

Open

Planning Committee

Agenda

6pm
Tuesday, 19th February 2019
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

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

Councillor J Aston
Councillor N Harris
Councillor M J Hart
Councillor N Martin
Councillor C Rogers

Councillor S J Chambers
Councillor P Harrison
Councillor V Higgs
Councillor F M Oborski MBE
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, 19th February 2019

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 11 th December 2018.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	15
6.	Planning and Related Appeals To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	59
7.	Land at Stanley Dental Practice, 124 Stourport Road, Kidderminster To consider a report from the Corporate Director: Economic Prosperity and Place to determine whether Tree Preservation Order No 434 (2018) relating to four Maple trees, within the car park of Stanley Dental Practice, should be confirmed or not.	67

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.	
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>	

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

11TH DECEMBER 2018 (6PM)

Present:

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

Observers:

There were no members present as observers.

PL. 49 Apologies for Absence

There were no apologies for absence.

The Chairman clarified that Councillor V Higgs has replaced Councillor J Shaw on the Committee.

PL. 50 Appointment of Substitutes

No substitutes were appointed.

PL. 51 Declarations of Interests by Members

Councillor N Harris declared an Other Disclosable Interest (ODI) in respect of 18/0446/FULL, that he lived in the area but would stay in the room whilst the application was determined.

Councillor C Rogers declared in respect of 18/0160/FULL, that he had been contacted by the applicant but he came to the meeting with an open mind.

Councillor S Williams declared an Other Disclosable Interest (ODI) in respect of 18/0577/FULL, that his Grandson is a teacher at the school but he would stay in the room whilst the application was determined.

Councillor S Chambers declared an Other Disclosable Interest (ODI) in respect of 18/0649/OUTL, that she lived on Sutton Park Road but some distance from the application and did not know the applicants.

All members of the Committee declared in respect of agenda item 8, the Tree Preservation Order on the land at 451 Stourport Road, Kidderminster, that they had been contacted by the property owner but came to the meeting with an open mind.

PL. 52 Minutes

Decision: The minutes of the meeting held on 20th November 2018 be confirmed as a correct record and signed by the Chairman.

PL. 53 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 570 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 570 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. 54 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. 55 Section 106 Obligation Monitoring

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

Decision: The details be noted.

PL. 56 Land at 451 Stourport Road, Kidderminster

The Committee considered a report to determine whether the Tree Preservation Order No 433 (2018) relating to a group of three Common Lime Trees within the front garden at 451 Stourport Road, Kidderminster should be confirmed or not.

Decision:

That the Tree Preservation Order (TPO) be confirmed with the following modification:

G1 consisting of 2 x Common Lime as these trees contribute to the amenity of the locality and are considered worthy of protection, removing 1 Common Lime within G1 from the Order as originally made.

PL. 57 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. 58 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 7pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

11th December 2018 Schedule 570 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: 18/0446/FULL

Site Address: SITE PARCEL P, FORMER BRITISH SUGAR SITE, LAND OFF STOURPORT ROAD, KIDDERMINSTER

Delegated authority to **APPROVE** subject to the following:

- a) the signing of a Section 106 Agreement; and
- b) the following conditions:
 1. Full time limit
 2. To secure approved plans
 3. To secure brick and roof tile materials
 4. To require details of windows and doors
 5. To require details of hard surfacing materials
 6. To require details of site and finished floor levels
 7. To secure boundary treatment details
 8. Except for the details agreed under Condition 6, no other fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway (including a shared surface or footpath)
 9. To require details of external lighting
 10. To secure landscaping scheme
 11. To secure landscape management and maintenance plan
 12. To require details of a 50 metre forward visibility splay on the road connecting to the roundabout on Silverwoods Way
 13. Access, turning and parking facilities to be provided.
 14. To require details of cycle storage
 15. To require details of 'Residential Welcome Pack' to promote sustainable forms of access
 16. Construction Environmental Management Plan for highway safety during the construction phase
 17. Construction and Environmental Management Plan for the protection of waterways and nature conservation
 18. To require details of a surface water drainage scheme
 19. To require details of foul and surface water drainage
 20. To secure recommended ecological mitigation and enhancement measures
 21. To secure the glazing specification details for all dwellinghouses

Notes

- A. Severn Trent Water advises that there are public sewers located within this site.
- B. The applicant/developer is advised to contact the Canal & River Trust's works engineering team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

Application Reference: 18/0160/FULL

Site Address: LAND NORTH OF BALDWIN ROAD, STOURPORT-ON-SEVERN, DY13 9AU

Delegated authority to **APPROVE** subject to the following:

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
 - 1. Full time limit
 - 2. To secure approved plans
 - 3. To require details of external materials, including hard surfacing
 - 4. To require details of site and finished floor levels
 - 5. To secure boundary treatment details
 - 6. Except for the details agreed under Condition 6, no other fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway (including a shared surface or footpath)
 - 7. To require details of external lighting
 - 8. To require details of landscaping scheme
 - 9. To require landscape management and maintenance plan.
 - 10. Access, turning and parking facilities to be provided
 - 11. To require details of cycle storage
 - 12. To require details of 'Residential Welcome Pack' to promote sustainable forms of access
 - 13. Construction Environmental Management Plan for highway safety during the construction phase
 - 14. Construction Environmental Management Plan for safety of canal embankment
 - 15. To require details of a surface water drainage scheme
 - 16. To require details of foul and surface water drainage
 - 17. To require a further badger survey to be undertaken prior to any works commencing
 - 18. To require mitigation measures to prevent badgers from entering the site during construction works and for good working practice during the works
 - 19. To require ecological enhancement measures
 - 20. Removal of Permitted Development Rights
 - 21. To require details of emergency access plan
 - 22. To require a preliminary risk assessment for contamination and remediation scheme
 - 23. Programme of Archaeological Work including Written Scheme of Investigation
 - 24. Implementation of approved Written Scheme of Investigation

Application Reference: 18/0529/FULL

Site Address: FORMER SION HILL MIDDLE SCHOOL, SION HILL, KIDDERMINSTER, DY10 2XT

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
 - 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
 - 25. Landscape Management Plan

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: 18/0577/FULL

Site Address: STOURPORT HIGH SCHOOL & SIXTH FORM CENTRE, MINSTER ROAD, STOURPORT-ON-SEVERN, DY13 8AX

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. To secure building materials as proposed
4. To require foul and surface water drainage

Application Reference: 18/0649/OUTL

Site Address: 164 & 165 SUTTON PARK ROAD, KIDDERMINSTER, DY11 6LF

APPROVED subject to the following conditions:

1. A1 (Standard outline)
2. Approved Plans
3. A2 (Standard outline – reserved matters)
4. A3 (Submission of reserved matters)
5. B1 (Samples/details of materials)
6. B11 (Details of enclosure)
7. B13 (Levels details)
8. Parking Provision to be provided
9. To require a landscaping scheme (including retention of hedgerows and trees along perimeter of site)
10. To require the landscaping scheme to be implemented
11. Scheme for Surface Water Drainage
12. Scheme for external lighting
13. Ecological Mitigation and Enhancement Measures

Note

Severn Trent Water – There may be a Public Sewer within the site.

Application Reference: 18/0654/FULL and 18/0655/LIST

Site Address: BEWDLEY TOWN HALL, BEWDLEY MUSEUM, 12 LOAD STREET, BEWDLEY, DY12 2AE

18/0654/FULL **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. G1 (Details of works to Listed Buildings)

18/0655/LIST **APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. G1 (Details of works to Listed Buildings)

Application Reference: 18/0675/FULL

Site Address: LAND ADJOINING LITTLE OAKS, COMBERTON ROAD, KIDDERMINSTER, DY10 3DS

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Highways
5. Highways
6. Details of walls, fences and other means of enclosure to be submitted
7. Details of hard and soft landscaping to be submitted
8. Drainage
9. Obscurely glazed side windows

Notes
Highway

Application Reference: 18/0683/FULL

Site Address: 140 BEWDLEY HILL, KIDDERMINSTER, DY11 6BT

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. B10 (Window details)
5. J9 (Open plan frontages [obscure glazed windows])
6. Highways – Access, turning and parking

Notes

- A. Private access – Developer to ensure ownership/rights of access have been established
- B. STW – Sewer within the site.

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

19/02/2019

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
18/0306/FULL	THE OLD GRAMMAR SCHOOL THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	16
18/0748/PIP	WOLVERLEY LODGE LEA LANE COOKLEY KIDDERMINSTER	APPROVAL	35

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
18/0743/FULL	46 BARNETTS LANE KIDDERMINSTER	APPROVAL	44
19/0019/FULL	85A ARELEY COMMON STOURPORT-ON-SEVERN	DELEGATED APPROVAL	51
19/0020/LIST	KIDDERMINSTER TOWN HALL VICAR STREET KIDDERMINSTER	DELEGATED APPROVAL	56

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
19TH FEBRUARY 2019

PART A

Application Reference:	18/0306/FULL	Date Received:	30/05/2018
Ord Sheet:	389153 273623	Expiry Date:	25/07/2018
Case Officer:	Julia McKenzie-Watts	Ward:	Wyre Forest Rural

Proposal: Change of use and conversion of existing building to form a dwellinghouse

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

Applicant: Trustees of Chaddesley Corbett Education Foundation

Summary of Policy	DS04, CP07, CP11 (CS) SAL.DPL2, SAL.DPL11, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP6, SAL.UP7, SAL.UP11 (SAAPLP) Action 9, CC4, CC9, CC10, CC12, CCSA2 (CCNP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE PLANNING COMMITTEE ON 16TH OCTOBER 2018 AS ADDITIONAL INFORMATION WAS REQUIRED

1.0 Site Location and Description

1.1 The application site relates to a detached building known as the 'The Old Grammar School' located within the Chaddesley Corbett Village. The structure was built in the 18th century, but was rebuilt in 1809; it became part of the Endowed School in the 1960s, which closed down on this site in 2013.

1.2 The site is within the Green Belt and located within the graveyard of St Cassian's Church which is Grade I listed and is also within the Chaddesley Corbett Conservation Area. The building itself whilst not specifically Listed is included within the Local Heritage List and, according to Historic England, it is arguably curtilage-listed to the church. To the north and east of site lie residential properties in St. Cassian's Way and also properties fronting onto 'the Village'.

18/0306/FULL

- 1.3 A detailed application has been submitted for the conversion of the building to a single dwelling.

2.0 Planning History

- 2.1 WF.742/86 & WF.743/86 (LBC) – Replacement of windows and doors with original style windows and doors at former Canteen : Approved 29.10.86
- 2.2 WF.204/90 – Lavatories and replacement windows : Approved 9.7.90
- 2.3 16/0237/FULL & 16/0238/LIST - Remedial works to the old grammar school building including services, alterations to roof, removal of concrete partitions and gypsum plaster, exterior decoration and repointing and provision of new access ramp to north of building : Approved 20.6.16

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – This building is defined in our Neighbourhood Plan as Site Allocation Policy CCSA2 – Re-use of the Old Grammar School. The policy states that “The Old Grammar School building will be retained for a continued educational or related D1 use, including a library, internet access, advice centre and/or meeting rooms”.

Your own Policy CP07 of the Adopted Core Strategy refers to existing community facilities and advises that 'the Council will resist the loss of any community services and facilities including rural public houses unless an appropriate alternative is provided or, evidence is presented that the facility is no longer required and suitable alternative uses have been considered.'

The Parish Council does not consider that adequate efforts have been made by the Trust to find or establish a community use for this building, with their emphasis being on attracting a commercial return from the building

Additional Comments following Applicants further justification:

Having considered the above planning application, the Parish Council objects to, and recommends refusal of this application, and asserts that this landmark historic building should be retained for the D1 purposes set out in Neighbourhood Plan Site Allocation Policy CCSA2. Refusal is also supported by Wyre Forest policy CP07, which states that ‘the Council will resist the loss of any Community services and facilitiesunless an appropriate alternative is provided or, evidence is presented that the facility is no longer required and suitable alternative uses have been considered.’

18/0306/FULL

The Parish Council does not consider that adequate efforts have been made to find or establish suitable alternative uses for the building, and wish to point out the following:

- This is an important historic building that, as well as its former education role, has been a valuable community asset for over a hundred years, hosting a range of activities including some in support of the adjacent Grade 1 Listed Church
- This building was registered as an asset of community value as part of the wider former school site, under Community Right to Bid regulations, and is the only remaining part of the site undeveloped.
- The Neighbourhood Plan site allocation policy CCSA2 was developed in collaboration with Trustees of the Education Foundation, who were then clearly in favour of retaining it as a centre serving the community. By comparison, the proposal to convert to a residential property appears driven by an aim to generate income and an economic rate of return.
- The Parish Council and the Neighbourhood Plan seek to retain the building as one that can continue to enable services that support the community. Its central position is unique; this is the only building at the heart of the Village with the potential to be a hub for services and activities that support the local community. If converted for residential use, this facility would be lost forever.
- Its central position offers a more safe and sustainable venue for activities aimed at both young and old, especially when compared to the alternative of either driving to the Village Hall, or negotiating the narrow footway along the busy A448
- The Parish Council is confident that grant funds can be secured to renovate and equip the building as a base for Community-orientated services and activities. Although the owners have not explored this possibility, the Parish Council remains happy to work with the Education Foundation to this end.
- The process that the Foundation has followed to avoid the site allocation policy has similarities to other mechanisms, such as the removal of Agricultural Tenancy restrictions. Any parallels with this situation are inappropriate; one meeting, one advertisement and the passage of some 12 months is insufficient evidence for avoiding the Neighbourhood Plan policy and supporting a fundamental change of use for such an important community asset.
- The Parish Council urges the Wyre Forest Planning Committee to support the aims of the Neighbourhood Plan, which was supported by 81% of residents who voted in the referendum, and reject this application.

3.2 Highway Authority – No objection subject to conditions

18/0306/FULL

- 3.3 Conservation Officer – No objection subject to conditions. The Old (former) School House sits adjacent to the churchyard for St. Cassian's Church, through which it is accessed and within which a ramped structure providing access has been constructed relatively recently.

There are two historic entrances to the building from the churchyard yet there appears to have been no means of access directly into the county school playground to the north until the alterations of the 1980s and 1990s.

The building is attached to curtilage listed walls associated with both the church and Lychgate House.

Our records show that listed building consent was granted for alterations in 1986 under WF/743/86 and planning permission under WF/742/86. The building was extended under planning permission WF/204/90 but there was no corresponding application for listed building consent at that time.

Given the previous history of listed building consent, the position of the building within the churchyard, and its attachment to structures which are deemed also to be listed, in the absence of any specific advice to the contrary from Historic England my advice to the District Council is to take the view that the building is also listed by virtue of its curtilage relationships.

The impact of this will be that any alterations to the building will require listed building consent (as well as any planning permission) unless Historic England specifically instruct otherwise.

PROPOSED CHANGE OF USE

The proposed change of use from school to dwelling requires planning permission and listed building consent. I note that a duplicate application 18/0307/LIST has been submitted concerning the material alterations proposed to the building.

ACCESS

In their letter of 16th May 2018 Historic England state that:

"We gave pre-application advice on this scheme in our letter dated 30 November 2017 wherein we stated that 'the conversion of the historic building into a two-bedroom house may have an impact on the church and conservation area due to this new use but this use is unlikely to have a greater impact than its use as a school and community hall'. Therefore we did not object to the principle of the proposal. With such conversions it is often the works to such elements as windows and amenity space that can have the greatest impact. Therefore we expected the local authority's conservation officer to guide and approve these aspects".

In the light of this advice I comment on access and amenity space as follows:

Drawing 3515-02 indicates that the building has five points of access currently, these to be reduced to two on each elevation.

18/0306/FULL

The north elevation faces the parking and amenity area accessed off St. Cassian's Way. The doors access the kitchen and bedroom 1 respectively.

I understand that provided the building remains single storey and the ground floor windows of the rooms on the north elevation are capable of being used as escape windows there is no requirement to maintain any means of escape to the south elevation.

ACCESS TO THE PROPOSED DWELLING VIA A THIRD PARTY'S LAND

This building forms part of the physical boundary of the churchyard of the churchyard of the Grade 1 listed church. In its present (public) use the building is accessible via the churchyard however the proposed use is as a private dwelling.

There has been no evidence submitted that the CofE is willing to permit continued access from the churchyard, and on the change of use of the building to a dwelling I assume there is no obligation on them to do so.

There are currently three means of access to the churchyard from the south however none are required as a means of escape provided that the windows of the ground floor rooms on the north elevation can be used as a means of escape.

Thus the granting of planning permission is not reliant on the applicant securing a licence to access the churchyard as a means of escape.

I have no objections for the two south elevation doors to remain as shown on the application drawings, however their use to access land owned by the CofE will no doubt be subject to their granting a licence which is a private matter between the two parties.

POTENTIAL NUISANCE

Irrespective of the CofE granting a licence for the occupiers of the dwelling to use the churchyard for access I do have concerns that the proposed change of use may result in future nuisance to the neighbouring church, with potential to harm the character of the Conservation Area and the significance of the Grade I listed church and its churchyard setting.

This is because there is potential for a future occupier of the dwelling to use the churchyard as an unofficial extension to their curtilage.

The nuisance could be noise-related (for example people sitting on open doorsteps with music playing) and may disturb church business within the churchyard e.g.: burials; and the general tranquillity of this open space within the Conservation Area.

The nuisance could also be visual and related to the placing of domestic paraphernalia adjacent to the building eg: boot-scrapers, doormats, dustbins, signage, bells, wind-chimes etc.

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All of this would be extremely difficult to control post-approval (especially for the District and County Councils) but could also present a real challenge for the church to manage effectively.

The church may wish to consider this when consenting (or not) to access and egress from the building across the churchyard.

DESIGN OF CONVERSION

Generally I have no objections to the degree of alterations proposed within the building because the historic interiors have been lost some time ago. I am confident that the proposals as submitted meet the concerns expressed by Historic England in their letter of 16th May 2018.

Historic England may have misinterpreted the drawings in that the obscure glazing is to face the amenity area to avoid over-looking into neighbouring properties to the north. There is no intention to glaze the windows to the churchyard in a similar manner.

I have requested that the agent submits a revised drawing to clarify this. I have also suggested that the windows to the churchyard are double-glazed using internally fixed secondary glazing and are fixed shut so as to prevent noise pollution from the dwelling into the churchyard.

The property will inevitably cause some light spillage into the churchyard but this is already the case and with several rooms on the north side of the building I think that this will be less than at present.

- 3.4 Historic England – No objections. The conversion of the historic building into a two-bedroom house may have an impact on the church and conservation area due to this new use but this use is unlikely to have a greater impact than its use as a school and community hall. With such conversions it is often the works to such elements as windows and amenity space that can have the greatest impact. Therefore we expect the local authority's conservation officer to guide and approve these aspects.

The conversion of the interior needs to take account of any historic interior features and the lofty volume in some parts, and seek to retain some of the character of this space. New ceilings should not cut across windows and views from the graveyard into the house should also be considered. New services should not put holes in the elevations facing the graveyard and should be sensitively designed to reduce their impact. These aspects have been adequately addressed in the application and should be guided by your expert conservation staff.

We are somewhat concerned by the obscure glazing proposed as, depending on its appearance, it could introduce an alien and too-modern looking element into the graveyard. This detail should be carefully considered by your expert conservation staff.

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3.5 Neighbour/Site Notice – 4 objections received raising the following issues:

- Contrary to Neighbourhood Plan
- Ownership concerns
- Known requirements for community space – need for community hub
- Parking arrangement would cause conflict with properties
- Requirement for obscure glazing for windows facing properties in St. Cassians Way.

4.0 Officer Comments

4.1 Members may recall that this application was deferred from October's meeting 'to seek better information as to exactly how much investigation the trustees had taken into trying to get the building kept for the use designated in the Neighbourhood Plan'. The Chaddesley Corbett Education Foundation provided a letter in December 2018 setting out the following in response to the Planning Committee's request.

At its last consideration of this application we understand the Planning Committee decided to defer a decision in order to seek further information as to exactly how the trustees have taken into account the continuation of 'community use' set out in the Neighbourhood Development Plan. We have touched on this matter in previous correspondence, but will 'draw the threads together' in this single document. Further, we will respond to recent representations from the Parish Council and others.

The Trust is long established registered charity, and has a portfolio of land and buildings which it holds on trust for its beneficiaries and on which it receives rental income that it applies to its purposes set out in the Trust Deed including supporting Chaddesley Corbett Endowed Primary School (currently about £50,000 a year) making grants to local young people under 25 years old (currently about £15,000 a year) as follows:

- (a) in awarding to beneficiaries scholarships, bursaries, maintenance allowances or grants tenable at any school, university, or other place of learning approved by the Governors;
- (b) in providing financial assistance, outfits, clothing, tools, instruments or books to help beneficiaries on leaving school, university or any other educational establishment to prepare for, or to enter, a profession, trade or calling;

As a charity, the Trust is subject to the supervision of the Charity Commission; the Trustees are all local people, but have to set aside any local preferences they may hold as individual citizens and make decisions in accordance with the law and apply its assets for the benefit of the school and other beneficiaries.

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The Trust owns the land and buildings of the village Primary School and appoints the majority of its governing body. During the Wyre Forest Review of education in the early 2000's the Trust was asked by the County Council to enlarge the existing First School into a Primary School. It was agreed with the County Council that a new site on the edge of the village would have to be found and a brand new school built to cope with the increased number of pupils. The Trust therefore purchased the current school site. It also provided an additional £500,000 which together with some £3.9m of public funding allowed the Trust to build the new school. The Old School Site was then surplus to requirements and was sold for housing and has now been sympathetically redeveloped. However, the OGS was retained by the Trust. The Neighbourhood Development Plan was being drawn up at about the same time and there was a community support to retain it in community use. As the Parish Council explains in its letter dated 16/10/18, as well as 'policy', the NDP contains a series of 'actions' and "Action 9 of Appendix 1 to the Plan, sets out an aspiration of the Parish Council to (inter alia) "... seek to: 1. Secure the use of the old grammar school by long term lease, in order to provide a range of services to benefit the community."

So, in deciding to retain ownership of the Old Grammar School (OGS) the Trustees were comforted by the aspiration of the Parish Council itself to secure a long term lease over the OGS and to run it for the benefit of the community in whatever way it saw fit. On that basis, the Trustees did not object to this provision of the NDP. Indeed, the Trustees obtained a grant of planning permission to carry out the necessary work.

However, once the Trustees began discussions with the Parish Council over delivering on this 'aspiration' it became apparent that the Parish Council expected the Trust to effectively 'sign over' the OGS if not at a 'peppercorn' then on very favourable non-commercial terms. The Clerk to the Parish Council even offered to take the lead in trying to obtain grants to refurbish the building – but this came to nought. The Trust then realised that if the OGS was to be refurbished and used as the NDP expected, then it (the Trust) would have to find someone other than the Parish Council to commit to the project. Without such a commitment, or at least a realistic prospect of a commitment to taking a lease on the refurbished building, the Trustees could not contemplate committing over £100,000 of its assets – if it did so it would not be acting as the Charity Commission would expect. When this was explained to the Parish Council it did not appear to be well received. The Clerk to the Parish Council and others were heard to exclaim words to the effect that 'but you are a charity, why can't you just make it available to the community'.

The Trustees approached St Cassian's Church to see if it would be interested in taking a lease on a refurbished OGS. The Church indicated it could make no commitment to do so.

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The Trustees held a public meeting in the village on 8 May 2017, advertised locally and in the Kidderminster Shuttle, to try to establish whether there was any interest from individuals, groups or organisations to commit to taking a lease of 3 years or more on a refurbished OGS to run it as a community hall for the benefit of the local community and what the interest is in using a refurbished OGS on a regular or occasional basis. Understandably, it appeared that local groups were unwilling to contemplate a financial commitment. Concern was also expressed about an OGS-based community hall adversely impacting on the viability of the existing Village Hall. Trustees of the Village Hall reported their position was precarious.

In July 2017 the Trustees published an 'update' in the Parish Magazine reporting the outcome of the public meeting; this did not generate any further interest. In January 2018 the Trustees wrote to the Parish Council again as part of pre-application discussion on the current application enclosing drawings showing the proposed conversion. The Trustees identified the following benefits to the community:

- Competition with the Village Hall would be avoided, maximising its survival prospects.
- The OGS would remain part of the Trust's portfolio securing an income for the long-term to the benefit of the beneficiaries of the Trust (the village school and young people in the parish).

As result of pre-application discussion, the Parish Council did not show any interest in reviving the aspiration set out in NDP "Action 9" (see above). The Trustees also again contacted the Church Council of neighbouring St Cassian's Church to enquire if it would be interested in taking a lease on a refurbished OGS as a 'church hall'. The Church Council confirmed it was not in a financial position to do so, but might wish to use a community building at the OGS on an ad hoc basis.

There has been some other interest in making use of a community building at the OGS. For example, the recently established Steering Group for the Dementia Initiative and Chaddesley Care Café has written to the Parish Council thanking it for its support and averring that "If available [the OGS], in the heart of the village, would allow us to build on the excellent contribution of the Chaddesley Community shown to date, and act as a game changer in the way that active local communities can support each other." The Trustees do not doubt the sincerity of this Steering Group (indeed many Trustees personally support it) and notes that its venture is supported by the village surgery and the church but:

- The Steering Group has not suggested to the Trust that it would take a lease on the OGS if the Trust refurbished it for community use.
- The Steering Group do not seem to understand that those with dementia or in need of care are not within the class of

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beneficiaries that the Trust can legally support with grants or gifts in kind (such as rent free / low rent use of the OGS).

- The Steering Group seems to take the view, as does the Parish Council, that the Trustees should simply commit its funds (whatever it takes) to meet the policy requirements of the NDP without any regard to what the Trustees may lawfully do under its Trust Deed.

We are aware that WFDC has received a letter from the Friends of the Village Association (“FVA”) saying that local residents that have been canvassed are “horrified that the Neighbourhood Plan might be ignored”, that the Trusts current planning application “blatantly ignores” the NDP and that to approve this planning application would undermine public confidence in the NDP process.

With respect we cannot agree:

- We have previously set out how we feel the application should be judged against the policy in the development plan, including the NDP. We respect the wish of the Parish Council to jealously guard its NDP, but the ‘delivery mechanism’ anticipated for the OGS as a community hub has failed to materialise and the Trust cannot ‘step in’ to commit its assets outwith the powers set out in its limited charitable purposes.
- If the application is not to be regarded as being in accordance with the development plan as a whole, then we rely on ‘other material considerations’ to justify a grant of planning permission. The Parish Council and FVA seem to be unaware of the true meaning and effect of s38(6) of the 2004 Act and obviously (and wrongly) take the view that the NDP is not only the ‘starting point’ for the consideration of planning applications but also the ‘final word’.

In its letter dated 18/10/18 the Parish Council continues to assert that there is sufficient community impetus that could be brought to bear to make community use of a refurbished OGS a reality. However, it remains just that – assertion. There is no evidence, for example, from the Parish Council to make good its claim that grant funding is available. In the nearly 2 years it has been making such a claim, the Parish Council has not come up with a single practical proposition as to a likely source of grant funding. The fact that the OGS is ‘available’ is undoubtedly well known locally (as evidenced by the FVA letter) yet through out the life of this planning application no one has come forward with a serious offer to take a lease on a refurbished OGS. To suggest that someone would do so if the Trust carried out a further public consultation exercise is fanciful.

In the circumstances, the Trustees believe that adequate efforts have been made to find or establish a community use for this building that would allow the Trustees to lawfully commit over £100,000 towards its

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refurbishment. The policy in the NDP that supports such a use is undeliverable.

The proposal seeks to convert the existing building to a 2 bedroom property with access and parking provided from St. Cassian's Way. Private amenity will be provided to the north with access to the property from St. Cassian's Way. Additional pedestrian access will be provided via existing steps and ramp within the grounds of the adjacent Church.

- 4.2 The Parish Council were consulted on this additional information and provided the following response in January this year;

The Applicant's report confirms that only limited efforts have been made to find a suitable alternative use. One advertisement in a local newspaper and the Parish Magazine, one community meeting (called at short notice), and contact with St Cassian's Church Council are clearly inadequate. In May 2017 we were advised by the then Chief Planning Officer that, before any alternative uses are considered, there would have to be a "demonstrably robust marketing of the site, for sale or lease, for the purposes set out in the site allocation policy". We see no basis for regarding the applicant's actions as meeting this requirement, and would expect a consistent yardstick to be applied by the Planning Department when judging any efforts by the applicant.

In previous reports, the Conservation Officer and Historic England have considered possible future nuisance to the Grade 1 Listed Church and its churchyard setting, stating that "it is unlikely to have a greater impact than its use as a school and community hall." This conclusion does not appear to take account of the 24/7 occupancy of the building if converted to residential use, whereas continued use as a community hall could be limited to prescribed hours, types of use and levels of sound and light emanating from it.

The location of the building within a cemetery and adjacent to a Grade I Listed Church, with access via a pedestrian pathway through the churchyard, with no garden, is unsuitable for domestic use.

The significant importance of this historic building to the fabric of the Village; the OGS is registered as an asset of community value under Community Right to Bid regulations, and has been a community building for more than 200 years.

The Education Foundation's report of 16 December 2018 mentions a number of points that relate to the context for their application. The Parish Council's responses, below, may assist the Planning Committee in their decision making:

As the Committee will be aware, the building is the subject of Site Allocation Policy CCSA2 in the Parish Neighbourhood Plan (NP), which states that "The Old Grammar School building will be retained for a

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continued educational or related D1 use, including a library, internet access, advice centre and/or meeting rooms.” An aim supported by 98% of the residents responding to the Chaddesley Corbett Neighbourhood Plan Consultation Survey in April 2013. Nothing has materially changed since the NP was prepared and at that time the Foundation was consulted on the wording of the policy, and had no objections to its classification.

With that background, the property was not included in the redevelopment of the former school site.

In the one Community meeting held, the Applicant created a significant financial barrier to continuing community use, citing an estimated £100,000 renovation cost as justification for a rent of approximately £8,000 to £10,000 per annum. This is (for example) equivalent to approximately one third of the Parish Council's precept. Collaboration with the Parish Council to seek grants for the building's renovation could bring the building back into use at very little cost, making it affordable to many local groups with more restricted funds.

The Applicant states that efforts by the Parish Council to obtain grants to refurbish the building “came to nought”. At that time, the Parish Council had expected to be able to rent the building at a very low or peppercorn rent, from which position it would have been possible to apply for grants. The Parish Council is confident that grant funds can be secured to renovate and equip the building as a base for community-orientated services and activities, and remains happy to work with the Education Foundation to this end. More than 50 potential sources of grants have been identified by the Parish Council, with the Heritage Lottery Fund judged to be the most worthwhile approaching.

Ownership of the OGS has always been in doubt because there is no historic documentation to prove ownership, although the Foundation has registered it with Land Registry as part of the old school site, therefore acquiring it by default. Its acquisition has not involved any capital expenditure by the Foundation.

The applicants have had only very limited dialogue with the Parish Council, and have not engaged with the Council to discuss either alternative uses or sources of funding to renovate the building. As we understand it, this is despite Wyre Forest Planning suggesting to the applicant some months ago that they should discuss the application with the Parish Council. The applicant is a registered charity with net assets of approximately £4million, operating solely within the Parish. The Parish Council nominates three Trustees to sit on the charity, but the Foundation operates in an insular and opaque manner, publishing no public minutes and prohibiting even the nominated Trustees from reporting on their activities.

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The suggestion that the building would be in direct competition with the village hall is not sound. The village hall is well used and has a large number of regular users. The size of the OGS would prohibit its use for many of the functions currently held in the village hall. The location of the village hall means that visitors have to walk alongside the A448 on a very narrow footpath or travel by car, whilst the OGS is situated in the heart of the village. It is envisaged that as a community facility the OGS would be available to all, young and old. Parking would not be a problem as many could walk to the OGS.

One potential user for the OGS would be the recently formed Dementia Care Café and related Dementia Friendly Community which is receiving support from many residents both within the Parish and adjacent parishes. Chaddesley Surgery has also identified a new initiative to provide care in the community, Social Prescribing, where patients of all generations could get some of the help they need within their own community, with the service operated by volunteers. The organisers feel that by harnessing the power and commitment of the local community they could develop a hub to provide a range of services and support.

The Foundation state that this is not within the class of beneficiaries which they can support and that to offer the building at a low cost to such a group would not be lawful under its Trust Deed. This is a narrow interpretation of the scope of activities that are being considered, which include the creative arts and intergenerational support and learning that would involve the young as well as the elderly.

The Dementia Care Group and other interested parties are not yet in a position to enter into agreement with the Foundation to rent the building, and we anticipate that it would take 6-12 months to prepare a business plan and secure a source of funding for the renovation works required. This would need no investment by the Foundation. The building has been empty now for at least 6 years, so a little longer must surely be reasonable. The Parish Council remains willing to facilitate any discussions with interested parties.

These comments should be read in conjunction with our objections submitted in October 2018.

The Foundation has made scant effort to find suitable alternative uses for the building, and instead has placed a significant financial barrier against this happening. The Parish Council seeks the opportunity to support local organisations to bring forward alternative uses for the building which would benefit the community, now and in the future, and to assist in finding grants for renovation work.

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The Parish Council urges the Wyre Forest Planning Committee to support the aims of the Neighbourhood Plan, supported by 81% of residents who voted in the referendum, and reject this application.

4.3 The Trust was provided with the Parish Council's response and have provided the following final comments:

- We disagree that we have made insufficient efforts to identify a suitable alternative use. We have nothing to add to our previous representations.
- There is no objection from the Church to the proposed residential use.
- Any access through or to the churchyard would be subject to the agreement of the church.
- The Trust is not creating a "significant financial barrier" to an alternative community use. As trustees we cannot simply 'give' the building to the community; as we have previously explained the "community" do not fall within the class of beneficiaries of the Trust. We note that the Parish Council confirms that its understanding was that it would receive the building at a "peppercorn" rent and this mistake obviously underpinned the whole strategy and policy in the Neighbourhood Plan.
- Despite providing the Parish Council with the Land Registry title documents, the fact that it persists in alleging there is doubt about ownership shows the Parish Council is just not facing reality.
- The Parish Council's assessment of the use of the village hall is at odds with the objection from the village hall committee.
- There is no sufficient evidence to show that the recently formed Dementia Care Group would be able to demonstrate sufficient financial soundness to enter into a lease with the Trust.

4.4 The comments from both the Trust and the Parish Council have been reproduced in full and have provided a full picture of position of the Trust and the Parish Council. Consideration of this application will be based on this information, the Development Plan and the other material circumstances. As such this report will examine the proposal under the following headings;

- Inappropriate Development in Green Belt?
- Policy Context as a Community Building
- Heritage Matters
- Highway Impact and Parking
- Impact of Neighbouring Properties
- Planning Balance

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INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT?

- 4.5 Within the Green Belt development is particularly restricted in the pursuit of protecting its openness and preserving the key functions of including land within it. Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan reflects Government advice in the revised National Planning Policy Framework (NPPF 2018) which highlights the reuse of substantial permanent structures as one of the ‘other forms of development’ which are not inappropriate within the Green Belt. Policy SAL.UP1 restricts the appropriateness of this type of development to those that fully accord with Policy SAL.UP11, which sets out the criteria for rural conversions. It is clear from the consultation responses and the nature of the proposal, that the development fully adheres to the criteria set out within the Policy, this is not a matter of contention. For the purposes of this consideration, the conversion of the building complies fully with the conversion policy.
- 4.6 On this basis both national and local policy concludes that the development is not inappropriate development in the Green Belt. It is also clear that no harm will be caused to the openness of the Green belt or its ‘five purposes’ for inclusion of land within it.

POLICY CONTEXT AS A COMMUNITY BUILDING

- 4.7 There are three relevant policy documents that make up the development plan which need to be fully considered as part of the decision making process. Members will be aware of the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 that decisions to be ‘plan led’ unless material circumstances indicate otherwise.
- 4.8 Chaddesley Corbett Neighbourhood Plan contains a specific policy in respect of this building. Policy CCSA2 states that “*The Old Grammar School building will be retained for a continued educational or related D1 use, including a library, internet access, advice centre and/or meeting rooms.*” This policy has its derivation from Action 9 where it is set out that “*The Parish Council will seek to: 1. Secure the use of the old grammar school by long term lease, in order to provide a range of services to benefit the community. Priority activities should encourage educational aspiration, access to qualifications, lifelong learning and community well-being. Other uses could include a library, internet access, Citizen’s Advice and meeting room.*”
- 4.9 Policy CP07 of the Adopted Wyre Forest Core Strategy does resist the loss of community facilities “...unless an appropriate alternative is provided or, evidence is presented that the facility is no longer required and suitable alternative uses have been considered.” The site is not specifically allocated for community usage and therefore Policy SAL.DP11 of the Adopted Wyre Forest Site Allocations and Policies Local Plan does not apply in this instance.

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- 4.10 The Parish Council and a number of third party respondents have set out their views clearly, which need no further comment. The applicants have provided additional information to support their application detailing, how that the Parish Council are not in a position to take a long term lease as set out within Action 9 of the Neighbourhood Plan. In addition they detail their activities for promoting the building for lease to community groups and the results of the public meeting that was held. In particular they highlight that an additional facility would be direct competition with the existing village hall, which is struggling to maintain lettings expressing concern over the loss of letting should a community facility be provided. This position has been further supported with letters from Trustees of the Village Hall and the Primary School who also support after school lettings. The Applicant also has confirmed that scheme will support the work of the Trust which includes making grants to local young people under 25 years old for overall benefit of the community.
- 4.11 Restrictive policies can be a useful mechanism in protecting usage for specific purposes; however such policies need to be flexible to allow for changes to the area or building. The Neighbourhood plan does not provide such flexibility and therefore consideration of CP07 must be taken to assess the weight to be given to such a restriction.
- 4.12 The information that has been provided by the Applicant including letters from the Primary School and Village Hall demonstrate that the community is well served by available letting space. It is acknowledged that the aspiration of a community hub is well founded, but relies on a community organisation to take this project on fully both in commitment and finance. The building has been vacant for a number of years and despite best efforts there has been no interest from the community to provide a suitable use. I agree with the Applicant that offering the building outside the local community would not meet the Parish Council's aspirations for the building or the Applicant's own requirement for providing uses for the community. In addition, it should be noted that there is only provision for 2 car parking spaces; any use of the building for community use would put significant pressure on surrounding roads to accommodate parking.
- 4.13 The test within policy is that the facility is no longer required and alternative uses have been considered. The policy is not specific what evidence is required and does not provide any timescales for consideration. Based on the evidence that has been provided by the Applicant, I am satisfied that the tests set within the policy have been met for specific circumstances of this building. It is clear that the existing facility is no longer required and that alternative uses have not been forthcoming. Whilst the neighbourhood plan has to be considered a pulling in a different direction to the Core Strategy due to the lack of flexibility, the Courts have established (in particular *R v. Rochdale MBC ex p. Milne* and *R (Cummins) v. London Borough of Camden*) that is for a decision-taker to make a logical and informed judgment as to whether a proposal complies with the development plan as a whole. On this occasion when read as a whole the proposal complies with the restrictive community policies within the Development Plan.

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HERITAGE MATTERS

- 4.14 The building has been established by both Historic England and the Council's Conservation Officer as a designated heritage asset being within the curtilage of the Grade I listed Church and Conservation Area. There is a statutory duty to have 'special regard' to the preservation of listed buildings or their settings. The proposal has been found by both heritage advisors as acceptable and would provide an acceptable use to preserve the asset providing an optimum viable use.
- 4.15 On this basis the proposal will conform to Policy SAL.UP6 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and paragraph 192 and 196 of the NPPF (2012). This positive contribution, particularly in providing a viable use, along with the 'special regard' weighs heavily in favour of the application.

HIGHWAY IMPACT AND PARKING

- 4.16 Access is provided from St. Cassians Way, leading to two parking spaces within the curtilage of the dwelling. The amount of parking provided is fully in accordance with the County Council's Parking Standards. Concern has been expressed over the position of spaces to allow the neighbouring property to utilise their existing parking spaces, however the Applicants have demonstrated that access to both existing and proposed spaces is fully achievable. The Highway Authority has assessed the parking provision and access and has provided a no objection response. On this basis it is concluded that there will be no adverse impact from a highway perspective.

IMPACT ON NEIGHBOURING PROPERTIES

- 4.17 As number of concerns have been expressed by near neighbours in respect of overlooking. The North elevation faces onto the garden areas of 5-8 St. Cassians Way. Whilst the usage will be wholly on one level, it is acknowledged that the floor level is raised by approximately 0.5m. The proposal shows a minimum distance of 5m to the rear boundaries of these properties, with the windows that are directly opposite these gardens being obscured glazed. It is considered that for a single storey dwelling that 5m is a suitable privacy distance and along with the obscure glazing it is considered that residential amenity can be maintained, if not improved.
- 4.18 Taken as whole the development will provide a continuation of the residential development that has already taken place. There will be no undue impact on residential amenity.

PLANNING BALANCE

- 4.19 As the proposal is for residential development, albeit a conversion, consideration of the residential policies of the Development Plan has to take place. It has been established that under the terms of paragraph 73 of the NPPF (2018) that the policies in respect of housing delivery are 'out of date' and as such the 'presumption in favour' as required by paragraph 11 (d) applies. Such a presumption requires development to be approved unless any adverse impacts would significantly and demonstrably outweigh the

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benefits of the scheme. The planning balance has thus to be taken in a 'tilted' form.

- 4.20 It is clear that the Neighbourhood Plan stands against the development due to the restrictive nature of the text. However this is tempered by criteria based policy set out in the Adopted Wyre Forest Core Strategy. Whilst I have found that the relevant requirements under Policy CP07 have been met, there is material weight against the development by virtue of the non-compliance with the Neighbourhood Plan and the loss of the potential of a community facility as anticipated within the Plan and by the Community as part of the referendum.
- 4.21 However, the benefits of providing additional residential accommodation within the village, the significant benefits in finding an optimum use for this important heritage asset and the compliance with all other policies of the Development Plan weight heavily in favour of the development. In particular I have attributed great weight to the benefits to the Heritage Asset.
- 4.22 Overall, when taken in the tilted balance the benefits of the scheme are not outweighed by the harm through non-compliance of the Neighbourhood Plan Policy.

5.0 Conclusions and Recommendations

- 5.1 The proposal is acceptable and complies with the Development Plan as a whole. Any harm identified through a non-compliance with the Neighbourhood Plan is outweighed by the benefits of the scheme, including the presumption in favour of sustainable development. The scheme provides a new dwelling providing optimum viable use for a heritage asset. The impact on highways and neighbours amenity is acceptable.
- 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. Details of any new materials
 4. Details of all glazing including secondary and obscure
 5. Details of bin storage
 6. Parking provision
 7. J1 (Removal of permitted development – residential)
 8. No gates



Economic Prosperity and Place Directorate

The Old Grammar School
The Village, Chaddesley Corbett
Kidderminster, DY10 4SA



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Scale 1:1000

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Application Reference: 18/0748/PIP	Date Received: 04/12/2018
Ord Sheet: 383323 279363	Expiry Date: 08/01/2019
Case Officer: Paul Round	Ward: Wyre Forest Rural

Proposal: Residential development (up to 4 houses)

Site Address: WOLVERLEY LODGE, LEA LANE, COOKLEY,
KIDDERMINSTER, DY103RL

Applicant: Dr Ashok Rai

Summary of Policy	DS04, CP01, CP02, CP03, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DS01, SAL.DS02, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7, SAL.PDS1 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application relates to two parcels of land within the ownership of Wolverley Lodge, a detached property on the outskirts of Wolverley Village situated on Lea Lane. The combined area of the parcels of land equates to 0.62 hectares (1.5 acres); the first forming the site of a former gatehouse, and the other part of the former 'Wolverley Camp' which was a military camp of varying guises.
- 1.2 The site is located within the Green Belt and lies close to the Staffordshire and Worcestershire Canal Conservation Area. A residential property, known as the 'The Old Telephone Exchange', and the Wolverley camping and caravanning club site lie to the south, with the current modern telephone exchange lying between the parcels of land. To the east lies the Brown Westhead sports pitches.

2.0 Planning History (of relevance)

- 2.1 17/0726/OUTL - Outline application for up to 7 residential dwellings following demolition of outbuildings. All matters reserved : Refused 15.01.18

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3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – The Parish Council agree with the concerns raised by Worcestershire County Highways regarding the sustainability and the increase in traffic on Lea Lane, which is already an extremely busy and dangerous road. The Parish Council also have concerns over what is considered previously developed land, for example a tennis court, and would have liked to have been involved earlier on in discussions regarding this redevelopment.
- 3.2 Highway Authority – Recommend Refusal. It is noted that the application for the proposed residential development of up to 4 houses has been made in accordance with the Town and Country Planning (Permission in Principle) Order 2017 and it is understood that the site has been listed on the Wyre Forest District Council Brownfield Register. Accordingly, at the 'in principle' stage, consideration can only be given as to the site location, land use and the amount of development which should be within a range taking into account any existing dwellings and the Highways Authority is hereby raising an objection based on the location of the site which is unsuitable for residential development. The proposed development is located on Lea Lane which is a classified road and which is not lightly trafficked. A high wall runs along one side for most of its length and there is a steep bank down to the River Stour for part of the way on the other. Whilst there are opportunities for vehicles to pass with caution, vehicles tend to occupy the centre of the carriageway which results in an increased risk of conflict between motorised vehicles and other road users due to the differential in speed. These circumstances do not lend themselves to safe use by pedestrians, cyclists, vulnerable users or those with disabilities. Furthermore, there are no opportunities for sustainable travel options for this site and future occupants will be wholly reliant on private car use. The quality of the route in either direction along Lea Lane is poor with no road markings, footways, highway verges or street lighting along a narrow road which reduces to single track in places. The lack of suitable provision will act as a deterrent to the take up of sustainable modes of travel particularly at times of darkness and adverse weather conditions. The nearest bus stops are at either end of the lane on Castle Road and Wolverley Road respectively and there is historic personal injury accident data which demonstrates that cyclists have conflicted with vehicular traffic on this road which has implications for highway safety. The lack of safe and suitable access for all users and the failure to give priority to sustainable modes of travel is contrary to Paragraphs 108 and 110 of the National Planning Policy Framework (NPPF) and the implications for highway safety are contrary to Paragraph 109 of the NPPF.
- 3.3 Arboricultural Officer – I have no objections to planning in principle for the above application. If a technical approval application is submitted I would be looking for an AIA in line with the recommendations of BS5837:2012, Tree Protection Plans and landscaping proposals.

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- 3.4 Canal & River Trust (CRT) – No objections. CRT identify a number of elements required to be submitted for Technical Approval.
- 3.5 Conservation Officer – It is noted that this is an application for permission in principle and that all details relating to the development will be included in a subsequent technical application. There is no design to appraise and thus no indication of the potential impact of any development on views from the Staffordshire and Worcestershire Canal Conservation Area.

Any technical application should include detailed design drawings including 3D-visualisations of the development as seen from the canal. This would require first a topographical survey, tree survey, ecological survey, evidence of consultation of the Worcestershire Historic Environment Record (to comply with NPPF paragraph 189) and archaeological building recording of the remnants of the former lodge on the site. This could all be contained in a heritage impact assessment and design and access statement supporting that application.

Depending on what is revealed by the initial archaeological building recording further archaeological recording may be necessary to record the below ground archaeology as construction progresses however that could be covered by conditions attached to the application for reserved matters.

At this point in time however I can see no reason to object to permission in principle.

- 3.6 Council for the Protection of Rural England – Object. We do not think that most of the site is brownfield land. The exception is the site of the gate lodge, but we doubt the footprint would be sufficient for more than a very small additional dwelling.

For the rest, the application site seems to be in the nature of greenfield land in the Green Belt, whose development should be unacceptable under the normal rules applicable to Green Belt. No very special circumstances have been shown.

- 3.7 Severn Trent Water – No objections subject to conditions
- 3.8 Neighbour/Site Notice – 1 letter received raising the following concerns:
- I would like to oppose this application. Some of our reasons include that the new houses will be visible from the canal. The area is a conservation area.

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4.0 Officer Comments

- 4.1 The application has been submitted as an application for Permission in Principle. This application type was introduced by the Government in 2018, as an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development, however details can be included to the level of information required at the technical details consent stage.
- 4.2 This process is more streamlined than the 'outline' process with the level of details required limited to the description of development and the location of development. The consideration of this application will therefore be considered based on the 'principle' of the development.

POLICY CONTEXT AND LAND USE

- 4.3 The site is within the Green Belt. Green Belt policy within the revised National Planning Policy Framework and the Adopted Wyre Forest Site Allocations and Policies Local Plan allow for the development of previously developed site within the Green Belt. This policy approach allows for 'limited infilling or the partial or complete redevelopment' of sites, subject to there being no greater impact on the openness of the development than the existing development. Policy SAL.PDS1 goes further in set a requiring, limited development to not exceed the height of the existing buildings and trees and no giving rise to off-site infrastructure problems.

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- 4.4 The site is currently is land within the ownership of Wolverley Lodge. It is stated within the supporting justification that the one parcel of land was historically used as part of the Wolverley Camp. Historic England describes the site as a Second World War tented camp for Dunkirk survivors. It was later used as a military hospital by the United States Forces 52nd General Hospital. After the Second World War the site was used at a prisoner of war camp and as a camp for the Pay Corps. The other is shown as a lodge building, the foundations of which are still evident today. As part of the Council's evidence for the Local Plan Review it has identified the site as a previously developed site that could be developed for a small number of residential units. If there is any doubt of the historic use, it would fall to the current use as part of the curtilage of the dwelling. Outside urban areas, residential properties and their curtilage are classed as previously developed land as defined by the National Planning Policy Framework. It is therefore evident that whichever way this is viewed, the two parcels constitute previously developed land. I have fully considered the views of the Council for the Protection of Rural England, however I am satisfied that evidence is available to be able to classify the development as being previously developed.
- 4.5 As allowed for by policy, on this occasion it is considered the development of these parcels would result in 'limited infilling' between the existing built developments within the close proximity of the site. I am satisfied that the physical circumstances of the site fall squarely within the Policy requirements as set out within SAL.UP1 and SAP.PDS1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and thus forms one of the exceptions of development allowable within the rural Green Belt areas of the District. The development of the site for residential development is therefore acceptable in principle,

AMOUNT OF DEVELOPMENT

- 4.6 The Applicant's proposal seeks for between 2 and 4 detached houses and garages, the application being described as 'residential development up to 4 dwellings). This equates to 6.5 dwellings per hectare, a very low density development which is representative of the clusters of development in the surrounding locality. Such clusters can be seen on Brown Westhead Way, Lea Lane and Wolverley Road. It is also worthy of note that the Council's own Housing Availability Assessments concluded that a maximum of 4 units could be achieved on the site. It will be understood by Members that potential impact will be dependant on the final numbers and size of the dwellings proposed. Such considerations are applicable at the Technical Approval stage when the impact of the development will be assessed. I am satisfied that, for the purposes of determining the principle of development, a maximum of 4 units can be accommodated across the two plots. To be specific, the site of former gatehouse could accommodate a single dwelling, with 3 dwellings being situated on the larger parcel of land. The amount of development proposed is also acceptable in principle.

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LOCATION OF DEVELOPMENT

- 4.7 The site is located on the edge of the village boundaries of Wolverley. Within 0.5km (0.3 miles) is the village of Wolverley where there is access to a doctor's surgery, primary school, community facilities, public houses and playground/sports facilities. The village facilities of Cookley are within 1km (0.6 miles) which contain retail, education, medical, recreational and community facilities. Within 2.5km (1.5 miles) access can be gained to Crossley Retail Park in Kidderminster. The facilities can be accessed by foot, cycle, public transport and car. Members will note the comments of the Highway Authority which are supported by the Parish Council. The objection comments, it will be seen, are not in connection with the lack of facilities but with the quality of the infrastructure to promote alternative means of transport. It is factual the Lea Lane has no footway for its length outside the village of Cookley, it can be surmised that access to Cookley by foot or cycle is not desirable. The site is however 230m from Wolverley Road, which have footways along its length and also allows access to the Canal towpath network. A footway is provided for the first 70m from Wolverley Road, resulting in a 160m section of road where a footway is not provided. I understand the position of the Highway Authority, however on this occasion I am not persuaded that site is location in an unsustainable location or that its location would result in the reliance of the car for journeys to key services. Paragraph 108 of the National Planning Policy Framework requires appropriate opportunities to be provided given the sites location, this has been demonstrated on this occasion. To require enhanced facilities would be over and above the requirements of the Framework. In addition I do not consider that 160m of no footway provision, would on balance discourage walking or cycling to the wider network.
- 4.8 Matters of access and capacity have not been raised by the Highway Authority. I agree that the number of dwellings proposed can be safely accommodated on the highway network. Matters of detail, such as visibility splays and access points will be dealt with through the Technical Approval Stage.
- 4.9 Having taken account of the comments of the Highway Authority and Parish Council, I am satisfied that the location of the development is acceptable in principle.

OTHER MATTERS

- 4.10 An objection has been made in respect of the impact of the development on the Conservation Area. It will be understood that these are matters of detail that will be part of the considerations at Technical Approval Stage. Neither the Conservation Officer nor the Canal & River Trust have any objections in principle.

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PLANNING BALANCE

- 4.11 The development represents appropriate development in the Green Belt. Housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which was subsequently been withdrawn. The current need is based upon Objectively Assessed Housing Need Assessment, however the Council has failed for the last 3 years to meet its assessed need. The National Planning Policy Framework advises that based on these circumstances, relevant policies for the supply of housing are therefore out of date. Based on the latest Housing Residential Land Availability data, whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites there still 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 presumption in favour of development, along with those elements shown as being acceptable weighs heavily in favour of the development. There are also economic factors at both pre and post construction phase, which also add weight. The site is sustainably located although the nature of the routes is not perfect they are acceptable. Any disadvantage over access is clearly outweighed by the benefits in favour of the development.

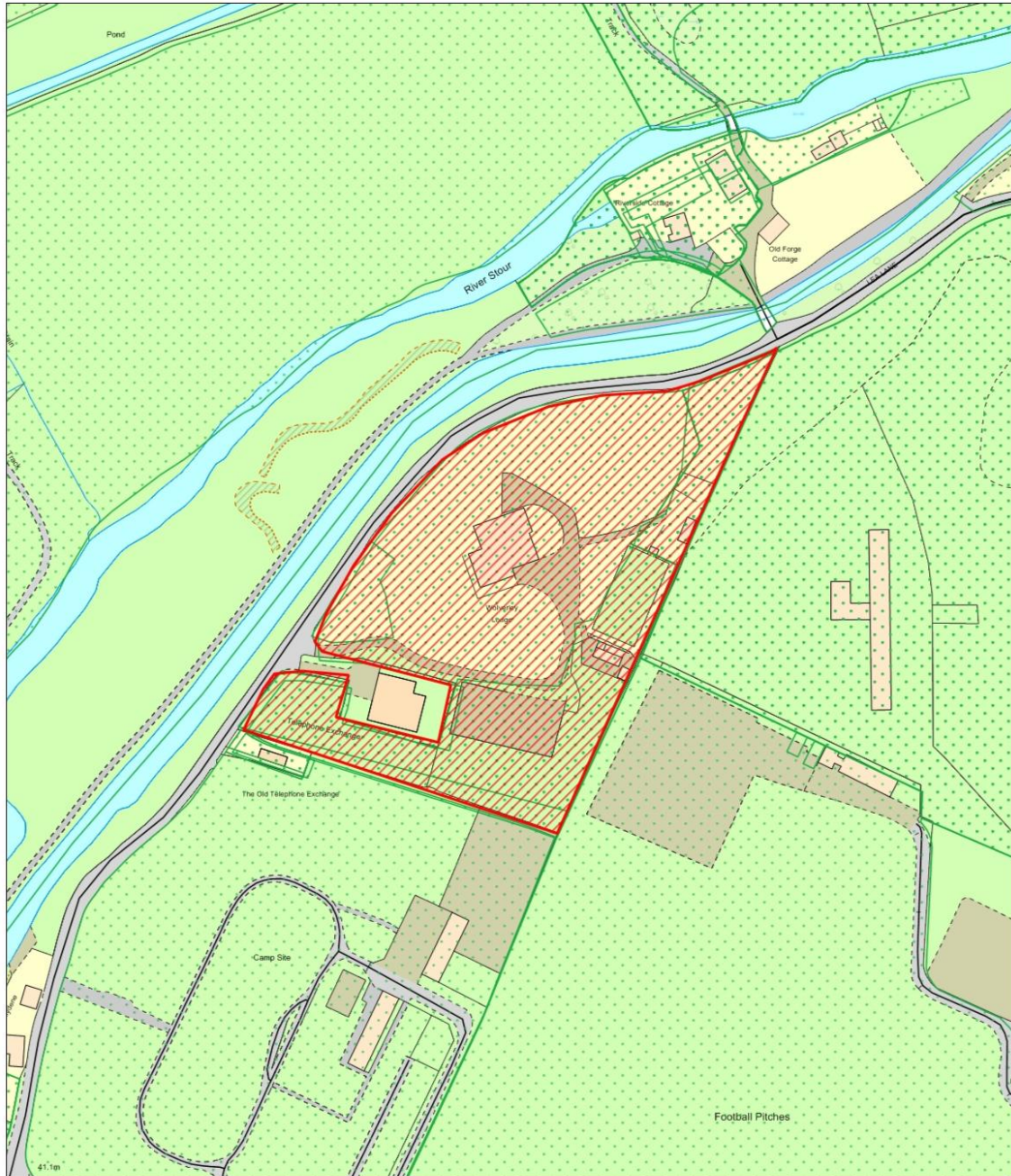
5.0 Conclusions and Recommendations

- 5.1 The proposal for a maximum of four residential units on the site has been fully considered in respect of the adopted Development Plan, proposed land use and quantum of development and found to be acceptable in each of these aspects. Notwithstanding the objection from the Highway Authority and Parish Council, the location of the development has been fully considered in light of the National Planning Policy Framework and the Development Plan and found to be a sustainable location given the type of development and its location. Having taken the planning balance, it has been concluded that the development is acceptable in principle.

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5.2 I therefore recommend **APPROVAL** subject to a note advising that following the items are required to be submitted as part of the Technical Details Consent application:

1. Location Plan (1:1250)
2. Block Plan (1:500)
3. Proposed Floor Plans (1:100)
4. Proposed Elevations (1:100)
5. Cross-Sections (at an appropriate scale)
6. Streetscene (1:200)
7. Access proposals (1:200 or 1:00)
8. Tree Survey
9. Arboricultural Impact Assessment
10. Landscape Scheme (1:200) and Planting Schedule
11. Construction and Environmental Management Plan
12. External Lighting Proposals
13. Foul Drainage Scheme
14. Surface Water Scheme/Strategy including Sustainable Urban Drainage
15. Heritage Statement
16. Ecological Survey
17. Contaminated Land Assessment
18. Transport Statement
19. Landscape and Visual Impact Assessment



Economic Prosperity and Place Directorate

Wolverley Lodge
Lea Lane, Cookley
Kidderminster, DY10 3RL



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Scale 1:2000

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
19TH FEBRUARY 2019

PART B

Application Reference:	18/0743/FULL	Date Received:	27/11/2018
Ord Sheet:	384526 275858	Expiry Date:	22/01/2019
Case Officer:	Helen Hawkes	Ward:	Aggborough & Spennells

Proposal: Erection of one detached dormer bungalow

Site Address: 46 BARNETTS LANE, KIDDERMINSTER, DY103HH

Applicant: E Vaux

Summary of Policy	DS01, CP01, CP02, CP03, CP11, CP12 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The site relates to a side garden belonging to a detached bungalow, which is known as Tabrian. The site lies on the north side of Barnetts Lane, close to the junction between Barnetts Lane and the A448 Comberton Road. The surrounding area is predominantly residential in character and the site lies within the urban area of Kidderminster, close to nearby shops and services.

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- 1.2 The proposed development is for the erection of a three-bedroom dormer bungalow sited in the garden to the side of the existing bungalow, Tabrian. The proposed bungalow would have a gable roof with hipped ends and to the front there would be dormer windows and roof lights and only roof lights to the rear. Building materials would comprise brickwork and roof tiles to match the existing bungalow. The development would involve minor excavation works to the side embankment to create a levelled plot and a new retaining wall would be provided. The existing hedgerow along the shared side boundary with 1 Barnetts Grove would be retained and new planting is proposed to the front of the site.
- 1.3 It is intended to create a new vehicular access point to the front of the site to serve the development and parking for two vehicles would be provided.
- 1.4 During the course of the application, amended plans have been received to improve the scale and proportion of the roof in relation to Tabrian and the plot width has been increased to provide additional spacing to the side of the proposed bungalow.

2.0 Planning History

- 2.1 WF/0326/02 - Erection of a dwelling and detached garage with access to Comberton Road on land adjacent to Tabrian : Withdrawn 28.03.02
- 2.2 WF/0875/02 – Erection of a dwelling and detached garage on land adjacent to Tabrian : Approved 04.09.02

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Recommend approval.
- 3.2 Highway Authority – No objection subject to conditions to require the access and parking and cycling facilities to be provided for both dwellings prior to occupation. They also recommend an informative to be attached to the decision notice to make the applicant aware that any works within the publicly maintained highway can only be carried out by the County Council's Approved Contractor.
- 3.3 Severn Trent Water – No objection and do not require a drainage condition to be applied. They recommend an informative to be attached to the decision notice to inform the applicant that there may be a public sewer located within the site.

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3.4 Neighbour/Site Notice – 1 letter of objection received raising the following concerns:

- Development is on a very tight plot and would be at odds with the immediate properties.
- Density is out of keeping with the area.
- Could potentially set a precedent for small plots and lead to the redevelopment of the remaining plot (Tabrian) into two further plots/dwellings of a similar size, which would result in loss of privacy if two further dwellings were constructed as they would be closer to neighbouring dwellings.
- Loss of Privacy.

4.0 Officer Comments

4.1 The main considerations are whether the principle of development is acceptable and whether there would be any detrimental impact on the character and appearance of the area, the amenities of existing occupiers, biodiversity and upon highway safety.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

4.2 Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan seek to concentrate new residential development on previously developed land within the urban areas before applying a sequential approach to other appropriate locations for new residential development. As the application site comprises garden land it is not a previously developed site, and therefore is contrary to Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan.

4.3 Notwithstanding this, policies within the Development Plan for the supply of housing are considered to be out of date, because the housing numbers within the Adopted Core Strategy (2010) were set based on data derived from the Regional Spatial Strategy, which was subsequently been withdrawn. The current need is based upon Objectively Assessed Housing Need Assessment, however the Council has failed for the last 3 years to meet its assessed need. The National Planning Policy Framework 2018 advises that based on these circumstances relevant policies for the supply of housing are therefore considered to be out of date.

4.4 Based on the latest Housing Residential Land Availability data, whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites there still is a need to maintain and boost this supply.

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- 4.5 In any case, the 'out of date' nature of the Development Plan results in the presumption in favour of sustainable development set out in Paragraph 11 of the National Planning Policy Framework being engaged. This requires a balance to be undertaken whereby planning applications should 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.

IMPACT ON CHARACTER AND APPEARANCE

- 4.6 The National Planning Policy Framework advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. It further states that planning decisions should ensure that developments (amongst other things) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Also, that developments are sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 4.7 Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan accord with the National Planning Policy Framework in requiring new developments to have high quality design and to relate well and enhance the character and appearance of the existing built environment and its surroundings.
- 4.8 The surrounding area comprises a mix of detached two-storey dwellings and bungalows, which are varied in design style and scale. It is also apparent that properties within Barnetts Lane are generally set back from the road, behind deep gardens, which provides a landscaped street frontage. The plot sizes within Barnetts Lane are relatively large, however, there are examples of smaller plots as a result of previous infill development.
- 4.9 The proposed bungalow would be set back a similar distance from the road as the existing bungalow, Tabrian, to respect the deep building line and new planting is proposed to help retain the landscaped street frontage.
- 4.10 It would be seen in the context of nearby residential development, which have similar plot sizes and density as proposed, for example Nos. 33 and 34 Barnetts Lane. The on-site parking area would not dominant the street scene as it would be well screened by existing and new planting. The proposed bungalow would have similar eaves and ridge height as the existing bungalow, Tabrian and a sufficient gap would be provided between the buildings to achieve an appropriate visual relationship. I therefore do not consider that the proposed bungalow would appear cramped within its plot or prominent in the street scene.
- 4.11 The design style of the proposed bungalow with a gable roof with hipped ends would reflect neighbouring properties, such as 1 Barnetts Grove and Comberton Hall Bungalow and would therefore not appear at odds with the character of the area.

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- 4.12 I therefore consider that the proposed bungalow can be accommodated on the site without detriment to the character and appearance of the area and would accord with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, the Design Guidance SPD and the National Planning Policy Framework.

IMPACT ON EXISTING RESIDENTIAL AMENITY

- 4.13 The proposed bungalow would be sited 8 metres from the adjoining rear garden belonging to Wychwood and at first floor, the proposed roof lights have been positioned high in the roof to have a cill height of 1.7 metres which would prevent overlooking of the adjoining rear garden. I have recommended that permitted development rights are removed for any new roof lights or enlargements of the proposed bungalow to safeguard the amenities of the adjoining occupiers.
- 4.14 The existing high hedgerow along the side boundary of the site would be retained and as such, there would be no material adverse impact on the amenity of the occupiers of the neighbouring property at 1 Barnetts Grove. If in the future the hedgerow was to be removed, I do not consider that the bungalow would result in any overlooking or overshadowing of 1 Barnetts Grove given its siting well forward of No. 1 and the separation distance.
- 4.15 Furthermore, I do not consider that the proposal would have any detrimental impact on the occupiers of the existing bungalow, Tabrian, as there would be no breach in the 45 degree code in relation to the nearest habitable room windows within the existing property.

PPROPOSED RESIDENTIAL AMENTIY

- 4.16 The Government's Technical Housing Standards - Nationally Described Space Standard (2015) sets out minimum gross internal floor areas and bedroom sizes for new homes. This is an optional national standard and can only be required through any new Local Plan policies. The Council does not have a current Local Plan Policy that allows it to require compliance with these standards. However, the standards can be used as guidance to help assess new developments. The proposed bungalow in terms of its overall internal floor area and bedroom sizes would meet the recommended standards. As such, the proposal is considered to provide an acceptable standard of internal living accommodation for future residents. I also consider that the outdoor amenity space would be acceptable for the size of the proposed bungalow.

BIODIVERSITY

- 4.17 The proposed development would be on existing garden land, which comprises mostly grass areas which is considered to have low ecological value and given that no significant trees are to be felled, I do not consider that the proposals would result in harm to biodiversity, in accordance with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

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HIGHWAY SAFETY AND PARKING

- 4.18 The Highways Authority states that there are no highway safety objections to the application and that the development accords with the Adopted Parking Standards. Subject to conditions to require the car and cycle parking and access arrangements to be provided prior to first occupation, I consider that the proposal would be acceptable in terms of highway safety. The development would therefore accord with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

OTHER MATTERS

- 4.19 I have taken into account the concerns raised by the adjoining occupier in respect of the size of the plot, density, the impact on the character and appearance of the area and impact on their privacy. I have concluded that the plot size would be similar to other plots nearby and that the proposed bungalow would be sited a sufficient distance from the road and together with its modest scale and massing, would not appear prominent in the street scene or have a detrimental impact on the character and appearance of the area. I have also concluded that there would be no adverse impact on the amenity of existing occupiers in terms of overlooking. I also do not consider that the proposed development would set a precedent for further developments as each application is considered on its own merits and I have considered this application in terms of its specific site circumstances and the surrounding character of the area.

PLANNING BALANCE

- 4.20 When considering the 'tilted balance', the balance requires that planning applications should be approved unless any identified harm would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole.
- 4.21 I have considered the application in respect of the three dimensions of sustainability and the only harm that has been identified is the conflict with the Development Plan policies by virtue of the development being on non-previously developed land.
- 4.22 I therefore conclude that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits, which include the need to boost the supply of housing and the economic and social benefits that arise from new housing. I therefore consider that the proposal would represent sustainable development as defined by the National Planning Policy Framework (2018) and that the planning balance is clearly in favour of the development.

5.0 Conclusions and Recommendations

- 5.1 The proposed development would not have a detrimental impact on the character and appearance of the area, because of the distance from the road; the modest built form and scale of the building; and the design style which is

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in keeping with neighbouring properties. I also consider that the plot size and spacing around the building reflects similar developments within Barnetts Lane. The development would not give rise to any overlooking, overshadowing or any other harm on neighbouring occupiers. Adequate access and parking provision can be provided and an acceptable living environment for future occupiers can be achieved. Whilst the proposed development would be on garden land, contrary to the Development Plan, which results in harm. It is considered that this harm would not significantly and demonstrably outweigh the benefits, which includes the need to boost the supply of housing. Therefore, when considering the 'tilted balance', the planning balance is clearly in favour of the proposal.

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. B11 (Details of enclosure)
5. B13 (Levels details)
6. Parking Provision and Access Arrangements to be provided
7. Cycle Storage to be provided
8. Landscaping scheme to be provided and implemented
9. Removal of PD Rights for Alterations to Roof and Extensions

Notes

- A. STW – Sewer within the site.
- B. This permission does not authorise the applicant to carry out works within the publicly maintained highway.

Application Reference:	19/0019/FULL	Date Received:	08/01/2019
Ord Sheet:	380154 269835	Expiry Date:	05/03/2019
Case Officer:	Julia McKenzie-Watts	Ward:	Areley Kings & Riverside

Proposal: Demolition of garage and erection of a two-bed bungalow with associated parking and amenity space

Site Address: 85A ARELEY COMMON, STOURPORT-ON-SEVERN, DY130NG

Applicant: Crossfire Developments Ltd (Mr N Carpenter)

Summary of Policy	DS01, CP03, CP11, CP12 (CS) SAL.PFS1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance, Supplementary Planning Document National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning application represents Departure from the Development Plan
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site comprises garden land belonging to 85A Areley Common which is a detached bungalow with large attached garage in a residential area of Stourport on Severn. The surrounding area is characterised by dwellings of differing styles and sizes mostly within large plots. A large attached garage would be demolished to make space for the proposed new dwelling.
- 1.2 The application seeks for the erection of detached 2 bedroom bungalow with two parking spaces to the front, which would utilise the existing access point and would be sited to the side of the existing bungalow.

2.0 Planning History

- 2.1 None

3.0 Consultations and Representations

- 3.1 Stourport on Severn Town Council – Views awaited

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- 3.2 Highway Authority - Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 recommends that this application be deferred. The justification for this decision is provided below.

Whilst the parking and shared turning provision shown on plan appears to conform to policy requirements dimensions should be provided including the width of the access. Moreover, the proposed development of an additional 2no bedroom dwelling represents an intensification of use of an existing access which is sub-standard due to poor visibility.

The applicant has proposed improvements to increase visibility however the site is located on a classified road (B4196) which is also a main bus route and the additional residential use will result in an increase in peak related trip movements on the network. Therefore visibility must be shown in line with policy, measuring 2.4m back from the edge of carriageway in the centre of the access and to the kerb line in each direction. The extent of the splay should be based on 85th percentile vehicle speeds rather than the 30 mph speed limit and the applicant may need to undertake a speed survey to establish actual vehicle speeds in this location.

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

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

Severn Trent Water advise 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.

- 3.4 North Worcestershire Water Management - Surface water from the bungalow, car parking spaces and turning area shall discharge to soakaway drainage. The soakaway drainage shall be implemented prior to the first use of the development and thereafter maintained.

- 3.5 Worcestershire Regulatory Services (Noise) – No objection

19/0019/FULL

3.6 Neighbour/Site Notice –1 letter received raising the following concerns:

- The demolition and construction vehicles would park either side of our driveway because there would be no room for parking on site and there are double yellow lines on that side of the road. We already find it difficult to pull out of our drive due to it being on the brow of a hill and cars parked either side blocking our view; with large builders vehicles it would be even more hazardous.

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

4.1 The application site relates to land to the side of number 85A Areley Common which is currently occupied by an attached garage within a residential area of Stourport on Severn. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. It is not clear in the revised NPPF if garages within built up areas can be classified as previously developed land. The definition excludes *'land in built up areas such as private residential gardens, parks, recreation grounds and allotments'*, but garages are not explicitly referenced. This makes it more challenging for this application to meet current Policy SAL.DPL.1 criteria.

4.2 Notwithstanding this, housing numbers within the Adopted Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which was subsequently been withdrawn. The current need is based upon Objectively Assessed Housing Need Assessment, however the Council has failed for the last 3 years to meet its assessed need. The National Planning Policy Framework advises that based on these circumstances relevant policies for the supply of housing are therefore out of date. Based on the latest Housing Residential Land Availability data, whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites there still 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.

DESIGN

4.3 The proposed bungalow would be constructed in materials to match the adjacent property at number 85A which is brick, part render and a tiled roof. The accommodation would consist of an entrance hall, sitting room, kitchen, bathroom, en-suite and two bedrooms. In design terms the dwelling is sympathetic in scale and character to the adjacent bungalow to the north and semi detached two storey dwelling to the south

19/0019/FULL

- 4.4 The bungalow would be separated from 85A Areley Common by a gap of 3.5 metres at the rear and 7.3m at the front with a gap of 6.1m to the side wall of 87 Areley Common which is at a lower level. The nearest property to the rear is located more than 30 metres away.
- 4.5 The erection of a bungalow on this site is unlikely to have an adverse impact on neighbouring properties in terms of privacy and light given the proposed plot size and degree of separation from the neighbouring properties to the side and rear. All side facing windows are to be obscurely glazed in order to further minimise impact on neighbours.

HIGHWAYS AND ACCESS

- 4.6 The applicant has proposed improvements to increase visibility however the site is located on a classified road (B4196) which is also a main bus route and the additional residential use will result in an increase in peak related trip movements on the network. Therefore visibility must be shown in line with policy, measuring 2.4m back from the edge of carriageway in the centre of the access and to the kerb line in each direction. The extent of the splay should be based on 85th percentile vehicle speeds rather than the 30 mph speed limit and the applicant may need to undertake a speed survey to establish actual vehicle speeds in this location. The applicant has been informed that further information in order to satisfy highways will be required before a formal decision is made.

OTHER MATTERS

- 4.7 North Worcestershire Water Management has offered no objection to the scheme subject to the inclusion of a condition and Worcestershire Regulatory Services have also offered no objection in terms of noise adversely impacting future residents.
- 4.8 A neighbour opposite the entrance to the application site has raised concern over potential construction vehicles parking due to limited room on site, however this is not a planning matter and cannot be taken into account when determining the application.

5.0 Conclusions and Recommendations

- 5.1 Having assessed the principle of the development and identifying no harm, it is considered acceptable. The proposed bungalow 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 Development Plan policy.

19/0019/FULL

5.2 It is therefore recommended that the application be given **delegated APPROVAL** subject to no objections from the Highway Authority upon suitably revised visibility splay and speed survey scheme, and the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Highways
5. Highways
6. Details of walls, fences and other means of enclosure to be submitted
7. Details of hard and soft landscaping to be submitted
8. Drainage
9. Obscurely glazed side windows

Notes

Highway

Application Reference:	19/0020/LIST	Date Received:	08/01/2019
Ord Sheet:	383146 276554	Expiry Date:	05/03/2019
Case Officer:	Helen Hawkes	Ward:	Blakebrook & Habberley South

Proposal: Listed Building Consent for external repair works

Site Address: KIDDERMINSTER TOWN HALL, VICAR STREET,
KIDDERMINSTER, DY101DB

Applicant: Kidderminster Town Council

Summary of Policy	CP01, CP11 (CS) SAL.UP6, SAL.UP7 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

1.1 Kidderminster Town Hall is a Grade II Listed Building, which includes the Corn Exchange building. It was constructed in the 19th Century and comprises a two storey red brick building with stone dressings, brick parapet with inset iron grilles, stone cornice and brick and stone pilasters with stone caps. It is located on the west side of Vicar Street, within the heart of Vicar Street Conservation Area and Kidderminster Town Centre. Kidderminster Town Hall is currently being used by Wyre Forest District Council Hub and provides various rooms for events as well as a council chamber.

1.2 The application is for listed building consent to undertake necessary like-for-like repair work on Kidderminster Town Hall.

1.3 The proposed works would include:

- Re-bed all loose sections of stone copings;
- Repair stonework and cracked brickwork;
- Clean down all stonework, removing all moss/lichen/dirt staining; and
- Re-pointing of mortar joints and masonry where eroded, cracked or missing.

1.4 The application has been submitted with a supporting Heritage Statement and Schedule of Works including detailed drawings and photographs illustrating the location of works.

19/0020/LIST

2.0 Planning History

- 2.1 09/0323/LIST – Structural steel supports to the Town Hall server room floor, creation of UPS/server room in basement room below main server room (formerly gas meter room) : Approved 31.07.09

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Views awaited.
- 3.2 Conservation Officer – No objection to the application, subject to a condition to require further details on the materials to be used in the repair works, such as stone (type, source and colour), bricks (type, source, colour and size), mortar mixes (lime) , roof material and type of rainwater goods.
- 3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.2 The National Planning Policy Framework 2018 contains a presumption in favour of sustainable development. The National Planning Policy Framework makes specific reference to 'Heritage Assets', which includes listed buildings and conservation areas. In Paragraph 189 it states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 goes on to explain that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 4.3 Policy SAL.UP6 of the Adopted Site Allocation and Policies Local Plan also states that conversions, alterations and repairs to heritage assets should take into account the materials, styles and techniques to be used and ensure that there is no detrimental impact on the significance of the heritage asset.
- 4.4 The Kidderminster Town Hall is a Grade II Listed Building and is located within the heart of the Vicar Street Conservation Area. The principal style of buildings in the Vicar Street Conservation Area is a high quality nineteenth century interpretation of the Italianate and it is noted within the submitted Heritage Statement that the Kidderminster Town Hall exhibits very high quality incorporation of Italianate Classical orders. The proposed repair work and retention of the architectural detailing would therefore ensure the long term protection of the character and appearance of this Grade II Listed Building.

19/0020/LIST

- 4.5 The Conservation Officer supports the application and has recommended a condition to require further details of the proposed materials to be used in the repairs to ensure they match the current appearance of the building. The applicant has agreed with this pre-commencement condition.
- 4.6 I therefore consider that the proposal is acceptable and subject to conditions would ensure the long term protection of the architectural detailing of the building, which would preserve the special interest of this Grade II Listed Building and its contribution to the character and appearance of the Vicar Street Conservation Area. The development would therefore be in accordance with Policy SAL.UP6 of the Adopted Site Allocation and Policies Local Plan and the National Planning Policy Framework.

5.0 Conclusions and Recommendations

- 5.1 The proposed repair work would ensure long term protection of the architectural detailing of the building, which would preserve the special interest of this Grade II Listed Building and its contribution to the character and appearance of the Vicar Street Conservation Area. The proposal would therefore make a positive contribution to the significance of these heritage assets, in accordance with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.
- 5.2 It is therefore recommended that the application be given **delegated APPROVAL** subject to receiving a 'no objection' response from Kidderminster Town Council and subject to the following conditions:
1. A7 (Time Limit for Listed Building Consent)
 2. A11 (Approved Plans)
 3. B6 (External Details – Approved Plan/Schedule of Works)
 4. G1 (Details of Materials)

WYRE FOREST DISTRICT COUNCIL

Planning Committee

19 February 2019

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
WFA1509 18/0318/CERT/3209785	APP/R1845/X/18	Plant & Cheeseman	TANGLE TREE BUNGALOW WOLVERLEY ROAD KIDDERMINSTER Proposed detached garage	WR 27/09/2018	01/11/2018			Dismissed 31/01/2019
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	

Agenda Item No. 6

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
WFA1511 18/0373/FULL	APP/R1845/W/1 8/3210105	Mr A Willets	BEECH ELM FARM CLATTERCUT LANE RUSHOCK DROITWICH WR9 0NG Conversion of agricultural building to a dwellinghouse, including external alterations and parking provision	WR 07/11/2018	12/12/2018			
WFA1512 18/0586/FULL	APP/R1845/D//1 8/3217339	MR G RANDHAWA	EPWORTH 27 STANKLYN LANE STONE KIDDERMINSTER Two storey extension to sides and rear of dwelling	WR 12/12/2018	16/01/2019			Dismissed 06/02/2019

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
WFA1513 18/3045/TE	APP/R1845/W/1 8/3212592	CTIL & Vodafone Ltd	PAVEMENT OFF HABBERLEY LANE OPPOSITE THE JUNCTION WITH The installation of a 12.5 metre monopole with 3No. Shrouded antennas and 3No. Equipment cabinets	WR 28/12/2018	01/02/2019			

Appeal Decision

Site visit made on 7 January 2019

by Elizabeth Jones BSc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2019

Appeal Ref: APP/R1845/X/18/3209785

Tangle Tree Bungalow, Wolverley Road, Kidderminster DY11 5QL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Plant and Cheeseman against the decision of Wyre Forest District Council.
 - The application Ref 18/0318/CERTP, dated 8 May 2018, was refused by notice dated 25 May 2018.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is single storey detached pitched roof, with masonry walls, domestic garage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the appeal site differs between the application and appeal forms. For consistency I have used that stated on the appeal form and decision notice.

Reasons

3. The appeal property is a detached bungalow set in a generous sized plot. The appellant proposes to erect a detached garage in the garden of the property. It is contended by the appellant that this would be lawful as the proposal would be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). In an application for a LDC, the burden of proof is firmly on the appellant to demonstrate on the balance of probabilities that, at the time of the application to the Council, the proposed development would have been lawful.
4. Amongst other things, Class E, of Part 1, Schedule 2 of the GPDO sets out that the provision within the curtilage of a dwellinghouse "any building... required for a purpose incidental to the enjoyment of the dwellinghouse as such" is permitted development. The Council considers that the proposed garage is not permitted because it fails to meet the provisions of paragraph E.1(c). This excludes from permitted development any part of a building which would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. The parties disagree on what constitutes the principal elevation for the purpose of permitted development rights under Class E of the GPDO.

The Council considers that the west elevation is the principal elevation. The appellant with reference to a list of factors contends that because they front a highway, either the east elevation, which faces Wolverley Road or the north elevation, which faces the private access road should be considered as the principal elevation.

5. The main issue is, therefore, which elevation is the principal one? Principal elevation is not defined in the GPDO but the Department for Communities and Local Government "Permitted Development for Householders: Technical Guidance" advises that in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.
6. There is no dispute that the original dwellinghouse has been extended to the west and to the south of its original footprint. Whilst the original property lacked any main architectural features and location of the original main door is unknown, it is accepted by both parties that the main entrance door to the house is in the west elevation. Also, the west elevation is identified as the 'front' elevation on the submitted drawings. This is reinforced by the way in which signage to the property directs visitors from Wolverley Road along a private access road north of the dwelling to a driveway leading to the front door of the house. Thus, an ordinary man in the street approaching the property and looking for the front of the house would go to the western elevation.
7. Although the principal rooms now face east towards Wolverley Road, the road is approximately 60 metres from the house beyond a garden area and boundary hedge. In the east elevation access into the house is via patio doors. I accept that there are fields to the west of the property and that the west elevation is opposite to the public highway. Nevertheless, any visitor would understand this garden area to be the rear garden of the property and therefore the east elevation to be the back of the property. Thus, despite the angles of both the east and north elevations in relation to Wolverley Road and the private access road respectively, in this particular case, I consider that the principal elevation is not necessarily the elevation that fronts a highway. For the reasons given I consider that it is the west elevation which is reasonably understood to be the front of the house and for the purpose of Class E of the GPDO it is the principal elevation.

Conclusion

8. For the reasons given above, I conclude the Council's refusal to grant a certificate of lawful use or development in respect of a single storey detached pitched roof, with masonry walls, domestic garage was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Elizabeth Jones

INSPECTOR

Appeal Decision

Site visit made on 16 January 2018

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 6 February 2019

Appeal Ref: APP/R1845/D/18/3217339

Epworth, 27 Stanklyn Lane, Stone, Kidderminster, DY10 4HR

- 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 G Randhawa against the decision of Wyre Forest District Council.
 - The application Ref 18/0586/FULL, dated 12 September 2018, was refused by notice dated 7 November 2018.
 - The development proposed is two storey extension to sides and rear of dwelling.
-

Decision

1. The appeal is dismissed.

Main issues

2. I consider that the main issues in this case are a) whether the proposal constitutes inappropriate development in the Green Belt, b) its effect on the openness of the Green Belt and on the character and appearance of the area, and c) if it is 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 necessary to justify the development.

Reasons

3. The National Planning Policy Framework (the Framework) (updated 2018) sets out several categories of new buildings which are not inappropriate development in the Green Belt as does policy SAL.UP1 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026, adopted 2013 (the local plan). Both allow for the extension or alteration of an existing dwelling provided that it does not result in disproportionate additions over and above the size of the original building. Original building is defined as that which existed on 1 July 1948 or, if constructed after that date, as it was built originally.
4. The Framework states that inappropriate development is, by definition, harmful and should only be approved in very special circumstances. These will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
5. The appeal site comprises a detached two storey house located at the end of a row of four well spaced dwellings along the northwest side of Stanklyn Lane.

There is a longer ribbon of residential development along the southeast side of the road. The site is immediately adjacent to open countryside which extends to the north, east and south within the Green Belt.

6. The house is sited more or less centrally in the plot and well spaced from the road and from the side boundaries. It has a conservatory attached to the west side and a single storey lean-to extension and open porch at the rear. There is a container in the southwest corner of the front garden, and some garden sheds in the rear garden.

Inappropriate development

7. The proposal is for a two storey extension approximately 3.5m wide on one side and a two storey extension approximately 4m wide on the other, replacing the existing conservatory and wrapping round to the rear. The roof would be extended to east and west to incorporate two en suite rooms with dormer windows. There would be substantial alterations to the front elevation to provide a new entrance in a partially glazed new gable.
8. Neither the Framework nor the Council's policies indicate what constitutes disproportionate additions, but it is clear that it is the accumulation of additions to the original building which is important, rather than individual ones.
9. The house has already been extended twice under permitted development rights. On the basis of the information before me, it appears that the cumulative total of the proposal and the previous additions to the building would amount to an increase in volume of approximately 179% over the original. I consider that this would amount to a disproportionate addition to the original house.
10. I therefore conclude that the proposal is inappropriate development in the Green Belt. Such development is, by definition, harmful and is contrary to the guidance in the Framework and local plan policy SAL.UP1. The resultant harm should be given substantial weight in determining the appeal.

Openness

11. The Framework states that the essential characteristics of Green Belts are their openness and permanence. The dwelling stands in a large plot which has an open, spacious quality, enhanced by its proximity to open countryside. It is partially screened by trees from the west, but otherwise is clearly visible from the road. I consider that the proposed extensions would be substantial in terms of the increase in footprint and overall height and bulk. The increase in length and volume of the main roof, although no higher overall than the existing, would further increase the bulk of the building. The proposal would result in a significant and permanent reduction in the openness of the Green Belt.
12. I conclude that the proposal would harm the openness of the Green Belt, contrary to the guidance in the Framework and local plan policy SAL.UP1.

Character and appearance

13. The proposed extensions, by virtue of their size, height, bulk and overall design, would be out of scale not only with the existing house but also with other dwellings in the vicinity.

14. Local plan policy SAL.UP8 encourages good design. Among other things, it requires residential extensions to be subservient to and not overwhelm the original building and to be in scale and keeping with its form and architectural characteristics. This is consistent with the Framework which requires new development to be of a high quality of design.
15. There is no consistent style of dwellings along the street and it would not necessarily be unacceptable to introduce an altered design for this house. However, the proposal would result in a radical change to the whole character of the house, transforming it from a relatively modest building with an irregular footprint and roof form into a grand, squared off block which would be wholly out of keeping with the more modest dwellings in the vicinity and the rural character of this part of the Green Belt.
16. The appellant argues that the proposal amounts to a redesign of the house and therefore the need for the extensions to be subservient to the main house is not appropriate. I consider that, while this approach might be acceptable in some locations, this site lies in the Green Belt and adjacent to open countryside, where the proposed design and bulk of the proposal would be unacceptable. I have therefore assessed the proposal according to the description set out on the application form and in accordance with policies in the local plan and the Framework as they relate to extensions in the Green Belt and in general.
17. I conclude that the proposal would harm the character and appearance of the existing house and the wider area, contrary to local plan policy SAL.UP8 and the Framework.

Conclusions

18. The harm caused by the inappropriateness of the development carries substantial weight, as does the harm to the openness of the Green Belt and the character and appearance of the area.
19. For the reasons given above and having regard to all other matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. There are, therefore, no very special circumstances to justify the development. It conflicts with local plan policies SAL.UP1 and SAL.UP8 and the Framework and the appeal is dismissed.

PAG Metcalfe

INSPECTOR

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19th February 2019

Land at Stanley Dental Practice, 124 Stourport Road, Kidderminster

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

1. PURPOSE OF REPORT

- 1.1 To determine whether the Tree Preservation Order No 434 (2018) relating to four Maple trees, within the car park of Stanley Dental Practice, should be confirmed or not.

2. RECOMMENDATION

- 2.1 That the Tree Preservation Order (TPO) be confirmed with the following modification:

TPO to only include:

T2 – Maple

T3 – Maple

T4 – Maple

as these trees contribute to the amenity of the locality and are considered worthy of protection.

- 2.2 For reasons given in this report, the following tree should be removed from the original Schedule 1 of the TPO:

T1 – Maple

3. BACKGROUND

- 3.1 On 23 October 2018 Officers received an email from the owners of 124 Stourport Road, Kidderminster requesting confirmation on whether there were any trees covered by a Tree Preservation Order on the front boundary of the dental practice.
- 3.2 Officers were aware of the trees in question and the amenity they provide to the Stourport Road corridor and were concerned that these trees were under threat. As a result, a brief inspection took place from the highway in order to make a judgement on their general health and suitability for preservation.
- 3.3 A total of five, semi mature, Norway Maple trees are located to the front of the dental practice; one is in a very poor condition and almost completely dead. The other four were considered to be in a good condition, offering significant amenity to the street scene. It was therefore concluded that a provisional TPO be made on the four Maples.
- 3.4 The Tree Preservation Order was served on 26 October 2018.

4. KEY ISSUES

- 4.1 Concerns have been expressed to the making of the TPO from the owner of the site dated 26 and 31 October 2018.
- 4.2 The objections are summarised below:
- KFC and Starbucks have removed all of their trees without issue
 - We need to remove ours as they are hazardous to patients and we also need to make our car park bigger to service public demand
 - No TPOs were on the trees at the time we checked your website, and we had already instructed a tree surgeon to remove them
 - We are obviously most disappointed you choose to act in this manner, particularly as we were simply trying to serve the community by growing our practice to service the growing demand for dental care following the 400+ houses that have been built within a 3 mile radius of the practice.
- 4.3 Members will be aware that unprotected trees can be removed without consent. Officers were unaware of any intention to remove the trees on the KFC/Starbucks site until it was too late and the trees were removed.

- 4.4 Following the serving of the TPO, discussions have taken place in connection with the remodelling of the car park at the practice. As part of this process it was felt that T1 could be removed to facilitate the inclusion of an additional 2 or 3 car parking spaces, so as to not hinder the aspirations of the practice to expand. This will not adversely affect the amenity of the street scene as the block of three maples, known as T2, T3 and T4 will be retained.
- 4.5 In respect of safety, four of the five trees look to be in a sound condition. No further detail is given within the objection as to how the trees are hazardous to the patients. The retention of the three trees, as recommended, is considered not to raise any health or safety concerns.
- 4.6 It is unfortunate that the owner had instructed a tree surgeon. However, the Local Planning Authority (LPA) has powers, under Section 198 of the Town and Country Planning Act 1990, to make new orders when it is “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. This can occur at any time, to prevent the removal of trees deemed to have a high public amenity value. Officers acted in a timely fashion making the Order within three days. The Order was served via first class post and an email was sent with a copy of the Order to ensure the change in status was known. It is not felt that this process has disadvantaged the owner of the site.
- 4.7 Members are fully aware that in respect of confirming the TPO, as recommended in this report, this will not prevent further works but simply allow the Council to control works to the trees. In respect of the remodelling of the dental practice car park, the three Maples will need to be considered in the final design, which will include the need for tree friendly road construction methods. This may add to the overall cost of the works, but will not prevent the ambitions of the practice.
- 4.8 Having taken account of all the objections raised, Officers are of the opinion that as there were no other matters received, this would not prevent the Order being confirmed as recommended.

5. FINANCIAL IMPLICATIONS

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

6. LEGAL AND POLICY IMPLICATIONS

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

7. RISK MANAGEMENT

- 7.1 There are no risk management issues arising directly as a result of this report.

8. EQUALITY IMPACT ASSESSMENT

8.1 There are no equality impact implications to be considered.

9. CONCLUSION

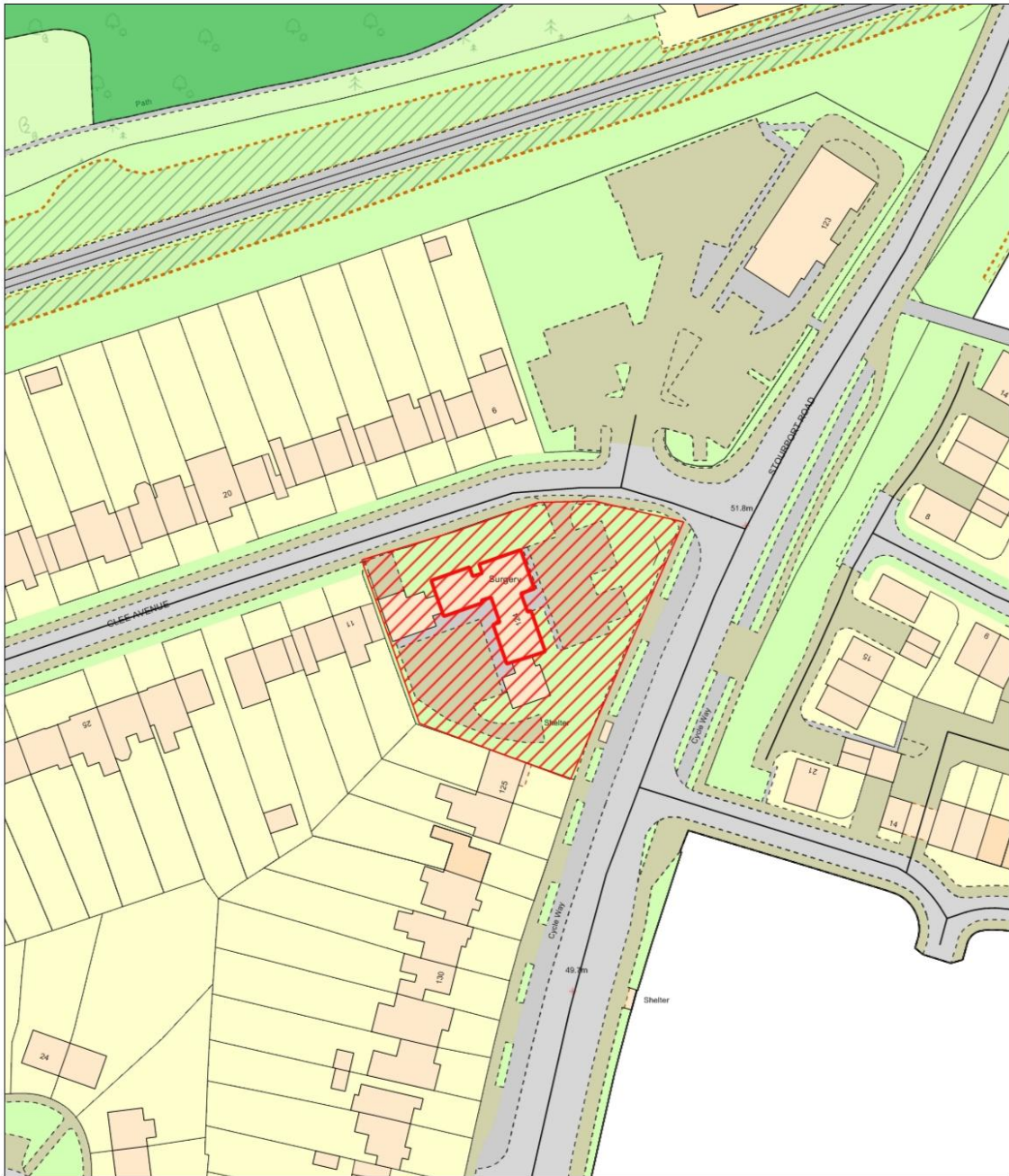
9.1 Due to the reasons given above, Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be confirmed with a modification to remove T1 from the Order.

10. CONSULTEES

10.1 None

11. BACKGROUND PAPERS

11.1 Tree Preservation Order No. 434



Economic Prosperity and Place Directorate

Stanley Dental Practice

124 Stourport Road, Kidderminster

DY11 7BW



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Scale 1:1000

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