

Open

Planning Committee

Agenda

6pm
Tuesday, 20th November 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 S J Chambers
Councillor N Harris	Councillor P Harrison
Councillor M J Hart	Councillor N Martin
Councillor F M Oborski MBE	Councillor C Rogers
Councillor J A Shaw	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

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or 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 Director: Economic Prosperity & Place.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, “background papers” in accordance with Section 110D will always include the case Officer’s written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 20th November 2018

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 16th October 2018.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	14
6.	Wyre Forest Local Validation List To receive a report from the Corporate Director: Economic Prosperity and Place which sets out the background for the need for a Local Validation List and request that Members adopt the document for use as part of the Development Management function	80
7.	Planning and Related Appeals To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	96

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

Not open to the Press and Public

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

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

16TH OCTOBER 2018 (6PM)

Present:

Councillors: J A Hart (Chairman), D Little (Vice-Chairman), J Aston, S J Chambers, P Harrison, N Harris, M J Hart, N Martin, F M Oborski MBE, C Rogers, J A Shaw and S J Williams.

Observers:

There were no members present as observers.

Cllr J Aston entered the meeting at this point (6:02pm).

PL. 34 Apologies for Absence

There were no apologies for absence.

PL. 35 Appointment of Substitutes

No substitutes were appointed.

PL. 36 Declarations of Interests by Members

Councillor Marcus Hart declared an Other Disclosable Interest (ODI) in respect of 18/0306/FULL, that by virtue of his role as County Councillor for Chaddesley Division, he was a Trustee of the Old Grammar School. He informed the Committee he would leave the room whilst the application was determined.

Helen Hawkes, Principal Development Management Officer, declared an interest in applications 18/0557/FULL and 18/0570/FULL as the applicants in both cases were family members and she would leave the room whilst those applications were determined.

PL. 37 Minutes

Decision: The minutes of the meeting held on 18th September 2018 be confirmed as a correct record and signed by the Chairman.

PL. 38 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 568 attached)

Cllr M Hart left the room at 6:38pm whilst application 18/0306/FULL was considered and re-entered the room at 6:45pm.

Helen Hawkes left the room at 6:46pm whilst applications 18/0557/FULL and 18/0570/FULL were determined and returned at 6:47pm.

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 568 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. 39 Planning and Related Appeals

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

Decision: The details be noted.

PL. 40 Exclusion of the Press and Public

Decision: 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.

PL. 41 New Enforcement Case

The Committee received a report from the Corporate Director: Economic Prosperity and Place on a new enforcement case.

Decision: The Solicitor to the Council receive delegated authority to serve or withhold an Enforcement Notice for the reason detailed in the confidential report to the Planning Committee.

There being no further business the meeting ended at 6:52pm

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16th October 2018 Schedule 568 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: 18/0517/FULL and 18/0519/LIST

Site Address: BROUGHTON COTTAGE, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104SA

Following discussion and consideration of these applications, particularly in relation to expressed concerns by a public speaker regarding parking, Members approved delegated authority to be given to officers to consult with Chaddesley Corbett Parish Council and the Conservation Officer, due to the listed building status, regarding the imposition of a condition requiring a scheme of signage advising no customer parking/staff only parking was available at the property and to apply such a condition if considered appropriate following such consultation.

18/0517/FULL Delegated authority to **APPROVE** subject to discussions and consultation with Chaddesley Corbett Parish Council and the Conservation Officer referred to above and subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. Archaeology
5. Access, turning area and parking facilities
6. Sheltered, secure and access cycle parking

18/0519/LIST Delegated authority to **APPROVE** subject to discussions and consultation with Chaddesley Corbett Parish Council and the Conservation Officer referred to above and subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. Archaeology
5. Scheme of signage to prevent customer parking

Application Reference: 18/0555/FULL

Site Address: 76 HONEYBROOK TERRACE, KIDDERMINSTER, DY115QX

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plans)
4. The development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 3 cars. This area shall thereafter be retained for the purpose of parking only
5. Obscure glazing to first floor windows in side elevations only.

Application Reference: 18/0245/FULL and 18/0246/LIST

Site Address: THE GRANGE, UPPER ARLEY, BEWDLEY, DY121XA

18/0245/FULL **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. B7 (External details – no approval)
5. F9 (Details of extraction equipment <details of flue>)
6. No Deliveries
7. Provision of drinking facilities for non-residents is not permitted without formal permission from LPA

18/0246/LIST **APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. B7 (External details – no approval)
5. G1 (Details of works to Listed Buildings)
6. G3 (Protection of part of building to be retained)
7. G6 (Programme of archaeological work)
8. G9 (Archaeological survey required)
9. F9 (Details of extraction equipment <details of flue>)

Councillor M Hart left the room at this point (6:38pm)

Application Reference: 18/0306/FULL

Site Address: THE OLD GRAMMAR SCHOOL, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104SA

Application **DEFERRED** for additional information to be presented

Councillor M Hart re-entered the room at this point (6:45pm)

Application Reference: 18/0363/FULL

Site Address: THE WOODLANDS, WORCESTER ROAD, CLENT, STOURBRIDGE, DY9 0HS

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Removal of permitted development rights
4. Highways
5. No demolition
6. Details of fences
7. Details of windows and doors

Note
Highways

Application Reference: 18/0423/FULL

Site Address: ADJACENT TO HIGHBANK, CLEOBURY ROAD, BEWDLEY, DY122PG

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Details of walls, fences and other means of enclosure to be submitted
5. Details of hard and soft landscaping to be submitted
6. retention of trees / hedge at front of site
7. Submission of tree protection plan
8. No windows on the rear elevation
9. Highways
10. Highways
11. E4 (Drainage prior to occupation)
12. Land Contamination

Notes
A Highways
B Severn Trent
C Applicant to be aware of WRS Demolition & Construction Guidance

Application Reference: 18/0427/FULL

Site Address: SOUTH HURTLE HILL TOP, TROUGH, HURTLE HILL FARM, HEIGHTINGTON, BEWDLEY, DY122YH

APPROVED subject to the following conditions:

1. Restricting the use of the track to agricultural purposes only.
2. Landscaping scheme within 3 months; implementation within 6 months.

Application Reference: 18/0512/OUTL

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

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)

Application Reference: 18/0545/FULL

Site Address: 39 LINDEN AVENUE, KIDDERMINSTER, DY103AA

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Customers on appointment basis only
4. Limit hours or use
5. Restrict dog grooming salon to garage only
6. Change of use only; not to be sold off or sub let separately from the main dwelling

Helen Hawkes, Principal Development Management Officer, left the room at this point (6:46pm)

Application Reference: 18/0557/FULL

Site Address: 7 BALA CLOSE, STOURPORT-ON-SEVERN, DY138JJ

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)
4. Secure, sheltered and accessible cycle parking

Application Reference: 18/0570/FULL

Site Address: 1 BIRCHFIELD ROAD, KIDDERMINSTER, DY11 6PG

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)
4. Access and parking facilities to be provided

Helen Hawkes, Principal Development Management Officer, re-entered the room at this point (6:47pm)

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

20/11/2018

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
18/0285/OUTL	CHURCHFIELDS BUSINESS PARK UNIT 3B CHURCHFIELDS KIDDERMINSTER	DELEGATED APPROVAL	15

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
18/0408/FULL	THE HOLLIES TRIMPLEY LANE SHATTERFORD BEWDLEY	APPROVAL	37
18/0523/S73	SEVERN VALLEY RAILWAY SEVERN VALLEY RAILWAY CARRIAGE SHED STATION APPROACH KIDDERMINSTER	APPROVAL	47
18/0529/FULL	FORMER SION HILL MIDDLE SCHOOL SION HILL KIDDERMINSTER	DELEGATED APPROVAL	57
18/0595/FULL	OAK TREE FARM POUND GREEN ARLEY BEWDLEY	APPROVAL	73
18/0613/FULL	34 LOWER LICKHILL ROAD STOURPORT-ON-SEVERN	APPROVAL	76

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH NOVEMBER 2018

PART A

Application Reference:	18/0285/OUTL	Date Received:	25/04/2018
Ord Sheet:	383112 277159	Expiry Date:	25/07/2018
Case Officer:	Helen Hawkes	Ward:	Broadwaters

Proposal: Redevelopment to create up to 240 dwellings including the conversion of the 1902 building, creation of up to 670 sqm of mixed use floor space, new points of access, open space and associated works.

Site Address: CHURCHFIELDS BUSINESS PARK, UNIT 3B
CHURCHFIELDS, KIDDERMINSTER, DY102JL

Applicant: KIDDERMINSTER PROPERTY INVESTMENTS

Summary of Policy	DS01, DS02, CP01, CP02, CP03, CP11, CP12, CP13, CP14, CP04, CP05, CP07, CP09, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL3, SAL.DPL4, SAL.GPB2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) KCA.GPB1, KCA.GPB4, KCA.CC1, KCA.CC2, KCA.UP1, KCA.UP2, KCA.UP3, KCA.UP4, KCA.UP7, KCA.Ch1, KCA.Ch5 (KCAAP) Design Guidance (2015) SPD Planning Obligations (2016) SPD Affordable Housing (2015) SPD Churchfields Masterplan (2011) SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application Application involving proposed Section 106 Agreement
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

18/0285/OUTL

1.0 Site Location and Description

- 1.1 The site of the proposed development extends to 7.54 hectares and relates to Churchfields Business Park and the CMS car dealership site. It is located to the north of the northernmost section of the A456 St Marys Ringway and approximately 500 metres to the north of Kidderminster town centre. The site is split across the road known as Churchfields, with the main part of the site to the north and the smallest part to the south. It contains a number of industrial and commercial units, which are currently used for car storage, car washing, scaffolder's company, CMS Vauxhall (car retail and servicing facility), All Electric Car Preparation Centre and Alliance Flooring. The site also includes a number of units that have been partially or completely demolished, which has created large areas of hardstanding across the site. The northern and western parts of the site, is mainly undeveloped woodland and there are a number of mature trees within this area which are covered by a Tree Preservation Order. Within the site there are locally listed buildings, including the Duke Street North and South Ranges, the 1902 building, which are of local importance due to their historic and architectural interest. There are also a number of features of historic interest recorded within the site.
- 1.2 The surrounding area is characterised by a mixture of residential, community and commercial uses. Housing development lies to the north and west of the site. Immediately adjoining the site to the northwest is a commercial printers business. To the west, on the opposite side of Clensmore Street is an area of amenity space with the River Stour and the Staffordshire and Worcestershire Canal beyond, and to the southwest is the Grade I Listed St. Mary and All Saints Church. To the south is the Trinity Methodist Church Centre and associated car park. There are commercial premises including a Kwikfit workshop to the southeast of the site and further to the southeast are commercial premises with flats above which form part of the Horsefair Neighbourhood Centre and front onto Blackwell Street.
- 1.3 This application seeks outline planning permission for the demolition of all existing buildings, apart from the locally listed '1902 building', and the redevelopment of the site for up to 240 residential units and the conversion of the locally listed 1902 building for mixed office/retail (up to 670sq.m) and residential, together with parking, new access points, open space and associated works. The application has all matters reserved apart from access.
- 1.4 An illustrative Masterplan has been submitted which demonstrates how up to 231 dwellings could be accommodated on the site. The number of dwellings/density of development and mix of house types/sizes would be determined through a reserved matters submission. However the Masterplan shows a layout comprising 215 houses (with a density of 40 dwellings per hectare) and 16 apartments. On this basis it is agreed that the proposal of up to 240 units is an appropriate basis for consideration.

18/0285/OUTL

- 1.5 The three storey, locally listed building, known as the '1902 building' would be converted at ground floor into mainly B1a office use with some A1 retail (not to exceed 280sq.m. in total floorspace) and 16 apartments would be provided on the upper floors.
- 1.6 Two vehicular access points are proposed for the site with one from Broad Street and the second from Churchfields. A further vehicular access point would be provided off Clensmore Street to serve a private drive for approximately three houses. Pedestrian and cycle access points would be provided from each adjoining road and two further footpath links would be provided from Churchfields, to either side of the locally listed 1902 building.
- 1.7 The development would deliver 1.82 hectares of public open space, which would be mainly provided along the northern and western edges of the site, adjoining Clensmore Street. Matters associated with specific landscape proposals are reserved for future consideration.
- 1.8 58 trees and 12 groups of trees are recommended to be removed from the site and new tree planting, approximately 79, are shown across the site on the illustrative Masterplan.
- 1.9 Due to the scale of the planning application, a financial contribution towards education and public open space and the provision of affordable housing are required to mitigate the impact of the development. The applicant has submitted a Financial Viability Appraisal which explains why they cannot provide the full affordable housing and planning obligation requirements. An independent review of the Viability Appraisal has been undertaken by the Council's consultant and it has been agreed with the applicant that the proposed development is deliverable when allowing for 1.3 million contributions towards planning obligations. This would provide 18 affordable units (61% social rent, 39% shared ownership).
- 1.10 A Screening Opinion (reference 17/0440/EIASC) has been provided by the Council confirming that an Environmental Impact Assessment is not required for up to 300 houses on this site, relocation of CMS garage and associated highway works.

2.0 Planning History

- 2.1 18/000025/REG3 – Proposed Improvements to Highways Infrastructure in the Churchfields area to the north of Kidderminster Town Centre including the Demolition of the CMS/Vauxhall Building : Approved by Worcestershire County Council on 26 October 2018.

18/0285/OUTL

- 2.2 17/0440/EIASC – Request for a screening opinion in respect of proposed residential redevelopment for up to 300 homes, relocation of CMS garage and associated highway works that include new arm off Blackwell Street roundabout from St Marys ring road to provide direct access to Churchfields and creation of one way traffic routes along Horse Fair and Blackwell Street at Churchfields, Kidderminster : EIA not required 12 September 2017.
- 2.3 15/0514/OUTL – Outline Planning Application for the redevelopment of the site to create approximately 95 residential dwellings, including conversion of one existing building to create 16 flats, along with approximately 669sqm of (B1) office space : Awaiting decision.
- 2.4 11/0420/FULL – Hybrid application: Area A – Full details: Proposed foodstore (Use Class A1) and petrol filling station; associated plan, means of enclosure, recycling, parking and highway works including new link road between the ringway and Churchfields; demolition of existing buildings, with exception of the 1902 building (part demolition part retention and change of use to cafe, customer and college facilities; Area B – Outline: Proposed residential development of up to 26 units with associated access and parking; demolition of existing buildings. (Layout and Access to be determined) : No Decision and non-determination appeal lodged and Withdrawn.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Recommend Approval.
- 3.2 Highway Authority – Deferred comments until the Worcestershire County Council's application 18/000025/REG3 is determined, however, it is advised that no speed data has been submitted to support the visibility splay for the proposed access points onto Broad Street and Churchfields Road and that the new link road access needs to be cross referenced against the plans submitted for the highway improvement works being considered under application 18/000025/REG3. It is also noted that the parking standards referred to in the submitted Transport Assessment have been superseded by WCC Parking Standards 2016 and that the Travel Plan submitted with the application needs to be amended to reflect the County Council's guidance. *(Officer Comments – The applicant has advised that no speed data was collected to support the visibility splays of the proposed access points onto Broad Street and Churchfields because it was not considered necessary in this instance as the visibility splays are not constrained and deemed to be more than adequate. The necessary amendments to the submitted Residential Travel Plan have also been made to reflect the County Council's current guidance.*

Any further comments from the Highway Authority will be reported on the Addenda & Corrections Sheet..

18/0285/OUTL

It is no longer required to cross reference the proposed two access points on the new link road with the approved highway improvement works as the two residential blocks that were originally proposed on either sides of the new link road have been omitted from the Masterplan and overall number of residential units following concerns raised by Officers in regards to design and air quality issues).

3.3 Environment Agency – Awaiting comments.

3.4 Worcestershire Regulatory Services (Contaminated Land) (INITIAL COMMENTS) – No objection subject to a condition to ensure appropriate risk assessment and remediation works to be undertaken to identify and mitigate for any potential contamination risk within the site.

(SECOND COMMENTS) – Following the submission of further survey reports, it is still considered necessary that the condition as requested before is attached.

3.5 Worcestershire Regulatory Services (Air Quality) (INITIAL COMMENTS) – Require an updated Air Quality Assessment to be submitted.

(SECOND COMMENTS following an updated Air Quality Assessment) – No objection subject to conditions to secure cycle parking facilities, electric vehicle charging points and low emission boilers.

It is advised that the highway improvement works to Churchfields would deliver a beneficial effect to NO₂ levels in the Kidderminster area with significant reductions in the Blackwell Street section of the Horsefair/Coventry Street AQMA, although it is predicted that Blackwell Street will still be in breach of the air quality objective of 40 µg/m³. The model predicts that there will be a slight increase in NO₂ concentrations along Clensmore Street, Chester Road North and Birmingham Road but will remain below the air quality objective. It is further noted that, given the predicted concentrations of NO₂ along the Churchfields section of the proposed one way system, careful consideration should be taken by the developer during the reserved matters stage in terms of the siting of any dwellings along this section of the road, as well as the position of the dwellinghouses to ensure they are an appropriate distance away from the road and are not impacted by adverse air quality.

3.6 Worcestershire Regulatory Services (Noise) (INITIAL COMMENTS) – Require a Noise Impact Assessment to be submitted and a further request was made during the application for an updated Noise Impact Assessment that takes into account the increased noise level of traffic as a result of the proposed highway improvement works and to reassess the necessary glazing and ventilation specifications based on BS8233:2014.

18/0285/OUTL

(SECOND COMMENTS) – The Noise Impact Assessment has underestimated the glazing and ventilation requirements and therefore the assessment needs to be revised accordingly.

(Officer Comments – a condition has been recommended to ensure a revised Noise Impact Assessment is submitted and to agree the glazing/ventilation specification details)

- 3.7 Countryside Manager – No objection subject to conditions to require further ecological surveys if demolition and clearance works do not commence before 30 September 2019 and to require ecological enhancement measures and wildlife friendly planting to be incorporated into the landscaping scheme in order to offset the harm to biodiversity.
- 3.8 Arboricultural Officer – No objection and advises that the illustrative layout shows new tree planting throughout the site. Conditions are required to secure a Arboricultural Impact Assessment, a Tree Protection Plan, Landscaping Plan and Landscaping Management Plan.
- 3.9 NHS – Awaiting comments.
- 3.10 Conservation Officer (INITIAL COMMENTS) – Objects to the application on the grounds that the proposed access and road layout will not permit the retention of the Duke Street Ranges which are heritage assets and identified to be retained under the Churchfields Masterplan 2011, as such the application is contrary to Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework. It is also considered that the lack of strong built forms along the perimeter of the former factory site, the demolition of the historic boundary walls and the suburban layout and forms indicated on the illustrative Masterplan together with the failure to re-introduce a strong north-south orientated grain to the proposed development means that the proposals contained within this application do not conform to the site-specific adopted Churchfields Masterplan SPD.

(SECOND COMMENTS following revised details) - There appears to be a fundamental difference of opinion between the applicant's Built Heritage Consultancy and both myself and Historic England in terms of the contribution made to the setting of St Mary's Church by the Duke Street North and South Range, as well as to the significance of those locally listed buildings themselves. However, should this development be approved on the basis that the total loss of significance of these heritage assets is more than balanced by any benefits arising from the development (which is a process outlined within the NPPF (at paragraph 197), I suggest that conditions are attached to require a Level 4 Building Recording of those heritage assets to be demolished (or as stipulated by Worcestershire Archive and Archaeology Service); and to ensure no approval is given to the housing and street layout shown on the drawings which should be "reserved matters".

18/0285/OUTL

3.11 Worcestershire County Council Archive & Archaeology Service – No objection subject to conditions to secure a programme of archaeological work including a Written Scheme of Investigation; details of hard and soft landscape works; and a landscape management plan.

3.12 Historic England (INITIAL COMMENTS) – Object to the demolition of the heritage assets on site, which although unlisted are identified as heritage assets through the local list and the Churchfields Masterplan SPD, and are considered to have architectural and historic importance. In addition, it is considered that the existing red brick buildings within the site, which are considered to be historic assets, form a continuity with the historic buildings within Kidderminster town centre and form part of the setting to Church Street Conservation Area and the Grade I listed St Mary’s Church, and that they add to their significance. It is recommended that the layout of the proposed development is amended to ensure that these assets can be retained and that any new access should facilitate their retention.

(SECOND COMMENTS following revised details) – It is clearly disappointing that the proposed access and road layout still results in the demolition of a number of late-19th and early-20th century buildings associated with the carpet industry with which Kidderminster is synonymous. A number of the buildings are proposed to be demolished, which are identified in the local authority’s Local List for their inherent significance. It is recommended that the local authority refers to the previous comments provided by Historic England and in particular, the duties of the local authority as set out in primary legislation, the requirements of national and local policies. Also, attention should be drawn to the development objectives of the District’s Core Strategy 2006-26, and the design principles of the Churchfields Masterplan Supplementary Planning Document.

3.13 West Mercia Police Designing Out Crime Officer – No objection and considers that the proposed layout is acceptable except for a section that contains a parking courtyard, which would have limited natural surveillance from habitable rooms of adjoining dwellinghouses. It is recommended that the parking courtyard is omitted or if it is considered absolutely necessary, then the courtyard should be protected with gates and appropriate boundary treatment to deter anti-social behaviour.

3.14 Severn Trent Water – No objection subject to a condition to secure a scheme for foul and surface water drainage for the proposed development to be submitted and agreed.

3.15 North Worcestershire Water Management – No objection subject to a condition to secure a site surface water drainage strategy for the proposed development to be submitted and agreed.

18/0285/OUTL

- 3.16 North Worcestershire Economic Development & Regeneration (NWedR) – Support the proposed development and advise that the regeneration of the Churchfields area of Kidderminster has been a key priority for the District Council since the launch of the ReWyre Prospectus in 2009 and the subsequent adoption of the Churchfields Masterplan in 2011 and the Kidderminster Central Area Action Plan in 2013.

Whilst the site in question is currently in use for ‘employment’ purposes, the submitted application is for a use that is in line with the Council’s policies and vision for this important regeneration site. The development would result in a further phase of the Masterplan being completed and would help to deliver new housing in a sustainable location, close to Kidderminster Town Centre. The proposals would see the delivery of much needed new housing along with associated highway infrastructure that will help to unlock the potential of the application site, as well as improve the highway network for the wider area. The application provides for an element of non-residential floorspace, which is also in line with the policy position and is something that is supported by NWedR.

Overall, the application provides a development that is in line with adopted policy and will ensure that the vision of the Churchfields Masterplan to regenerate this area will be fully realised.

- 3.17 Worcestershire Minerals and Waste – Require within the reserved matters stage, detailed plans showing the provision of waste both throughout the construction phase and once occupied, which incorporate areas to store and aid the collection of waste, and arrangements to be made for the separate storage and collection of recyclable material.
(Officer Comments – A condition requiring a design code is recommended, which would ensure details regarding the facilities for storage and collection of waste, both during construction and occupation phases is included as one of the design principles which would inform the reserved matters proposals).

In respect of minerals, Worcestershire County Council advise that the proposed development is not in an area of identified mineral deposits as shown on the 1997 Hereford and Worcester Minerals Local Plan Proposals Map and as such, no formal comments are to be made.

- 3.18 Worcestershire Public Health (INITIAL COMMENTS) – Require a Health Impact Assessment (HIA) to be submitted.

18/0285/OUTL

(SECOND COMMENTS following submission of a HIA) – The submitted Health Impact Assessment contains a number of references to planning policy and date on the local area, however, it is considered that it should be amended to include measures to create an age and dementia friendly environment and details on how the proposed open and green spaces would provide acceptable access for pedestrians and cyclists.

(Officer Comments – A condition has been recommended to ensure an updated HIA is submitted and approved which includes these details)

- 3.19 Worcestershire County Council Children’s, Families and Communities –The site sits in the catchment area of St Mary’s CE Primary School and Wolverley CE Secondary School and Sixth Form. Analysis of pupil numbers at schools within a 2-mile radius shows that there is some surplus capacity in the area, however, taking into account the combined PANs of the schools and extant planning permissions (circa 700 dwellings) for the area, it is considered that the proposals will impact on school places, affect the operating surplus for the area and create a demand for additional school places. A planning obligation will therefore be sought for the primary phase of education to ensure a sufficiency of school places.

Additionally, current indication is that higher pupil numbers coming through from the primary school phase within the district are set to reach secondary school PANs and the local authority will be seeking to work with schools to address demographic growth. A planning obligation will therefore be sought to support an appropriate project at Wolverley CE Secondary School and Sixth Form.

- 3.20 Cadent Gas Limited – It has been identified that there are operational gas apparatus within the application site. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent’s legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent’s Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent’s Plant Protection Team to see if any protection measures are required.

18/0285/OUTL

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

(Officer Comments – An informative has been recommended to make the applicant/developer aware of these comments).

3.21 Neighbour/Site Notice – 7 letters of objection received from nearby occupiers stating the following:

- Loss of trees, which are important habitat for birds and wildlife and vital for people's health.
- Loss of privacy.
- Existing residents have already had to endure years of building work in this area.
- Increase in traffic, which is already bad on Broad Street where there is a crossing for children walking to school and in the Horsefair.
- There are savings to be made, and therefore the development should be converting existing buildings before demolishing and rebuilding.
- Loss of the existing buildings of local importance. Once demolished these buildings, which only occupy a small percentage of the whole site will be lost for the next generation and can never be replaced.
- The Duke Street north and south ranges appear to be in good condition and have evidence of modernisation so they could contribute positively to the development. They would also be prominent above the new dwellings and truly revealed for their character by new public realm around them.
- The consultation plans showed the retention of the Duke Street north range and an avenue of trees on the CMS Vauxhall site.
- A lack of green space between the new road and new buildings could result in another street with pollution problems *(Officer Comments – The indicative Masterplan layout has been amended to show a green space in this location of the site, adjacent to the roundabout junction to the ringway and a condition is recommended to ensure no residential units are shown in this area in the reserved matters applications).*
- The historic stone plaques in the wall on Broad Street should be handed over for installation elsewhere.
- The historic pavers and kerbs on St Mary's Street, Dudley Street and Union Street should be preserved and careful consideration should be made to the relocation of the Horsefair Horse and possible disruption of the instalment of the community funded clock *(Officer Comments – This has been considered under the County's application 18/000025/REG3 for the proposed highway improvement works).*
- It is not clear about the new road layout and in particular the connections between the ring way and Clensmore Street/Churchfields *(Officer Comments – This has been considered under the County's application 18/000025/REG3 for the proposed highway improvement works).*

18/0285/OUTL

4.0 Officer Comments

4.1 I consider that the main considerations for this outline application are:

- policy context and principle of development including housing supply
- highway impacts, access and parking
- broad design and layout issues
- impact on historic environment
- impact on the amenity of existing and future occupiers
- trees and biodiversity
- flood risk, drainage and contaminated land issues
- planning obligations

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

4.2 The National Planning Policy Framework (Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development, which has three overarching objectives (economic, social and environmental). Paragraph 9 of the Framework also states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should also take local circumstances into account, to reflect the character, needs and opportunities of each area.

4.3 Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan requires new developments to be concentrated on brownfield sites within the urban areas of Kidderminster and Stourport-on-Severn first before applying a sequential approach to other sites.

4.4 The application site relates to Churchfields Business Park and a car dealership site, which are both previously developed sites located within the urban area of Kidderminster. Although it is an existing employment site, it has been allocated as a suitable housing site within the Development Plan. The site also forms part of a wider regeneration area known as Churchfields, in which the Council have had a long term vision to redevelop Churchfields into a '*sustainable urban village*'. The latest Housing and Economic Land Availability Assessment Report (2016) also identifies the site as a deliverable housing site (ref. BW/1) for up to 95 houses in 5 years and a further 135 houses beyond 5 years.

18/0285/OUTL

- 4.5 Policy KCA.Ch5 of the Kidderminster Central Area Action Plan refers specifically to Churchfields Business Park and advises that applications for this site should consist of a residential-led development. It also advises that there are good opportunities for office and retail development in order to help link the development to the town centre and surrounding area, as well as enhance the Horsefair Neighbourhood Centre. The proposed development for up to 240 residential units and the conversion of the locally listed 1902 building into mixed office/retail use on the ground floor with residential above is therefore welcomed and would accord with this policy. It is also recommended by this policy, that any new retail should be of a small scale (less than 280sq.m), in order to protect the vitality and viability of town centre.
- 4.6 The presumption in favour of sustainable development as set out in paragraph 11 of the Framework should also be applied to this application. This means that this application should be granted planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The application is therefore to be considered in terms of this policy context.
- HIGHWAY SAFETY, ACCESS AND PARKING**
- 4.7 Paragraph 108 of the NPPF advises when assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be or have been taken up; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 4.8 Paragraph 109 of the Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Subject to a phasing plan to ensure no more than 100 dwellinghouses have been constructed before the approved highway improvement works have been implemented, I consider that the proposed development would not result in an unacceptable impact on highway safety.
- 4.9 As part of this outline application, details of access have been provided for consideration. It is proposed that vehicular access to the site would be gained via two new accesses formed at Broad Street to the east of the site, and Churchfields to the south of the site. The applicant's highway consultant has advised that the access points would have adequate visibility splays because there are no current constraints to the splay in both directions. New pedestrian and cycle access points would be provided around the site to achieve good permeability with surrounding roads. Although, layout would be considered at the reserved matters stage, I am of the view that the proposed access points are acceptable. I am also satisfied that the development of the site would be capable of providing sufficient parking provision for the proposed residential units and for the proposed office and retail units, in line with the current adopted WCC Parking Standards (2016).

18/0285/OUTL

- 4.10 The submitted Transport Assessment also confirms that the site is well connected to the surrounding highway network with significant enhancements planned as part of the highway improvement works, approved under application 18/000025/REG3. The Transport Assessment has calculated that the proposed development would result in a net increase of 47 additional car trips generated during the AM peak hour, and 97 additional car trips generated during the PM peak hour, when compared with the trips generated by the existing industrial/commercial use of the site. This evidence suggests that, with mitigation provided by the approved highway improvement works, the traffic generated by the proposed development would not have an unacceptable impact on highway safety. The Highway Authority have deferred their comments until after the planning application for the proposed highway improvement works has been determined, as this has now occurred and the application has been approved, any forthcoming comments from the Highway Authority will be reported on the Addenda and Corrections Sheet.

DESIGN AND LAYOUT

- 4.11 Paragraph 124 of the Framework advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan also expect new developments to be well designed and create high quality places.
- 4.12 The Churchfields Masterplan adopted as a Supplementary Planning Document (adopted 2011) contains eight key design principles for the entire area to ensure a coherent development of Churchfields, as well as more detailed design principles for each defined character area in order provide distinctive places with their own identity. The application site falls within the 'historic quadrant' character area, where it is expected that any new development would reflect the industrial and building heritage of the area.
- 4.13 Details of the design, layout, scale and appearance would be considered at the reserved matters stage. However, the submitted illustrative Masterplan is a useful indicator on how the site could be developed for up to 240 dwellings with the retention and conversion of the locally listed 1902 building. It shows that an acceptable layout can be achieved with dwellings arranged in perimeter blocks with well overlooked frontages, private rear gardens and good connections through the site and to adjoining roads for pedestrians and cyclists. It also shows that some routes would provide important sightlines to the Grade I listed St Mary's Church and that the orientation of the dwellinghouses within the northwest corner of the site would maximise views across the valley. The on-site public open space would be located to form a green link with the wider landscape setting created by the canal corridor and St Mary's Church and would be well overlooked by the new development. There would also be good opportunities for soft landscaping and new tree planting across the site to create a visually attractive built environment. I am therefore satisfied that the proposed development would accord with the eight key design principles set out within the Churchfields Masterplan SPD.

18/0285/OUTL

- 4.14 As noted by the Council's Conservation Officer, the submitted illustrative Masterplan does not entirely accord with the design principles set out for the 'Historic Quadrant' character area of Churchfields. The indicative layout shows a more suburban housing layout across the site instead of a tight urban form based on the historic street pattern or with dwellinghouses sited at the back of footpath which was suggested for the Historic Quadrant in the Churchfields Masterplan SPD. I consider it necessary to attach a condition to require a detailed design code with parameter plans to be submitted and agreed, in order to inform the design of future reserved matters applications and to ensure the layout reinforces the distinctiveness of this part of Churchfields in terms of its industrial and historic heritage.

IMPACT ON THE HISTORIC ENVIRONMENT

- 4.15 Policy KCA.Ch5 of the Kidderminster Central Area Action Plan states that new developments should open up new streets into and through the site having regard to the historic street patterns including reopening Duke Street making use of the Local Heritage List Buildings for enclosure. It also requires new developments to provide an active edge to Churchfields and Clensmore Street and a sense of enclosure. The Churchfields Masterplan SPD advises under 'Design Principle 6' that new developments should protect, reuse and enhance the setting of all Listed Buildings (including locally listed buildings, e.g. the 1902 building and other heritage buildings of complementary group value).
- 4.16 Historic England and the Council's Conservation Officer have both raised objection to the application in regards to the demolition of the non-designated heritage assets on the site, namely the locally listed Duke Street North and South Ranges (to be referred as Duke Street Ranges) and the Chenille & Yarn Store, as they are considered to be important non-designated heritage assets of importance to the region and locally. It is recognised that their settings may have changed, which has reduced to some extent their significance and interest, however, it is still considered that these buildings provide a historic reference to the past use of the site and that their retention is vital to the continued appreciation of the historic carpet industry within the town. It is also advised that the Duke Street Ranges form part of the setting of the Grade I listed St Mary's and All Saints Church and because of their age and being constructed in red brick, they provide a visual continuity with the buildings in Church Street Conservation Area, and that their retention would maintain a visual and historic link between the site and the historic core of the town centre.

18/0285/OUTL

- 4.17 In response to these objections, the applicant's Built Heritage Consultant has advised that the 'grain' of the pre-Tomkinson & Adam's Mount Pleasant works (evidenced by the OS map of 1885) was characterised by terraces of dwellings on narrow plots and whilst the Duke Street Ranges, when constructed, picked up the rhythm of the earlier terraces through their fenestration, their overall form and arrangement represented a departure from the historic grain. On this basis, the applicant contests that the importance attached to the Duke Street ranges as survivals of 'the original grain' must be considered very limited. It is further noted the historic interest of the Duke Street Ranges as being one element of the first phase of the expansion of the Tomkinson & Adam's Mount Pleasant works has been diminished by the loss of most of the other buildings.
- 4.18 It is also advised by the applicant's consultant that the Duke Street Ranges did not historically form part of the visual setting with the 1902 building, and that it has only been due to the demolition of all the intervening buildings in the late 20th century. Furthermore, that the Duke Street Ranges cannot be held to be an aspect of St Mary's Church setting that contributes to the Church's significance and that only limited intervisibility between St Mary's Church and the Duke Street ranges exist, due to the demolition of the intervening housing (and then the later office block), and was not a feature of the Duke Street Ranges at the time of their construction or for much of their existence. The applicant has also remarked that it is intended that the proposed redevelopment of the site would reflect, where possible, the historic street pattern of the area and that it has not been possible to retain the Duke Street ranges from a viability perspective.
- 4.19 Paragraph 197 of the Framework advises that a balanced judgement would be required when applications directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan states that development proposals that would have an adverse impact on a heritage asset and/or its setting, or which will result in a reduction or loss of significance, will not be permitted, unless (in the case of demolition) that the substantial public benefits of the development outweigh the loss of the building or structure; or the nature of the asset prevents all reasonable uses of the site; or the loss of the heritage asset is outweighed by the benefits of bringing the site back into use. Redevelopment proposals should provide design which mitigates appropriately against the loss of the heritage asset in proportion to its significance at a national or local level.
- 4.20 I acknowledge that the Duke Street Ranges were constructed during the expansion of the Tomkinson and Adam factory which took place between 1885 and 1910 and that their changed setting have, to some extent, reduced the significance of these buildings. I also note that building recording of these buildings can be undertaken. However, I still consider that the significance and history interest remains and that the demolition of these non-designated heritage assets would cause considerable harm.

18/0285/OUTL

- 4.21 When weighing in the public benefits, the proposed development would make a substantial contribution to boosting housing supply, including affordable housing. There would also be social benefits arising from the provision of new public open space and increase in natural surveillance from the additional housing. Economically, the proposed development would generate employment during the construction phase and long term for the proposed office and retail uses and the proposed retail units would also help to support vitality and viability of the Horsefair Neighbourhood Centre. Also, an increase in residents living in this area would generate economic activity. Furthermore, the redevelopment of this site would facilitate the approved highway improvement works (application 18/000025/REG3) which would tackle congestion and air quality issues in this area of Kidderminster. I finally note that the re-use and conversion of the 1902 building would secure its long term use and maintenance, which would make a positive contribution to the historic environment.
- 4.22 Taking all these matters into account, I consider that the public benefits would outweigh the harm that would be caused by the loss of these non-designated heritage assets. I have recommended a condition to ensure a Level 4 Building Recording occurs. The requirement of a design code as mentioned above would also ensure that the proposed development is designed to reflect the historic urban grain in terms of building siting and type, building materials and boundary treatment, which would help to mitigate against the loss of these non-designated heritage assets.
- 4.23 It is worthy of note that an application *could* be made for prior notification to demolish these locally listed buildings under Part 11, Class B of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, and the local planning authority would only have the means to control the method of demolition and restoration of the site.

IMPACT ON THE AMENITY OF EXISTING AND FUTURE OCCUPIERS

- 4.24 Paragraph 170 of the Framework advises that, with respect to noise, planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Further, paragraph 180 advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

18/0285/OUTL

- 4.25 In terms of potential noise impact, the evidence set out within the submitted Noise Impact Assessment suggest that, with suitable noise mitigation in place, there would be no adverse impacts of noise to future occupiers of the proposed development. The noise mitigation measures include the use of close-boarded timber fencing at garden boundaries that are located adjacent to Churchfields and Clensmore Street. It is also recommended that the layout of residential plots adjacent to Broad Street and the eastern end of Churchfields should place gardens behind the dwellings, with any exposed garden boundaries to the road to be screened by the use of 1.8 metre high close-boarded timber fencing or brick walls, to reduce traffic noise to an acceptable level in accordance with BS8233. It is further recommended that appropriate sound insulation to glazed areas and specific acoustic vents should be installed for new dwellings along the outer edge of the site.
- 4.26 I note that Worcestershire Regulatory Services have requested further details to be submitted, however, I consider that this can be conditioned to ensure the houses are positioned and designed to ensure future occupiers are not adversely impacted by noise. The final layout will be considered as part of the Reserved Matters application.

TREES AND BIODIVERSITY

- 4.27 The application has been supported by a Preliminary Ecology Assessment that includes habitat and protected species survey results. The Countryside Manager has raised no objection subject to further survey work to determine whether any mitigation and enhancement measures are required. I concur with this view and a condition is attached accordingly.
- 4.28 The illustrative Masterplan shows that 1.82 hectares would be retained for public open space and this includes the new green corridor that is proposed along the new one way northbound road from St. Mary's Ringway. A number of existing trees would be retained and tree planting is proposed. I am therefore satisfied that the proposed development would enhance retained habitats in the site and create new habitats. I have recommended a condition to ensure effective management of the public open space/public realm green infrastructure to ensure the ecological value of the site is retained created habitats are sustained once the development is complete and the site is occupied.

18/0285/OUTL

- 4.29 A Tree Survey has been undertaken on site which surveyed 165 individual trees and 33 groups of trees on the application site. The Tree Survey Report has concluded that a total of 53 individual trees and 12 groups of trees would need to be removed to facilitate the development and recommends that 5 further trees are removed because they are of poor condition and have less than 10 years life expectancy. During the course of this application, the Council's Arboricultural Officer issued a tree preservation order on the trees within the northwest area of the site, in order to protect this woodland setting from future pressures from the redevelopment of this site. I am satisfied that the proposed development can be achieved without resulting in an adverse impact on the trees identified to be retained. The Arboricultural Officer is also content with the illustrative Masterplan and I have recommended a condition to secure an Arboricultural Method Statement and appropriate tree protection measures.

FLOOD RISK, DRAINAGE AND CONTAMINATED LAND ISSUES

- 4.30 The site is located within Flood Zone 1, where residential development is considered acceptable in principle. The North Worcestershire Water Management Officer has raised no objection subject to a condition to secure a site surface water drainage strategy. I concur with this view and have recommended a condition accordingly.
- 4.31 As the application site has been used as a significant industrial site for over 100 years, as well as being used for a scrapyards in the northwest, a refuse tip in the north and a garage in the south. I therefore consider that the site is most likely to contain contaminated sources. The application has been submitted with a preliminary desk study and site investigation reports of the site, however, these were based on the previous application for a smaller scheme and did not include all of the land that was previously used as a refuse tip, scrapyards and tank storage, which are now part of this application site. As such, further site investigation work has been requested by Worcestershire Regulatory Services. I concur with this view and have recommended a condition accordingly.

PLANNING OBLIGATIONS

- 4.32 The Council have appointed an independent consultant to review the submitted Financial Viability Appraisal, and following negotiations with the applicant, it has been agreed that a contribution of 1.3 million would be provided which would secure 18 affordable units (61% social rent, 39% shared ownership). The low level of affordable housing provision offered to make the scheme viable would accord with national and local planning policy in terms of being flexible and realistic, and should not justify a reason for refusal on this application. Paragraph 63 of the Framework also states that in order to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contributions due should be reduced by a proportionate amount.

18/0285/OUTL

4.33 I acknowledge that Worcestershire County Council Children's, Families and Communities also consider it necessary and reasonable to seek a contribution towards school places. In their analysis of pupil numbers at schools within a 2-mile radius they conclude that there is some surplus capacity in the area. I appreciate that the application would affect the operating surplus for the area and create a demand for additional school places, when taking into account the Published Admission Numbers (PAN) of the school and extant planning permissions (circa 700 dwellings) for the area. Notwithstanding this, I consider that it would be unreasonable to request a financial contribution towards education, in this instance, given that it would make the scheme unviable, and at a time when the Council is in need of housing, in particular affordable units. Also, the shortage of school places would only come into affect when the extant planning permissions in this area are implemented.

5.0 Conclusions and Recommendations

- 5.1 I consider that the proposed development would bring social, economic and environmental benefits, in particular it would make a substantial contribution to boosting the housing supply including affordable homes and would create jobs and the additional residents would increase local spending. The re-use and conversion of the 1902 building would contribute positively to the historic environment. The development would also facilitate the approved highway improvement works which would tackle congestion and air quality problems.
- 5.2 The impact on existing residential amenity, trees and biodiversity, flood risk/drainage implications and on highway safety would be neutral. The indicative design and layout would be broadly in accordance with the Churchfields Masterplan SPD as it would open access into and through the site and create active street frontages with good sense of enclosure. A condition is recommended to secure a design code to ensure the development relates well and reinforces the historic urban grain and built form.
- 5.3 Weighing against the development is the fact that the illustrative Masterplan shows the loss of existing buildings which are on the Local Heritage List, however, the weight that can be given is reduced given the public benefits that have been mentioned above.
- 5.4 Therefore, in the consideration of the planning balance, it is not considered that there would be any adverse impacts that would significantly or demonstrably outweigh the benefits of the proposal. The proposals would be sustainable development and would accord with the Development Plan and the Framework.

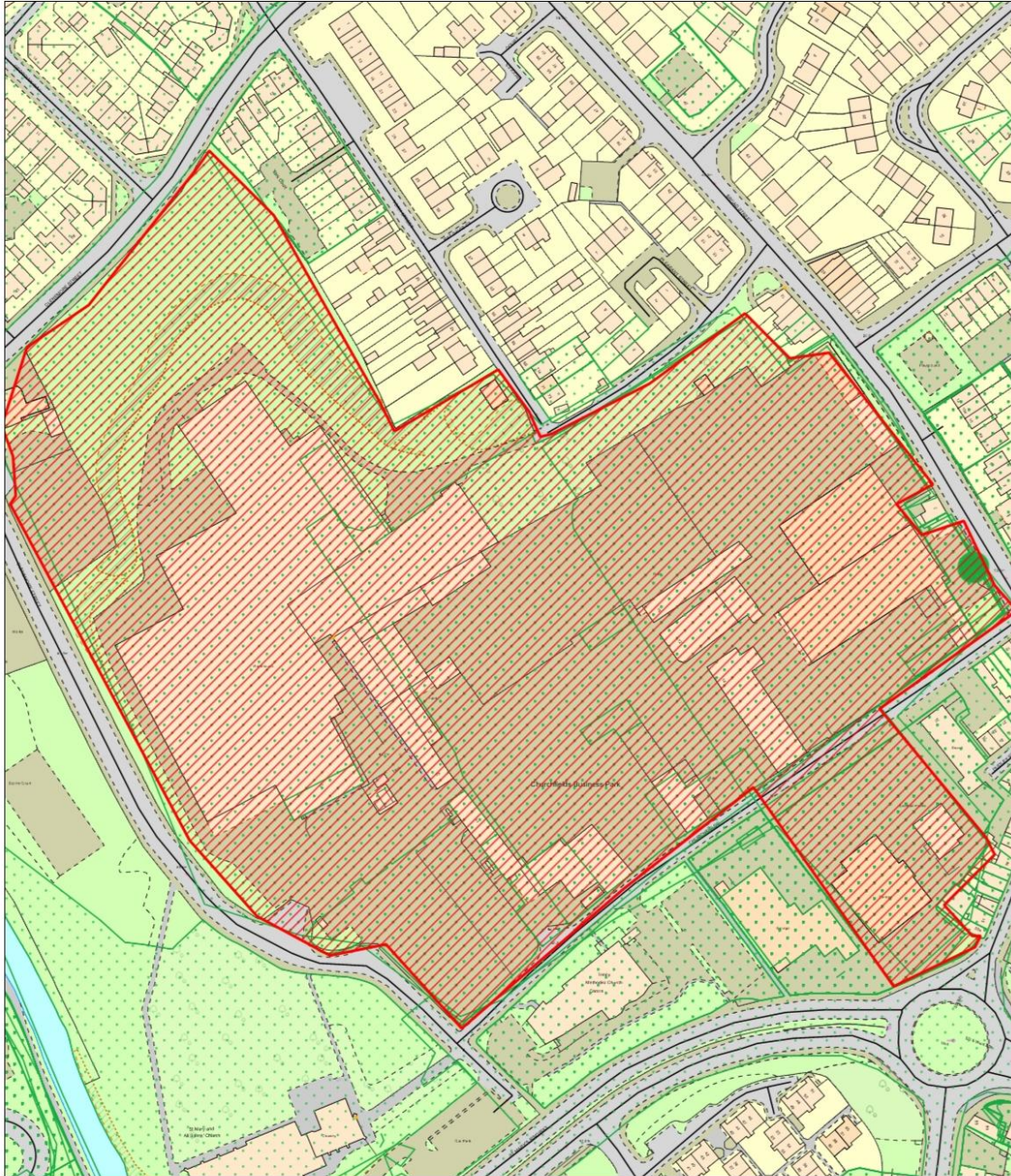
18/0285/OUTL

- 5.5 It is therefore recommended that the application be granted **delegated** authority to **APPROVE** subject to the following:
- a) a 'no objection' response from the Highway Authority;
 - b) the signing of a **Section 106 Agreement** to secure:
 - i) Affordable Housing Provision;
 - c) 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 and include updated HIA)
 - 5. A11 (Approved plans)
 - 6. No demolition until submission of Phasing Plan
 - 7. Design Code including parameter plans
 - 8. Scheme for design details and maintenance plan of public open space
 - 9. B1 (Samples/details of materials)
 - 10. B11 (Details of enclosure)
 - 11. External Lighting Scheme
 - 12. B13 (Levels details)
 - 13. Landscaping Large Scale
 - 14. Landscape Implementation
 - 15. Tree Protection Plan
 - 16. Arboricultural Impact Assessment
 - 17. Access, parking and turning facilities
 - 18. Cycle parking
 - 19. Residential Travel Plan
 - 20. E2 (Foul and Surface Water)
 - 21. Site surface water drainage strategy
 - 22. Additional ecological survey
 - 23. Ecological enhancement measures if commencement of works do not start before 30 September 2019
 - 24. Programme of archaeology work
 - 25. Programme of archaeology work to be completed
 - 26. Scheme of Works to the Locally Listed 1902 Building
 - 27. Restrict the gross internal retail floorspace to no more than 280sq.m
 - 28. Contaminated land
 - 29. Level 4 Building Recording
 - 30. Low Emission Boilers
 - 31. Electric vehicle charging points
 - 32. Construction Management Plan
 - 33. Details of glazing/ventilation specification

18/0285/OUTL

NOTES

- A SN2 (Section 106 Agreement)
- B Footpaths
- C Section 278 Agreement
- D Design of Street Lighting for Section 278
- E SN6 (No Felling – TPO)
- F Demolition in accordance with Worcestershire Regulatory Service Code of Practice
- G Comments from Cadent Gas Limited



Economic Prosperity and Place Directorate

Churchfields Business Park Unit 3B

Churchfields

Kidderminster, DY10 2JL



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH NOVEMBER 2018

PART B

Application Reference:	18/0408/FULL	Date Received:	18/06/2018
Ord Sheet:	379136 281074	Expiry Date:	13/08/2018
Case Officer:	Helen Hawkes	Ward:	Wyre Forest Rural

Proposal: Conversion of stables to residential unit

Site Address: THE HOLLIES, TRIMPLEY LANE, SHATTERFORD, BEWDLEY, DY121RL

Applicant: Mr P Riley

Summary of Policy	DS01, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7, SAL.UP11 (SAAPLP) National Planning Policy Framework
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site relates to a single storey stable building that is constructed in part facing brickwork and part timber cladding with a plain concrete tiled roof and canopy. It measures 9.9 metres by 3.5 metres (34.65sq.m) and is situated on existing hardstanding within a field, which has been used for the keeping of horses. The site lies on the west side of Trimpley Lane, close to the road junction with the A442 Bridgnorth Road. Vehicular access is gained from Trimpley Lane via an access road.

1.2 The site lies in the West Midlands Green Belt and open countryside. To the north of the site is The Bellmans Cross Inn and to the east, on the opposite side of Trimpley Lane, are residential properties. To the south and west of the site are open fields. The site is bounded by hedgerows and trees along the road frontage. A public right of way runs to the west of the site.

18/0408/FULL

- 1.3 The proposed development is for the conversion of the existing stable building into a one bed bungalow, comprising a bedroom, bathroom and an open plan kitchen, dining room and living room. The proposed conversion would involve mainly internal alterations, with the external materials and window/door openings remaining unaffected by the proposals.
- 1.4 Amended plans have been received during the course of this application to reduce the bed spaces from two to one person and to reduce the size of the curtilage to reflect the size of the residential accommodation proposed. A Preliminary Bat Roosts Assessment has also been undertaken and submitted during the application to address concerns raised by the Council's Countryside Manager.

2.0 Planning History

- 2.1 KR.132/57 - Housing Development : Refused
- 2.2 KR/455/72 – Bungalow : Refused
- 2.3 KR/754/80 – Bungalow : Refused
- 2.4 WF/0698/99 - Stationing of six caravans and one static unit for a period of 18 months : Withdrawn 04/10/99.
- 2.5 WF/0798/99 - Stationing of two residential mobile homes, occupancy personal to applicant : Refused 16/11/99.
- 2.6 WF/0016/05 - Erection of Stables : Approved 30/08/05.
- 2.7 11/0498/FULL - Change of use of land to site one static caravan for one gypsy family : Refused 12/10/11.

3.0 Consultations and Representations

- 3.1 Upper Arley Parish Council - Object to this application on Green Belt land and believe that it should not be permitted for conversion to residential dwelling.
- 3.2 Highway Authority - No objection subject to a condition to require the car parking, turning area and access road to be provided and retained thereafter. It is also recommended that an informative is attached to bring to the applicant's attention that the wing walls at the existing access appears to encroach into the publicly maintained highway and the applicant is required to free the highway of the obstruction.

18/0408/FULL

- 3.3 Worcestershire Water Management Officer (INITIAL COMMENTS) - The application form indicates that the method of foul water drainage is currently unknown. It is my understanding that a mains sewer is present in Trimpley Lane. It is therefore required that the site discharges to this sewer. Forms of non-mains drainage such as a package treatment plant or a septic tank are generally not accepted if a mains sewer is present.

If the applicant confirms that for the discharge of foul water a connection will be made to the mains sewer then I believe that there would be no reason to withhold approval of this application on flood risk grounds, and no conditions would be required. The connection would be subject to Severn Trent's approval.

(SECOND COMMENTS) – Following confirmation that a new connection will be made to the mains sewer to discharge foul water, and that the existing septic tank will be removed, it is advised that there are no water management reasons to withhold approval of this application, and that no conditions are required.

- 3.4 Severn Trent Water - No objection to the application and do not require a drainage condition to be applied. They recommend that an informative is attached to inform the applicant that Severn Trent Water has a apparatus in the area of the planned development and that they should contact Severn Trent Water to determine whether there are any diversion requirements.

- 3.5 Worcester Regulatory Services (Contamination Land) - No objection.

- 3.6 Countryside Manager (INITIAL COMMENTS) - Recommends that a ecological survey is undertaken as the existing building is in an area that has high potential for bats and the structure has many features that could be used by bats.

(SECOND COMMENTS) – Following submission of a Preliminary Bat Roost Assessment of the stable building, no objection is raised to this application subject to a condition to require the recommended mitigation measure in the form of a detailed Method Statement of Works which should be produced and implemented by a suitably qualified ecologist and for the report to include timing, appropriate weather conditions and sensitive operations requiring direct supervision by a licence ecologist and for a pre-start dusk or dawn survey to be undertaken immediately preceding the start of the works to identify any changes in roost status and bat activity. It is also recommended that the Method Statement should include appropriate enhancement measures and a strict plan for action if roosting bats are discovered or suspected during the proposed. Works. A condition is also recommended to ensure the biodiversity mitigation and enhancement measures as agreed in the Method Statement are implemented prior to the commencement of the development.

18/0408/FULL

3.7 Neighbour/Site Notice –

- a) 2 letters of objection received from nearby residents, advising of the following concerns:
- Identical scheme to that previously refused a number of times. *(Officer comments – This is not an identical scheme as previously the proposals were for the erection of a new dwellinghouse compared to this application which is seeking for the residential conversion of the existing stable building).*
 - The applicant has a young child, however, the proposal is only for a single bedroom bungalow.
 - The present septic tank is not purpose built and has been in the ground for 10 years and now in serious danger of effluents escaping into the water course, affecting properties further down the slope.
 - The site has been used by the travelling community when numerous caravans, cars and vans were parked, and this could happen again.
 - Lack of affordable housing for the young people in our village.
 - The applicant wants to acquire permission to build on greenbelt land then they will install a caravan site.
- b) A letter of objection from Trimply Lane Residents Association has also been received which included signatures from 13 residents who wish to express the following:
- The application is very much the same as previously submitted and refused, and nothing has changed.
 - If this application is approved then it would open the doors for others to apply for permission to convert stable blocks into residential properties.
 - The building is clearly too small.
 - The applicant has a young child, however, the proposal is only for a single bedroom bungalow.
 - The present septic tank is not purpose built and has been in the ground for 10 years and now in serious danger of effluents escaping into the water course, affecting properties further down the slope.
 - There is a strong Travelling community link to the site and the site has previously been used for as many as 11 caravans.
 - The site would be better use to the community as a site for affordable housing to help overcome the existing need.
 - The applicant wants to acquire permission to build on greenbelt land, they will then install an illegal caravan site.

18/0408/FULL

- c) Neighbouring residents and the Parish Council were consulted again for 14 days following receipt of amended drawings to show one bed instead of a double bed in order to meet the minimum internal floor area for a one bed, one person residential unit as set out in the Nationally Described Space Standards and to ensure the residential curtilage is in proportion with the size of the residential accommodation proposed.

2 letters of objection have been submitted from neighbouring residents expressing the following concerns:

- The change of use is now only for a one bedroom bungalow, which seems odd given that the applicant is a family man with children.
- A previous 'Change of Use' application was refused for the reasons lodged at that time by the local residents and the good sense of the Council. Nothing has changed since that time (apart from the change of ownership).
- With the advent of the arrival of the containers, diggers and abandoned vehicle, it would appear that the application is moving his scrap business to Trimpey Lane, with or without the Council's permission. It may be that the bungalow would then be used as a site office or possibly that the site will be used for residential caravans or other dwellings.
- The original planning permission to build a stable was for the use of animals only, as was befitting the site.
- Septic Tank is inadequate.

4.0 Officer Comments

BACKGROUND INFORMATION

- 4.1 This planning application seeks to re-use and convert the existing stable building into a one-bedroom bungalow. Whilst I note that there has been extensive planning history for this site, I am satisfied that this application is different and not identical to the previous refused applications which involved the construction of a new dwellinghouse or the stationing of caravans for residential purposes on this land.
- 4.2 In terms of paragraph 79 of the National Planning Policy Framework which seeks to avoid new isolated homes in the countryside, I am satisfied that this site is not in an isolated location given that the site lies in close proximity to other dwellinghouses and with relatively good accessibility to local shops and services.

18/0408/FULL

- 4.3 I therefore consider that the main considerations for the application are whether the proposal would be inappropriate development within the Green Belt, having regard to the nature of the development and its impact on the openness, and whether it would have a detrimental impact on residential amenity, on drainage, biodiversity and highway safety.

WHETHER INAPPROPRIATE DEVELOPMENT IN GREEN BELT

- 4.4 The application site is located within the West Midlands Green Belt where the Government attaches great importance to the openness and permanence of Green Belts. Paragraph 144 of the National Planning Policy Framework requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt.
- 4.5 Paragraph 146 of the National Planning Policy Framework establishes that certain forms of development are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. The re-use of buildings is not inappropriate development in the Green Belt provided that the buildings are of permanent and substantial construction.
- 4.6 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan sets out what is considered to be appropriate development in the Green Belt. One of the exceptions included within Policy SAL.UP1 is to permit the conversion of existing buildings, providing that the new development complies with the criteria set out in Policy SAL.UP11.
- 4.7 Policy SAL.UP11 of the Adopted Site Allocations and Policies Local Plan refers to the re-use and adaption of rural buildings and advises that this development would only be considered acceptable if it satisfies the following criteria:
- The building(s) are permanent structures which are in keeping with their surroundings and they are of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations or the addition of new buildings within the curtilage.
 - The building(s) can be converted without significant building works or complete reconstruction and the conversion works would have no significant detrimental effect on the fabric, character and setting of the building.
 - That the proposed development enhances and safeguards heritage assets.
 - That suitable access arrangements can be made, without the need for extensive new access roads.
 - That there is no adverse impact on the countryside, landscape and wildlife or local amenities.

18/0408/FULL

- That appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and are available for the lifetime of the development.
- 4.8 In this instance, the stable building is constructed in facing brickwork and internal blockwork to 2/3rds the height of the building, with timber cladding up to the eaves level. The roof is constructed in plain concrete tiles and the building includes a timber canopy, timber single glazed windows and timber doors. The building also includes a DPC level, rainwater goods and the internal floors are solid concrete. The works required to convert the existing stable building would not be substantial and would be mainly internal works, such as: insulation to be added to the floor area, ceiling and internal walls; install additional internal walls up to the underside of the ceiling including plasterboard; install double glazing to windows; insert additional timber sections to the perimeter of the roof lights to provide additional support; and provide draught proofing to all external stable doors. The external elevations and the roof would remain unaffected by the proposals. I am therefore of the view that the stable building is of a permanent and substantial construction, and is capable of being converted without complete reconstruction. Furthermore, the proposed conversion works are mainly internal works which would have no significant detrimental impact on the fabric, character and setting of the building.
- 4.9 Amended plans have been received during the application to address Officers concerns that the proposed bungalow (measuring 37.9sq.m in total internal floor area) would be far too small in size to provide sufficient living accommodation for two people, as it would fall short of the minimum gross internal floor area of 50sq.m. that is recommended within the Nationally Described Space Standards (2015). The proposed plans now show that the bungalow would provide living accommodation for one person, and would comply with the Nationally Described Space Standards, which state that a 1-bed, 1person residential unit with a shower room should be a minimum of 37sq.m in total internal floor area. The submitted plans also show an acceptable furniture layout to demonstrate that the building would provide an acceptable living environment for one person. As such, the building would be suitable as a one-bedroom bungalow without the need for additional extensions or further outbuildings in the curtilage of the building in the future.
- 4.10 In respect of the impact on the openness of the Green Belt, the stable building is already in situ and the proposed conversion into a bungalow would not result in a loss of openness to the Green Belt, or conflict with the purposes of including the land within it. The proposed residential curtilage has been amended to be in proportion with the size of the residential accommodation proposed and would restrict the amount of domestic paraphernalia within the curtilage. The site has an existing vehicular access point and I have recommended conditions to ensure the existing hedgerow to the road boundary is retained. I also consider it necessary to recommend a condition to remove permitted development rights for any future enlargements of the building or outbuildings in order to safeguard the openness and visual amenity of the countryside.

18/0408/FULL

- 4.11 On this basis, I consider that proposed conversion of the stable building into a one-bed, one-person bungalow is acceptable and would not represent inappropriate development within the Green Belt, in accordance with the National Planning Policy Framework and policies SAL.UP1 and SAL.UP11 of the Adopted Site Allocations and Policy Local Plan.

IMPACT ON RESIDENTIAL AMENITY

- 4.12 The application site is situated a good distance away from neighbouring properties and the use of the site for residential would not result in an unacceptable impact on the amenities of nearby occupiers, in terms of noise disturbance or loss of light and privacy.
- 4.13 The proposed one-bed bungalow would provide a good standard of living accommodation for the future occupier in terms of the size and layout of the internal living accommodation and the proposed outdoor amenity space.

FLOOD RISK AND DRAINAGE

- 4.14 The North Worcestershire Water Management Officer has raised no objection to this application and has advised that the site is not at risk from any type of flooding and that the impermeable area will not alter, which means that there will be no additional runoff that could exacerbate flood risk issues elsewhere.
- 4.15 The applicant has confirmed that the surface water would be discharged to a soakaway and that the foul water would be discharged via a new connection that would be made to the mains sewer. The North Worcestershire Water Management Officer has advised that this is the preferred method for the disposal of surface and foul water and that the new soakaway connection for surface water would be adequately dealt with by a future Building Control application. Severn Trent Water also raises no objection to the application.
- 4.16 It has also been confirmed by the applicant that the existing septic tank would be removed, which was causing some concern for neighbouring residents. I therefore consider that the development would have suitable drainage and would not result in any flood risk issues. I have attached a condition to require the septic tank to be removed prior to the first occupation of the bungalow.

BIODIVERSITY

- 4.17 Paragraph 109 of the National Planning Policy Framework requires the planning system to contribute to and enhance the local and natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan requires a similar approach in order to ensure a net gain in biodiversity in all new developments.

18/0408/FULL

- 4.18 During the course of this application, a Preliminary Bat Roost Assessment of the stable building was undertaken, which included daytime, dawn and dusk surveys. It was observed that no bats were roosting within the internal structure of the stable building and therefore the conversion works would not result in any loss or harm to an identified roosts. However, it was confirmed that the presence of an occasional day roost used by an individual common pipistrelle and a day roost for individual soprano pipistrelle beneath the waney-edge cladding on the southern elevation of the stable building. Although the waney-edge cladding is to remain unaffected by the proposed conversion, it is recommended that a detailed Method Statement of Works is necessary to mitigate any harm that may be caused to roosting bats during the proposed internal building works, such as noise, dust and vibration.
- 4.19 The Countryside Manager has raised no objection subject to conditions to secure the mitigation measures in the form of a detailed Method Statement of Works and to ensure the agreed mitigation and enhancement measures as set out in the Method Statement are implemented prior to the commencement of the development. I concur with this view and have recommended conditions accordingly in order to ensure no harm is caused to roosting bats during the proposed works.

HIGHWAY SAFETY

- 4.20 The proposed bungalow would utilise the existing vehicular access point and driveway and would have sufficient on-site parking provision. The Highway Authority has raised no objection in terms of the location of the site and in respects of the access and parking provision for the proposed bungalow. I concur with this view and do not consider that the proposals would have a detrimental impact on highway safety, subject to a condition to ensure the parking space is provided and retained.

OTHER MATTERS

- 4.21 I note the other concerns raised by neighbouring residents about the planning history, that the applicant has a family and is related to the previous landowner and about the unauthorised use of the land for the storage of commercial machinery and equipment. However, as noted above, the application is materially different to that previously considered by the Local Planning Authority as it relates to the conversion of the existing stable building and does not relate to the erection of a new building or the stationing of a caravan. The comments referred to about the applicant are not a planning matter and any unauthorised storage would be investigated if a complaint was received and if the Council considered it expedient to pursue, then enforcement action would be taken.

18/0408/FULL

5.0 Conclusions and Recommendations

- 5.1 It is considered that the stable building would be suitable in size to enable its conversion into a one-bed, one person bungalow and is unlikely to result in the need for future extensions or further buildings within the curtilage, which would have a detrimental impact on the character and appearance of the countryside and the openness of the Green Belt. It is also considered that the proposed residential curtilage is of an appropriate size for the proposed bungalow and would not have a detrimental impact on the character of the countryside. As such, the development would accord with policies set out in the Development Plan and the National Planning Policy Framework.
- 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 restrict residential curtilage to the area outlined on the plan
 4. Samples of the building materials
 5. Removal of Permitted Development Rights for enlargements and outbuildings
 6. Landscaping plan to show retention of front boundary hedgerow
 7. Details of boundary treatment
 8. Method Statement of Works to protect roosting bats
 9. Implementation of agreed bat mitigation and enhancement measures
 10. Access, Turning and Parking Facilities
 11. To require septic tank to be removed

NOTES

- A Severn Trent Water advises that they have an apparatus within the site.
- B The publicly maintained highway adjacent to the existing access should remain free of obstruction at all times.

Application Reference:	18/0523/S73	Date Received:	07/08/2018
Ord Sheet:	383601 275612	Expiry Date:	02/10/2018
Case Officer:	Helen Hawkes	Ward:	Aggborough & Spennells

Proposal: Variation of condition 4 attached to Planning Approval WF/254/99 to allow for maintenance and repair works to be carried out within the building

Site Address: SEVERN VALLEY RAILWAY, SEVERN VALLEY RAILWAY CARRIAGE SHED, STATION APPROACH, KIDDERMINSTER, DY101QZ

Applicant: SEVERN VALLEY RAILWAY

Summary of Policy	CP10, CP11 (CS) SAL.PFDS1 and SAL.GPB5 (SAAPLP) National Planning Policy Framework (2018) Planning Practice Guidance – Noise Policy Statement for England
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site relates to a single storey building known as the ‘carriage shed’, which is located within the grounds of the Severn Valley Railway station, off Comberton Road, Kidderminster. The carriage shed itself, lies approximately 400 metres south of the main station building, immediately to the east of the railway line and within a predominantly residential area. It is immediately adjoined to the west and south by residential properties in Primrose Way, Saxifrage Place, Hoo Road and Kennedy Close and there are further residential properties to the east of the site, located on Chester Road South, beyond the railway lines used by Severn Valley Railway and Network Railway.
- 1.2 The carriage shed is owned and used by Severn Valley Railway for the storage, cleaning and inspection of carriage stock. It is rectangular in shape measuring 22.5 metres by 303 metres and is approximately 4.5 metres in overall height. The building is constructed in metal cladding and has an open air vents on all four sides, approximately one metre above ground level. The doors to the carriage shed are located on the northern end of the building. Internally, the carriage shed is divided into two main sections by an internal concrete wall with railway tracks running up the length of the building on both sides and a wooden pedestrian walkway runs horizontal across the ground, near to the centre of the building. There is also a small office and staff room, located on the western side of the building.

18/0523/S73

- 1.3 The application seeks to vary Condition 4 attached to planning permission WF/0254/99 to enable additional activities to be undertaken in specific locations within the carriage shed, which would go beyond the works currently permitted by Condition 4 and would include limited repair, servicing and maintenance activities of carriages.
- 1.4 It is proposed that the additional activities would be zoned into four different areas of the carriage shed and would consist of:
- a) Red Zone (southwest quadrant nearest to properties in Hoo Road) - Battery Charging activities which does not produce any discernible noise
 - b) Yellow Zone (southeast quadrant nearest to railway line and properties in Kennedy Close) - Maintenance and Minor Repair which requires the use of hand tools (including hammers, battery drill, orbital sander, vacuum cleaner).
 - c) Blue Zone (northwest quadrant nearest to properties in Primrose Way) - Maintenance works to internal carriage stock, which requires the use of hand tools (including hammers and jet pressure washers, battery drill, vacuum cleaner).
 - d) Green Zone (northeast quadrant nearest to railway line) - Mechanical inspection, minor repair work and servicing of carriage stock in the 'green zone', which requires the use of hand tools (including hammers, orbital sanders, battery drill).
- 1.5 The applicant has advised that the proposed repair, servicing and maintenance activities of carriages would be carried out between 08:00am and 17:00pm Monday to Friday.
- 1.6 No employment details have been submitted with the application.

2.0 Planning History

- 2.1 WF/0254/99 - Construction of new carriage building (6,593sq.m) with associated trackworks : Approved 22/06/99.

3.0 Consultations and Representations

- 3.1 KidderminsterTown Council – Recommend refusal of the application because of the environmental and noise impact on local residents.

18/0523/S73

- 3.2 Worcestershire Regulatory Services (Noise Nuisance) – No objection and advises that the submitted Noise Impact Assessment accords with BS4142:2014 and appears to be acceptable in terms of the methodology used and the conclusions reached. The assessment only predicts potential adverse impact to the northwest of the carriage shed adjacent to properties in Primrose Way but with the recommended noise mitigation implemented this would reduce the impact to low.

The recommended noise mitigation measures relating to the northwest of the carriage shed should be implemented and if noisy operations are to be undertaken further than 73m from the mid-point of the carriage shed (on the south eastern area of the carriage shed) then the additional recommended noise mitigation measures to the south eastern end of the carriage shed should also be implemented. Additionally the carriage shed doors should be fitted with new acoustic seals and kept closed when the proposed operations are to be undertaken.

- 3.3 Neighbour/Site Notice –

- a) 35 letters of objection received from nearby residents expressing the following concerns:
- Noise and nuisance;
 - Unsociable working hours (0700 – 2300) as indicated by the Noise Impact Assessment, which will cause disturbance to sleep;
 - Due to the close proximity of residents it is unlikely that the building can be soundproofed enough to stop any disturbance to residents;
 - The day to day operations at the Severn Valley Railway Carriage Shed already causes disruptions and the proposed additional noise emitting tools with additional working people, additional movements of diesel locomotives and the associated carriages on a daily basis will only add to the noise that will directly affect residents and their private life, including sleeping, working, eating and relaxing, especially during the summer months when all windows and doors are open;
 - Everyday trains stop for four to five minutes, with their engines left running, which is omitting pollutants and immense noise, directly outside gardens.
 - Seven Valley Railway have installed more workshops/containers alongside the carriage shed at the rear of properties for storage and repairs, which again at times has caused much disturbance to residents;
 - Breach of original conditions that protected residents;
 - A photo has been provided to show workers spray painting a carriage and a recording of alleged hammering work has also been submitted;
 - Pollution levels, the smell of the engines is strong and unpleasant and residents have to close windows and bring washing in, even in the summer months, when trains are left with noisy engines running and thick black smoke bellowing into gardens;

18/0523/S73

- Impact health and wellbeing of nearby residents, in particular children with asthma;
 - Children can't play outside when engines are left running;
 - Increase smells and dust to harmful levels and wouldn't be good for people's health, especially from sanding activities;
 - Jet washing will inevitably remove dirt, soot and oil from the carriages which will without proper containment or filtering will pollute the local water and there is no mention of mitigating any water pollution which could further result in noise disturbance;
 - The Noise Impact Assessment recommended in 2017 was considered to be financially unviable by the applicant and it is questioned whether the present recommendations will be affordable;
 - The updated Noise Impact Assessment does not provide a recording of No. 63 Primrose Way but has two 64's, which is an oversight and more recordings should be undertaken of the noise to the East end of the carriage shed to accurately assess the potential noise levels;
 - The Noise Impact Assessment, prepared on the behalf of the applicant cannot be considered a true and unbiased account of what impact the sound will have on residents;
 - This is a residential area where occupiers should reasonably expect a level of amenity concurrent with their property;
 - Overlooking, loss and invasion of privacy;
 - Adverse impact on the local community;
 - Request that the Council takes into account the Human Rights Act, Protocol 1, Article 1 and 8;
 - The removal of Condition 4 will only make the area more like an industrial site, which is not what local residents want;
 - Set a precedent for future applications, for example Easter Park development in Kidderminster has similar conditions in place to protect residents which they may seek to have removed if this application is approved;
 - Building is not fit for purpose, it was built as carriage storage shed and to change this would need a lot of work before it could be used for a maintenance facility;
 - Increase traffic movement and the general day to day operations that you get with maintenance sheds, which would be detrimental to surrounding properties;
 - Contamination;
 - Impact and possible loss of unusual bird species; and
 - Fire and Safety Risk.
- b) The Ward Members object to the application and advise that when the original planning permission was given in 1999 there was much opposition from local councillors and residents and Condition 4 gave residents a little comfort that some of their worst fears would be prevented from happening, for example noise nuisance caused by stripping, dismantling, refurbishment and repair or servicing of rolling stock within the shed. Condition 4 clearly states it was imposed to safeguard the amenity of the area.

18/0523/S73

As far as we as local councillors can see there has been no changes to or within the area, so condition 4 should stand as both protection to residents and the amenity of the area.

We are at a loss as to why Worcestershire Regulatory Services have no objection to this variation application and am surprised that the relevant officer for Worcestershire Regulatory Services has not appeared to have taken time to speak to local residents about past breaches of this condition reported to planning and local councillors over the years and the problems these breaches have already caused nearby neighbours.

Residents have met with representatives from Severn Valley to discuss their concerns about noise at least twice in the past and nothing has changed. Neighbours of nearby properties are not considered now. If condition 4 is removed and with the unhelpful attitude of Severn Valley Railway their lives could become a misery. As Ward Councillors we feel that WRS and planning will be letting down nearby neighbours if delegated permission is given to remove Condition 4.

(Officer Comments – The condition is proposed to be varied and not removed)

- c) 1 letter of observation was submitted by a nearby occupier asking whether the extended use (if approved) would be restricted to reasonable hours, i.e. not early morning or late evening.
- d) Following the submission of a revised Noise Impact Assessment on 26th September 2018, nearby residents were re-consulted for 14 days and 2 additional letters of objection have been received from nearby residents, expressing the following additional concerns:
- Unacceptable noise surveys in terms of the locations of the survey readings; recommended mitigation; lack of recordings of the orbital sander and pressure washer;
 - False statements by the applicant as hammering is not occasionally used, as experienced in the past when hammering was used for a least 8 hours a day for 2 week;
 - No confidence that the applicant will adhered to the conditions and recommended mitigation measure if the application is granted;
 - The mitigation measures will not stop noise from escaping from the shed, as it was designed for carriage storage and is not fit for purpose of becoming a maintenance, restoration building;
 - Condition 4 was put in place to protect the amenities of residents and should not be removed to suit the company's needs;
 - The carriage shed is used in the weekends and evenings as a lot of people who work there are volunteers, and therefore the activities will not be used between 8 and 5 as suggested by the applicant; and
 - Severn Valley Railway has other buildings at Kidderminster and other stations where they can complete their restoration works.

18/0523/S73

4.0 Officer Comments

- 4.1 The main consideration for this application is whether the living conditions of existing residents in the vicinity of the application site would be harmed, in terms of noise and disturbance, due to the additional activities to be undertaken within the carriage shed.

BACKGROUND INFORMATION

- 4.2 The application site relates to the carriage shed located within an open storage yard owned and operated by Severn Valley Railway.
- 4.3 The carriage shed was constructed following planning permission in 1999 under application WF/0254/99, which imposed the following condition:

Condition 4

This permission relates solely to the erection and use of this building for the storage, cleaning and inspection of railway rolling stock and the use does not include the stripping, dismantling, refurbishment, repair or servicing of rolling stock.

Reason: For the avoidance of doubt and to define the permission in order to safeguard the amenity of the area and to ensure that the development accords with land use allocation in the Wyre Forest District Local Plan.

- 4.4 Over the last few years the carriage shed has been used for more general repair, servicing and maintenance work which goes beyond the works that were permitted by Condition 4. The unlawful works were investigated following complaints received from neighbouring residents and Severn Valley Railway were invited to submit a planning application to demonstrate that, with appropriate mitigation, the unlawful works would not have a detrimental impact on the living conditions on the existing residents in the surrounding area.
- 4.5 The current application was submitted in August 2017 with a Noise Impact Assessment, however, it was decided by Officers that the application should not be registered because the information submitted was insufficient to enable the Council the ability to assess the application.

18/0523/S73

- 4.6 Following a site meeting in December 2017, it was agreed between Officers and the applicant that a scheme showing specific activities to be undertaken at specific locations within the carriage shed may help alleviate the noise impact on neighbouring residents and that the area of the carriage shed which was previously being used for maintenance (including the use of scaffolding), and was the subject of the received complaints would only be used for carriage storage and battery charging, and that maintenance and repair works would be restricted to the eastern side of the carriage shed, adjacent to the railway line and away from residential properties.
- 4.7 It was further agreed with the applicant that an updated Noise Impact Assessment would be required. Following a site meeting with Worcestershire Regulatory Services in June 2018, an updated noise survey was carried out where the methodology was agreed, including investigations of sound levels from other parts of the carriage shed and measurements of different activities. The application was subsequently registered in August 2018.

IMPACT ON RESIDENTIAL AMENITY

- 4.8 The National Planning Policy Framework (paragraph 180) advises that planning decisions ‘... should take into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life’.
- 4.9 The residential properties most likely to be affected by noise from the proposed activities within the carriage shed are those in Primrose Way, approximately 13.7 metres from the carriage shed, and those in Saxifrage Place, approximately 17.5 metres away, which both lie immediately to the west of the application site. There is also potential for noise disturbance for the residential properties that lie southwest of the site on Hoo Road, which are located approximately 30 metres from the site but have gardens that back onto the site.
- 4.10 I acknowledge that there has been substantial objection raised by adjoining residents about noise and general disturbance from activities being carried out within the carriage shed and that the proposed activities would increase noise disturbance. I also understand that the proposed activities are of a nature of particular disturbance, such as repetitive occurrences of banging from hammering and other noises from sanding, grinding and jet washing, which would undoubtedly have a greater impact on the living conditions of nearby residents than the activities currently permitted under Condition 4. I further recognise that the carriage shed has not been built with any sound proofing and consist of a horizontal open air vent on all four elevations and doors that extend the full width of the northern end of the carriage shed, which allows noise to travel some distance from the carriage shed when works are being undertaken.

18/0523/S73

- 4.11 The potential noise impacts from the proposed repair, servicing and maintenance activities have been assessed against measured background noise levels as set out in BS4142:2014, the methodology first having been agreed with Worcestershire Regulatory Services during their meeting with the applicant in June 2018. Background noise measurements were carried out at two locations: at the northwest corner; and at the southwest corner of the carriage shed where the nearest residential properties are located.
- 4.12 It was agreed with Worcestershire Regulatory Services that in order for the proposed activities to be acceptable, the 'rating level' should not be higher than +5dB above the background noise level (LA90). If the rating level were to exceed the (LA90) background noise level by 10dB or more, then complaints would be likely.
- 4.13 The evidence set out in the Noise Impact Assessment suggests that, without any noise mitigation in place, noise to residents in Primrose Way from the proposed activities likely to be dominated by jet washing, would be of marginal significance (measured at +4dB at 16 Primrose Way) based on the background noise level of 36dB taken at the north western corner of the carriage shed. In order for the noise levels to remain less than +5dB, it is recommended that a noise barrier system, in the form of specialist acoustic quilting, should be installed to the north western elevation of the carriage shed. It is also recommended that the doors should be kept closed when the proposed activities are to be undertaken and for new acoustic seals to be fitted to the doors to reduce noise breakout. I consider that the recommended mitigation measures are reasonable and enforceable and can be secured by condition.
- 4.14 In terms of the noise impact for existing residents to the south of the carriage shed on Hoo Road and Kennedy Close, the Noise Impact Assessment has advised that the internal concrete wall within the carriage shed would help to reduce noise breakout levels from activities occurring within the eastern side of the building nearest to the railway tracks, which consist of activities with the loudest noise. It also concluded that, without any noise mitigation in place, noise from the proposed activities likely to be dominated by grinding and hammering within the eastern side of the building, when taking place 73 metres from the mid-point of the carriage, would be -6dB at 118 Hoo Road based on the background noise level of 31dB (taken at the south western corner of the carriage shed).

18/0523/S73

- 4.15 A further noise survey was undertaken on 26th September 2018 in response to a request made by Worcestershire Regulatory Services to determine the effect of noise mitigation measures if the proposed maintenance activities were to be carried out further than 73 metres from the mid-point of the carriage shed (such as 110 metres). In this assessment, the evidence concluded that, with suitable attenuation measures in place, noise for existing residents in Hoo Road and Kennedy Close, located to the south of the carriage shed, and would be -5dB at 121 Hoo Road. To safeguard residents from any potential noise, it has been recommended in the Noise Impact Assessment that an acoustic barrier should be installed if the maintenance activities are to be undertaken further than 73 metres from the mid-point of the carriage shed. This can be secured by condition.
- 4.16 It has also been concluded within the Noise Impact Assessment that the proposed activity (battery charging) within the southwest area of the building, nearest to properties in Hoo Road, would result in no noise impact.
- 4.17 Residents have also expressed concern about drainage from the proposed jet washer and about increased noise from additional staff and extended operating hours as a result of the proposed activities. The applicant has advised that the trials for the proposed jet washer has not resulted in the requirement for any new drainage and I note that a condition is already attached to the permission that prevents the discharge of foul or contaminated drainage from the site. The applicant has also confirmed that there would be no increase in staff levels and that the hours of work would be between 0800 and 1700, with occasional work during the daytime in weekends. I do not consider it necessary to recommend a condition to restrict hours of operation given that there would be no significant noise impact following the implementation of the recommended mitigation measures. The applicant has also confirmed that the recommended noise mitigation in the form of Acoustic Quilting would be financially viable for the company to install.
- 4.18 Overall, the evidence contained within the Noise Impact Assessment demonstrates that the noise impact on residential amenity would be acceptable, subject to the noise mitigation measures. Worcestershire Regulatory Services have raised no objection and in the absence of any other evidence to suggest otherwise, I concur with this view and do not consider that the proposed additional activities, with appropriate mitigation, would result in a detrimental impact on the amenities of existing residents.
- 4.19 As this is a Section 73 Application to vary a condition of a previous consent, all of the conditions as previously attached will be reapplied, with the exception of the pre-commencement conditions, which will have been discharged.

18/0523/S73

5.0 Conclusions and Recommendations

- 5.1 Given the noise mitigation measures and further conditioning, I do not consider that the carrying out of the proposed additional activities within the specified locations within the carriage shed would result in an adverse impact on the living conditions of nearby residents. Furthermore, in the absence of any evidence to suggest otherwise, I consider that the proposed development would be acceptable and in accordance with relevant national and local planning policies.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. To require doors to be kept closed when activities hereby approved are being undertaken.
 2. To require doors to be fitted with new acoustic seals.
 3. To require agreed acoustic barrier to be installed to the north western elevation.
 4. To prevent maintenance activities being undertaken further than 73 metres from the mid-point of the carriage shed (on the south eastern area of the carriage shed) without the agreed acoustic barrier being installed first to the south elevation.
 5. To secure approved plans.
 6. To require building to be used for the storage, cleaning, inspection and limited repair, servicing and maintenance works as specified in the submitted details, and to only operate in the specified locations as shown on the submitted Site Layout Plan.
 7. Any compressor, generator, motor or other noise emitting plant or machinery situated on the application site and any ventilation or extract system to be suitably attenuated in accordance with a scheme to be submitted and agreed by the local planning authority.
 8. To require any facilities for the storage of oils, fuels or chemical to be sited on impervious bases and surrounded by impervious bund walls.
 9. No discharge of foul or contaminated drainage from the site.

Application Reference:	18/0529/FULL	Date Received:	13/08/2018
Ord Sheet:	383984 278479	Expiry Date:	12/11/2018
Case Officer:	Helen Hawkes	Ward:	Broadwaters

Proposal: Erection of 56 new residential units of mixed tenure and scale not exceeding 2 storeys, including 8 walk-up flats, with new adoptable roads, retained trees, public open space and adoptable pumping station.

Site Address: FORMER SION HILL MIDDLE SCHOOL, SION HILL, KIDDERMINSTER, DY102XT

Applicant: COMMUNITY HOUSING GROUP LTD

Summary of Policy	DS01, CP01, CP02, CP03, CP04, CP05, CP07, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP3, SAL.UP4, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance SPD (2015) Parking Standards (2016) Planning Obligations SPD (2016) Affordable Housing SPD (2014) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application Application involving proposed Section 106 Agreement
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

1.1 The application site relates to the former Sion Hill Middle School, which ceased operating as a school site following the Wyre Forest Review in 2007/08. It has remained vacant for over ten years and now comprises mainly bare land having recently been cleared of all buildings and hard standing following the approval of a prior notification application earlier this year to enable demolition and land restoration works. The former school site is situated on the east side of Sion Hill and lies adjacent to the development boundary of Kidderminster, within the West Midlands Green Belt.

18/0529/FULL

- 1.2 The site is rectangular in shape and is effectively self-contained and screened from Sion Hill and to the surrounding areas to the north and south, by mature trees (some protected by a Tree Preservation Order, TPO 388) and shrubs to its perimeter. The site has one vehicular access point off Sion Hill and there is a public Right of Way that runs parallel to the south boundary of the site and provides pedestrian access from Sion Hill to the housing estate to the northeast. To the south of the site, beyond the public Right of Way, is housing development and to the north, there is housing but more dispersed and in larger plots. To the northeast, are open agricultural fields and to the east, are the former school's playing fields which are owned by Worcestershire County Council. To the west and on the opposite side of Sion Hill, is a barn conversion (Tudor Barn) and Sion House, which is a Grade II listed building that has been subdivided into residential units. The character of the surrounding area immediately to the south of the site is predominantly residential and the site has good accessibility to local shops, services, parks and schools.
- 1.3 Planning permission is sought for the erection of 56 residential units, comprising: 8 one-bed flats, 1 one-bed bungalow, 4 two-bed bungalows, 15 two-bed houses, 24 three-bed houses and 4 four-bed houses. A total of 46 units would be affordable (representing 82%) and the tenure split would consist of 22 shared ownership and 24 affordable rent.
- 1.4 The proposed residential properties would be arranged in perimeter blocks with plots having a direct road frontage and private rear gardens. The one-bed flats have been positioned in the southwest and northwest corners of the site, and the existing group of trees within the northwest corner of the site would be retained, in order to achieve a relatively large communal area for the block of flats and to ensure long term management of these trees. On-site public open space would be provided to the north of the new internal road, adjacent to the main access point off Sion Hill, which would incorporate existing mature trees of high amenity value and new seating and footpath to create a 'village green' type landmark that would define the character for the development. The trees along the northern boundary of the site would be retained, with the exception of three trees, to maintain an adequate boundary to the Green Belt.
- 1.5 Two new access points are proposed on Sion Hill, with the southern access being the main access point into the site and the northern access would serve a private drive to 7 houses to the front of the site. All residential units would have off-street car parking and the parking provision would equate to 196% for the proposed development. A new pedestrian and cycle access would be provided from within the site to the adjoining public Right of Way to the south of the site. The proposed layout also indicates that cycle storage would be provided for each unit.
- 1.6 Site Area extends to 1.68 hectares of which 0.3 hectares would be laid out as public open space and 1.38 hectares would be the developable area. The density of the development would be 34 dwellings per hectare, which is considered to be appropriate for this location.

18/0529/FULL

2.0 Planning History

- 2.1 08/0710/WCCR - Proposed conversion and changes of use of the former Sion Hill Middle School into training facilities and offices : Approved 18/08/08.
- 2.2 15/0305/OUTL - Outline Planning Application for up to 46 dwellings with all matters reserved other than access : Withdrawn 17/08/18.
- 2.3 18/3002/DEM - Prior Notification of Proposed Demolition of Sion Hill Middle School : No prior approval required 18/01/18.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Approve.
- 3.2 Highway Authority (INITIAL COMMENTS) - Recommend Refusal, on the grounds that the visibility splay line to the south is unacceptable as it crosses third party land and that land is not enclosed within the application "red line" plan, as such there is no ability for the necessary splay line to be provided, without control over the splay line by the applicant or highway authority the splay could be obstructed resulting in conflict between emerging traffic and those already travelling on Sion Hill. The application is therefore contrary to the National Planning Policy Framework paragraphs 108 as safe and suitable access to the site has not been achieved for all users resulting in a significant impact on Highway Safety which has not been mitigated.
(Officer Comments - A revised Site Layout Plan has been submitted to show that the land beyond the public Right of Way, to the south of the site, is within the ownership of the applicant, which includes the private road and bungalows at Nos. 34a and 34b Sion Hill).

(SECOND COMMENTS) – Recommend Refusal on the grounds that the application is contrary to the National Planning Policy Framework paragraph 108 as safe and suitable access to the site has not been achieved for all users resulting in a significant impact on Highway Safety which has not been mitigated.

It is advised that the applicant has provided a Transport Assessment to support this application and as part of the consideration of the impact on the transport network a speed survey has been undertaken to calculate the required visibility splays. The splay line are presented on the access proposals. The splay line to the south is unacceptable as whilst it is based on empirical data it crosses third party land and that land is not enclosed within the application "red line" plan, as such there is no ability for the necessary splay line to be provided, without control over the splay line by the applicant or highway authority the splay could be obstructed resulting in conflict between emerging traffic and those already travelling on Sion Hill.

18/0529/FULL

However, if the Local Planning Authority is minded to grant consent against this recommendation then conditions should be attached to require the access, parking and turning facilities to be provided; cycle storage to be provided; a residential travel plan to be submitted; and a construction environmental management plan to be submitted.

It is also noted that two minor amendments are required to the proposed internal road as the two buildouts adjacent to plots 10 and 38 are considered to be unnecessary which can be excluded at the submission of the Section 38 design check. Informatives have been recommended to inform the applicant about a Section 278 Agreement, Section 38 Agreement Details, Drainage Details for Section 38 and further information about what is expected within the Construction Environmental Management Plan (CEMP). It is also advised that the applicant will need to apply to the Department of Transport for a stopping up order in order to remove the lay-by to the front of the site.

The Highway Authority advise that a financial contribution of £22000 would be necessary to improve 3 bus stops, 1 on Sion Hill and 2 on Stourbridge Road near the Junction with Sion Hill. This will provide a shelter, raised kerbs and timetable information at each location.

- 3.3 Aboricultural Officer – No objection subject to conditions to ensure existing trees are protected during construction and to require an acceptable landscaping scheme to be implemented.
- 3.4 Countryside Manager – No objection subject to conditions to secure lighting details and to ensure the scheme of mitigation and enhancement measures as recommended in the submitted Preliminary Ecological Report are implemented.
- 3.5 Worcestershire County Council Children's, Families and Communities – Consideration has been given to the impact on education infrastructure and further assessment has been undertaken. There are currently extant permissions across Kidderminster that will impact pupil numbers however, the local authority is mindful of pooling restrictions.

In consideration, Wolverley Sebright Primary School is a popular small rural primary school that is consistently over-subscribed. Forecast numbers show intakes within the locality will meet the Published Admission Number (PAN) for the foreseeable future. It is expected that most families' resident on the proposed development will seek places at Wolverley Sebright Primary School. A further school, St Oswald's CE Primary School, is located adjacent to the development site where there is currently limited capacity in some year groups to admit the estimated number of pupils from the proposed development. However, consideration has been given to the housing type and mix as submitted at full planning stage and due to pooling restrictions a S106 contribution towards primary infrastructure will not be requested.

18/0529/FULL

Wolverley Secondary School is small high school on the outskirts of the district which following a period of being graded as satisfactory and requiring improvement from Ofsted, the school is now rated good and is popular within the district. The Published Admission Number (PAN) has recently been increased from 140 to 150 to accommodate in area pupil numbers. Admissions over the past 2 years have been oversubscribed and exceeded the current PAN. It is expected that most families' resident on the proposed development will seek places at Wolverley Secondary School. However, consideration has been given to the housing type and mix as submitted at full planning stage and due to pooling restrictions a S106 contribution towards secondary infrastructure will not be requested.

In respect of the development proposals, the site is the former Sion Hill Middle School site previously in the ownership of the local authority. The local authority note that the development proposals show a link to the adjoining site which falls short of the adjoining land. The local authority would wish to ensure that the access to the adjoining land is maintained.

(Officer Comments – The proposed site layout plan has been amended to show the new access road extend up to the south boundary of the site to ensure access to the adjoining land can be gained in the future).

- 3.6 Worcestershire County Council Countryside Service - Awaiting comments.
- 3.7 Worcestershire Regulatory Services (Noise) – No objection to the application in terms of noise and nuisance, subject to a condition to secure a Construction Environmental Management Plan, in line with BS 5228-1&2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites' and the WRS Demolition and Construction Guidance.
- 3.8 Worcestershire Regulatory Services (Contaminated Land) – No objection subject to further site investigations to be carried out covering the footprint of the school buildings do determine whether there is any potential of contaminated land and for the necessary remediation works to be agreed and undertaken.
- 3.9 North Worcestershire Water Management Officer – (INITIAL COMMENTS) – The principle of the proposed surface water drainage strategy is acceptable, provided that the applicant confirms as part of the current application process that:
 - infiltration drainage will be designed to cope with 1 in 100 year + 30 % allowance for Climate Change event;
 - discharge of highway drainage via infiltration has been ruled out; and
 - 5l/s limit is believed to be an improvement compared to the pre-redevelopment situation.

18/0529/FULL

If this information can be incorporated within the drainage strategy then this would be welcomed as this means that we can refer to this revised document in a surface water drainage condition.

(SECOND COMMENTS) – Following the submission of the requested information, I raise no objection to the application subject to a condition to require a site drainage strategy for the proposed development, which should include details of the surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the principles set out in the drainage strategy submitted with the application (Yes Engineering, Rev B, 2018). The strategy shall also detail future management responsibilities for the drainage assets.

- 3.10 Natural England – No comments to make on the application.
- 3.11 NHS – Awaiting comments.
- 3.12 Severn Trent Water – No objection and do not require a drainage condition to be applied. An informative is recommended to make the applicant aware that there may be a public sewer located within the application site.
- 3.13 Cadent and National Grid Plant - Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
(Officer Comments – This information has been attached as an informative to make the applicant aware of the requirements set out by Cadent).
- 3.14 Neighbour/Site Notice – 1 letter of objection received from a nearby occupier stating that the access from Ismere Way to Sion Hill is already difficult due to a bend in the road which obstructs vision of on-coming traffic. Access down Sion Hill to Wolverhampton Road is already difficult without a further 80+ vehicles trying to access the main road. This area of infrastructure needs re-vamping with either a roundabout or traffic lights to allow vehicular access without a potential ‘wait’ of 20 minutes during rush hours.

4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development would be inappropriate development within the Green Belt, including its effect on openness and the purposes of the Green Belt, and if considered to be appropriate; whether the design and impact on residential amenity, trees and highway safety would be acceptable.

18/0529/FULL

POLICY CONTEXT

- 4.2 The National Planning Policy Framework advises in paragraph 59 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 specified housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.3 Paragraph 11 of the Framework explains that planning decisions should apply a presumption in favour of sustainable development, which means that when there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless *“the application of policies in this Framework that protect areas, such as land designated as Green Belt, provides a clear reason for refusing the development proposal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.
- 4.4 The Council’s adopted housing numbers are based on superseded figures and, therefore, its policies for the supply of housing are now considered to be out of date in accordance with the Framework and paragraph 11 is now fully engaged in the decision of this application, subject to Green Belt policy consideration.

WHETHER INAPPROPRIATE DEVELOPMENT WITHIN THE GREEN BELT

- 4.5 Paragraph 133 of the National Planning Policy Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the National Planning Policy Framework establishes that certain forms of development are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. The complete redevelopment of previously developed land, whether redundant or in continuing use, is identified under this paragraph.
- 4.6 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan also applies a similar exception and advises that the redevelopment of previously developed land within the Green Belt would be permitted, providing it is in accordance with Policy SAL.PDS1. Policy SAL.PDS1 refers to Previously Developed Sites in the Green Belt and requires new developments to contribute to the achievement of the objectives for the use of land in Green Belts; and to ensure they do not exceed the height of the existing buildings and other structures and trees or give rise to off-site infrastructure problems.

18/0529/FULL

- 4.7 The previous school buildings on this site consisted of single and two-storey office, classroom and leisure buildings that were positioned near to the centre of the site and a two-storey School Caretakers house within the southwest corner of the site, adjacent to Sion Hill. The proposed development would comprise bungalows as well as two-storey houses and block of walk-up flats, which would be of a similar height as the previous two-storey main school building. The site is well contained and enclosed by mature trees and hedgerows, and given the modest height of the proposed development, I do not consider that the development would result in substantial harm to the openness of the Green Belt. The development would also make a contribution to meeting an identified affordable housing need within the area and I am satisfied that it would not give rise to any off-site infrastructure problems. This part of the development would therefore accord with Policy SAL.PLS1 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.
- 4.8 With respect to the undeveloped part of the site, paragraph 145 of the National Planning Policy Framework also includes an exception for new buildings in the Green Belt when they would provide limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).
- 4.9 Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan refers to Rural Housing and in particular Exception Sites and advises that planning permission may be granted for schemes which are designed to meet an identified specific affordable or local housing need providing it meets the criteria set out in the policy, which requires:
- The affordable housing to remain in perpetuity;
 - To ensure the affordable provision does not exceed the extent of the identified local need;
 - The site must be well related to the existing built up area;
 - The proposed scheme is of an appropriate scale which does not damage the character of the settlement or landscape; and
 - The site is accessible to local shops and services and facilities by sustainable modes of transport.
- 4.10 I am satisfied that the development complies with this exception criteria as set out in Policy SAL.DPL2. I have recommended a condition to ensure the proposed affordable housing provision across the site remains in perpetuity.
- 4.11 Overall, the proposed development would accord with national and local planning policy and would not represent inappropriate development within the Green Belt. On this basis the 'presumption in favour' is fully engaged with consideration taken on the tilted balance.

18/0529/FULL

IMPACT ON VISUAL AMENITY

4.12 Although no Landscape and Visual Impact Assessment has been submitted with this application, an assessment was carried out as part of the 2015 withdrawn application (reference 15/0305/OUTL) for 46 dwellinghouses, where it was concluded that: *“The locality benefits from a high degree of screening from vegetation and therefore views into the site from publically accessible locations are limited to very close proximity... Despite initial adverse visual effects during construction...these...would experience a long term moderate beneficial visual effect as a result of the development.”* It further noted in terms of the overall impact on the landscape and landscape features that *“[t]he worst effects of the proposed development on landscape features and landscape character are limited... In the long term, the overall effect of the proposal...is considered to be beneficial.”*

4.13 I agree with this previous assessment, as the application site is not readily visible from long distance views, due to the vegetation surrounding the site and other intervening features. Views can only be obtained at close range from the adjoining housing estate, public Right of Way and the adjoining playing fields to the rear of the site. I consider that the proposed retention and reinforcement of the vegetation around the perimeter of the site, and that the redevelopment of this previously developed site would significantly improve the visual amenity of the Green Belt. I therefore do not consider that the proposed development would have an adverse impact on the visual amenity of the Green Belt and character of this part of the countryside.

DESIGN AND SITING

4.14 The current application follows pre-application discussions where it was considered important to retain the existing mature trees adjacent to the proposed internal access road, adjacent to the new southern access point off Sion Hill. The site layout has been designed with an area of on-site public open space, which would ensure that these existing TPO trees are retained and that there would be no pressure on the Council to have these trees removed or reduced in the future by future occupiers as they would not be in any residential curtilage. I also consider that the proposed public open space would create a strong sense of place and a ‘village green’ character to the development.

4.15 The proposed houses have been arranged in perimeter blocks with well overlooked frontages and good relationships with other back of houses to ensure private and secure rear gardens. The proposed houses along Sion Hill frontage would be set back on a deep building line behind well landscaped areas to help soften the built form and to ensure the development integrates well with the rural setting. I have recommended a condition to remove permitted development rights to ensure the space between the houses remains, in order to protect the character of development and the amenity of future occupiers.

18/0529/FULL

- 4.16 The proposed development would be well designed and traditional materials are proposed for the development with houses to be constructed in mainly brick with some including render to help break up the visual appearance of the street scene and to add visual interest. The houses on corner plots have been carefully designed to help turn the corners and provide landmarks in order to help orientate people around the cul-de-sac. The parking areas would integrate well with the landscaping areas proposed and would not dominate the road frontages.
- 4.17 The proposed density of 34 dwellings per hectare is acceptable and would reflect the character of this location and allow for the provision of a wider mix of house types, including one-bed flats and larger family units, to meet the needs of different groups in the community, whilst still maintaining a relatively low density to respect its location on the edge of the urban area of Kidderminster.

IMPACT ON HIGHWAY SAFETY

- 4.18 The application seeks to provide two vehicular access points off Sion Hill with one requiring alterations to the existing southern access point and one being created where there is an existing road lay-by along the frontage of the site. The Highway Authority have advised that the proposed southern access point would have unacceptable visibility splays because the splay line to the south of the access point crosses third party land, and as such there is no ability for the necessary splay line to be provided, and without control over the splay line by the applicant or highway authority the splay could be obstructed resulting in conflict between emerging traffic and those already travelling on Sion Hill. The Highway Authority have recommended that the application be refused as they do not believe the development can provide safe access to the site, resulting in a significant impact on highway safety contrary to Paragraphs 108 and 109 of the National Planning Policy Framework.
- 4.19 The position of the southern access point is very similar to that of the existing access point which served the former school site, where there would have been traffic movements to and from the site in terms of staff vehicles, pupil transfers as well as larger vehicle movements for servicing and refuse collections. It therefore needs to be taken into account that an existing vehicular access point has been operating with similar visibility splays that cross over third party land (in this case the public Right of Way) and no record has been provided by the Highway Authority to show that there have been accidents on this section of the road caused by a conflict between drivers leaving the school site and those travelling on the road. The submitted Transport Assessment also concludes that there would be a reduction in the number of vehicle trips generated by the proposed residential development in comparison with the previous school use.

18/0529/FULL

- 4.20 Also, the proposed southern access point has been positioned north of the existing access point in order to be further away from the slight bend in the road, which would help to improve visibility over the current situation.
- 4.21 It is also noted that the third party land which is referred to by the Highway Authority relates to the public Right of Way, which has no boundary treatment at this point and would only impede approximately 2 sq.m. of the visibility splay. The public Right of Way is owned and maintained by Worcestershire Place Partnership which is a public body would want to maintain the vegetation alongside the public Right of Way in order to ensure it does not obscure driver visibility. It is also worth noting that it is unlawful to obstruct a public Right of Way.
- 4.22 Moreover, the applicant has amended the Proposed Site Layout Plan to demonstrate that they own the adjoining land to the south of the public Right of Way, including the private road and Nos. 34a and 34b Sion Hill, which confirms that the majority of the visibility splay to the south of the proposed access point is within the control of the applicant. I also note that the Highway Authority raised no objection to the application for the erection of the two bungalows, at 34a and 34b Sion Hill which are accessed by a private drive next to the public Right of Way and would also have inadequate visibility splays.
- 4.23 Taking into account the above site circumstances, and in particular because the adjacent public Right of Way only impedes the splay marginally (by 2sq.m) and cannot be itself, obstructed, gives reassurance that the harm to highway safety would not be severe. For these reasons, I do not consider that a refusal can be justified. Furthermore, Paragraph 109 of the National Planning Policy Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual or cumulative impacts on the road network would be severe.
- 4.24 With regards to parking provision, the proposed development would provide a total of 110 car parking spaces for residents which is 3 spaces in excess of the minimum standard set out in the Worcestershire County Council's Parking Standards (2016) and therefore it is unlikely that there would be any overspill car parking on Sion Hill as a result of the development. The site layout is considered to be acceptable for on-site servicing and refuse vehicle movements and 2 metre wide footways have been provided on both sides of the internal access road to ensure pedestrian permeability through the site. The proposed development also includes adequate cycle storage facilities for each plot to help promote cycling and the site is within walking distance of nearby local shops and facilities.

18/0529/FULL

- 4.25 Overall, I consider that the proposed development would not have a detrimental impact on highway safety, in accordance with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework. Conditions are recommended by the Highway Authority in respect of a Construction Environmental Management Plan being provided before the commencement of development and to require the car parking, cycle storage, access and residential travel plan to be provided before first occupation in order to ensure an acceptable development and in the interest of highway safety.

IMPACT ON RESIDENTIAL AMENITY

- 4.26 The nearest residential properties are located to the south of the site, beyond the public Right of Way, and to the north along Sion Hill. The proposed bungalows adjacent to the southern boundary of the site would be sited at least 8 metres away from the existing rear gardens belonging to the adjoining properties in Ismere Way. A pair of two-storey, semi-detached dwellings are also proposed adjacent to the southern boundary of the site on plots 24 and 25 and would be sited at least 10 metres from the existing rear gardens belonging to the adjoining residential properties. The proposed development also achieve good separation distances between the rear elevations of these proposed bungalows/houses and the rear elevations of the nearest houses in Ismere Way. I am therefore satisfied that the proposed development would not have an adverse impact on the amenity of existing residents.
- 4.27 In respect of future occupiers, the proposed site layout would achieve well overlooked frontages to houses and public areas and good private rear gardens that are of a sufficient size for each house type. No objection has been raised by Worcestershire Regulatory Services in terms of noise and nuisance but they have recommended that further site investigations are undertaken for potential contaminated land, and for any necessary remediation works to be completed prior to first occupation. I consider that further site investigations for contamination is necessary and have attached a condition accordingly. Subject to these safeguarding conditions, I consider that the proposed development would provide an acceptable living environment for future occupiers.

BIODIVERSITY AND TREES

- 4.28 Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and paragraphs 174 and 175 of the National Planning Policy Framework seek to ensure all new developments protect and where possible enhance biodiversity. It is also noted in the Local Plan that any development which would have an adverse significant impact on the population or conservation status of protected species or priority species or habitat, as identified within a Biodiversity Action Plan, will be refused planning permission unless the impact can be adequately mitigated or compensated for by measures secured by planning conditions or obligations.

18/0529/FULL

- 4.29 The proposal for 56 residential units would set aside 0.3 hectares of land for open space and would also include areas for different habitat and foraging opportunities, which can be secured by condition.
- 4.30 Ecological Surveys have also been undertaken which have found that the habitats on site are largely unsuitable for species, however, the reports do recommend precautionary mitigation measures to ensure that no adverse impact is caused to any species during any further site clearance works and during the construction phase. The Council's Countryside Manager has considered the application and has raised no objection subject to a condition to require the recommended mitigation and enhancement measures to be implemented and a condition to ensure any external lighting is sited in appropriate locations to avoid any adverse impact on biodiversity. No objection has been raised by Natural England. I am satisfied that the proposed development would have no adverse impact on biodiversity subject to conditions to secure adequate mitigation measures.
- 4.31 The Council's Tree Officer has been involved in the pre-application stage and is satisfied that the development would provide adequate space around the existing mature trees to be retained. It is noted that there would be some loss of mature trees, however, most of the trees to be lost are located within the site and away from the site boundaries and have a low to medium amenity value. A condition is also attached to require a landscaping scheme with new tree planting which would compensate for the loss of the trees. I concur with this view and have recommended conditions accordingly.

FLOOD RISK AND DRAINAGE

- 4.32 The Flood Risk Assessment submitted with the application shows that the site is within Flood Zone 1, which is least likely to flood, and demonstrates that the proposed development can be achieved with no risk of flooding. The submitted drainage strategy proposes that the roof areas and hardstanding of the proposed residential units and associated parking / access roads would be drained by infiltration, using soak ways and porous paving.
- 4.33 It is also proposed that the new roads would be conventionally drained via a piped system and road gullies and discharged to Severn Trent Water's surface water sewer located in Sion Hill. The applicant has confirmed that the infiltration drainage would be designed to cope with 1 in 100 year climate change with (30% allowance) and that surface water attenuation can be provided to limit the surface water runoff from the site to an acceptable rate of 4/5 litres per second.
- 4.34 The North Worcestershire Water Management Officer has raised no objection subject to a condition to secure a final drainage strategy for the site based on the principles set out in the submitted drainage strategy. I concur with this view and have recommended a condition to ensure suitable drainage of the site.

18/0529/FULL

PLANNING OBLIGATIONS

- 4.35 Affordable housing is proposed comprising a total of 46 units. This represents 82% of the dwellings proposed and would exceed the 30% required by Policy CP04 of the Adopted Core Strategy. A condition is recommended to secure the affordable housing provision.
- 4.36 Policy CP07 of the Adopted Core Strategy sets out that developer contributions would be sought for sport, recreation, youth facilities, play space and amenity space. Policy SAL.UP4 of the Adopted Site Allocations and Policies Local Plan sets out that proposals for new residential development must include adequate children's play space in accordance with the most up-to-date guidance on developer contributions. The proposed residential development would create 75 child bed spaces, which triggers a developer's contribution of £28,761.48 as set out in the Planning Obligations SPD.
- 4.37 The proposed development would provide 0.3 hectares of on-site public open space, which would be landscaped to provide a green amenity area for existing and future occupiers and provide enhancements to biodiversity. I consider that this provision of public open space is acceptable and I do not consider that it would be reasonable to seek off-site contributions given the small scale of the development. The Council's Open Space Assessment Report 2017 confirms that the site has good accessibility to public open space within Kidderminster, including Springfield Park to ensure the wellbeing of future residents.
- 4.38 The proposed site layout plan indicates new seating, footpath and landscaping enhancements within the public open space and I have attached a condition to secure further details about the design and layout, a management plan and to ensure the public open space remains in perpetuity. I also consider that due to pooling restrictions a S106 off-site contribution towards improvements and maintenance to Springfield Park should not be sought on this occasion.
- 4.39 The County Education Officer has confirmed that no education contributions would be sought for this development.
- 4.40 The Highway Authority has advised that it would be necessary for the development to provide a financial contribution of £22,000 towards improvements to 3 bus stops, with one being on Sion Hill and two on Stourbridge Road near the junction with Sion Hill. I am of the view that this planning obligation is necessary to make the development acceptable in planning terms and would be directly related to the development.

18/0529/FULL

5.0 Conclusions and Recommendations

- 5.1 The proposed development of the former school site would be appropriate development within the Green Belt as it would involve the redevelopment of a previously developed site and affordable housing on a rural exception site, with limited harm to the openness and visual amenity of the Green Belt. The development would create a visually attractive residential environment with on-site public open space and existing trees providing a feature to the site. Also, the proposals would not unduly affect residential amenity and there would be no other environmental impact.
- 5.2 Whilst the proposed vehicular access point off Sion Hill would have substandard visibility splays, due to the splay crossing over third party land, it is considered that due to it only obstructing a small section of the splay and that the land being a public Right of Way, which cannot be obstructed and is owned by Place Partnership, is not a reason to justify a refusal of the application and is unlikely to cause a severe impact on highway safety.
- 5.3 This being the case, Officers conclude that the application is supported and that there would be no adverse impacts that would significantly or demonstrably outweigh the benefits of bringing this underused brownfield site back into a beneficial use, including its contribution to the supply of housing land and much needed affordable housing.
- 5.4 It is therefore recommended that the application be granted **delegated** authority to **APPROVE** subject to the following:
- a) the signing of a **Section 106 Agreement**; and
 - b) the following conditions:
 - 1 A6 (Full with no reserved matters)
 - 2 A11 (Approved Plans)
 - 3 B1 (Samples/details of materials)
 - 4 B11 (Details of enclosure)
 - 5 Lighting Scheme
 - 6 B13 (Levels details)
 - 7 C2 (Retention of existing trees)
 - 8 C3 (Tree Protection During Construction)
 - 9 C4 (Protection of trees – No Burning)
 - 10 C5 (Hand digging near trees)
 - 11 C7 (Landscaping Large Scale)
 - 12 C8 (Landscape Implementation)
 - 13 C19 (Tree Protection Plan)
 - 14 C22 (Tree Planting)
 - 15 Access, parking and turning facilities
 - 16 Cycle parking

18/0529/FULL

- 17 Residential Travel Plan
- 18 Construction Environmental Management Plan
- 19 Site Drainage Strategy
- 20 Ecological Mitigation and Enhancement Measures
- 21 Contaminated Land
- 22 To secure Affordable Housing Provision
- 23 To require details of the design of the Public Open Space and to secure management
- 24 Remove Permitted Development Rights for Enlargements of Dwellinghouses

NOTES

- A Severn Trent Water advises that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
- B Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
- C Section 278 Agreement
- D Section 38 Agreement Details
- E Drainage Details for Section 38
- F Construction Environmental Management Plan (CEMP)
- G SN6 (No Felling – TPO)

Application Reference:	18/0595/FULL	Date Received:	14/09/2018
Ord Sheet:	375660 278615	Expiry Date:	09/11/2018
Case Officer:	Kelly Davies	Ward:	Bewdley & Rock

Proposal: Single storey side extension.

Site Address: OAK TREE FARM, POUND GREEN, ARLEY, BEWDLEY, DY123LG

Applicant: MRS J ROSE

Summary of Policy	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is a detached bungalow of a traditional brick and tile construction located within Pound Green to the north-west of Bewdley. The bungalow is set back from the highway by a driveway and garden to the front. The site is currently flanked by an established hedgerow.

- 1.2 The site is subject to various previous application and alterations. An application was granted in 2014 for a single storey side extension, the applicant now wishes to increase this previously approved extension by just over 1 metre.

2.0 Planning History

- 2.1 13/0367/FULL – Extensions : Approved 15/08/13

- 2.2 14/0581/FULL – Single storey side extension and loggia : Approved 25/11/14

- 2.3 15/0722/FULL – Detached Garage : Approved 20/01/16

- 2.4 16/0419/FULL – Detached 2 car garage : Approved 10/08/16

- 2.5 17/0228/CERTP – Proposed Detached garage : Permitted 24/05/17

- 2.6 18/0075/FULL – Proposed garage (variation to previously approved scheme 16/0419) Porch with adjustment to previously approved driveway (variation to previously approved scheme 14/0581) : Approved 12/03/18

18/0595/FULL

- 2.7 18/0455/FULL - Proposed garage with room over. Construction of a proposed porch and driveway (variation to previously approved scheme 18/0075/FULL): Approved 07/09/18

3.0 Consultations and Representations

- 3.1 Upper Arley Parish Council – Objection. The site is considered to be overdeveloped and out of keeping with the area

- 3.2 Severn Trent Water – No objection

- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The proposal is for an increase of just over a metre to a previously approved scheme 14/0581/FULL. The increase and proposal is considered appropriate in terms of scale and design relative to the original detached dwelling. The set back from the front facing wall of 2.25 metre would result in a clear demarcation between the original building and the proposed extension which would, as a result, appear subservient.

- 4.2 Notwithstanding the comments from the Parish Council, it is considered that the addition would appear proportionate to the original building and would not serve to overwhelm or unbalance the original dwelling. The proposal would offer no detriment to the character and appearance of the property, to the street scene or to the character of the area.

- 4.3 The proposed extension would be considered to offer no significant detriment to the amenity enjoyed by the occupants of neighbouring dwelling in terms of the levels of light, privacy or outlook currently enjoyed.

- 4.4 It should be noted that when the application was submitted the shell of the extension was constructed. The proposal is therefore part retrospective and not an additional side extension over and above the one that is already under construction.

5.0 Conclusions and Recommendations

- 5.1 The proposed extension is considered acceptable in terms of scale and design. The extension would be proportionate to, and would not overwhelm, the original dwelling. The impact on the amenity enjoyed by the occupants of neighbouring dwelling has been assessed and it considered that there would be no significant detrimental impact. The proposal will not result in any impact on highway safety.

18/0595/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. B3 (Finishing materials to match)
4. J1 (Removal of Permitted Development – Residential)
5. J3 (Restriction on separate use)

Application Reference: 18/0613/FULL	Date Received: 25/09/2018
Ord Sheet: 380132 272164	Expiry Date: 20/11/2018
Case Officer: Imogen Hopkin	Ward: Mitton

Proposal: Proposed detached dwelling

Site Address: 34 LOWER LICKHILL ROAD, STOURPORT-ON-SEVERN,
DY138RH

Applicant: MR C MOORE

Summary of Policy	DS01, DS03, CP01, CP02, CP03, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7 SAL.UP9 (SAAPLP) 5, 11, 12 (NPPF) Design Guidance Supplementary Planning Document
Reason for Referral to Committee	Planning application represents Departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site refers to the garden area between 34 and 36 Lower Lickhill Road in Stourport-on-Severn. This site is within a row of semi-detached dwellings and an established residential area.
- 1.2 The proposal seeks for removal of garages at 34 and 36 and construction of a new detached dwelling.

2.0 Planning History

- 2.1 11/0279/FULL – Proposed 3 bed dwelling : Refused 6.7.11

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection, recommend approval.
- 3.2 Highway Authority – No objection, subject to conditions. The proposed 3no. bedroom dwelling requires 2 parking spaces within the curtilage in line with standards and these are shown on plan. It is noted that parking is retained for the existing dwellings (No. 34 and No. 36). It is also noted that the boundary wall on either side of the frontage of the proposed dwelling will be no higher than 600mm which allows for pedestrian visibility and which must be maintained going forwards.

18/0613/FULL

- 3.3 Severn Trent Water – No objection. Please advise applicant that there may be a public sewer within the application site.
- 3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

BACKGROUND

- 4.1 This application follows the refusal of 11/0279/FULL which was described as “Proposed 3 bed dwelling”. This application was refused by the Council for two key reasons:

1. The creation of a dwelling and residential curtilage in this location would appear both uncharacteristic and incongruous, particularly given the existing rhythm of the street scene. The proposed dwelling would not accord with the requirements of Policy CP11 of the Adopted Wyre Forest Core Strategy (2010) and the Adopted Design Quality Supplementary Planning Guidance.
2. The application site does not constitute previously developed land as defined by Annex B of Planning Policy Statement 3. The principle of residential development on this site is therefore contrary to Policy H.2 of the Adopted Wyre Forest District Local Plan and to Government advice contained in Planning Policy Statement 3.

OVERVIEW

- 4.2 The application seeks consent for a 3 bedroom detached dwelling which is proposed to be developed on existing garden land which is not previously developed between 34 and 36 Lower Lickhill Road. Although the site is classed as garden land, it is currently host to 2 no. garages which are disused so this proposal would redevelop this area.

PRINCIPLE

- 4.3 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 therefore out of date. Based on the latest Housing Residential Land Availability data, whilst the Council may be able to demonstrate a 5 year supply of deliverable housing sites there is a need to maintain and boost this supply. In any case, the ‘out of date’ nature of the plan results in the presumption in favour of sustainable development 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 context.

18/0613/FULL

CHARACTER, APPEARANCE AND DESIGN

- 4.4 The proposal seeks to approve a detached dwelling between two semi-detached dwellings, which was previously described as “uncharacteristic and incongruous”. In design terms, the proposed dwelling conforms to the adjacent dwellings building line and the proposed design is sympathetic in character to the adjacent dwellings. The ridge height and eaves height of the proposal is the same as the adjacent dwellings. The proposed dwelling maintains the building line at the front and at the rear and is sympathetic to the shape and size of number 36. As the rear building line is similar, the new building does not contravene the 45 degree code and would not be a concern for neighbouring properties. The proposed dwelling has the same ridge height as both the adjacent dwellings.
- 4.5 Since the refusal in 2011 the development plan position has moved on and this application it needs to be examined with relation to the presumption in favour of sustainable development. Although I sympathise with the previous Officer’s perspective, the Council currently has a ‘tilted balance’ for need of housing. When assessed on the ‘tilted balance’, the small degree of harm that would be caused to the rhythm of the streetscene does not sustainably and demonstrably outweigh the benefits of the scheme.

HIGHWAYS

- 4.6 The application proposes 2 no. parking spaces for each dwelling at 34, 36 and the new proposed dwelling. There is also a 600mm high wall proposed on either side of the proposed dwelling and areas for grass and other landscaping.
- 4.7 The Highway Authority has assessed the application and have deemed the proposal acceptable if it accords to the plans and implements cycle storage for the proposed dwelling.

5.0 Conclusions and Recommendations

- 5.1 Having assessed the application and identified no harm in the detail of the application that would sustainably and demonstrably outweigh the benefits, it is therefore apparent that there is a presumption in favour of the development. The additional dwelling 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.

18/0613/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. B1 (Samples/details of materials)
4. Obscure glazing
5. The development hereby approved shall not be occupied until the access including the boundary walls on the frontage no higher than 600mm and parking facilities for all 3 dwellings shown on Drawing No. 18-3107/05 have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.
6. The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.
7. The development hereby permitted shall not be first occupied until sheltered, secure and accessible cycle parking to comply with the Council's adopted Streetscape Design Guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

NOTE

Highway works

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

20th November 2018

Wyre Forest Local Validation List

OPEN	
CORPORATE DIRECTOR:	Corporate Director: Economic Prosperity and Place
CONTACT OFFICER:	Paul Round - Extension 2516 Paul.Round@wyreforestdc.gov.uk
APPENDICES:	1. Wyre Forest Local Validation List

1. PURPOSE OF REPORT

- 1.1 The report will set out the background for the need for a Local Validation List and request that Members adopt the document for use as part of the Development Management function.

2. RECOMMENDATION

- 2.1 That the Local Validation List, as set out in **Appendix 1** be adopted and published on the Council's Website to take effect from 1st January 2019.

3. BACKGROUND

- 3.1 The Town and Country Planning (Development Management Order) 2015 (referred to hereafter as the 2015 Order) sets out the minimum required information to make a valid planning application. Within Article 7 of the 2015 Order this national requirement is as follows:

- A completed application form;
- The necessary fee;
- A Location Plan;
- Plans necessary to describe the development; and
- A Design and Access Statement for major developments.

- 3.2 As set out in Paragraph 43 of the revised National Planning Policy Framework (NPPF) (2018) the Government recognises that “[t]he right information is crucial to good decision-making...” as such there is provision within the 2015 Order for a Local Planning Authority to publish a list of their requirements within a Local Validation List (a ‘Local List’), which has been formally adopted. This allowance is set out in paragraph 44 of the NPPF (2018) stating “Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.” Local Lists provide clarity for applicants regarding what should be submitted with a planning application, and provides officers with a ‘checklist’ when considering applications.
- 3.3 Historically, the Council did adopt a ‘planning application checklist’, which was included as an appendix within the Supplementary Planning Document on Planning Obligations which was adopted in 2007. This has subsequently been superseded by the revised document adopted in 2016, which dropped the checklist due to the legislative requirements within the 2015 Order, anticipating that this would be progressed separately. On this basis the Local Planning Authority do not currently have a Local List in which they rely upon to requiring relevant information in order to make good planning decisions.

4. KEY ISSUES

- 4.1 A Local List is essential to enable the Council to exercise its Development Management function effectively, and meet the Corporate Purpose of ‘Making Good Development Happen’. Without a published list the Council is at risk of applications being submitted which do not have the correct information at the point of validation, this not results in delays in development but also abortive work by Officers and increased appeals.
- 4.2 A Local List is the only statutory mechanism for the Council to require additional information. Since 2015 Officers have been relying upon the ‘good will’ of Applicants to provide additional information, this is not robust and should not be looked at as good practice going forward.
- 4.3 The Local List has been drafted with the users of the document in mind. It is broken into the following types of development:

Checklist 1 – Householder Applications
Checklist 2 – Full Planning Applications
Checklist 3 – Applications for Listed Building Consent
Checklist 4 – Applications to Display an Advertisement
Checklist 5 – Applications for a Lawful Development Certificate

Each of the types of the development is broken down into the information requirements along with the circumstances when such information should be submitted and the reasoning behind the requirement.

- 4.4 Consultation has taken place with Local Planning Agents Forum, external consultees and internal Officers. The initial consultation took place for 5 weeks concluding on 7th September, a number of responses were received particularly from relevant consultees. All comments were taken into account and a revised document was circulated for comment on 23rd October giving a further two weeks for any additional comments. All comments have been fully considered and incorporated into the document.
- 4.5 The requirement set out within the 2015 Order allows for publishing to take place on the Council's Website. Should Members agree to adopt the Local List, it will be finally reviewed for any formatting or typographic errors and published in January 2019.
- 4.6 The 2015 Order stipulates that a Local List only is effective for a two period and this is reinforced in the NPPF (2018) and as such a review of the document is proposed prior to January 2021.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Information requested by a local planning authority for submission with a particular planning application must comply with two statutory tests set out in section 62 (4A) of the Town and Country Planning Act 1990 and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. These are that the request for information must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

The draft checklist has taken these requirements into account.

- 6.2 Paragraph 44 of the NPPF (2018) provides that local planning authorities should publish lists of their validation requirements and keep the list under review.

7. RISK MANAGEMENT

- 7.1 Not producing a Local Validation List increases the risk of challenge by applicants if the Council refuses to validate an application and the Council not being able to determine applications with all necessary information.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 There are no equality impact implications to be considered.

9. CONCLUSION

- 9.1 The publishing of a Local Validation List for Wyre Forest is essential part of providing a transparent and efficient Development Management System that has a robust requirement for planning and related applications submissions, in order to make good planning decisions within the District. The List is the only way that the Council can legally require this information. It is therefore recommended that the Local Validation List is adopted and published on the Council's Website to take effect from 1st January 2019.

10. CONSULTEES

- 10.1 See Paragraph 4.4

11. BACKGROUND PAPERS

- 11.1 None



This **Validation Document** provides a list of required supporting information for each application type and will assist applicants and their agents when submitting an application.

This Document is to ensure the right information is submitted, thereby allowing the Council the ability to register and process your application more efficiently and help to reduce the number of applications being made invalid.

The required supporting documentation consists of the Mandatory national information requirements, specified in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Local Planning Authority's local information requirements.

NATIONAL INFORMATION REQUIREMENTS – ALL APPLICATIONS

Application Form	A completed application form (1APP Form), either submitted online through the Planning Portal Website or by Downloading Here and posting to Wyre Forest House
Application Fee	You must submit the appropriate fee which can be found at https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
Location Plan	<p>Visit the Location Plan Creator page on the Planning Portal website, which provides you with a range of suppliers where you can buy a plan</p> <p>The Location Plan must show:</p> <ul style="list-style-type: none"> • A scale 1:1250; a North point; and at least two named roads and surrounding buildings (where possible). • The application site boundary clearly edged in a continuous red line, which comprises all the land/buildings necessary to carry out the development e.g. the access, parking spaces and garden space • A drawing title or number
Site Plan	<p>A Site Plan (sometimes known as Block Plan) is useful in illustrating the proposed development, and should be submitted for developments involving extensions, new builds, and new vehicle crossovers and for applications to display advertisements.</p> <p>The Site Plan must show:</p> <ul style="list-style-type: none"> • A scale 1:200 or 1:500; the paper size; a North point; and at least two road names and surrounding buildings (where possible) • The application site boundary clearly edged in a continuous red line, which comprises all the land/buildings necessary to carry out the development e.g. the access, parking spaces and garden space • A drawing title or number
Design and Access Statement	A Design and Access Statement is required for applications for a Major development OR where the site is in a Conservation Area and the development consists of one or more dwellings or the provision of a building or buildings where the floor space created by the development is 100sq.m or more.

LOCAL INFORMATION REQUIREMENTS – LIST OF APPLICATION TYPES

- Checklist 1 – Householder Applications*
- Checklist 2 – Full Planning Applications*
- Checklist 3 – Applications for Listed Building Consent*
- Checklist 4 – Applications to Display an Advertisement*
- Checklist 5 – Applications for a Lawful Development Certificate*

Checklist 1 - Householder Applications

<input type="checkbox"/>	Existing and Proposed Floor Plans	Existing and Proposed Elevation Plans are required for all applications except for new/replacement windows and new vehicle crossovers. The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number.
<input type="checkbox"/>	Existing and Proposed Elevation Plans	Existing and Proposed Elevation Plans are required for all applications except for new vehicle crossovers. The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number. The Proposed Elevation Plan should also show the proposed elevation in relation to any adjacent building(s).
<input type="checkbox"/>	Heritage Statement	<p>The National Planning Policy Framework requires applicants to describe the significance of heritage assets affected by development proposals. Heritage Statements will be required for all applications where a heritage asset or its setting may be impacted by the proposed development.</p> <p>A 'heritage asset' includes:</p> <ul style="list-style-type: none"> • Designated Heritage Assets - Listed buildings, Scheduled Monuments, Conservation Areas. • Non-designated Heritage Assets - Locally Listed buildings, Buildings recorded on the Worcestershire County Council's Historic Environment Record (HER) and sites of Archaeological interest. <p>Worcestershire Archive and Archaeology Service Historic Environment Records: www.worcestershire.gov.uk/info/20189/search_our_records</p>
<input type="checkbox"/>	Flood Risk Assessment	Flood Risk Assessment will be required if the application site is located within Flood Zones 2 and 3. Also for applications within Flood Zone 1 which have a critical drainage problem.
<input type="checkbox"/>	Tree Survey/ Arboricultural Statement	<p>A tree survey and arboricultural statement will be required for all developments involving building, demolition works or engineering works where there are trees, with a stem diameter of more than 100mm (measured at 1.5 metres up the stem), located within 15m of any operation within or on adjacent land, to the application site.</p> <p>The tree survey and arboricultural statement should show how the tree constraints on and adjacent to the site, have been correctly incorporated into the design and how these trees are to be retained without damage during construction and future occupancy.</p> <p>The statement must be produced in line with the recommendations of British Standards BS5837:2012: Trees in relation to design, demolition and construction (or subsequent amendments to this), and shall include:</p> <ul style="list-style-type: none"> • <i>Tree survey drawing and schedule</i> - The survey shall provide clear

		<p>data regarding the species, size, age, condition and useful life expectancy of trees. It shall also categorize trees, groups of trees or woodlands in terms of their quality and value within their <i>existing context</i> and not within the context of the proposals.</p> <ul style="list-style-type: none"> • <i>Arboricultural Constraints Plan (ACP)</i> – An aid to layout design that shows tree Root Protection Areas (RPA) as well as representing the effect that the mature height and spread of retained trees will have on the development. The ACP shall incorporate the tree survey information as well as illustrate both the above-ground (shade patterns) and below- ground RPA constraints posed by the trees. • <i>Tree Protection Plan</i> – scale drawing produced by an arboriculturalist showing the finalised layout proposals, tree retention and tree and landscape protection measures detailed within the arboricultural method statement. • <i>Arboricultural Method Statement (AMS)</i> – sets out the information regarding the measures to be taken to protect the trees shown to be retained on the submitted drawings. It also details the methodology for the implementation of any aspect of the proposal that has the potential to result in loss or damage to a tree. The AMS will need to site specific and not generic in nature. <p>Further details can be found in BS 5837:2012 Trees in relations to design. Demolition and construction – Recommendations. A copy of the said document can be purchased at the following: https://shop.bsigroup.com/ProductDetail/?pid=000000000030213642</p>
<input type="checkbox"/>	<p>Preliminary Ecological Assessment/ Protected Species Surveys and Mitigation</p>	<p>A Preliminary Ecological Assessment (PEA) produced by a suitably qualified ecologist will be required if the application is likely to effect :</p> <ul style="list-style-type: none"> – Roof of a pre-1960 building – Within 100m of Water bodies , – Trees, hedgerows – Fruit trees – Agricultural buildings of brick or stone construction or with wooden beams greater than 20cm thickness – Underground structures – Bridges – Natural rock features – Pastures and grassed areas that are not part of a lawn. – If there is known to be protected species such as bats badgers reptiles, amphibians or dormice. – If the application site is adjacent to a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site allotment or Railway – Proposals that may introduce lighting onto any of the above. <p>The PEA may recommend additional surveying this will need to be conducted prior to submission and validation.</p> <p>The PEA and any additional surveying will determine the current Biodiversity of the application. The applicant will then need to demonstrate through an appropriate mitigation plan that the application will show a net gain in biodiversity.</p>

Checklist 2 – Full Planning Applications

<input type="checkbox"/>	Existing and Proposed Floor Plans	<p>Existing and Proposed Floor Plans are required for all applications consisting of:</p> <ul style="list-style-type: none"> • Extensions or alterations of a building; • Change of use of a building • Erection of a new building • Residential or commercial conversion • New Shopfront when subdividing a unit <p>The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number.</p>
<input type="checkbox"/>	Existing and Proposed Elevation Plans	<p>Existing and Proposed Elevation Plans are required for all applications consisting of:</p> <ul style="list-style-type: none"> • Extensions or alterations of a building; • Erection of a new building • Residential or commercial conversion • New Shopfront • Change of use of a building to a cafe or restaurant (A3), bar (A4) or a hot food takeaway (A5) where the proposed use requires an external extraction flue <p>The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number. The Proposed Elevation Plan should show the proposed elevation in relation to any adjacent building.</p>
<input type="checkbox"/>	Cross Section Plans	<p>A Cross Section Drawing will be required if the application includes :</p> <ul style="list-style-type: none"> • Raised patio/decking • The installation of a roller shutter to a shop front • Where there is a significant change in ground level with neighbouring property.
<input type="checkbox"/>	Heritage Statement	<p>The National Planning Policy Framework requires applicants to describe the significance of heritage assets affected by development proposals. Heritage Statements will be required for all applications where a heritage asset or its setting may be impacted by the proposed development.</p> <p>They are required for applications consisting of:</p> <ul style="list-style-type: none"> • Extensions and alterations of a Listed Building; Locally Listed Building; or a building on the Historic Environment Record (HER); or a site within a Conservation Area; • The Erection of a new building within the setting of a Listed Building or Locally Listed Building; or a site in a Conservation Area, Archaeological site or where it would impact a Scheduled Monument. <p>A Heritage Statement will not be required for applications involving a change of use where no extension or alterations is proposed.</p> <p>Worcestershire Archive and Archaeology Service Historic Environment</p>

		Records: www.worcestershire.gov.uk/info/20189/search_our_records
<input type="checkbox"/>	Planning Statement	A Planning Statement will be required for all applications for a major development or where the proposed development would be contrary to the Development Plan.
<input type="checkbox"/>	Landscaping Scheme	All major planning application will require a Landscaping Scheme to be submitted, including outline applications and should include a landscape strategy plan.
<input type="checkbox"/>	Structural Survey Report	Structural Survey Report will be required for applications involving a conversion of a rural building to an alternative use (such as a dwellinghouse) or for works to a Listed building where an extension or alteration is proposed.
<input type="checkbox"/>	Archaeological desk-based Assessment	Archaeological desk-based Assessment will be required for all new buildings or ground works on or adjoining a heritage asset of archaeological interest, or a development that involves excavation works within or adjoining the embankment to a river.
<input type="checkbox"/>	Extraction and Ventilation Details	Extraction and Ventilation details will be required for proposals for new cafe/restaurant (A3), drinking establishments (A4) or hot food takeaways (A5) which include a commercial kitchen.
<input type="checkbox"/>	Flood Risk Assessment	<p>A site-specific flood risk assessment (FRA) will be required for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany for all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. Please see https://flood-map-for-planning.service.gov.uk/</p> <p>- development proposals on land identified in the Council's strategic flood risk assessment as being at increased flood risk in future. See http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/local-plan-evidence-base/evidence-base-flood-risk-water-management-and-climate-change.aspx</p> <p>- development proposals on land subject to surface water flooding, where development would introduce a more vulnerable use. See https://flood-warning-information.service.gov.uk/long-term-flood-risk</p> <p>The FRA should reflect the advice contained within the Environment Agency's Standing Advice: https://www.gov.uk/guidance/flood-risk-assessment-standing-advice</p>
<input type="checkbox"/>	Sustainable Drainage Systems (SuDS) and a Surface Water	<p>Surface Water Drainage Strategy:</p> <p>Policy CP02 of the Adopted Wyre Forest Core Strategy requires that all new developments incorporate Sustainable Drainage Systems (SuDS). All major applications with drainage implications are required to submit a Surface Water Drainage Strategy. This strategy needs to set out how the</p>

	Drainage Strategy	development, including all hard standing areas, will be drained and what criteria will be used for the design. The scheme needs to include sufficient details to show compliance with the non statutory technical standards for SuDS (Defra, 2015) and to demonstrate the deliverability of the scheme. It also needs to set out how an appropriate level of runoff treatment will be achieved. See http://www.wyreforestdc.gov.uk/media/3586203/Wyre-Forest-SuDS-DESIGN-EVALUATION.PDF
<input type="checkbox"/>	Foul Water Drainage	<p>Foul Drainage Assessment Form</p> <p>All new development with foul water discharges will be required to connect to the main sewer network wherever possible. All applications proposing a non mains drainage solution are required to submit a Foul Drainage Assessment Form to set out why discharge to a main sewer network is not possible and to provide details of the proposed non mains drainage solution. The form can be found here https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1</p>
<input type="checkbox"/>	Water Framework Directive (WFD) Assessment	<p>A WFD assessment is normally required for development works including:</p> <ul style="list-style-type: none"> – Hydropower development. – Transport and highway schemes that involve physical modifications to a water body (e.g. diversion; culverting; realignment etc). – Bridge crossings over watercourses. – Flood defence works and flood alleviation schemes. – Environmental Impact Assessment (EIA) development deemed to have likely significant effects on the water environment. – Dams and other impoundments. – Water transmission and treatment infrastructure. – Wastewater treatment infrastructure. – Dredging activities. – Sand, gravel, and mineral extraction. – Construction of marinas and harbours. – Off-shore wind turbines. – Deep borehole soakaways. – In addition, there will be other development proposals that may cause concern in terms of WFD and require consideration, to help maintain or improve water bodies to ‘good status’.
<input type="checkbox"/>	Tree Survey/ Arboricultural Statement	<p>A tree survey and arboricultural statement will be required for all developments involving building, demolition works or engineering works where there are trees, with a stem diameter of more than 100mm (measured at 1.5 metres up the stem), located within 15m of any operation within or on adjacent land, to the application site.</p> <p>The tree survey and arboricultural statement should show how the tree constraints on and adjacent to the site, have been correctly incorporated into the design and how these trees are to be retained without damage during construction and future occupancy.</p> <p>The statement must be produced in line with the recommendations of British Standards BS5837:2012: Trees in relation to design, demolition and construction (or subsequent amendments to this), and shall include:</p> <ul style="list-style-type: none"> • <i>Tree survey drawing and schedule</i> - The survey shall provide clear data regarding the species, size, age, condition and useful life expectancy of trees. It shall also categorize trees, groups of trees or woodlands in terms of their quality and value within their

		<p><i>existing context</i> and not within the context of the proposals.</p> <ul style="list-style-type: none"> • <i>Arboricultural Constraints Plan (ACP)</i> – An aid to layout design that shows tree Root Protection Areas (RPA) as well as representing the effect that the mature height and spread of retained trees will have on the development. The ACP shall incorporate the tree survey information as well as illustrate both the above-ground (shade patterns) and below- ground RPA constraints posed by the trees. • <i>Tree Protection Plan</i> – scale drawing produced by an arboriculturalist showing the finalised layout proposals, tree retention and tree and landscape protection measures detailed within the arboricultural method statement. • <i>Arboricultural Method Statement (AMS)</i> – sets out the information regarding the measures to be taken to protect the trees shown to be retained on the submitted drawings. It also details the methodology for the implementation of any aspect of the proposal that has the potential to result in loss or damage to a tree. The AMS will need to site specific and not generic in nature. <p>Further details can be found in BS 5837:2012 Trees in relations to design. Demolition and construction – Recommendations. A copy of the said document can be purchased at the following:</p> <p>https://shop.bsigroup.com/ProductDetail/?pid=000000000030213642</p>
<input type="checkbox"/>	Lighting Assessment	<p>A Lighting Assessment will be required for applications involving the provision of external lighting and where the lighting may have an impact on residential properties, Listed buildings, Conservation Areas and the open countryside or may result in harm to bat roosts or commuting/feeding routes for bats.</p>
<input type="checkbox"/>	Contaminated Land Risk Assessment	<p>Contaminated Land Risk Assessment will be required for applications involving:</p> <ul style="list-style-type: none"> – The erection of new buildings and/or ground works on Brownfield and Greenfield sites where the land is known to be at risk of potential contamination, for example previous and existing industrial land and historic landfill sites. – Developments on residential garden land, playing field and quarry sites, which are known to be heavily contaminated. <p>As a minimum a Land Contamination Report should consist of a desktop study and in some case a Site Investigation and/or Remediation strategy may be required, in accordance with paragraph 178 of the National Planning Policy Framework, particularly taking note of paragraph c, which states:</p> <p>Planning policies and decisions should ensure that:</p> <p>a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);</p>

		<p>b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</p> <p>c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.</p>
<input type="checkbox"/>	Noise Impact Assessment	A Noise Impact Assessment will be required for applications for noise sensitive development (such as residential) where the site is located adjacent to a Classified road, railway line or adjacent to existing uses that generate noise (such as industrial uses, night clubs and function venues). Applications that may generate noise will also require a noise impact assessment.
<input type="checkbox"/>	Groundwater Assessment	A groundwater assessment (including groundwater level and depth to the water table) will be required for any development involving underground storage of pollutants, including petrol filling stations, oil storage and cemeteries.
<input type="checkbox"/>	Preliminary Ecological Assessment/ Protected Species Surveys and Mitigation	<p>A Preliminary Ecological Assessment (PEA) produced by a suitably qualified ecologist will be required if the application is likely to effect :</p> <ul style="list-style-type: none"> - Roof of a pre-1960 building - Within 100m of Water bodies , - Trees, hedgerows - Fruit trees - Agricultural buildings of brick or stone construction or with wooden beams greater than 20cm thickness - Underground structures - Bridges - Natural rock features - Pastures and grassed areas that are not part of a lawn. - If there is known to be protected species such as bats badgers reptiles, amphibians or dormice. - If the application site is adjacent to a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site allotment or Railway - Proposals that may introduce lighting onto any of the above. <p>The PEA may recommend additional surveying this will need to be conducted prior to submission and validation.</p> <p>The PEA and any additional surveying will determine the current Biodiversity of the application. The applicant will then need to demonstrate through an appropriate mitigation plan that the application will show a net gain in biodiversity.</p>
<input type="checkbox"/>	Daylight/ Sunlight Assessment	A Daylight / Sunlight Assessment will be required for all applications where the proposed development may affect the current levels of daylight/sunlight enjoyed by occupiers of an adjoining residential property.
<input type="checkbox"/>	Land Stability or Slope Stability Risk Assessment Report	A land stability assessment will be required where subsidence, landslides and land compression could threaten the development within its anticipated life or damage neighbouring land or buildings.

<input type="checkbox"/>	Air Quality Assessment	Air Quality Assessments will be required when the proposed development is likely to impact upon air quality or is located in an area of poor air quality, such sites within Air Quality Management Areas (AQMA), which are areas designated by Wyre Forest District Council where the level of pollutant concentrations in the localised areas results in the air quality not meeting the objectives set out in the Air Quality (England) (Amendment) Regulations 2002.
<input type="checkbox"/>	Transport Assessment	Transport Assessments are required for all major developments.
<input type="checkbox"/>	Transport Statement	Transport Statement will be required for applications that are for a minor development and that could have an impact on the highway network.
<input type="checkbox"/>	Travel Plan	Travel Plans will be required for all applications for major developments and should be submitted with all Transport Assessments. The Travel Plan must follow the guidance set out in the National Planning Policy Framework.
<input type="checkbox"/>	Landscape Statement and/or Visual Assessment	A Landscape and Visual Assessment will be required for all major developments located within the West Midlands Green Belt and/or Greenfield sites that require significant loss of existing landscaping features. Please refer to Worcestershire County Council (2012) Landscape Character Assessment (LCA), at: http://gis.worcestershire.gov.uk/website/LandscapeCharacter
<input type="checkbox"/>	Affordable Housing Statement	Planning Applications for 11 or more dwellinghouses (net) will need to provide a minimum 30% of total provision. The statement should include the number and mix of residential units to be affordable and the location of the affordable units to be shown on the proposed site layout plan.
<input type="checkbox"/>	Viability Assessment	Policy SAL.DPL3 of the Adopted Site Allocations and Policies Local Plan (2013) requires a full viability assessment to be submitted with applications where the applicant considers that it would not be viable to meet the required affordable housing provision as set out within Policy CP04 of the Adopted Core Strategy (2010) and Affordable Housing, Supplementary Planning Document or other planning obligation requirements as set out in the Planning Obligations, Supplementary Planning Document.
<input type="checkbox"/>	Retail Impact Assessment	Retail Impact Assessment including a sequential test will be required for applications involving a proposed out of town retail, entertainment or leisure development, or an extension to an existing edge or out-of-centre retail, entertainment or leisure development in excess of 2,500 square metres gross floorspace.
<input type="checkbox"/>	Open Space or Playing Field Assessment	A Open Space or Playing field Assessment will be required for applications for a development involving the loss of open space or playing field provision then an assessment of community and technical need is required which should clearly demonstrate that the open space or playing field provision is surplus to requirements; or an alternative/replacement provision of at least equivalent quantity and quality would be provided.

<input type="checkbox"/>	Agricultural Land Assessment	Agricultural Land Assessment will be required for all applications involving large scale solar farms on Greenfield land or any development on 5 hectares or more of land currently in agricultural use.
<input type="checkbox"/>	Rural Worker's Dwelling Justification	A Rural Worker's Dwelling Justification will be required for applications for a new dwelling in the open countryside where an agricultural / forestry dwellinghouse is required.
<input type="checkbox"/>	Health Impact Assessments (HIA)	<p>A HIAs (Health Impact Assessments) will need to be carried out for developments of:</p> <ul style="list-style-type: none"> • Residential and mixed use sites of 100 dwellings or more (gross) • Employment sites of 5 ha or more (Gross Internal Area) • Retail developments of 500 square meters or more (Gross Internal Area) <p>A HIA Screening will be required for proposals for or changes of use to:</p> <ul style="list-style-type: none"> • Residential and mixed use sites 25 to 99 dwellings (gross) • Hot food takeaways (see policy 22G) • Restaurants & cafés • Drinking establishments • Betting shops and pay-day loan shops • Leisure, residential and non-residential institutions • Other relevant proposals as requested by the local planning authority <p>The screening process will identify whether the proposal requires an HIA. A HIA is a tool to ensure that a wide range of social, environmental and economic factors that have an impact on human health and wellbeing are considered at the planning and design stage. The HIA process aims to enhance the positive aspects of a proposal through assessment, while avoiding or minimising any negative impacts, with particular emphasis on disadvantaged sections of communities that might be affected. The HIA Screening is a simplified process to determine whether a HIA is needed for the particular scheme.</p>
<input type="checkbox"/>	Environmental Impact Assessment (EIA)	If the project is listed in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 an EIA is required. If the development is listed in the first column in Schedule 2 of Regulations 2017 and exceeds the relevant thresholds or criteria set out in the second column to as 'exclusion thresholds and criteria' the proposal needs to be screened by the Local Planning Authority to determine whether significant effects on the environment are likely and whether an Environmental Impact Assessment is required.

Checklist 3 – Listed Building Applications

<input type="checkbox"/>	Existing and Proposed Floor Plans	<p>Existing and Proposed Floor Plans are required for all applications consisting of:</p> <ul style="list-style-type: none"> • Extensions or alterations of a building; • Change of use of a building • Erection of a new building • Residential or commercial conversion • New Shopfront when subdividing a unit <p>The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number.</p>
<input type="checkbox"/>	Existing and Proposed Elevation Plans	<p>Existing and Proposed Elevation Plans are required for all applications consisting of:</p> <ul style="list-style-type: none"> • Extensions or alterations of a building; • Erection of a new building • Residential or commercial conversion • New Shopfront • Change of use of a building to a cafe or restaurant (A3), bar (A4) or a hot food takeaway (A5) where the proposed use requires an external extraction flue <p>The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number. The Proposed Elevation Plan should show the proposed elevation in relation to any adjacent building.</p>
<input type="checkbox"/>	Heritage Statement	<p>Heritage Statements are required for all applications where a heritage asset or its setting may be impacted by the proposed development.</p> <p>They are required for applications consisting of:</p> <ul style="list-style-type: none"> • Extensions and alterations of a Listed Building; Locally Listed Building; or a building on the Historic Environment Record (HER); or a site within a Conservation Area • The Erection of a new building within the setting of a Listed Building or Locally Listed Building; or a site in a Conservation Area, Archaeological site or where it would impact a Scheduled Monument. <p>A Heritage Statement is not required for applications for changes of use where no extensions/alterations are proposed; for replacement windows/doors; or for new shopfronts.</p>
<input type="checkbox"/>	Structural Survey Report	<p>Structural Survey Report will be required for applications involving a conversion of a rural building to an alternative use (such as a dwellinghouse) or for works to a Listed building where an extension or alteration is proposed.</p>
<input type="checkbox"/>	Schedule of Works	<p>A Description of proposed works and whether the works would result in harm to the fabric, plan form or integrity of the original building or a later intervention.</p>

Checklist 4 – Applications to Display an Advertisement

<input type="checkbox"/>	Existing and Proposed Elevation Plans	Existing and Proposed Elevation Plans are required for shop fascia signs. The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number.
<input type="checkbox"/>	Individual Drawings of Sign(s)	The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number.
<input type="checkbox"/>	Cross Section of Sign(s)	The plans must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number.

Checklist 5 – Applications for a Lawful Development Certificate

<input type="checkbox"/>	Existing / Proposed Floor Plans	Existing Floor Plans are required for applications seeking lawful development certificate for an existing development or existing use. Proposed Floor Plans are required for applications seeking lawful development certificate for a proposed development. The plan must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number.
<input type="checkbox"/>	Existing / Proposed Elevation Plans	Existing Elevation Plans are required for applications seeking lawful development certificate for existing or proposed development and for existing or proposed use. Proposed Elevation Plans are required for applications seeking lawful development certificate for a proposed development or a proposed use. The plan must show a scale of 1:50 or 1:100, the correct paper size and have a drawing title or number.
<input type="checkbox"/>	Evidence	At least two pieces of evidence should be provided for applications seeking lawful development certificate for an existing or proposed use. Examples of evidence are: <ul style="list-style-type: none"> • Statutory Declaration • Witness Statement • Council Tax • Receipts, invoices, rent books, completion certificates • Photographs

WYRE FOREST DISTRICT COUNCIL

Planning Committee

20 November 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
WFA1490 17/0186/TREE	APP/TPO/R1845/MR PAUL 6243	YEO	1 COMBERTON GARDENS KIDDERMINSTER DY103DB Pollard Lime Tree	HE 03/01/2018	07/02/2018			Withdrawn
WFA1502 18/0197/FULL	APP/R1845/D/18 Ms L Darby /3203339		CLATTERCUT HOUSE CLATTERCUT LANE RUSHOCK DROITWICH WR9 0NN Proposed rear extension	WR 25/07/2018	29/08/2018			Dismissed 02/10/2018

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
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			Allowed 16/10/2018
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			Dismissed 24/10/2018
WFA1506 18/0181/FULL	APP/R1845/D/18 /3207940	MR R MASSEY	524 CHESTER ROAD SOUTH KIDDERMINSTER DY101XH Proposed footway crossing and repositioning of existing access	WR 12/09/2018	17/10/2018			Allowed 29/10/2018

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
WFA1507 18/0209/FULL	APP/R1845/D/18 /3208352	MR SIMON PEARSON	7 CHERRY CLOSE BEWDLEY DY122JJ Single storey extension to rear, first floor extension to side of semi detached two storey house	WR 12/09/2018	17/10/2018			Dismissed 01/11/2018
WFA1508 17/0673/FULL	APP/R1845/W/1 8/3208869	Mr G Skidmore	BARROW HILL COTTAGE BARROW HILL BELBROUGHTON Conversion of former stables and apple store to 1no three bed bungalow	WR 17/09/2018	22/10/2018			
WFA1509 18/0318/CERT	APP/R1845/X/18 /3209785	PLANT & CHEESEMAN	TANGLE TREE BUNGALOW WOLVERLEY ROAD KIDDERMINSTER Proposed detached garage	WR 27/09/2018	01/11/2018			

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
WFA1510 17/0081/CERT/3192591	APP/R1845/X/17	Mrs A Thomas	ALTON PIECE DARK LANE BLISS GATE ROCK KIDDERMINSTER The operation of an unrestricted full time riding school and all related equine activities	HE 30/10/2018	04/12/2018		12/02/2019	

Appeal Decision

Site visit made on 20 August 2018

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2018

Appeal Ref: APP/R1845/D/18/3203339

Clattercut House, Clattercut Lane, Rushock, Droitwich WR9 0NN

- 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 Ms Lara Darby against the decision of Wyre Forest District Council.
 - The application Ref 18/0197/FULL, dated 6 March 2018, was refused by notice dated 8 May 2018.
 - The development proposed is a rear extension.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Lara Darby against Wyre Forest District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018, replacing the version published in March 2012. Local development plan policies that pre-date this publication should be given due weight according to the degree of consistency with the NPPF. The main parties have been provided with an opportunity to comment on the revised NPPF and its relevance to the determination of the appeal. References to the NPPF in this decision consequently reflect the revised NPPF.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the NPPF and any other relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

5. The appeal dwelling is located in the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, one of which is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling. Policy SAL.UP1 of the Wyre Forest Site Allocations and Policies Local Plan is consistent with the provisions of the NPPF in this regard.
6. The Council say that the property has been subject to previous extensions and that it has at least doubled in size since 1970, the date at which the earliest plans are available. This has not been disputed by the appellant. The policies in the NPPF and development plan are explicit that the test is one of proportionality. A further extension to the property would be disproportionate to the size of the original dwelling. The proposal would be inappropriate development which the NPPF advises is by definition harmful to the Green Belt and to which substantial weight must be given.

Openness

7. Paragraph 133 of the NPPF says 'the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'. Given my findings that the extension is a disproportionate addition above the original dwelling house, there would be a loss of openness from the extension that would be significant in Green Belt terms. The development consequently conflicts with paragraph 133 of the NPPF in this regard.

Other Considerations

8. The appellant contends that an extant Notification of Prior Approval¹ for a rear extension in a different location to the proposal represents the 'very special circumstances' required to justify the proposal. In order to establish the validity of the fallback position it is necessary to first establish whether there is a greater than theoretical possibility that the fallback may take place.
9. The planning application and prior approval demonstrate that there is a strong desire by the appellant to develop an extension to the rear of the property. There is nothing to indicate that the fallback could not be implemented. The development of the fallback is therefore a realistic possibility.
10. Having established that the fallback position is capable of implementation it is necessary for me to consider what weight should be attached to it. The fallback position would only be marginally larger in floorspace than the proposal. It would be located off the dining room as so it would project out further with a corresponding greater effect on the openness of the Green Belt.

¹ Council Planning Ref: 18/2017/PNH

11. However, the fallback position would create a contrived awkward internal layout at odds with the open plan living space of the proposal and therefore contrary to what appear to be the appellant's intentions. It would also create an awkward and incongruous looking extension. Consequently, whilst there is a theoretical possibility that the fallback position could be implemented I am of the opinion that the likelihood of it being implemented is low. As a consequence, I give the fallback position limited weight. The willingness of the appellant to agree to the removal of permitted development rights preventing the construction of extensions without planning permission does not alter my view and I give this neutral weight.
12. My attention has been drawn to a decision² where the fallback position amounted to very special circumstances necessary to justify development. I have taken into account the fallback position represented by the notification of prior approval but for the reasons identified I have given it little weight.

Conclusion

13. The proposal is inappropriate development which by definition is harmful to the Green Belt. It would also impact on the openness of the Green Belt. The NPPF requires that substantial weight be attached to harm caused by inappropriateness and loss of openness. For the appeal to succeed the combined weight of other considerations must clearly outweigh the harm caused. The other considerations do not clearly outweigh the totality of the harm that would be caused and so very special circumstances to justify the development do not exist. For the reasons identified I conclude that the appeal should be dismissed.

K Ford

INSPECTOR

² Mansell v Tonbridhe and Malling Borough Council (2017)EWCAIC 1314



Costs Decision

Site visit made on 20 August 2018

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2018

Costs application in relation to Appeal Ref: APP/R1845/D/18/3203339 Clattercut House, Clattercut Lane, Rushock, Droitwich WR9 0NN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Lara Darby for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of an application for planning permission for a rear extension.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards against a local authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal.
3. The applicant contends that the decision of the Council was wrong because they did not take into account the fallback position as a material consideration or that the applicant was willing to accept the removal of permitted development rights on the property. Together, they claim this constituted very special circumstances to allow the development.
4. However, having identified that the proposal constituted inappropriate development it is clear from the case officer's report that consideration was given to both the fallback position and the removal of permitted development rights. In undertaking the planning balance the Council took the view that it did not constitute very special circumstances, a conclusion with which I agree. The fact that the Council came to a different conclusion to the applicant does not constitute unreasonable behaviour.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

K Ford INSPECTOR



Appeal Decision

Site visit made on 26 September 2018

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2018

Appeal Ref: APP/R1845/D/18/3206894

Badgers, Watery Lane, Yieldingtree, Broome DY9 0EJ

- 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 Mrs Diane Scrivens against the decision of Wyre Forest District Council.
 - The application Ref 18/0152/FULL, dated 26 February 2018, was refused by notice dated 23 April 2018.
 - The development is the erection of a carport outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a carport outbuilding at Badgers, Watery Lane, Yieldingtree, Broome DY9 0EJ in accordance with the terms of the application, Ref 18/0152/FULL, dated 26 February 2018, subject to the following condition.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 18001/01 and 18001/02.

Procedural Matter

2. Since the appeal was lodged the revised National Planning Policy Framework (the Framework) has been published but does not raise any additional matters.

Main Issues

3. It is considered that the main issues are (a) whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and (b) the effect of the development on the setting of a designated heritage asset.

Reasons

Inappropriate Development

4. The car port is located within a group of former agricultural buildings located within the open countryside which are now in residential use. Although not referred to in the Council's assessment of the scheme, the appeal site is identified in the Appeal Questionnaire as being located within the Green Belt and reference is made to this matter in the appellant's evidence.
5. The Framework refers to the construction of new buildings in the Green Belt as inappropriate development unless they accord with the identified exceptions. The Framework does not refer to buildings or structures within the curtilage of

- a dwelling house as not being inappropriate development. However, the Framework does allow for limited infilling of previously developed land, whether redundant or in continuing use. The Framework's definition of previously developed land excludes land that is, or was, either last occupied by an agricultural building or is residential land within the built-up area. Neither of these exclusions apply to the appeal site and associated group of buildings because they are not within a built-up area and they are not in agricultural use.
6. Neither 'limited' nor 'infilling' is defined with relation to this exception for the erection of new buildings in the Green Belt. The appeal site is physically and visually part of a courtyard substantially enclosed by buildings in residential use. The carport has been erected within the context of this courtyard being contained by the extended Top Farm, boundary wall, hedge, raised garden/patio area and vehicle parking/manoeuvring space. For these reasons, and taking into account the footprint of the carport, the appeal scheme can be regarded as comprising limited infilling within this courtyard.
 7. However, the test in paragraph 145 of the Framework also requires that the development has no greater impact on the openness of the existing Green Belt. The definition of previously developed land also refers to it not being assumed that the whole of the curtilage should be developed. By reason of the visual and physical containment of the carport by other built forms of development, together with its modest size and limited encroachment into the retained open courtyard, the appeal scheme does not result in any greater impact on the openness of the Green Belt than this existing group of buildings. Accordingly, it is concluded that the appeal scheme is not inappropriate development in the Green Belt and does not conflict with the Framework.

Designated Heritage Asset Setting

8. Top Farm is a farmhouse which is listed as a building of special architectural or historical interest and is, therefore, a designated heritage asset. In determining this appeal there is a requirement that special regard is had to the desirability of preserving this Listed Building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty is echoed in Policies SAL.UP6 and SAL.UP7 of the Wyre Forest Site Allocations and Policies Local Plan (LP) which also require development to be of a high quality of design.
9. No Heritage Impact Assessment has been provided to determine the significance of the heritage asset. The listing description principally refers to the farmhouse's architectural and design features but acknowledges that there have been some alterations which were observed during the site visit. However, although the inclusion of Top Farm on the statutory list occurred after the residential re-use scheme was implemented, the former agricultural buildings sited around the courtyard are historically associated with what would have been the farmstead. The functional, physical and visual relationship of these buildings and the courtyard with the farmhouse mean that they are part of the setting of this Listed Building.
10. From the public right of way, the large swimming pool building within the garden of Top Farm and sited to the west of the courtyard is not particularly noticeable because of the screening effect of both the hedge and the carport. Only the ridge of this building's roof is clearly visible above the hedge as indicated in the submitted photographs, its visibility would be greater in the

winter due to the reduced screening effect of the leaves. However, the views from the footpath would still be filtered by the structure of the hedge.

11. As identified by the appellant, there are some design elements of the swimming pool which the car port has adopted, including the materials and roof pitch, but there are differences between their siting and relationship to the farmhouse. For these reasons, only limited weight is given to the swimming pool in the determination of this appeal as a precedent for the carport but it is part of the built context of the courtyard.
12. The car port is a predominantly timber framed structure with a concrete base, an open front, other walls of timber and will have a timber shingle roof. The carport is of a utilitarian design suitable for its purpose of parking vehicles rather than resembling stables or other agricultural buildings. The other buildings, including the farmhouse, which comprised the former farmstead are of red brick construction with tiled roofs. There is an open fronted building which forms part of this group which has timber supporting columns but it predominantly shares the same materials and character of the other buildings
13. Within the context of the existing group of buildings, the siting of the carport and its open fronted design does not physically disrupt the layout of the courtyard and it is visually related to Top Farm's garage. This garage provides physical and visual separation from Top Farm. This sense of separation is accentuated by the boundary wall between the curtilage of the farmhouse and the courtyard.
14. The appeal scheme is seen from the public right of way but these views are limited by the existing buildings and wall. Where a view is available around the access to the courtyard the carport is seen against the context of the adjoining garage, the elevated boundary hedge with the swimming pool to the rear and the raised patio/garden area rather than the farmhouse. The infilling of the gap between the garage and the raised garden does not unacceptably disrupt the visual, functional and physical relationship between the courtyard of former agricultural buildings and the farmhouse.
15. Timber structures within farmyards are not an uncommon feature as part of a group of agricultural buildings. The timber's newness currently accentuates the carport's appearance from the public right of way at the access to the courtyard. However, timber does weather and becomes more muted in colour which will assist with the visual assimilation of the carport into the courtyard.
16. Although adjacent to a Listed Building, the siting, size and external materials of the carport means it is not such a conspicuous form of development that it causes unacceptable harm to setting of the Listed Building and the contribution made enclosed by the courtyard of former agricultural buildings to the setting of Top Farm. Accordingly, it is concluded that the development preserves the setting of a designated heritage asset and, as such, it does not conflict with LP Policies SAL.UP6 and SAL.UP7.

Conditions

17. The Council has not suggested any conditions in the event this appeal succeeds but, for reasons of proper planning, the avoidance of doubt and to secure the timber shingle roof, the development should be undertaken in accordance with

the approved drawing. Accordingly, and having regard to all other matters, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

Appeal Decision

Site visit made on 9 October 2018

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2018

Appeal Ref: APP/R1845/W/18/3209262

Lyndhurst, Castle Hill, Wolverley, DY11 5SH

- 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 Mrs Ellen Wattlely against the decision of Wyre Forest District Council.
 - The application Ref 18/0147/FULL, dated 26 January 2018, was refused by notice dated 19 April 2018.
 - The development proposed is a replacement dwelling including demolition of the existing dwelling, "Lyndhurst".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - the effect upon the openness of the Green Belt; and
 - if the proposal is found to be inappropriate development, 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 required to justify the development.

Reasons

Whether or not the development would be inappropriate

3. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
4. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in Paragraphs 145 and 146 of the Framework. Criterion d) of Paragraph 145 allows for "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*".

5. The existing dwelling has a floor area of some 137 SqM whereas the proposed dwelling would have a floor area of some 204 SqM. The proposed dwelling would also be noticeably taller than the existing dwelling. For these reasons, I consider that the proposed dwelling would be materially larger than the one it would replace. This is even if a future garage is not erected. Therefore, the proposal does not meet criterion d).
6. The appellant also argues that the proposal would represent infill development. In my mind, infilling must fill a gap in an otherwise built-up frontage or area. Because the dwellings are very spaced out along the track, and because the site is big, the frontage within which the site is situated is not built up and the gap would not be filled. Therefore, under no circumstances could the proposal meet any infilling exception listed under Paragraph 145.

Effect upon Openness

7. The dwelling would be materially larger and taller than the one it would replace. I accept that the proposed site is at a lower level than that of the existing dwelling. However, the new dwelling would easily be seen from the road and the public right of way so the dip in the land would not overcome the impact of the increased size. The proposal would therefore harm the openness of the Green Belt.

Other Considerations

8. The appellant points out that the existing bungalow could be extended using permitted development rights. This might be the case but I have no firm proposals to persuade me that this is likely to materialise. For example, I have no Lawful Development Certificate or Prior Notification approval before me. Therefore, the weight I attach to this argument is limited. I note that Lyndhurst has been on the market for some time and I note the appellant's desire to move into the proposed house to avoid relocating out of the area but I give these matters little weight.

The Green Belt Balance and Conclusion

9. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The very special circumstances necessary to justify it do not clearly outweigh the harm. The development would be contrary to the Framework and would conflict with Policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan which seeks to protect the Green Belt.
10. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Siobhan Watson

INSPECTOR



Appeal Decision

Site visit made on 16 October 2018

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2018

Appeal Ref: APP/R1845/D/18/3207940

524 Chester Road South, Kidderminster, DY10 1XH

- 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 Roger Massey against the decision of Wyre Forest District Council.
 - The application Ref:18/0181/FULL, dated 1 May 2018, was refused by notice dated 6 March 2018.
 - The development proposed is a new access/egress with drop kerb to form drive in/drive out system. Repositioning of existing access.
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Decision

1. The appeal is allowed, and planning permission is granted for a new access/egress with drop kerb to form drive in/drive out system. Repositioning of existing access at 524 Chester Road South, Kidderminster, DY10 1XH in accordance with the terms of the application, Ref:18/0181/FULL, dated 1 May 2018, and the plans submitted with it, 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: Drawing No.433/1 proposed plan and section.
 - 3) Within 30 days of this decision the first 5 metres of the accesses into the parking area, measured from the back of footway, shall be surfaced in a bound material to prevent loose material such as gravel from entering the highway.
 - 4) Within 30 days of this decision pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on the inner most points of both accesses. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have taken the revised Framework into account in determining this appeal. In view of its content compared to that of the previous Framework, I consider that to do so would not prejudice the interests of the main parties in this appeal.

3. I have taken the description of development from the application form, rather than relying upon the Council's briefer version of the proposal.

Main Issue

4. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

5. No.524 Chester Road South is a detached dwelling which is part of a row of dwellings that have frontage access to the highway. At the site visit it was apparent that new front boundary walls had been constructed to allow an in/out access system. However, the new access points fail to align with the original dropped kerb and vehicles are running over the grass verge at one of the new access points to reach or leave the highway.
6. Policy SAL.CC1 of the Site Allocations and Policies Local Plan indicates that proposals which would lead to the deterioration of highway safety will not be allowed. Adequate visibility must be available for vehicles turning into and out of the site. The *Worcestershire Design Guide* is a saved policy from the superseded LTP3. Section 2.4: *Single Private Drives*, advises that the policy only permits one point of combined pedestrian and vehicular access to a singular residential curtilage.
7. The reason for this policy is to prevent unnecessary vehicle accesses which can cause confusion when vehicles indicate to turn. The Highway Authority advises that this is particularly applicable in this location on a busy classified road. Moreover, the addition of a second access increases the hazard for pedestrians using the adjoining footway with the potential for conflict with vehicles entering and exiting the site.
8. The appellant has indicated that the single point of access meant that he had to either reverse his van into the parking space at the front of his property, or to reverse out. He advises that both these movements are hazardous, particularly in view of speeding vehicles on the highway. Moreover, the situation is made worse when football supporters use Chester Road South for parking on match days.
9. The majority of dwellings in this part of Chester Road South only have a single access point. However, the layout of access points varies, some being very wide to allow vehicles space to manoeuvre and to use hard surfaced frontages. Exceptions include no.96 and No.257 Chester Road South, where in and out access points have been created. The planning officer's report advises that there are several properties located on Chester Road South and many have large frontages, however only a few have two accesses with many of these being part of the original property or constructed a number of years ago.
10. Although the proposal would conflict with section 2.4 of the *Worcestershire Design Guide* I consider that it would not lead to a deterioration in highway safety in the particular circumstances of this proposal. The appellant has advised that reversing into or out of the parking area results in horns being piped by other drivers and shouting. In addition, at night these manoeuvres can cause vehicles to be dazzled by headlights due to the turning vehicle facing oncoming traffic. I have also taken into account the difficulty for the appellant when football supporters are parking outside the property. I see no reason why pedestrian safety would be compromised by the proposal. The footway

and verge are wide at this point and removing the need for vehicles to use reversing manoeuvres at the appeal property would improve visibility for the drivers using the parking space as a consequence of being in forward gear. Hence, they would have greater awareness of any approaching pedestrians on the footway.

11. It is concluded that the proposal would not be detrimental to highway and pedestrian safety and would not conflict with policy SAL.CC1 of the Site Allocations and Policies Local Plan. It would also fail to conflict with the Framework because the proposal would allow safe and suitable access to the site to be achieved for all users, and there would not be an unacceptable impact on highway or pedestrian safety.

Conditions

12. In addition to the standard condition for the commencement of development I have added a condition to confirm the approved plans. I have considered the conditions suggested by the Council. The dwelling already appears to be occupied, hence I have amended the relevant conditions giving a 30 day period for surfacing works and pedestrian visibility splays to be completed in the interest of highway and pedestrian safety. I note that the Council has advised that permission does not authorise any works to be carried out in the highway.

Conclusion

13. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be allowed, subject to conditions.

Martin H Seddon

INSPECTOR



Appeal Decision

Site visit made on 16 October 2018

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2018

Appeal Ref: APP/R1845/D/18/3208352

7 Cherry Close, Bewdley, DY12 2JJ

- 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 Simon Pearson against the decision of Wyre Forest District Council.
 - The application Ref: 18/0209/FUL, dated 19 March 2018, was refused by notice dated 11 May 2018.
 - The development proposed is single storey extension to rear, first floor extension to side of semi-detached two storey house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have taken the revised Framework into account in determining this appeal. In view of its content compared to that of the previous Framework, I consider that to do so would not prejudice the interests of the main parties in this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building and the street scene.

Reasons

4. No.7 Cherry Close is a modern end of terrace house located in a residential area. The cul-de-sac of Cherry Close also has semi-detached houses and bungalows. No.7 is sited at a right angle to the semi-detached house of No.6 Cherry Close. There is a noticeable gap and difference in levels between the two properties. No.7 is at a higher level, and the building occupies a relatively large triangular plot of land. No.10A is a relatively new dwelling that has been added at the opposite end of the terrace.
5. The Council considers that the proposal would have no detrimental impact on the amenity of neighbours in respect of loss of light or loss of privacy and would not create parking problems. I see no reason to disagree because of the orientation of No.7 compared to No.6 which would prevent any direct overlooking of windows. Off-street parking places may also be provided.

6. In terms of design, the proposed side extension would continue the form of development with a ridgeline at the same height as the existing building and with no set-back from the front elevation. The rear extension would occupy the full length of the extended dwelling and would have a flat roof with rooflights. The plot is large and capable of accommodating a rear extension. However, the proposed extension would be close to the boundary with neighbours and would project into the rear garden of No.7 by around 4.8 metres.
7. The side extension would reduce the gap between No.6 and the appeal building when seen from Cherry Close. The difference in levels and proximity of the front of the proposed extension to the boundary between the two properties would mean that the extension would appear perched above the driveway of No.6. Even though the driveway would provide some separation, and the lower part of the extension would be an open structure, I consider that the side extension would appear cramped, awkwardly sited and uncharacteristic in the street scene. The side extension would also appear overly dominant when viewed from the neighbouring property of No.6 because of its relative height and lack of a set-back from the front elevation of No.7. It would not appear subservient to the existing dwelling, contrary to advice in the *Wyre Forest Design Guidance Supplementary Planning Document*. Accordingly, I find that a side extension of the design proposed would harm the character and appearance of the building and the street scene.
8. The proposal would conflict with Core Strategy policy CP2 regarding design and local distinctiveness and would not integrate well with the existing streetscape, contrary to policy SAL.UP7 of the Wyre Forest Site Allocations and Policies Local Plan. It would also conflict with policy SAL.UP8 of the Local Plan which indicates that extensions should be subservient to and not overwhelm the original building.

Other Considerations

9. There are a number of properties in the surrounding area which have side extensions, one of which includes a carport similar to that proposed in this appeal. However, none is identical to the situation at the appeal site in terms of the difference in levels and relationship with the neighbouring property. The other examples therefore provide insufficient reason to justify the appeal proposal.

Conclusion

10. I have taken all other matters raised into account, including the appellant's desire for increased accommodation. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR