre Forest District Council

Summary of Policy	CP07, CP11 (CS) SAL.DPL11, SAL.UP6, SAL.UP7 (SAAPLP) Sections 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	APPROVAL

1.0 Site Location and Description

1.1 The application concerns the installation of two antennas on external walls at the Museum, one at the front of the site and a second one to the rear in order to provide wireless WIFI cover to the brass foundry so that the new history room at the Museum has internet access. Bewdley Museum is located within the heart of Bewdley Town Centre and lies within the designated Conservation Area for the town.

1.2 The proposal seeks permission for the installation of two antennas within the Museum to increase wireless connectivity.

2.0 Planning History (recent history)

2.1 WF.0166/03 - Internal alterations to existing textile craft workshop and alterations to elevation to The Shambles : Approved 15/4/03

2.2 08/0118/LIST - Alterations to create café; disabled toilets & new workshops, including replacement roofing & hardstanding : Approved 2/4/08

2.3 09/0187/LIST - Alterations to fenestration & creating of new doorway & block up existing doorway : Approved 26/8/09

2.4 15/0547/LIST - Alterations to existing glazed timber screen to Shambles Craft Studio by insertion of new timber glazed doors and adjustment to brick paving to enable level access : Approved 19/11/15

18/0349/LIST

- 2.5 17/0489/LIST – Alterations to existing storage areas to create 2 new toilets in The Shambles : Approved 22/9/17

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Recommend approval
- 3.2 Conservation Officer – No objections subject to condition.

The applicant sought pre-application advice and has now submitted a heritage statement which identifies the significance of the two listed buildings affected by this application.

The impact of the antennas when fixed on the listed buildings will be very low and the effect on significance will be at the lower end of less than substantial harm, the works being essentially reversible when future technological developments permit.

The applicant has made reference to public benefits of the proposal which I consider are justified, and thus the proposal meets the requirements of the National Planning Policy Framework (NPPF) paragraph 128 and Wyre Forest District Council Policy SAL.UP6.

- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocation and Policies Local Plan also states that the installations of fixtures and fittings should not have a detrimental impact on a heritage asset, should be inconspicuously sited and proportioned and be designed sympathetically
- 4.2 In this case the Conservation Officer has raised no objections to the installation of the two antennas, subject to the imposition of a condition relating to the removal of the antennas being removed from site within three months when they are no longer required.

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- 4.3 The NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. Bewdley Museum represents an important visitor attraction for the town and a valuable community facility, the enhancement of which is supported under Policy CP07 of the Adopted Wyre Forest District Core Strategy and Policy SAL.DPL11 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan. The application advises that the two antennas are required in order to provide wireless WIFI cover to the brass foundry so that the new history room has internet access which is required due to year-on-year growth in visitor numbers to the Museum and is important for its continued growth. In this case it is therefore considered that any limited harm to the fabric of the building will be outweighed by the public benefits in providing WIFI at the site.

5.0 Conclusions and Recommendations

- 5.1 The proposed location of the two antennas has been carefully selected with guidance from the Council's Conservation Officer to ensure that there would be minimal disturbance to the exterior of the Listed Building. The proposal is therefore deemed to accord with Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan and the Council obligations under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A7 (Listed Building/Conservation Area Consent)
 2. A11 (Approved Plans)
 3. Within 3 months of the antennas no longer being required they shall be removed from site and the walls made good to the satisfaction of the Local Planning Authority

Application Reference:	18/0425/OUTL	Date Received:	28/06/2018
Ord Sheet:	382390 278186	Expiry Date:	23/08/2018
Case Officer:	Helen Hawkes	Ward:	Franche & Habberley North

Proposal: Outline application for erection of one detached dwellinghouse on land adjacent, with all matters reserved

Site Address: 31 MIDDLETON ROAD, KIDDERMINSTER, DY115EZ

Applicant: Mrs M Brown

Summary of Policy	DS01, CP03, CP11, CP12 (CS) SAL.PFS1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAPLP) Design Guidance, Supplementary Planning Guidance National Planning Policy Framework Planning Practice Guidance
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 measures 0.05 hectares and relates to part of the side garden belonging to 31 Middleton Road, a two-storey detached dwellinghouse. The site is situated at the end of a cul-de-sac and is adjoined by residential properties to the west and south, and to the east by The Roundhead public house. To the north is open countryside, in which the fields are situated on higher ground level than the application site.

- 1.2 The application has been submitted in outline with all matters reserved. Approval is therefore sought for the principle of residential development on this site only. The indicative plans show a new two-storey dwellinghouse, that would be set back from the front building line of 31 Middleton Road and would be designed to reflect the scale and design style of neighbouring properties within Middleton Road. It would have a pitched roof with an integral garage that would extend forward of the main two-storey elevation. Vehicular access would be gained from the existing driveway serving No. 31.

- 1.3 Additional plans have been submitted to show the level differences between the application site and the adjoining agricultural fields, which show that a suitable developable area can be achieved on this site.

18/0425/OUTL

2.0 Planning History

- 2.1 WF/0885/02 – Outline: Erection of a single dwelling with vehicular access to Middleton Road : Withdrawn
- 2.2 WF/1166/02 - Outline: Erection of detached house and garage: Approved 14/01/03

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council - Awaiting comments.
- 3.2 Highway Authority - The applicant has submitted plans to show the retained parking provision of 2 spaces in line with standards for No. 60.

No objection subject to conditions to secure a satisfactory development of the site in terms of parking and access and an informative to advise that this permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor.

- 3.3 Worcestershire Regulatory Services (Land Contamination) - No objection.
- 3.4 Worcestershire Regulatory Services (Noise/Odour) - No objection. An informative is recommended to ensure the applicant is aware of the Worcestershire Regulatory Services Demolition & Construction Guidance.
- 3.5 North Worcestershire Water Management - Following a revised drawing showing that the discharge of surface water of the development (roof and hardstanding) would be made to soakaway drainage, no objection has been raised. An informative is recommended to make the applicant aware that a public sewer runs through or adjacent to the application site.
- 3.6 Severn Trent Water Limited - No objection and advise that they do not require a drainage condition. It is further noted that there is a public sewer located within the site.
- 3.7 Planning Policy No comments to make on this application.
- 3.8 Countryside Manager - No objection.

18/0425/OUTL

3.9 Neighbour/Site Notice – 1 letter has been received providing the following observation:

- My property adjoins the area to which the planning application refers. The area has a significant slope, which would probably need considerable landscaping to level the site, so I would like assurance that the integrity of my boundary would be maintained by the erection of a wall and fence or similar structure to prevent the collapse of my garden.

4.0 Officer Comments

4.1 The main considerations in this application are whether the proposed development would be acceptable in principle and whether there would be any detrimental impact on local character, the amenity of existing and future occupiers and on highway safety.

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.2 The application site relates to an existing residential garden and is well screened by mature trees and other vegetation on the site boundaries, as well as the site level differences when viewed from the northwest of the site, within the adjoining fields.
- 4.3 Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan seek to concentrate new residential development on previously developed land within the urban areas of Kidderminster, first, before applying a sequential approach to other appropriate locations for new residential development. As the application site comprises garden land it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.
- 4.4 Notwithstanding this, the housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years based its housing land availability figures on an assessed need. Relevant policies for the supply of Housing are out of date. Based on the latest Housing Residential Land Availability data the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. These factors result in the presumption in favour of sustainable development as set in Paragraph 11 of the National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this policy context.
- 4.5 I also note that residential development on this site was accepted in 2003 under application WF/1166/02, for one dwellinghouse, and therefore the principle of development has previously been accepted.

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IMPACT ON LOCAL CHARACTER

- 4.6 The National Planning Policy Framework attaches great importance to the design of the built environment as a key part of sustainable development. Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Site Plan also require new developments to respond well with the character of an area.
- 4.7 Matters of layout and design will also be provided as part of any subsequent reserved matters application, however the indicative site layout demonstrates how a detached dwellinghouse could be arranged on the site without appearing cramped or having a detrimental impact on the character of the local area. Further details have been submitted which demonstrates that a suitable developable area can be achieved.

IMPACT ON RESIDENTIAL AMENITY

- 4.8 The indicative site layout demonstrates that the proposed development would not have a detrimental impact on the amenity of neighbouring residents in terms of overlooking or overshadowing. The development would not conflict with the 45 degree code in relation to the nearest habitable room window in the rear elevation of No. 31 Middleton Road. Worcestershire Regulatory Services have raised no objection to the application. I therefore consider that the proposed development would not have a detrimental impact on the amenity of existing or future occupiers.

PARKING AND HIGHWAY SAFETY

- 4.9 Access details are to be reserved for future consideration. Although I am satisfied that driveway would be adequate in size to accommodate two car parking spaces and that sufficient parking would be retained for the existing dwellinghouse at No. 31. No objection has been raised by the Highway Authority and I concur with this view.

PLANNING BALANCE

- 4.10 When assessing the planning balance between benefits and any harmful impacts it is necessary to take account of economic, social and environmental factors. In terms of these factors, the development of one additional dwellinghouse would have a positive impact upon the supply of housing within the urban area of Kidderminster, which would be beneficial for the social-wellbeing of the area. The construction of the dwellinghouse would deliver a short-term economic benefit, in terms of jobs and the purchasing of materials. The application site is accessible to local shops, services and schools and the proposed dwellinghouse would be well-designed and would relate well with the existing local character. Although the development would be on garden land, it is considered that there would be only a limited impact on the environment, including the character and appearance of the area. Overall, the proposal would contribute to the housing supply and would cause no significant harm.

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5.0 Conclusions and Recommendations

- 5.1 The proposal would result in the erection of a dwellinghouse on garden land which is contrary to adopted planning policy. However, the proposal would contribute one additional dwellinghouse in a way that would not cause any significant harm and on a site that the Council has previously accepted could be developed for housing in principle.
- 5.2 Subject to further considerations of the details reserved, it is considered that the application should be **APPROVED** subject to the following conditions:
1. A1 (Standard outline)
 2. A2 (Standard outline – reserved matters)
 3. A3 (Submission of reserved matters)
 4. B1 (Samples/details of materials)
 5. B11 (Details of enclosure)
 6. Details of any retaining structure
 7. B13 (Levels details)
 8. Parking Provision to be provided
 9. To require a landscaping scheme
 10. To require the landscaping scheme to be implemented
 11. E4 (Drainage prior to occupation)

Application Reference: 18/0457/LIST	Date Received: 10/07/2018
Ord Sheet: 380915 271295	Expiry Date: 04/09/2018
Case Officer: Kelly Davies	Ward: Areley Kings & Riverside

Proposal: Additional works to Listed Building in conjunction with conversion of building

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

Applicant: Wyre Forest District Council

Summary of Policy	SAL.UP6 (SAAPLP) Section 16 (NPPF) Planning Practice Guidance (Conserving and enhancing the historic environment)
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms a building owned by Wyre Forest District Council located on New Street within the heart of Stourport-on-Severn. The building is surrounded by residential properties and business premises.
- 1.2 The properties lies within a Conservation Area and is a Grade II Listed Building.
- 1.3 The building has been recently converted to short term rented accommodation. This application seeks to regularise some minor alterations carried out during the course of the building works.

2.0 Planning History

- 2.1 14/0504/FULL - Change of use to Café (A3) at ground floor only : Approved 06.11.14
- 2.2 17/0020/REGS3 – Internal alterations to create residential accommodation and office space : Approved 27.02.17
- 2.3 17/0021/LIST – Internal alterations to create residential accommodation and office space : Approved 27.02.17

18/0457/LIST

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Views awaited

3.2 Conservation Officer – Approve

This application regularises some minor amendments to the previously approved scheme which were discussed and agreed on site as the work progressed. The amendments are minor in nature and do not affect the significance of the designated heritage asset. It was considered appropriate with a building in the ownership of the local authority to provide a complete documented record of works to it and to ensure that these have the necessary statutory approvals.

The application meets the criteria of WFDC Policy SAL.UP6 and I have no objections.

3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The application regularises some minor amendments to previously approved scheme 17/0021/LIST, as a result of the works being carried out.

4.2 The minor amendments consist of:

- the introduction of an external letterbox to the front elevation;
- the addition of security camera to both the front and rear elevation in four positions;
- two auto timer lights above the front and rear doors;
- the insertion of eight ventilation grills at different points around the building.;
- new downpipes.;
- three emergency lights inserted above the front door and two side doors; and
- one cooker extraction vents

4.3 The Council's Conservation Officer has been consulted on this application and confirms that he was advised of, and agreed to, all works prior to them being carried out. The works carried out to the Listed Building are considered minor in nature and will not affect the significance of the listed building. Any minor harm that may be indentified would be a lower end of the 'less than substantial harm' and would be clearly outweighed by the public benefits of providing emergency housing accommodation, in accordance with paragraph 196 of the National Planning Policy Framework and Policy SAL.UP6 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.

18/0457/LIST

- 4.4 There are no outstanding issues with this application which accord with local and national policies which can therefore be supported.

5.0 Conclusions and Recommendations

- 5.1 The amendments are minor in nature and will not affect the significance of a designated heritage asset nor that of the Conservation Area. The details of the application has been fully considered and found to be acceptable in all aspects.

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

1. A11 (Approved plans)

Application Reference:	18/0485/FULL	Date Received:	27/07/2018
Ord Sheet:	384202 275720	Expiry Date:	21/09/2018
Case Officer:	Helen Hawkes	Ward:	Aggborough & Spennells

Proposal: Demolition of existing house and erection of 2No. Bungalows

Site Address: 26 OLDNALL ROAD, KIDDERMINSTER, DY103HN

Applicant: Goodgame Properties Ltd

Summary of Policy	DS01, CP03, CP11, CP12 (CS) SAL.PFS1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAPLP) Design Guidance, Supplementary Planning Document National Planning Policy Framework Planning Practice Guidance
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 comprises one detached dwellinghouse, located on a corner plot and adjacent to the road junction between Barnetts Lane and Oldnall Road. The site level rises from approximately 52.55 on the south boundary with Barnetts Lane to 55.77 on the north boundary. The site contains a mature hedgerow along the southern boundary which helps to screen views from Barnetts Lane and there is a high hedgerow extending the length of the west boundary located in the neighbouring site, which also helps to screen the site from the adjoining block of flats. Vehicle access is gained from Oldnall Road. The surrounding area is predominantly residential in character and immediately adjoining the site to the west and northwest are two blocks of apartments which are known as Silver Birch Court and to the east, on the opposite side of Oldnall Road, are two-storey detached dwellinghouses and a bungalow. To the south of the site, on the opposite side of Barnetts Lane, is Kidderminster Golf Club.

18/0485/FULL

- 1.2 The proposal is for the erection of two bungalows with linked garages, following the demolition of the existing dwellinghouse. The proposed bungalow on Plot 1 would have a frontage to Barnetts Lane and would be sited partly over the footprint of the existing dwellinghouse. Its front elevation would be in line with the building line of the adjacent block of flats to retain a deep front garden to Barnetts Lane. The proposed bungalow on Plot 2 would face Oldnall Road and would be sited 1 metre from the north boundary of the site and would be set back between 5.8 and 7.8 metres from Oldnall Road. The bungalows would be designed with a half-hip roof and a pitched roof front gable features, together with bay windows and a pitched roof entrance porch. Private amenity space for both bungalows would exceed 130sq.m. The existing trees and hedgerow along the south boundary would be retained and a new 1.8 metre high boundary close boarded fence would be provided along the west and north boundaries of the site.
- 1.3 The existing vehicular access would be utilised for both bungalows and a shared driveway would be provided to access the proposed parking areas. 2 parking spaces and a garage with a hipped roof would be provided for each bungalow.

2.0 Planning History

- 2.1 There is no planning history for this site.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Awaiting comments.
- 3.2 Highway Authority – No objection subject to conditions to require the access and parking facilities as shown on the submitted plan to be provided and note that due to the proposed development being reliant on the existing vehicular access to serve both dwellinghouses it will be necessary to improve the access in order to provide pedestrian visibility splays of 2 metres by 2 metres with no obstruction above 0.6 metres, which can also be secured by condition.
- 3.3 Worcestershire Regulatory Services (Noise) – No objection in terms of noise adversely impact future residents. However, it is recommended that in order to minimise any nuisance during the demolition and construction phase the applicant should refer to the WRS Demolition & Construction Guidance.
- 3.4 Worcestershire Regulatory Services (Land contamination) – No objection to the application in relation to contaminated land.

18/0485/FULL

- 3.5 Severn Trent Water – No objection and advises that the proposals would have minimal impact on the public sewerage system and therefore do not require a drainage condition to be applied. They recommend that an informative is attached to make the applicant aware that there may be a public sewer located within the site and that they would need to obtain consent from Severn Trent Water before building close to, directly over or before diverting the public sewer.
- 3.6 North Worcestershire Water Management Officer – No objection to the application and it is advised that a drainage condition is not necessary.
- 3.7 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The main considerations in this application is whether the principle of residential development is acceptable and whether there would be any detrimental impact on the local character, the amenity of existing and future occupiers and upon highway safety.

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.2 The application site is located within the urban area of Kidderminster and is allocated for residential on the Adopted Proposals Plan of the Local Plan. The proposed development would involve the demolition of the existing dwellinghouse, the subdivision of the plot into two residential plots and the erection of two bungalows, including one bungalow on part of the site that is currently garden land.
- 4.3 The National Planning Policy Framework excludes residential gardens from being defined as previously developed land and as such, the proposed development would be contrary to Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan which seek to concentrated new residential development on previously developed land within the urban areas of Kidderminster, first, before applying a sequential approach to other appropriate locations for new residential development.
- 4.4 Notwithstanding this, it should be noted that the housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years based its housing land availability figures on an assessed need. Relevant policies for the supply of Housing are out of date. Based on the latest Housing Residential Land Availability data the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. These factors result in the presumption in favour of sustainable development as set in Paragraph 11 of the National Planning Policy Framework ('Framework') being engaged.

18/0485/FULL

- 4.5 Paragraph 11 of the Framework explains that for developments that are not located in protected areas or relate to assets, then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This application is to be considered in this policy context.

IMPACT ON LOCAL CHARACTER

- 4.6 The immediate area provides an attractive residential environment with many existing dwellinghouses set back from the road on a deep building line and trees lining the road on both sides of Barnetts Lane and Oldnall Road. Houses on Barnetts Lane also benefit from an outlook over the adjacent golf course. The area comprises mainly traditional two-storey dwellinghouses with rooms in the roof space, however, there are also a variety of house types and designs including bungalows and more recent flat developments.
- 4.7 The design of the proposed bungalows are traditional with feature gables, bay windows and a half-hip roof which reflect the character of the area. The plot is sufficient in size to accommodate two bungalows, which tend to have a larger footprint than two-storey dwellinghouses, and the site layout would fit in well with the street scene of this section of Oldnall Road and Barnetts Lane having a good separation gap between the bungalows proposed as well as from the neighbouring block of flats. The proposed bungalow on Plot 1 would also follow the deep building line of buildings on Barnetts Lane and the bungalow on Plot 2 would be set back a sufficient distance to ensure it does not appear prominent or incongruous within the street scene of Oldnall Road. Furthermore, the proposed bungalows would sit on 'real ground level' meaning that they would follow the natural rise in the ground levels within the site.
- 4.8 I therefore consider that the proposed bungalows would be well designed and that the development would respond well with the local character, adding to the overall quality and attractiveness of this residential area. The proposed development would therefore accord with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, the Design Guide SD and the National Planning Policy Framework.

IMPACT ON RESIDENTIAL AMENITY

- 4.9 The proposed development would comply with the 45 degree code in relation to the block of flats within Silver Birch Court and adequate separation distances would be achieved from the block of flats and between the proposed bungalows and their gardens.
- 4.10 The size of the bungalows and bedroom sizes would exceed nationally described space standards within the Technical Housing Standards. Private amenity space for the proposed bungalows would also be of a sufficient size. I therefore consider that the proposed bungalows would provide an acceptable living environment for future occupiers and would not result in any undue harm to existing residents, in terms of overshadowing and overlooking.

18/0485/FULL

IMPACT ON HIGHWAY SAFETY

- 4.11 The site is located in a sustainable location within Kidderminster with good accessibility to local shops and services, including regular bus services and Kidderminster Railway Station. 2 car parking spaces are proposed for each bungalow, which accord with the Adopted Parking Standards. The existing vehicular access would be utilised to serve both bungalows. The Highways Authority have considered the application and have raised no objection. I therefore consider that the proposed development would provide adequate parking provision and would not have a detrimental impact on highway safety, in line with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

PLANNING BALANCE

- 4.12 When assessing the planning balance between benefits and any harmful impacts it is necessary to take account of economic, social and environmental factors. In terms of these factors, the development would provide one additional residential unit (following the demolition of the existing dwellinghouse) which would have a positive impact on the supply of housing within the urban area of Kidderminster, which would be beneficial for the social-wellbeing of the area. The construction of the two bungalows would deliver a short-term economic benefit, in terms of jobs and the purchasing of materials. The application site is accessible to local shops and services, including regular bus services and within walking distance of Kidderminster Railway Station. Although the development would involve the partial redevelopment of an existing residential garden, it is considered that there would be a negligible impact on the environment, including the character and appearance of the area. I therefore consider that any adverse impacts of the proposal in terms of the development on part of the existing residential garden would not significantly and demonstrably outweigh the benefits of the development, especially as it would boost the housing land supply.

5.0 Conclusions and Recommendations

- 5.1 The proposal would involve residential development on garden land which is contrary to the housing land supply policy of the Development Plan. However, the location of the site is considered to be a sustainable location for the proposed bungalows and when taking into account the planning balance, I do not consider that there would be any significant adverse impact on the character of the local area, on residential amenity or upon highway safety that would outweigh the benefits of the scheme, in particular the contribution and boost it would make to the housing land supply.

18/0485/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. To secure external materials including hard surfacing details
4. B11 (Details of enclosure)
5. B13 (Levels details)
6. Removal of permitted development rights for extensions and outbuildings
7. To require a Landscaping scheme
8. To require Landscaping to be implemented
9. To secure parking level as proposed
10. To require pedestrian visibility splays to be provided
11. E4 (Drainage prior to approval)

Notes

- A To minimise any nuisance during the demolition and construction phase the development should refer to the Worcestershire Regulatory Services 'Demolition & Construction Guidance' and ensure its recommendations are complied with.
- B Severn Trent Water advises that there may be a public sewer located within the application site and that the applicant should contact Severn Trent Water before commencing development.

Application Reference:	18/0512/OUTL	Date Received:	03/08/2018
Ord Sheet:	380495 272701	Expiry Date:	28/09/2018
Case Officer:	Helen Hawkes	Ward:	Mitton

Proposal: Outline application with all matters reserved for construction of one dwelling

Site Address: 30 BURLISH CLOSE, STOURPORT-ON-SEVERN, DY138XW

Applicant: Miss Kerry Elford

Summary of Policy	DS01, CP03, CP11, CP12 (CS) SAL.PFS1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAPLP) Design Guidance, Supplementary Planning Document National Planning Policy Framework Planning Practice Guidance
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 relates comprises garden land belonging to No. 30 Burlish Close, a semi-detached dormer bungalow. The site is situated at the end of a cul-de-sac, within a residential area of Stourport-on-Severn. It is adjoined by residential properties on all boundaries. To the front of Nos. 29 and 30 Burlish Close is a row of six garages which are accessed by a shared private right of way and the end garage belongs to the application site.
- 1.2 The application seeks outline permission for the erection of one dwellinghouse with all matters reserved for future consideration. The supporting details indicate that a dormer bungalow is proposed and the indicative site layout plan shows that the proposed bungalow would be sited adjacent to No. 30 Burlish Close with a new parking area created for the existing dwellinghouse and for the proposed bungalow. Vehicular access would be gained from the private right of way.

2.0 Planning History

- 2.1 No planning history for this site.

3.0 Consultations and Representations

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

18/0512/OUTL

- 3.2 Highway Authority - The applicant has submitted a revised red line drawing to include access to the highway therefore it is demonstrated that safe and suitable access is achievable for 1 additional dwelling off a residential cul-de-sac and all other matters will be dealt with at the reserved matters stage. As such, no objection subject to conditions to secure the provision of parking within the site.
- 3.3 Worcestershire Regulatory Services (Land Contamination) – No objection subject to a condition to ensure appropriate site investigation and remediation works are undertaken if necessary for any potential land contamination risk.
- 3.4 Severn Trent Water – No objection and do not require a drainage condition to be applied. They also advise that there may be a public sewer located within the application site.
- 3.5 Neighbour/Site Notice – 2 letters received from nearby occupiers objecting to the application (including the revised plan showing access to the public highway) on the following grounds:
- The driveway is for sole access to the block of garages belonging to numbers 25 to 30. The owners of these properties with the associated garages benefit from right of passage along the driveway along with the shared maintenance. Any proposed change of use or introduction of a further party to the right of passage and maintenance of the driveway should be with the unanimous consent of the current owners of properties 25 to 30.
 - The present garages can only hold one car so that will present a problem by making the drive a road.
 - It is also questioned whether there will be a construction plan; what size lorries will need access to the site; will there be a banksman; and will there be a restriction on how many vehicles can use the driveway.

4.0 Officer Comments

- 4.1 The application is submitted with all matters reserved thereby requiring consideration of the principle of development only at this stage. All other matters of layout, access, design, external appearance and landscaping will need to be submitted as Reserved Matters in due course.

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.2 The application site relates to an existing residential garden belonging to No. 30 Burlish Close, and lies within a residential area of Stourport-on-Severn. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. As the application site comprises garden land it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.

18/0512/OUTL

- 4.3 Notwithstanding this, the housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years based its housing land availability figures on an assessed need. Relevant policies for the supply of Housing are out of date. Based on the latest Housing Residential Land Availability data the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. These factors result in the presumption in favour of sustainable development as set in Paragraph 11 of the National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this policy context.

HIGHWAYS AND ACCESS

- 4.4 Access details are to be reserved for future consideration, although during the course of the application, the submitted plans were amended to show that the application site can be accessed from the public highway and it was confirmed by the applicant that the appropriate notice was served on the landowners of the private right of way about the planning application. The Highways Authority have raised no objection to the revised scheme. I recognise the concerns that have been expressed in respect of access to the site and that existing residents who own one of the six garages fronting Nos. 29 and 30 Burlish Close are required to maintain the private right of way. Whilst I understand their concerns, the matters of a covenant and ownership are not matters for planning consideration. Any permission given will not override ownership or restrictive covenants.
- 4.5 I am also satisfied that the development would be capable of providing adequate parking provision for the proposed and existing dwellinghouse. I therefore consider that the proposed development would not have any detrimental impact on highway safety in the area.

IMPACT ON LOCAL CHARACTER

- 4.6 Matters of layout and design will also be provided as part of any subsequent reserved matters application, however the indicative layout provides sufficient detail to show that an acceptable scheme can be provided for the proposed dwellinghouse with good separation from neighbouring properties. The proposed plot size is also of a sufficient size for one dwellinghouse.

IMPACT ON RESIDENTIAL CHARACTER

- 4.7 The proposed dwellinghouse would be located on land to the side of the existing dwellinghouse at No. 30 Burlish Close and to the rear of Nos. 137a, 139, 141 and 143 Thirlmere Road and 16 Mostyn Road. The erection of a dwellinghouse on this site is unlikely to have an adverse impact on neighbouring properties in terms of privacy and light given the proposed plot size and degree of separation of at least 30 metres from neighbouring properties in Thirlmere Road and Mostyn Road.

18/0512/OUTL

OTHER MATTERS

- 4.8 Worcestershire Regulatory Services have raised no objection subject to a condition to require a site investigation for any potential land contamination due to a history of the site as records show that it was previously used as 'Railway Land'. I concur with this view and have attached a condition accordingly.

5.0 Conclusions and Recommendations

- 5.1 Having assessed the principle of the development and identifying no harm, it is considered acceptable. The proposed dwellinghouse will, along with other similar windfall sites, boost the supply of housing, which is also considered to be a benefit in favour of the development. On this basis it is considered that there are sufficient grounds to support a departure from Local Plan policy.

- 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. A5 (Scope of outline permission – maximum of 1 no. dwelling)
5. A11 (Approved plans)
6. B1 (samples/details of materials)
7. Details of walls, fences and other means of enclosure to be submitted
8. Details of existing and proposed levels to be submitted
9. Details of hard and soft landscaping to be submitted
10. Details of finished floor levels
11. Parking to be laid out
12. Land Contamination
13. E4 (Drainage prior to occupation)

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18th September 2018

**Land at The Great Western Public House,
42 Kidderminster Road, Bewdley**

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

1. PURPOSE OF REPORT

- 1.1 To determine whether Tree Preservation Order No 432 (2018) relating to a Sycamore within the car park of The Great Western Public House should be confirmed or not.

2. RECOMMENDATION

- 2.1 **That the Tree Preservation Order should not be confirmed as it is causing structural damage to a garage within the garden of 1 Station View, Station Road, Bewdley.**

3. BACKGROUND

- 3.1 On 29 May 2018 a formal Notification was submitted to the Council to remove a mature Sycamore tree growing within Bewdley Conservation Area on land adjacent to the Great Western Public House, as it was considered that the tree was becoming too large for its location.
- 3.2 The tree is located on the south eastern boundary of the car park at the above mentioned Public House, which borders 1 Station View, Station Road, Bewdley.
- 3.3 The Council's Arboricultural Officer undertook a site visit and considered that the tree was an important feature within the Conservation Area and therefore a provisional Tree Preservation Order (TPO) was made on 5 July 2018 to prevent the proposed removal of the tree.

4. KEY ISSUES

- 4.1 The Council received an objection from the owner of 1 Station View, Station Road, Bewdley on 2 August 2018 requesting that the TPO should not be confirmed due to the significant damage it is causing to the property's garage. The owner states that the damage is so severe that he can no longer use the garage.
- 4.2 The Arboricultural Officer has now had an opportunity to view the tree from 1 Station View. It is clear that the tree has caused damage to the garage, by physical pressure of the trunk pushing against the garage as the tree puts on incremental growth each year. The objection submitted carries substantial weight and in light of the evidence that has materialised, it is no longer considered that the Order should be confirmed.

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 arising directly as a result of this report.

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 not be confirmed, due to the reasons given above.

10. CONSULTEES

- 10.1 None

11. BACKGROUND PAPERS

- 11.1 Tree Preservation Order No. 432

Planning Committee



Economic Prosperity and Place Directorate

Land at Great Western Public House

42 Kidderminster Road

Bewdley, DY12 1BY



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Scale 1:1000

Wyre Forest House, Finepoint Way, Kidderminster DY11 7WF Telephone: 01562 732928, Fax: 01562 732556

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18th September 2018

Wyre Forest District Local Enforcement Plan

OPEN	
CORPORATE DIRECTOR:	Corporate Director: Economic Prosperity and Place
CONTACT OFFICER:	Paul Round - Extension 2516 Paul.Round@wyreforestdc.gov.uk
APPENDICES:	Local Enforcement Plan

1. PURPOSE OF REPORT

- 1.1 The report will set out the background for the need and benefits of having a Local Enforcement Plan for Wyre Forest District, recommending Members to adopt the document.

2. RECOMMENDATION

- 2.1 **That the Local Enforcement Plan, as set out in the attached Appendix, be adopted as guidance on how the Council will carry out its Planning Enforcement function.**

3. BACKGROUND

- 3.1 Planning enforcement is a discretionary function for local planning authorities to undertake, but the Council, as a local planning authority, has a duty to investigate breaches of planning control that occur within its administrative area. Furthermore, if the Council fails to take action against breaches of planning control that are harmful it undermines the public's confidence in the planning system.

- 3.2 Paragraph 59 of the revised National Planning Policy Framework states that *“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”*
- 3.3 The Planning Practice Guidance clarifies that Local Enforcement Plans can help guide decisions as to whether enforcement action should be taken. *“Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan, where it is not part of the development plan.”*
- 3.4 Whilst the Council have do not have a Local Enforcement Plan, they have historically adopted a similar approach through the publication of a Pro-Active Enforcement Policy. This was originally approved in 1995 and was regularly reviewed every 2 to 3 years until 2006. Members will appreciate that this policy is now 12 years old, is significantly out of date and cannot be relied upon by Officers. There is a clear need to establish a Local Enforcement Plan for the District.

4. **KEY ISSUES**

- 4.1 The proposed Local Enforcement Plan aims to set out how enforcement action will be taken within the District, taking into account the resources at the Council’s disposal. It will provide a clear position on the way the Council will register and investigate complaints to set realistic expectations for both members of the public and Councillors.
- 4.2 The Plan has been structured in clear paragraphs to allow easy navigation through the document, dealing with the following headings:
- Introduction
 - Government advice and legislation
 - The purpose of planning enforcement
 - What is a breach of planning control?
 - Matters that are not breaches of planning control
 - Enforcement action is discretionary
 - What can you expect if you report an alleged breach of planning control?
 - How to report an alleged breach of planning control
 - How will we prioritise your complaint?
 - What are the possible outcomes of an investigation
 - Retrospective planning applications
 - Under enforcement

- Formal action
- What happens if an allegation is made against you?
- Power of entry onto land
- Proactive compliance
- Complaints about the services

4.3 The Plan will act as a guide for Officers in order to prioritise complaints. Priority is based on 'traffic light' approach setting red, amber and green categories which give realistic timescales based on the nature of the complaint and Officer resources. For ease of reference the priority and timescales are reproduced below:

Category	Description	Timescales
Red Severe irreversible harm	Breaches of Listed Building control; Works to trees which are protected by Tree Preservation Orders/within Conservation Areas; Damaging works to SSSIs; Illegal encampments; Demolition of building in a conservation area	Investigation to commence within 48 hours Site visit undertaken within 48 hours
Amber Harm to amenity or risk to public safety	Serious harm from development; Public Risk from breaches of condition; On-going building works, including extensions where there is continuous harm or danger or there is significant public complaint	Investigation to commence within 5 working days Site visit undertaken within 10 working days
Green No significant harm	Advertisements; Domestic structures such as extensions, sheds, and fences; Non-risk breaches of planning conditions; Development where resolution without formal action is considered achievable	Investigation to commence within 10 working days Site visit undertaken within 15 working days

- 4.4 The Plan will also set out the priority in which the Council will aim to act proactively, highlighting the need to major development sites and sites with protected trees or Listed Buildings. It is anticipated that this aspect of the Plan will grow as time and Officer resource become available, particularly through implementation of new software systems and processes.
- 4.5 The Plan has no specific review date although it is anticipated that a review every 3 years would be an appropriate timescale in order to capture changes within the Council and wider changes within legislation.
- 4.6 The Plan is not a Development Plan Document as it does not set or amend existing policies within the Development Plan. It is essentially procedural guidance for the Planning Enforcement function of Development Management. On this basis there is no legal requirement to carry out public consultation on this document. If the Plan is adopted by Members it will come into effect on 1st October 2018. The Plan will be published on the Council's website.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Local Enforcement Plan does not change existing policy but sets out guidance in respect of the enforcement function. There are therefore no legal or policy implications.

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 The publishing of a Local Enforcement Plan for the District Council is a positive and progressive step to provide confidence within the system and provide realistic expectations. The adoption of the Local Enforcement Plan will assist the Council in making decisions that the public can understand and improve the built environment of the District by ensuring harmful and unauthorised development is subject to appropriate enforcement action. The Local Enforcement Plan is therefore recommended for adoption.

10. CONSULTEES

- 10.1 Principal Solicitor
- 10.2 Spatial Planning Manager

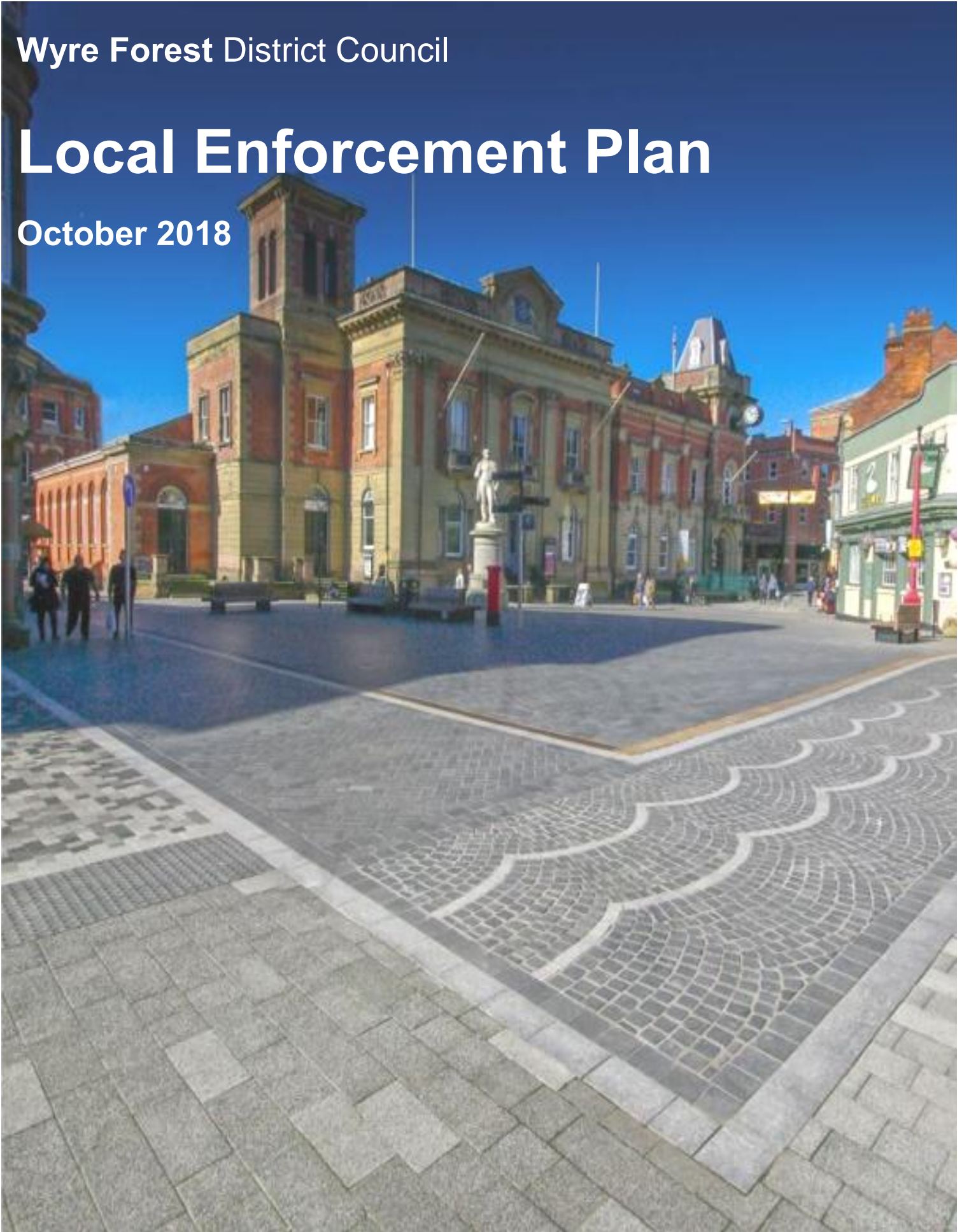
11. BACKGROUND PAPERS

- 11.1 Wyre Forest District Council Pro-Active Enforcement Policy 1996

Wyre Forest District Council

Local Enforcement Plan

October 2018



Introduction

This policy statement relates to Wyre Forest District Council's (the Council's) Planning Enforcement role and will describe the purpose of planning enforcement and how the council will deliver the service to the community.

The policy aims to provide an efficient planning enforcement service in support of the council's statutory planning service in a clear, consistent, proportionate and open manner. It is recognised that establishing effective controls over unauthorised development assists in conserving the natural and built environment whilst helping to protect the quality of people's lives and maintaining the council's integrity.

Government advice and legislation

The revised National Planning Policy Framework ('the framework') was published in July 2018. Paragraph 58 of the Framework states that:-

"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate. ."

In addition to the statement made in the 'framework' the Town and Country Planning Act 1990 provides the main legislative background regarding breaches of planning control along with the Planning Practice Guidance section titled "Ensuring effective enforcement"..

The purpose of planning enforcement

Planning laws and policies are designed to control the development and use of land and buildings in the public's interest. They are not meant to protect the private interests of one person against the activities of another.

In order to undertake effective investigations it is essential that there is co-operation between the Council and other external agencies, such as the Police, Environment Agency, Worcester Regulatory Services and Parish/Town Councils. The council will continue to develop these relationships in the future in order to make best use of all our available resources.

The council will not condone wilful breaches of planning control and will exercise discretion to take enforcement action if it is considered expedient to do so. The council will investigate alleged breaches of planning control, to determine whether a breach has, as a matter of fact occurred, and if it has, determine the most appropriate course of action.

What is a breach of planning control?

This could involve such matters as the unauthorised erection of a building or extension to a building, a material change of use of land, or the display of unauthorised advertisements. Other breaches of planning control may consist of the following:-

- Unauthorised works to Listed Buildings;
- Unauthorised works to trees subject of a tree preservation order (TPO) or in a conservation area;
- Unauthorised demolition within conservation areas;
- Breaches of conditions attached to planning permissions;
- Not building in accordance with the approved plans of planning permissions;
- Untidy land where it affects the amenity of the area;
- Unauthorised engineering operations, such as raising of ground levels or earth bunds;
- Failure to comply with a Section 106 agreement
- Deliberate concealment of unauthorised building works or changes of use

Matters that are not breaches of planning control

- Internal works to a non-listed building;
- Obstruction of a highway or public right of way (PROW)
- Parking of commercial vehicles on the highway or on grass verges;
- Parking caravans on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property;
- Running a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity;
- Land ownership disputes or trespass issues;
- Covenants imposed on property Deeds
- Any works that are deemed to be 'permitted development' under the Town and Country Planning (General Permitted Development) Order 2015 (as amended);
- Advertisements that are either excepted from deemed and express consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Dangerous structures or other health and safety issues;
- High hedge disputes – these are dealt with by the Development Management team but under Part 8 of the Anti-Social Behaviour Act 2003

Enforcement action is discretionary

It is important to note that just because there may be a breach of planning control this in itself, is not sufficient reason to take enforcement action. The council must firstly decide, having given regard to policies contained within the Development Plan, guidance contained in the National Planning Policy Framework (NPPF) and all other material planning considerations whether or not it is '**expedient**' to take formal action. Expediency is a test of whether the unauthorised activities are causing harm to the environment or amenity of the area. Therefore enforcement action is **discretionary** and each case must be assessed on its own merits.

Guidance from Central Government is that enforcement action should be a last resort and that councils are expected to give those responsible for a breach of planning control the opportunity to put matters right or to seek to regularise the breach before resorting to serving a formal notice. Any such service of a formal notice must be proportionate and commensurate with the breach of planning control.

This means that the council may not take formal enforcement action in all cases where there has been a breach of planning control identified.

What can you expect if you report an alleged breach of planning control?

We will:-

- Investigate all alleged breaches of planning control reported to the council in writing;
- Keep your personal details confidential at all times, unless required to disclose as part of court proceedings;
- Register your complaint within 5 working days, providing you with an acknowledgement and reference number with a named officer as the point of contact;
- Keep you informed of the progress of the case and of any decisions made with regard to whether to take action or of what action will be taken and likely timescales involved;
- Actively pursue your complaint to a satisfactory conclusion;
- In cases where there may be a technical breach of planning control but the harm caused is insufficient to warrant formal action notify you of the reason for not taking formal action and close the case;
- Negotiate with those responsible for any breach of planning control, allowing them the opportunity to resolve the matters of concern before serving a formal notice unless the breach is so serious it warrants immediate action or where negotiations become protracted with no real likelihood of success.

Your complaint will be:-

- Given a priority based on the councils published priority table which is contained in this policy document;
- Investigated and a site inspection undertaken in line with the published timescales, where possible, contained in this policy document;
- Pursued until such a time that the matter is satisfactorily resolved by either reparation or the breach is regularised or found to be lawful or the decision is taken that it is not expedient to pursue any further;

In the event that a formal notice is served and not complied with, your case will be pursued through to the Magistrates Court or higher court where necessary.

How to report an alleged breach of planning control

The council consider in the region of 200 complaints a year concerning breaches of planning control. In order that your complaint can be dealt with as soon as possible it is important to provide us with as much information as you can. Below is a list of the type of information that would assist us in dealing with your complaint:-

- An accurate description of the location or address for the particular site;
- A detailed description of the activities taking place that are cause for concern;
- Names, addresses and phone numbers of those persons responsible for the alleged breach or the land owners;
- The date and times of when the alleged breach took place;
- Any other information or evidence that may be able to assist;
- Your name and address or e mail address;

Complaints about alleged breaches of planning control will only be accepted in writing. This may be from the following methods either:-

- e-mail;
- letter; or
- online form (available on the Council's website)

Anonymous complaints will not usually be investigated unless relating to a matter of public safety. The council determines whether the alleged breach merits investigation. Complainants who do not wish to give their personal details will be advised to contact either their Local Ward Member or their parish council who may then raise their concerns on their behalf. Personal details provided by a complainant will be kept confidential and will not be disclosed unless required to do so as a result of any formal Court proceedings.

Vexatious or malicious complaints that do not have any substantive planning reasons for the complaint will not be investigated.

How will we prioritise your complaint?

In order to make the best use of resources available it is important to prioritise the complaints received in accordance with the seriousness of the alleged breach. This will initially be decided by the council following receipt of the complaint however may be subject to change following a site inspection or when further information comes to light.

Priority Categories

RED - Severe irreversible harm

- Breaches of Listed Building control
- Works to trees which are protected by Tree Preservation Orders/within Conservation Areas,
- Damaging works to SSSIs,
- Unauthorised encampments on private land
- Demolition of building in a conservation area.

Investigations will commence and a site visit will take place, wherever possible, on the same day or failing that the day after receipt

AMBER - Harm to amenity or risk to public safety

- Serious harm from development
- Public Risk from breaches of condition.
- On-going building works, including extensions where there is continuous harm or danger or there is significant public complaint

**Investigations will commence within 5 working days of receipt;
a site visit will take place within 10 working days of receipt**

GREEN - No significant harm

- Adverts
- Domestic structures such as extensions, sheds, and fences
- Non Risk breaches of planning conditions
- Development where resolution without formal action.

**Investigations will commence within 10 working days of receipt;
a site visit will take place within 15 working days**

Following receipt of the complaint it will be registered and allocated to an officer to investigate within 5 working days

What are the possible outcomes of an investigation?

No breach established – Following a site inspection it may be found that there is no breach of planning control because for example the unauthorised use has ceased or the development is permitted development.

There is a breach of planning control but not considered expedient to pursue – Just because a breach may exist does not automatically mean that formal action will be taken. Enforcement powers are discretionary and minor technical breaches may not be considered expedient to pursue as they may be considered to be de minimis.

The development is lawful and immune from enforcement action - This is when the unauthorised development or unauthorised change of use has occurred over a long period of time without being brought to the attention of the council. There are certain time limits involved in relation to operational development and changes of use, however for further details please contact the Development Management Team who will be happy to advise you if you think this may apply to you.

Negotiations take place to find a solution – In accordance with Government guidance the first priority is to try and resolve any breaches of planning control through negotiation. Only when such negotiations fail to secure a solution should formal action be considered. The council will not however allow negotiations to become protracted where there is a need to make the development acceptable or where there is a requirement for a particular use to cease.

Invite a retrospective application – Please see below

Retrospective planning applications

In accordance with Government advice the council will firstly seek to negotiate an amicable solution to any confirmed breach of planning control. By entering into negotiations with the parties involved, a solution may be found which could involve the cessation of any unauthorised change of use or building operations, the removal of any unauthorised building works or items constituting a material change of use of land, the remedy of any breach by the submission of a retrospective planning application.

A retrospective application will be invited where it is considered that there is a reasonable likelihood that planning permission may be granted in line with local and national planning policies or where a development may be made acceptable by way of the imposition of conditions.

Minor or technical breaches of planning control may not be pursued in the event that a retrospective application has been requested and not submitted or where it is not considered expedient to do so.

Under Enforcement

Where development has been carried out without planning permission and where the development could be made acceptable by imposing conditions a retrospective application will be invited. If after a reasonable period of time the owner or occupier of the land is unwilling to submit a retrospective planning application consideration will be given to the possible service of an Enforcement Notice. In these circumstances the Enforcement Notice will have the effect of granting planning permission subject to the terms of the Enforcement Notice being complied with in full. This will only be used where it is considered that the harm caused by the unauthorised development is such that a suitable remedy must be sought to protect any harm caused by the development.

In such circumstances the council will notify the owner or occupiers of the land, the complainants and where appropriate the Local Ward Member and parish council of the intended course of action.

Formal Action

The council has a range of formal powers under the Town and Country Planning Act 1990 that it can use to remedy breaches of planning control. The more common forms of enforcement action are listed below:

- The service of a Planning Contravention Notice (PCN) – Section 171(c) enables the service of a notice requiring persons to provide information in relation to land or activities on land where a breach of planning control is suspected
- The service of a Request for Information (RFI) – Section 16(1) enables a notice to be served requesting details to be provided of any owners, occupiers or any other persons with an interest in the land
- The service of an Enforcement Notice – Section 172 enables the service of a notice which requires specific steps to be undertaken to remedy the breach of planning control
- The service of a Breach of Condition Notice (BCN) – Section 187(a) enables the service of a notice to secure compliance with conditions imposed on a planning permission
- The service of a Stop Notice or a Temporary Stop Notice Section 183 and Section 171(e) enables the service of a notice requiring the cessation of unauthorised activities. A Stop Notice may only be served in conjunction with an Enforcement Notice referred to above
- The service of a Section 215 Notice – this enables the service of a notice requiring the proper maintenance of land and buildings.

In addition to the above further action is available by way of the service of injunctions, the taking of direct action to remedy a breach or to instigate prosecution proceedings for non-compliance where it is deemed necessary to do so.

The council will comply with the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of a criminal offence and with the Criminal Procedures and Investigations Act 1996 and Section 222 of the Local Government Act 1972, when carrying out prosecutions.

What happens if an allegation is made against you?

If a complaint is received that affects you then the first thing that will happen is either you will be contacted (where your details are known to the council) or the site in question will be visited by an officer. The purpose of this visit is to establish the facts of the case and whether there is any basis to the allegations made. The officer will, where necessary take measurements and photographs of the development or activity taking place. This site inspection may be undertaken without any prior notification.

If there is a breach of planning control you will be advised of the details of the breach and what steps need to be taken to either rectify the breach or regularise the situation. If you have no involvement with the identified breach no action will be taken against you.

You will be given a reasonable period of time (subject to the nature of the breach) to resolve any breach of planning control. If compliance is not secured through amicable negotiations or the submission of a retrospective planning application formal action may be instigated.

Power of entry onto land

Section 196(a) of the Town and Country Planning Act (as amended), the Planning (Listed Buildings and Conservation Area) Act 1990 and Part 8 of the Anti-Social Behaviour Order Act 2003 gives officer's of the Council the power to enter land and/ or premises at all reasonable hours in order to undertake his/her official duties. Wilful obstruction of a person exercising a right of entry is an offence.

The above does not allow the admission to any building used as a dwelling house to be demanded as a right by virtue of the aforementioned legislations unless twenty four hours notice prior notice of the intended entry has been given to the occupier of the building.

Proactive Compliance

In addition to the service's role in reacting to complaints regarding alleged unauthorised developments or breaches of condition, the council provides a proactive approach to ensure compliance with planning permissions and other consents. It should be noted that it is the responsibility of individual developers to comply with the conditions imposed on any planning permission or consent or with any terms identified in legal agreements, such as Section 106 agreements. However, failure to comply can affect not only the quality of the environment in the district or the amenity of neighbouring properties but also undermine the reasons and justification for granting planning permission or other consents in the first instance.

Proactive action will encourage and enable compliance with conditions to safeguard that development remains acceptable in planning policy terms whilst maintaining an attractive, high quality environment. By carrying out proactive compliance in this way should result in a reduction in the number of retrospective enforcement complaints received.

A) What are our priorities for Proactive Compliance?

In order to be proactive the council must operate a risk based approach in deciding which cases are to be investigated or monitored. In so doing the resources available must be provided in a targeted and focused way.

Priority will be given to monitor the following developments:

- All developments over 10 dwellings;
- All commercial developments over 1000sq metres floor area;
- All proposals which have trees which are protected by Tree Preservation Orders;
- Where there has been a history of non compliance; or
- Significant works to Listed Buildings.

Any other developments may be inspected on a random basis at any time to ensure compliance

B) What the Development Management Team will do.

The role of proactive compliance will be:

- To proactively monitor planning conditions to ensure that development proceeds in accordance with approved plans and undertake any necessary site inspections to confirm either compliance with the conditions or potential breaches of planning conditions/requirements of legal agreements.
- To liaise with developers and/or agents on major or specifically identified development sites to prevent breaches of planning conditions/legal agreements and to ensure that development proceeds with least disruption as possible.
- Where necessary and expedient, to actively stop sites that are proceeding without compliance with planning agreements or conditions by the use of Temporary Stop Notices (TSN) and where expedient Stop Notices and Enforcement Notices or Breach of Condition Notices.

Monitoring information can be obtained from other areas of the council or external organisations such as North Worcestershire Building Control, Worcestershire Regulatory Services (environmental health) and Worcestershire County Council.

C) Benefits of Proactive Compliance

The benefits of proactive compliance can be felt by the council, community and the development industry. By being proactive, the council can be aware of identified sites and can try and prevent major problems occurring. For the community this means that the council can be confident that requirements and conditions within agreements and permissions or consent will be complied with ensuring a high quality of built development while being efficient with our resources and reducing any potential harm caused as a result of the development.

For the development industry, there are benefits in raising the profile and need to comply with requirements and conditions to ensure future conveyance requests and solicitors queries can be dealt with. A clear process of compliance can only aid these future requests.

Complaints about the service

If you are unhappy about the level of service you have received from Housing and Planning Services or how the process has been managed then you may firstly discuss your concerns with the Development Manager or take it further through the council's 'Let us know what you think' Procedure. If you remain unhappy then you may write to the Local Government Ombudsman who may investigate your concerns in certain circumstances. More information is available on their website:

<https://www.lgo.org.uk/make-a-complaint>

Contact details

**Development Management
Wyre Forest District Council
Finepoint Way
Kidderminster
DY11 7WF**

dev.management@wyreforestdc.gov.uk

01562 732928

WYRE FOREST DISTRICT COUNCIL

Planning Committee

18 September 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
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			Dismissed 09/07/2018

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
WFA1490 17/0186/TREE	APP/TPO/R1845/6243	Mr Paul Yeo	1 COMBERTON GARDENS KIDDERMINSTER DY103DB Pollard Lime Tree	HE 03/01/2018	07/02/2018	28/02/2018		
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			Dismissed 18/07/2018

Agenda Item No. 8

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
WFA1496 16/0003/OUTL	APP/R1845/W/1 8/3196468	Miller Homes	LAND SOUTH OF STOURBRIDGE ROAD KIDDERMINSTER	LI 15/03/2018	19/04/2018	10/05/2018		Withdrawn 11/07/2018
			Outline planning application for a residential development of up to 100 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. Detailed approval is sought for access, with all other matters					
WFA1497 17/0380/FULL	APP/R1845/W/1 8/3193886	Mr Ralph Round	VACANT PLOT, THURSTON COURT SEVERN SIDE SOUTH BEWDLEY DY122DX New Dwelling	WR 29/03/2018	03/05/2018			Dismissed 05/07/2018 Allowed Listed Building Consent (17/0381/LIST) 05/07/2018

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Public Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Inquiry, Hearing or Site Visit date	Decision
WFA1499 18/0003/FULL	APP/R1845/D/18 /3202043	Mr M Eaton	13 SPRINGHILL RISE BEWDLEY DY121EA	WR 12/06/2018	17/07/2018			Allowed 02/08/2018
			Two storey side extension, along with associated dropped kerb, driveway and parking area					
WFA1500 18/0198/FULL	APP/R1845/D/18 /3203667	MR D CLARK	BADGERS COTTAGE TANWOOD LANE CHADDESLEY CORBETT	WR 18/06/2018	23/07/2018			Dismissed 07/08/2018
			Demolition of single storey extension and construction of two storey extension					
WFA1501 18/0138/FULL	APP/R1845/W/1 8/3202393	MR M SIMMONDS	LAND ADJ. 3 BLAKESHALL LANE WOLVERLEY KIDDERMINSTER	WR 19/06/2018	24/07/2018			
			Proposed detached bungalow					

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
WFA1502 18/0197/FULL	APP/R1845/D/18/3203339	Ms L Darby	CLATTERCUT HOUSE CLATTERCUT LANE RUSHOCK DROITWICH WR9 0NN Proposed rear extension	WR 25/07/2018	29/08/2018			
WFA1503 18/0152/FULL	APP/R1845/D/18/3206894	Mrs D Scriven	BADGERS WATERY LANE YIELDINGTREE BROOME STOURBRIDGE DY9 Proposed carport outbuilding	WR 20/08/2018	24/09/2018			
WFA1504 17/0726/OUTL	APP/R1845/W/18/3207149	Dr Ashok Rai	WOLVERLEY LODGE LEA LANE COOKLEY KIDDERMINSTER DY103RL Outline application for up to 7 residential dwellings following demolition of outbuildings. All matters reserved	WR 23/08/2018	27/09/2018			

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
WFA1505 18/0147/FULL	APP/R1845/W/1 8/3209262	MRS ELLEN WATTLEY	LYNDHURST CASTLE HILL WOLVERLEY KIDDERMINSTER DY115SH Proposed replacement dwelling including demolition of existing dwelling Lyndhurst	WR 24/08/2018	28/09/2018			



Appeal Decisions

Site visit made on 5 June 2018

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 July 2018

Appeal A: Appeal Ref: APP/R1845/W/18/3193886

Vacant Plot, Thurston Court, Severnside South, Bewdley DY12 2DX

- 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 Ralph Round against the decision of Wyre Forest District Council.
 - The application Ref 17/0380/FULL, dated 2 June 2017, was refused by notice dated 1 August 2017.
 - The development proposed is a new dwelling to be built on vacant plot close to 9, Thurston Court and against Eastham Cottage and incorporating existing listed brick screen wall.
-

Appeal B: Appeal Ref: APP/R1845/Y/18/3193890

Vacant Plot, Thurston Court, Severnside South, Bewdley DY12 2DX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Ralph Round against the decision of Wyre Forest District Council.
 - The application Ref 17/0381/LIST, dated 2 June 2017, was refused by notice dated 1 August 2017.
 - The works proposed were originally described as "*a new dwelling to be built on vacant plot close to 9, Thurston Court and against Eastham Cottage and incorporating existing listed brick screen wall*".
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for works to form a new dwelling at Vacant Plot, Thurston Court, Severnside South, Bewdley DY12 2DX in accordance with the terms of the application Ref 17/0381/LIST, dated 2 June 2017 subject to the conditions in the attached schedule.

Preliminary Matters

3. The appellant has stated in his evidence that the Council's reasons for refusal did not cover flood risk. However, reason for refusal No 3 of the planning application Ref 17/0380/FULL relates to flood risk and this matter is covered within the associated Officer's Report. As such, I have dealt with the appeal on this basis.

4. The description of the works proposed as part of Appeal B includes part of the site address. To avoid duplication I have deleted all reference to the address in the description in the formal decision above.
5. The Council have stated that the existing brick screen walls, which would adjoin the proposed dwelling, and 7-9 Thurston Court are within the curtilage of the former Thurston Hotel, a grade II listed building, and should also be considered to form part of the listed building. This is not specifically disputed by the appellant. I note that the list description only refers to the front section of the former hotel that faces onto Severnside South. However, in my experience list descriptions of this date were provided to identify the designated listed building rather than to identify all of the structures that formed part of that listed building. Consequently, in relation to what forms part of the listed building, I have dealt with the appeal on the same basis as the Council.

Main Issues – Appeal A only

6. The main issues are:-
 - Whether the proposal represents an acceptable form of development having regard to its flood zone location, the provisions of the development plan and the National Planning Policy Framework (the Framework); and
 - Whether sufficient parking space would be provided with regard to the provisions of the development plan.

Main Issue – Both Appeals

7. A main issue in both cases is whether the proposed works and development would preserve the special architectural and historic interest of the listed building known as 26 Severnside South (listed as Thurston Hotel) or its setting, whether they would preserve or enhance the character or appearance of the Bewdley Conservation Area (BCA) and whether they would preserve the significance of each of these heritage assets.

Reasons

8. The appeal site currently comprises an open area bounded by Eastham Cottage and a brick screen wall to one side, 9 Thurston Court (No 9) to the other and another part of the brick screen wall to the rear. The front elevation would face onto a courtyard at the rear of the former Thurston Hotel. The listed building appears to have been converted to residential use.

Flood risk

9. The River Severn runs to the north of the appeal site and the site is within Flood Zone 3 (FZ 3) even though there are flood defence systems in place for Bewdley. Buildings used for dwelling houses are defined in the Technical Guidance on Flood Risk¹ as a more vulnerable use which is only appropriate development in FZ 3, subject to passing the Sequential Test and the Exception Test.
10. Policy CP02 of the Core Strategy (CS) predates the Framework and states that in considering proposals for development the District Council will weigh up all

¹ Flood Risk Vulnerability Classification in Table 2 of the Technical Guidance to the Framework

of the relevant policy issues when giving full consideration to the Sequential Test and implementing the "Exception Test" where necessary. Having regard to paragraph 215 of the Framework this policy is broadly compatible with the Framework.

11. The Planning Practice Guidance (PPG) and the Framework indicate that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk by the application of the Sequential Test. The PPG² states that *'only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required'*. In this case I have no evidence before me to indicate that a Sequential Test has been carried out for the site at the strategic level (development plan).
12. Footnote 20 of the Framework indicates that a site-specific FRA is required for all proposals for new development in FZ 3. The PPG states that one of the objectives of a site-specific FRA is to establish the evidence for application of the Sequential Test. The submitted FRA does not provide sufficient evidence to indicate that a Sequential Test has been applied. Consequently, it is not in compliance with the Framework in this respect. Moreover, paragraph 103 of the Framework makes it clear that the FRA is only considered after the application of the Sequential Test and if required the Exception Test.
13. On the basis of the evidence before me, in the absence of a Sequential Test, I am unable to conclude that there are no reasonably available alternative sites for a dwelling in lower flood risk areas. It follows that the proposal would not comply with CS Policy CP02 and that conflict has significant weight. It would also conflict with paragraphs 100, 101 and 103 of the Framework which seek to direct development away from areas of highest flood risk.

Parking

14. Policy SAL.CC2 of the Site Allocations and Policies Local Plan (LP) states that all new developments within the District must demonstrate that they have met the required parking standards as set out in the Worcestershire County Highways Design Guide (DG). The supporting text to the policy states that car parking provision is a key issue in both ensuring highway safety by providing adequate space for vehicles and in encouraging the use of more sustainable modes of transport.
15. The Framework has a core principle at paragraph 17 of making the fullest possible use of public transport, walking and cycling, and advises at paragraph 39 that parking standards should take account of, amongst other things, the accessibility of development and the availability of public transport. Paragraph 39 of the Framework should be read alongside the Government's Written Ministerial Statement of 25 March 2015 (WMS) which highlights that any local parking standard should only be imposed where there is clear and compelling justification that it is necessary to manage their local road network. The WMS also confirmed that maximum parking standards should no longer be applied.

² Paragraph: 019 Reference ID: 7-019-20140306

16. Consequently, the parking requirements within the DG have been revoked and replaced by the Interim Parking Standards (IPS) document produced by Worcestershire County Council. The IPS states that 2 car parking spaces should be provided within the curtilage of the development. However, it goes on to state that in town centres it may be appropriate not to provide car parking spaces at all. Due to the confines of the site and potential land ownership and rights of access and parking over the courtyard area only a maximum of one car parking space would be provided.
17. The site is within a relatively accessible location close to Bewdley Town Centre and as such it is within easy walking and cycling distance of a number of services and facilities including public transport options. There are waiting restrictions on Severnside alongside the frontage of the site but on-street parking is possible on Lax Lane and there is a public car park within easy walking distance of the site at Gardeners Meadow.
18. Taking into account all of the above, I consider that any overspill parking as a result of the proposal would be limited. Furthermore, the waiting restrictions on Severnside ensure that there is sufficient space for the safe and efficient operation of this part of the highway network. Moreover, there is little evidence provided by the Council as to how any potential overspill parking would have a harmful effect on the operation of their local road network. As such, no clear and compelling justification is before me to impose the parking standard within the IPS.
19. Despite technical breaches in relation to car parking provision the site specific circumstances of this appeal mean that the scheme would still comply with the overall highway safety and promotion of other modes of transport aims of LP Policy SAL.CC2 and as such complies with it and the Framework.

Heritage assets

20. The proposal would comprise a largely 3-storey dwelling, the front section being 2-storey, that would adjoin the boundary wall that adjoins Eastham Cottage and it would coincide with a large proportion of the gable elevation of No 9.
21. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
22. Paragraph 132 of the Framework advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
23. The former Thurston Hotel dates from 1775 with later additions and alterations and is a tall imposing, classically influenced building fronting the River Severn. Based on the information available to me, including the list description, and my own observations I consider that the special interest/significance of the listed

- building is largely derived from its age, form, fabric and architectural features. Due to its proximity to the pavement the significance of the listed building is experienced from Severnside and the positive contribution of the heritage asset to the streetscene is important to its significance.
24. It is apparent from the use of a simpler architectural style that the rear elevations of the listed building were intended to be less formal than the front elevation. Moreover, there are a number of extensions and outbuildings that are at approximately 90 degrees to the frontage part of the listed building. Even though, this is largely a private space, the significance of the listed building can also be experienced from within the rear courtyard and this courtyard setting contributes to its significance.
 25. BCA is mixed in character, as it covers significant areas of urban development, with a variety of built form across a range of ages and designs, as well as appreciable areas of open space. From my observations at the site visit, and the details available to me I consider that the significance of the part of BCA surrounding the appeal site largely derives from the quality of the historic buildings, its use of materials and the relationship of the buildings to each other and the river.
 26. The appellant has stated that the existing brick screen walls would be retained and repaired and the dwelling would be constructed utilising a steel frame to minimise any structural impact on the walls. If I was minded to allow the appeals details of how the brick screen walls would be repaired, stabilised and the methods of weatherproofing the junction between the wall and the proposal could be covered by condition. As such, the proposal would have minimal impact on the historic fabric of the listed building.
 27. The dwelling would be in close proximity to the gable elevation of No 9. The building that this elevation forms part of appears to have been an outbuilding to the listed building. Views of the rear elevation and a number of small windows in it would be appreciably restricted by the proposal. Nevertheless, I have very limited information before me to indicate what specific contribution this elevation makes to the significance of the listed building.
 28. Based on my observations, I consider that due to its age and form it does have some historic, aesthetic and evidential value. Nonetheless, in the context of the overall significance of the listed building that value is modest. The windows appear to be a modern insertion from when the building was converted to residential use. As such, they have no historic or evidential value. However, they are high quality windows that have limited aesthetic value. The historic and evidential value of this elevation would not be altered by the proposal and the aesthetic value provided by the wall and windows would be moderately eroded.
 29. The architectural style and materials to be used on the dwelling would be sympathetic to the less formal style of the adjacent parts of the listed building. It would have a lower ridge height than that of No 9 and it would infill the majority of the gap between No 9 and Eastham Cottage. It would be seen in the context of the other outbuildings and extensions to the listed building. Furthermore, it is clearly discernible from the evidence left on the boundary wall that a previous building has occupied the gap between these buildings. That building appears to have been only one or one and a half storeys in height but it indicates that this gap has been infilled by built form in the past.

Therefore, the siting of the proposed built form would not be incongruous in this setting. The proposal would also ensure the repair of the boundary wall and the removal of a redundant space and in these respects the proposal would have a modest enhancement on the setting of the listed building

30. In this part of BCA many of the frontage buildings have outbuildings, extensions and modern courtyard development behind them. These structures are within close proximity to each other and historically appear to have reduced in height as they extend along the plots towards the open space to the rear. Consequently, even though the majority of the gap would be infilled with the proposal the building would not appear unduly cramped or incongruous in this context.
31. Taking into account all of the above, the proposal would have a limited impact on the wider area, including on the streetscene and as such the character and appearance of BCA would be preserved and its significance unharmed. Overall, the effect of the proposal on the setting of the listed building would be neutral. Furthermore, the ability to appreciate and understand the significance and special interest of the listed building would not be materially affected by the proposal. I am satisfied that the development would preserve the setting of the listed building and would not harm its significance.
32. For the above reasons, I conclude that the proposal would be in accordance with the Act. It follows that it would not conflict with LP Policies SAL.UP6 and SAL.UP7 which, amongst other things, seek development that demonstrate how the District's heritage assets, including their setting, will be protected, conserved and where appropriate enhanced and draw on the contribution of the historic environment to local character and distinctiveness. The proposal would also comply with chapter 12 of the Framework.

Other matters

33. The appellant has drawn my attention to an appeal decision³ for a development in Lax Lane. However, I do not have the full details of the circumstances that led to this proposal being accepted and so cannot be sure that it represents a direct parallel to the appeal proposal. Moreover, the issue of flood risk was not a main issue in that case. As such, I have given it little weight. In any case, I am required to determine the appeal on its own merits.
34. There is no dispute that the site is within a relatively accessible location. The proposal would generate temporary economic benefits from the construction of the scheme and further economic benefits from its occupation and use. The provision of an additional dwelling adding to the supply of housing would be a small social benefit. The scheme would reuse previously developed land and it would improve the sound and energy insulation of the party wall with Eastham Cottage. I have no evidence to indicate whether the Council can demonstrate a 5 year supply of housing land. In any case, in my reasoning above I have found that there would be conflict with the Framework's flood risk policy. As such, specific policies in the Framework indicate development should be restricted.
35. Local residents object to the proposal on a wider basis including in respect of loss of light and privacy, no consideration within the proposal for enhancement

³ APP/R1845/W/16/3151236 - 19 October 2016

to local biodiversity, reducing the impact of new development on the environment, drainage and noise and disruption through the construction works. These did not form part of the Council's reasons for refusal and are material considerations within Appeal A. As I am dismissing Appeal A on other grounds these matters would not alter my decision in that respect.

Conclusion – Appeal A

36. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case the conflict with CS Policy CP02 has significant weight and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
37. For these reasons, and having had regard to all other matters raised, I conclude that this appeal should be dismissed.

Conditions and Conclusion – Appeal B

38. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended.
39. A condition is required to secure compliance with the submitted plans and to provide certainty as to what has been permitted. In the interests of archaeology a written scheme of investigation is required. To ensure that the heritage asset is preserved details of the external materials and the methods for repair, stabilisation and weatherproofing the brick screen walls are required.
40. For the above reasons, and taking account of all other matters raised, I conclude that this appeal should be allowed.

D. Boffin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Unless modified under the condition below the works shall be carried out in accordance with the following approved plans: Ro17/L1; Ro17/S2; Ro17/P5; Ro17/P6; Ro17/P7; Ro17/P8; Ro17/P9; Ro17/P10.
- 3) No works shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The dwelling shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 4) No works shall take place until details and samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 5) No works shall take place until full details of the methods of repair and stabilisation of the brick screen walls shown on the approved plans and full details of the method of weatherproofing the junction between the brick screen walls and the works hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.



Appeal Decision

Site visit made on 24 July 2018

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2018

Appeal Ref: APP/R1845/D/18/3203667

**Badgers Cottage, Tanwood Lane, Bluntington, Chaddesley Corbett
DY10 4NU**

- 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 D Clarke against the decision of Wyre Forest District Council.
 - The application Ref 18/0198/FUL, dated 13 March 2018, was refused by notice dated 8 May 2018.
 - The development proposed is the demolition of an existing single storey extension and construction of a two storey extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the development on the openness of the Green Belt and the purposes for including land within it;
 - (c) The effect of the development on the visual amenity of the Green Belt and character and appearance of the area and the host property;
 - (d) 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.

Procedural Matter

3. A revised version of the National Planning Policy Framework (the Framework) was issued on 24 July 2018 but raises no additional issues, especially concerning Green Belt and heritage matters, beyond those raised by the parties.

Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

4. The appeal property is an already extended isolated dwelling located within the Green Belt. The Framework refers to the alteration of a building as not being inappropriate development provided that it does not result in disproportionate additions over and above the size of the original dwelling. This approach is echoed in Policy SAL.UP1 of the Wyre Forest Site Allocations and Policies Local Plan (LP). The Framework identifies that an original building is one which existed in 1948 or later if it was built after this date. However, no guidance is provided in either national or local planning policies about what constitutes disproportionate additions and a judgement is required to be made.
5. Limited information has been provided about the size of the original building but the planning history identifies 3 additions which have been approved by the Council since 1948. The Conservation Officer's consultation response provides an assessment of the scale of the size of 2 additions which is not disputed by the appellant. A planning permission was granted for an extension in 1970 (Ref KR.247/70) which is said to have increased the volume of the original dwelling by 25%. The second consent granted in 1972 (Ref KR.87/72) increased the volume of the then already extended property by 50%. It is unclear whether the alterations associated with the third application are included or excluded from the assessment (Ref KR.59/71).
6. Cumulatively, the planning consents which have been assessed have increased the volume of the original building by over 85% and this appears to be the case based upon the observations made during the site visit. It was also observed other additions have been added to the property, including a conservatory. Overall, and by reference to the submitted and historical drawings, the volume and size of the original building has already increased significantly. Although the appeal scheme includes the demolition of the conservatory, the proposed 2-storey extension would further increase the size and volume of the original dwelling. By reason of cumulative scale, it is judged that the proposed development would result in disproportionate additions to the original building.
7. For the reasons given, it is concluded that the appeal scheme would be inappropriate development in the Green Belt and, as such, it would conflict with LP Policy SAL.UP1 and the Framework. Paragraphs 143 and 144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

The effect of the development on the openness of the Green Belt and the purposes for including land within it

8. The scale of the proposed extension would have an impact on the openness of the Green Belt because of the additional bulk and size of the enlarged property at first floor level. Accordingly, it is concluded that there would be unacceptable harm caused to the openness of the Green Belt. However, the increase in the scale of the property should be considered against the context of its footprint remaining unchanged and, for this reason, the harm would be limited.

9. By reason of being an extension within a residential curtilage and sited on the footprint of the conservatory, it is concluded that the proposed development would not prejudice the purposes of the Green Belt, in particular safeguarding the countryside from encroachment.

The effect of the development on the visual amenity of the Green Belt and character and appearance of the area and the host property

10. The proposed extension would, at first floor level, project from the 1970 addition and would replace, at ground floor level, the conservatory. The property has been identified by the Council as a non-designated heritage asset. It was evident from the site visit that the various additions and alterations have caused a material change to the form, character and appearance of the original cottage as illustrated by historic planning drawings. The alterations have already had an adverse impact on this heritage asset albeit, from the appellant's evidence, it is the age of the original building which appears to be the reason why it is significant.
11. Accordingly, the property's heritage significance based upon the age of the original cottage would not materially change because of the appeal scheme, mainly because the proposed development at first floor level would extend from a previous addition. Although the Conservation Officer's comments have been noted, it is not certain to me that the appeal scheme alone would cause the property to be removed from the Council's list of local heritage assets.
12. LP Policy SAL.UP8 and Policy CC9 of the Chaddesley Corbett Neighbourhood Plan (NP) require extensions to be subordinate and subservient to the original building. However, for the reasons already given, the form of the original cottage has been lost and it is no longer a visually or physically dominant element. Instead, the appeal scheme would be subordinate and subservient in scale to the property as it has already been altered. The design of the proposed extension would respect the existing detailing and fenestration of the host property. For these reasons, the appeal scheme would not conflict with the design requirements of LP Policies SAL.UP6 and SAL.UP8; NP policy CC9 and the Council's *Design Guidance Supplementary Planning Document (SPD)*.
13. Surrounding the property is verdant countryside with isolated individual dwellings or small groups of buildings. The proposed development would be physically and visually related to the existing property and, when taken together with the existing conservatory being replaced, it would not detract from the verdant character and appearance of the surrounding countryside or the visual amenity of the Green Belt. This assessment includes the views of people walking along the public footpath which adjoins the property's curtilage.
14. On this issue it is concluded that the proposed development would not cause unacceptable harm to the visual amenity of the Green Belt and character and appearance of the area and the host property. It is further concluded that the appeal scheme would not conflict with LP Policies SAL.UP6 and SAL.UP8; NP Policies CC9 and CC11 and the SPD concerning design and heritage matters.

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

15. The appeal scheme has been judged to not cause harm to the purposes and visual amenity of the Green Belt. However, these matters merely result in there being no additional harm to that arising from the inappropriate development and the weight attached to them needs to be tempered accordingly. Therefore, moderate weight has been attached to these matters.
16. A fall-back position is capable of being a material consideration. Reference has been made to the potential erection of a side addition to the property as permitted development. The appellant claims this addition would be larger, have a greater effect on the heritage significance of the property and the Green Belt and would provide an awkward internal layout. The appellant has also suggested that a condition could be imposed, if this appeal succeeds, to withdraw permitted development rights.
17. What might be erected as permitted development is not a matter for me to determine as part of this appeal but I acknowledge that the erection of a side addition as suggested by the appellant would have an impact on the Green Belt and host property. By reason of scale and siting, any impact would potentially be greater than the appeal scheme on the openness of the Green Belt and the character and appearance of the host property, including its heritage significance because the addition would extend from an original elevation. However, there is no certainty that the side addition would be erected if this appeal failed because of the appellant's comments concerning the awkwardness of the internal layout and the potential for the siting of a large motor home or mobile home within the property's curtilage to provide additional accommodation. For these reasons, only moderate weight is given to the fall-back position.
18. In determining this appeal the absence of unacceptable harm to the character and appearance of the heritage asset and its significance have been given limited weight. This is because there is no suggestion that the current heritage significance of the property is expected to deteriorate if this appeal fails. Similar weight is given to the potential for the removal of the conservatory because, in terms of its design and siting, it has a neutral impact on the heritage value of the original property.
19. The appellant claims that the additional accommodation is required for family reasons or, in the future, a carer. However, it is not explained why the current accommodation, which includes 3 bedrooms, is insufficient to satisfy these requirements. There is also a lack of explanation why the appellant would be unable to secure the maintenance of the land holding associated with the property. Therefore, limited weight is attached to these matters in the determination of this appeal.

Conclusion

20. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the limited harm to the openness of the Green Belt and the conflict with national and local policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal should fail.

D J Barnes

INSPECTOR



Appeal Decisions

Site visit made on 9 May 2018

by Elizabeth Jones BSc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2018

Appeal A Ref: APP/R1845/C/17/3188932

Appeal B Ref: APP/R1845/C/17/3188933

**Land known as 'Trough', Off Habberley Road, Bewdley, Worcestershire
DY12 1LD**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mark Fentiman (Appeal A) and Ms Kim Jasiukiewicz (Appeal B) against an enforcement notice issued by Wyre Forest District Council.
- The enforcement notice was issued on 4 October 2017.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of land from agricultural use to residential use and the erection of a dwelling and associated buildings and the laying of hardstanding for residential use.
- The requirements of the notice are cease the use of the land for residential purposes and demolish and permanently remove the dwelling and associated buildings from the land and remove the hardstanding and reinstate the land as grass.
- The period for compliance with the requirements is 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- Since the prescribed fees have not been paid within the specified period, Appeal B on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal A on ground (a)

Main Issues

1. The appeal site comprises a parcel of agricultural land accessed via an existing agricultural track located within the West Midlands Green Belt. Thus, the main issues are:
 - i) whether the use of the appeal site for residential purposes represents inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - ii) the effect of the development on the openness of the Green Belt;
 - iii) whether or not there is justification for residential use of the land in this location; and

- iv) 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 very special circumstances necessary to justify the development.

Whether inappropriate development in the Green Belt

- 2. Policies DS01 and DS04 of the Wyre Forest District Council Core Strategy (2006-2026) (CS) are consistent with the Framework regarding not permitting inappropriate development in the Green Belt except in very special circumstances. Accordingly these policies carry substantial weight in the consideration of this appeal.
- 3. The Framework states that all proposals for development in the Green Belt should be treated as inappropriate unless they come within one of the categories in the closed list of exceptions in either paragraph 89 or 90 of the Framework. The appellant does not dispute that a material change of use from agricultural land to residential use has occurred on the appeal site. A material change of use is an act of development and not one that falls within the limited number of exceptions listed at paragraphs 89 and 90 of the Framework. Accordingly, the material change of use of the land represents 'inappropriate development' in the Green Belt.

Openness

- 4. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5. The purposes of the Green Belt are set out in paragraph 80 of the Framework. Amongst other things, the Green Belt serves to assist in safeguarding the countryside from encroachment.
- 6. Notwithstanding their lack of foundations and timber construction, the erection of a dwelling and the associated buildings for residential use together with the hardstanding has reduced the openness of the Green Belt by introducing new development where none existed previously.
- 7. The development has significantly reduced the openness of the Green Belt which adds to the harm to the Green Belt found by reason of inappropriateness.

Whether or not there is justification for the residential use of the land in this location

- 8. Based on the evidence before me the housing policies are up to date. I am informed that the Council can demonstrate a 5 year land supply. The appellant is silent on this matter.
- 9. Policy SAL.DPL1 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 (LP) restricts residential development outside certain locations unless in accordance with LP Policy SAL.DPL2. Policy SAL.DPL2 sets out general policy with respect to rural housing and states that proposals for residential development will not be permitted unless in certain exceptional circumstances. This policy is consistent with Paragraph 55 of the Framework in so far as it seeks to avoid new isolated homes in the countryside unless there

are special circumstances. I give these policies significant weight in this appeal.

10. The appellant states that he needs to live at the site in order to care for his horses and livestock and to ensure their wellbeing and safety. The Council argues that the horses and other livestock are pets and there is no evidence of an existing agricultural enterprise or an intention to operate such a business. From the evidence submitted, I have no reason to disagree.
11. Whilst I note the appellant's comments concerning the age of the horses I have not been provided with any substantive evidence that there is an essential need for someone to live on the land at all times. Consequently, I consider that there is a lack of proper justification for the residential use of the land.
12. A functional need to occupy the appeal site has not been demonstrated and although the occupation of the site would benefit the appellant this benefit does not clearly outweigh the harm to the Green Belt or the conflict with the development plan.
13. Accordingly, I find that the development conflicts with LP Policies SAL.DPL1 and SAL.DPL2, CS Policies DS01 and DS04 and the Framework.

Other considerations

14. The Framework makes it clear at paragraph 88 that substantial weight is to be given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. I have taken into account comments regarding age and health issues of the appellant and Ms Kim Jasiukiewicz. I am mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances. I therefore afford this matter limited weight.
16. I also note the appellant's submissions regarding the potential of losing his home. The Human Rights Act 1998, Article 8 of the First Protocol, is primarily concerned with the right to live a family life without interference. I recognise that this appeal concerns the appellant's home and family life. However, this consideration must be balanced against the rights and freedoms of others. The harm which has been and would continue to be caused by the development, in particular its inappropriateness in the Green Belt and harm to Green Belt openness is considerable. I am satisfied that the legitimate aim of the protection of the environment cannot be achieved by any means which are less interfering with the appellants' rights. The degree of interference that would be caused would be proportionate and insufficient to give rise to a violation of rights under Article 8 of the First Protocol.
17. I note the appellant's comments regarding the issuing of the enforcement notice and communication with the Council. Dissatisfaction with the Council's procedural policies should appropriately be made in the first instance through the authority's own complaints procedure.
18. The appellant's submissions refer to a hotel being built close by "in association with the West Midlands Safari Park" and also to a residential caravan. I have not been provided with the circumstances of these particularly sites and do not

know if they are directly comparable with the appeal before me. In any event, each case falls to be considered on its own merits. Thus, I afford this matter little weight.

Conclusion

19. I have identified that the residential use of the land is inappropriate development in the Green Belt. Further harm is caused by loss of openness. The benefit to the appellant of being able to live in close proximity to his animals does not diminish that harm. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
20. Taking into account all considerations weighing in favour of the development, I find nothing, whether looked at individually or cumulatively, sufficient to clearly outweigh the totality of the harm which is the test they have to meet. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
21. For the above reasons, and having regard to all other matters raised, I conclude that appeal A on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

22. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Elizabeth Jones

INSPECTOR

Appeal Decision

Site visit made on 12 June 2018

by **Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2018

Appeal Ref: APP/R1845/W/17/3189794

Land at Whythouse Farm, Greenway, Rock, Kidderminster DY14 9SJ

- 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 Paul and John Lawley against the decision of Wyre Forest District Council.
 - The application Ref 16/0441/FULL, dated 21 July 2016, was refused by notice dated 22 June 2017.
 - The development proposed is 20 starter homes and other ancillary works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether or not the proposed development would be in a suitable location for the dwellings concerned having regard to development plan and national policies;
 - ii) the effect of the proposal on highway safety on the site's access road with particular regard to the safety of pedestrians and cyclists.

Reasons

Suitability of location

3. Policy DS01 of the Wyre Forest District Council Core Strategy (the CS) sets out the strategy for development locations. It highlights that new development will be concentrated in the main urban areas with limited opportunities in other settlements. It goes on to state that development in the open countryside will be closely controlled to safeguard the integrity of the District's Green Belt and landscape character, and highlights that in rural settlements, including Rock, that housing would be to meet local need identified through rural exception sites in appropriate circumstances. Policy DS04 goes on to state, amongst other things, that in relation to affordable housing, new residential development in the villages, rural settlements and other rural hamlets will be to meet local housing needs only.
4. Policy SAL.DPL1 of the Wyre Forest District Council Site Allocations and Policies Local Plan (the SAPLP) clarifies that focus for residential development on the main urban areas. Furthermore, policy SAL.DPL2 of the SAPLP highlights that housing in rural areas will not be permitted unless there are exceptional

- circumstances, including that the site is identified as an exception site to meet an identified local housing need. It also refers to such sites being within or adjoining the villages and rural settlements and accessible to local services and facilities by sustainable modes of transport. In this respect, I have also had regard to bullet point 11 of paragraph 17 of the National Planning Policy Framework (the Framework) which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
5. The site currently comprises land occupied to varying extents by existing buildings, which I saw were generally either vacant or disused and, in many cases, in a fairly derelict state. Although there are a small number of existing dwellings close to the site, these are sporadically positioned and not forming a distinct settlement. The site is also located noticeably apart from the village of Rock and so clearly not adjacent to it. As such, having regard also to paragraph 55 of the Framework, the proposed dwellings would be in an isolated location.
 6. The proposed dwellings would be noticeably remote from most services and facilities to serve the day to day needs of prospective occupiers such as schools, shops, leisure and health facilities and from access to bus services and most employment destinations. The lack of footways and lighting alongside local roads would also be likely to discourage walking along those routes. The significant distances to the full range of such services and facilities would also be likely to deter access by cycle use in most instances. It is therefore likely that prospective residents would be heavily reliant on car use for access to those various destinations.
 7. I have had regard to the levels of car use relating to potential and any existing employment activity on the site. However, the nature and variety of movements generated by a residential use of the site would be likely to be different to those relating solely to employees coming to and from the site. I have also had regard to the only confirmed lawful employment use of the site which relates to a relatively small amount of the total existing floorspace. Whilst other buildings are capable of use, the extent to which that would lawfully be the case is unclear. There is therefore not a clear fallback position that would be comparable with the likely movements to and from the site for the proposed number of dwellings. I have therefore afforded little weight to this fall-back factor.
 8. In relation to paragraph 55 of the Framework, I have had regard to whether there are any special circumstances in support of the proposal. The existing site can be considered to be underused in terms of a combination of the level of vacancy and degree of dereliction of the existing buildings. However, the proposal would be replacing rather than re-using redundant or disused buildings. Furthermore, I have received insufficient substantive evidence to indicate that the proposal would be of over-riding exceptional quality or innovative design.
 9. In respect of many of the existing buildings it would be replacing unattractive structures. However, those existing poorer quality buildings on the site are generally not dominant structures as seen from public vantage points relating to footpaths through and in the vicinity of the site. That is partly due to the presence of significant degrees of screening by mature trees from some of

those vantage points. The proposed development would also introduce a greater degree of formality to, and coverage of two storey buildings on, the site compared with the low key single storey nature of many of the buildings. This would be particularly evident to pedestrians passing through the site on the existing public rights of way. I do not therefore consider there to be any special circumstances relating to the development, having regard to paragraph 55 of the Framework.

10. Additionally, and importantly, whilst the Parish Housing Needs Survey identifies a need for starter homes, that is in the overall context of a need for mainly one, and to a smaller extent, two bedroom houses with very little demand for three bedroom houses. The proposed provision for ten two bedroom and ten three bedroom houses would therefore not reflect that local need.
11. The appellants refer to the National Planning Practice Guidance (the NPPG) in terms of providing advice regarding the Government's Starter Home Exception Site scheme supporting starter homes on exception sites on under-used or unviable industrial and commercial land. However, this is in the context of there being scope for circumstances of overriding conflicts with the Framework. Reference is also made to the emerging Development Plan Local Plan Review (2017) highlighting that the provision of starter homes to meet identified local needs will also be an acceptable form of housing on rural exception sites. Notwithstanding that this is not adopted policy, and therefore carries less weight, I have not been provided with the full relevant emerging policy and supporting text to enable proper consideration of the emerging policy context, in particular relating to any locational considerations relating to exception sites. In any case, in relation to both the emerging development plan and NPPG, they relate to the need to address identified local needs which I have found would not be reflected by the proposed dwelling sizes.
12. The appellants also make reference to the Town/Parish Council identifying the site as an exception site for affordable housing although I have not been made aware of any current development plan policy in this respect. Notwithstanding this, the appellants refer to proposals in the Government's Housing White Paper: Fixing our Broken Housing Market (February 2017) and to the draft National Planning Policy Framework (March 2018) supporting starter homes in the context of affordable housing. However, the latter is not current Government policy and may still be subject to further change. In the absence of current national planning policy relating to starter homes in this context, I have not afforded significant weight to these factors. Even if there were such policy in place, I have insufficient basis to consider that my findings in relation to the location and size of the dwellings would be any different.
13. For the above reasons, I conclude on this issue that the proposed development would not be in a suitable location for the dwellings concerned having regard to development plan and national policies. As such, it would be contrary to policies DS01 and DS04 of the CS and policies SAL.DPL1 and SAL.DPL2 of the SAPLP. In respect of this issue it would also be contrary to paragraph 55 and bullet point 11 of paragraph 17 of the Framework.

Highway safety

14. The access road serving the site is not shown to include footways either side or lighting. That road is also a public right of way (PROW) which would not change. However, based on the lawful use of the existing site referred to

above, there is insufficient evidence to demonstrate that the level of traffic generated by the proposal would not be significantly greater along that road. Therefore, not only would there be some likely additional pedestrian use by prospective residents but even in respect of existing levels of pedestrian use of the PROW there would be the potential for increased risk of conflicts between cars and pedestrians due to the shared nature of the route. This would be particularly the case with two cars passing each other in the vicinity of pedestrians, with little or no margin for accommodating this scenario. Cyclists would be more likely to move out of the way of such a situation more quickly and so less likely to be so susceptible to collisions. However this does not deflect from the risk that would be likely to be posed to pedestrians. Such risks would be heightened given the fairly long straight stretches of the road which would be likely to encourage faster car speeds in the absence of any appropriate mitigation.

15. For the above reasons, I conclude on this issue that the proposal would be likely to pose a risk to pedestrian safety on the site's access road. As such, in respect of this issue it would be contrary to policy CP03 of the CS and policy SAL.CC1 of the SAPLP which together require development proposals to have full regard to the traffic impact on the local highway network and not to lead to the deterioration of highway safety. In respect of this issue it would also be contrary to the Framework which in paragraph 32 states that decisions should, amongst other things, take account of whether safe and suitable access to the site can be achieved for all people.

Other matter

16. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the nearby Grade II listed building (the LB) comprising Whitehouse Farmhouse. The LB is currently set within spacious grounds bordered by varying degrees of vegetation. It is also set apart from the rest of the buildings at the head of the shared access road, including the appeal site, separated from them by that road. That degree of separation and segregation would be retained in relation to the proposed development. The integrity of the spacious setting of the LB would therefore also be retained. The proposals would replace a number of existing poor quality buildings. However, those existing buildings are not so prominent in relation to the LB such that their replacement would be likely to represent a significant enhancement to its setting. Nevertheless, for the above reasons, I consider that the proposal would preserve the setting of the LB.

Planning balance

17. The parties agree that the CS policy relating to required housing numbers is out of date. Nevertheless it is not disputed that the Council can demonstrate a five-year supply of deliverable housing sites, having regard to paragraph 49 of the Framework. Therefore, whilst the development plan policies do not put a cap on new housing development, neither is the Council in a position whereby it cannot demonstrate a five-year supply of deliverable housing sites. Consequently, whilst there would be some benefit in terms of adding 20 dwellings to the local supply, I have not afforded substantial weight to that factor. Furthermore, whilst the proposal would be likely to address some need for local starter homes, that benefit would be significantly lessened due to the mismatch between the house sizes needed and those proposed.

18. There would be likely economic benefits associated with the construction of the proposal including in terms of providing jobs. However, as they would only be short term benefits I have not afforded significant weight to this factor.
19. I also acknowledge the intention to improve the surrounding habitat which would be of ecological benefit. However, the extent to which that would be an enhancement compared with the existing situation is unclear and so I have afforded little weight to this factor. I have also found that whilst the setting of the LB would be preserved, it would be unlikely to be significantly enhanced.
20. In light of my findings above in relation to the benefits of the proposal, my conclusions that the proposed development would not be in a suitable location for the dwellings concerned having regard to development plan and national policies and that it would be likely to pose a risk to pedestrian safety on the site's access road would significantly and demonstrably outweigh those benefits. It would therefore not be a sustainable form of development.

Conclusion

21. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR

Appeal Decision

Site visit made on 18 July 2018

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 2 August 2018

Appeal Ref: APP/R1845/D/18/3202043 13 Springhill Rise, Bewdley DY12 1EA

- 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 Matthew Eaton against the decision of Wyre Forest District Council.
 - The application Ref 18/0003/FUL, dated 28 December 2017, was refused by notice dated 22 February 2018.
 - The development proposed is the erection of a two storey side extension, along with associated dropped kerb, driveway and parking area.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side extension, along with associated dropped kerb, driveway and parking area at 13 Springhill Rise, Bewdley DY12 1EA in accordance with the terms of the application, Ref 18/0003/FUL, dated 28 December 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; 102/17/02 Rev 00; 102/17/04 Rev 02; 102/17/05 Rev 02 and 102/17/06 Rev 02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was issued on 24 July 2018 but raises no additional issues concerning design of development beyond those raised by the parties.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area, in particular the streetscene.

Reasons

4. The appeal property is a 2-storey dwelling which is the end of a terrace of 6 dwellings. The form of the property varies from the remainder of the terrace because it has a gable end facing towards the road. By reason of siting, the property is almost at right angles to 11 Springhill Rise which is also an end of terrace dwelling but does not have a gable end facing the road. The proposed development includes the erection of a 2-storey side extension which would occupy part of the gap between the property and the boundary with No. 11.
5. The predominantly residential area surrounding the property comprises a mix of single and 2-storey mainly semi-detached and terraced dwellings. There are other dwellings with a similar gable form at the end of terraces but they are sited on plots at formal road junctions. The property is not sited at a road junction but where the orientation of the dwellings change to enclose a parking area.
6. Reference has been made by the appellant to the potential permitted development rights associated with alterations to a dwelling house as a fall-back position. The appellant's claim is that exercising such rights would result in a form of development which would have an adverse impact on both the living conditions of the occupiers of neighbouring properties and the appearance of the terrace. The Council has assessed what could be erected as permitted development, as claimed by the appellant, and judged that the appeal scheme would still have a greater adverse impact.
7. Based upon what was assessed by the Council, my judgement is that when viewed from the road and parking area the appearance of the property with a box like dormer extension sited within the roofslope would be visually less appealing than the proposed 2-storey side extension. The appellant has identified that additional family accommodation is needed and, on this basis, there does appear to be potential for the fall-back scheme to be implemented. Therefore, this matter is given significant weight in the determination of this appeal.
8. The width of the proposed extension would accord with the Council's guidance contained in its *Design Guidance Supplementary Planning Document (SPD)*. As identified in the SPD, the first floor element of the appeal scheme would be set back from the property's front elevation and the ridge height would be lower than the existing roof. The scale of the proposed development would appear subservient to the host property. There would be a single storey addition and associated canopy above the front door but the degree of forward projection would not prejudice the building line of the terrace. There are dwellings with porches of a similar depth.
9. When viewed from the road and car park, there would be a gap between the proposed extension and the boundary with No. 11 and the enlarged property would not appear a cramped form of development. From the road, a gap between No. 11 and the enlarged property would be maintained and the parking area and front gardens would also continue to contribute to the openness of the area.
10. By reason of the shape of the plot, the width of the gap along the boundary with No. 11 narrows towards the rear and part of the proposed flank wall would be chamfered. Instead of a gable form the proposed roofslope and eaves

would face towards the road/parking area. These design elements are part of the Council's claims about a contrived design of the proposed extension.

11. However, my judgement is that the appeal scheme would represent a more appropriate design response when compared to the potential fall-back position, especially a box like dormer extension. The proposed extension's design and subservient scale to the host property would not result in such a conspicuous form of development that would be either incongruous or significantly harm the appearance and character of the terrace, the streetscene and residential area surrounding area. The assimilation of the appeal scheme into the streetscape would be assisted by No. 11 not possessing a gable facing the road and the use of matching external materials.
12. The Council has identified that the location of the proposed car parking spaces within the front garden would contribute to the proposed development possessing a cramped appearance. However, the location of the proposed spaces would be similar to the frontage parking arrangements for other dwellings within the surrounding area, including those facing the parking area.
13. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the host property and surrounding area, in particular the streetscene, and, as such, it would not conflict with Policy CP11 of Wyre Forest Core Strategy (2006-2026); Policies SAL.UP7 and SAL.UP8 of the Wyre Forest Site Allocations and Policies Local Plan and the SPD. Amongst other matters these policies require development to be of a high quality design and for the extensions to be subservient, in keeping with the host property and not incongruous. These policies reflect the Framework's aspirations for promoting high quality design.

Conditions

14. The Council has suggested a number of conditions which have been considered against the tests in the Framework and the Planning Practice Guidance. For reasons of proper planning and the avoidance of doubt, the appeal scheme should be erected in accordance with the submitted drawings. As already identified, a condition to secure the use of matching external materials is required.
15. From what was observed during the site visit a crossover and part of the vehicular access proposed had been constructed. Accordingly, the condition suggested in the consultation response from the Highway Authority does not appear to be necessary and, in any event, was not suggested by the Council. For the reasons given, and taking into account all other matters, it is concluded that this appeal should be allowed.

D J Barnes

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
18/0163/FULL	Land off Stourbridge Road (adj. Hurcott Lane) Kidderminster	<ul style="list-style-type: none"> • Education contribution of £373,356 • Public Open Space Contribution of £101,714 • Highway contributions of <ul style="list-style-type: none"> - £20,000 for Bus Stop Provision - £4,905 for Promotion of Speed Limit Extension - £18,200 for Personal Travel Planning • Affordable Housing 	<ul style="list-style-type: none"> • Occupation of 1/3 of dwellings • Prior to 1st occupation • Prior to commencement 	Agreement completed 9 th August 2018
18/0034/FULL	Stourport Road Kidderminster	Highways contribution of £15,405 to provide traffic signals on Stourport Road so that the approach from the Emergency Services Hub can have its own ‘green wave’ to enable clear passage and to provide a Traffic Regulation Order to protect the access for the emergency vehicles	Prior to commencement	Agreement completed 18 th July 2018

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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 	First occupation	Completed 26 th March 2018
17/0511/OUTL	Land off Spennells Valley Road Kidderminster	<ul style="list-style-type: none"> • Public Open Space contribution based on bedspaces • Contribution of £20,000 towards creation of bus stops • £1500 towards pedestrian crossing • Affordable Housing 29.8% 	First occupation Prior to commencement Prior to commencement	Completed 1 st May 2018

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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		Agreement completed 10.7.18
17/0269/FULL	Kidderminster Market Auction Site Market Place Kidderminster	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

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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

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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

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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 		Application refused by Committee
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 in circulation
15/0480/FULL	The Beeches Ribbesford Bewdley	To prevent the implementation of Planning Permission 11/0246/FULL and/or 14/0259/FULL as well as this permission	Commencement of development	Agreement completed

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Application Number	Site	Provisions	Triggers for Compliance	Performance
15/0429/FULL	Units 1-4 Baldwin Road Stourport on Severn	<ul style="list-style-type: none"> • 30% Affordable Housing provision. 3 units (1 x 2 bed and 2 x 3 bed) • Public Open Space provision - £7,614.84 	<ul style="list-style-type: none"> • Prior to occupation of general market dwellings 	Agreement completed
15/0305/OUTL	Site of Former Sion Hill Middle School Sion Hill Kidderminster	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	Application withdrawn

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% • Highway Contribution of £22,000 for bus shelters 	<ul style="list-style-type: none"> • Prior to first occupation • Prior to occupation of one third of GMD • Commencement of development 	

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

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