

Open

Planning Committee

Agenda

6pm
Thursday, 23rd May 2019
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Councillor J Aston	Councillor C Barnett
Councillor V Caulfield	Councillor S Chambers
Councillor C Edginton-White	Councillor P Harrison
Councillor M Hart	Councillor L Jones
Councillor F Oborski MBE	Councillor C Rogers
Councillor J Thomas	Councillor L Whitehouse

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.

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or Director: 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

Thursday, 23rd May 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 16 th April 2019.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	14
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.	85
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

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

Not open to the Press and Public

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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

16TH APRIL 2019 (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, F M Oborski MBE, C Rogers and S J Williams.

Observers:

There were no members present as observers.

PL.66 Apologies for Absence

There were no apologies for absence.

PL.67 Appointment of Substitutes

No substitutes were appointed.

PL.68 Declarations of Interests by Members

There were no declarations of interest.

PL.69 Minutes

Decision: The minutes of the meeting held on 19th February 2019 be confirmed as a correct record and signed by the Chairman.

PL.70 Applications To Be Determined

Councillor C Rogers entered the meeting at this point (6:04pm)

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 572 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 572 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.71 Scheme of Delegation – Proposed Changes

The Committee received a report from the Corporate Director: Economic Prosperity and Place seeking the approval of the Planning Committee for proposed changes to

the scheme of delegation, to help provide clarity for Officers, Councillors and members of the Public. The Development Manager led Members through the report explaining in detail the reasons for the proposed changes.

Decision: Recommend to Council that they APPROVE the proposed changes to the scheme of Delegation as set out in Appendix 2 of the report and on the addenda and corrections sheet.

PL.72 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.73 Section 106 Obligation Monitoring

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

Decision: The details be noted.

There being no further business the Chairman expressed his thanks to Councillor Williams who was stepping down at the May Elections. The Chairman acknowledged the 12 years that Councillor Williams had held the position of Chair of the Planning Committee and thanked him for his endeavours in the role.

Councillor Williams thanked the Chairman for his kind words and wished the Committee all the best for the future.

The meeting ended at 6:27pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16th April 2019 Schedule 572 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: 18/0689/FULL

Site Address: LAND AT STONE MEADOW, BUTTS LANE, STONE, KIDDERMINSTER, DY10 4BH

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; to define curtilage and any other fences etc.)
5. B13 (Levels details)
6. Cross-Sections of Earth movements – dwelling and pool
7. C12 (Details of earthworks)
8. C6 (Landscaping – small scheme)
9. C8 (Landscape implementation)
10. Highway - Parking and access
11. Highway – Welcome Pack
12. Highway – Garage to be used for cycle parking, garage and storage only
13. J1 (Removal of permitted development – residential)
14. Drainage – Surface water
15. Drainage – Foul water
16. Ecological Mitigation
17. Unexpected contamination

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. A6 (Full with no reserved matters)
 - 2. A11 (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 23. remediation scheme
 - 23. Programme of Archaeological Work including Written Scheme of Investigation
 - 24. Implementation of approved Written Scheme of Investigation

Application Reference: 18/0531/FULL

Site Address: 56 PUXTON DRIVE, KIDDERMINSTER, DY11 5HY

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. Submission of a CEMP prior to the commencement of works on site
10. No obstruction to the vehicular access of the SSSI adjacent to the site
11. Proposal to be carried out without endangering public safety
12. Cattle water stop tap must be protected from works on site

Note

This permission does not confer on the Applicant the right to put scaffolding up on land owned by a third party or without the third party's consent. You should therefore contact Worcestershire County Council for their consent prior to erecting any scaffolding.

Application Reference: 19/0010/FULL

Site Address: THE GOAT HOUSE, CLEOBURY ROAD, BEWDLEY, DY12 2QT

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. A10 (Personal permission)
4. J3 (Restriction on separate use)
5. J6 (Domestic purposes on)
6. J10 (Disabled Access)

Application Reference: 19/0063/FULL

Site Address: 166 SUTTON PARK ROAD, KIDDERMINSTER, DY11 6LF

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans) and AIA
3. Building and hard surfacing materials
4. Boundary treatment
5. Site and finished floor levels
6. Obscure glazing to first floor side facing windows
7. Hedgerow Protection
8. Secure recommendations set out in Arboricultural Method Statement
9. Pre-commencement Tree Site Meeting
10. Landscaping scheme
11. Landscaping Implementation
12. Pedestrian visibility splays
13. Access, turning area and parking facilities
14. Removal of PD Rights for Alterations to Roof, Windows and Extensions
15. Lighting scheme
16. Require two bat boxes
17. Additional bat survey required if demolition does not commence before September 2019.
18. Drainage scheme

Notes

- A Highways
- B Ecology
- C WRS Demolition
- D Severn Trent Water

Application Reference: 19/0097/FULL

Site Address: LAND ADJACENT TO 23 SILVER BIRCH DRIVE, KIDDERMINSTER, DY10 3XD

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
9. Landscaping scheme to be implemented
10. J1 (Removal of PD Rights for Alterations to Roof and Extensions)
11. J9 (Open plan frontages)

Notes

- A Severn Trent Water
- B Highways

Application Reference: 19/0114/FULL

Site Address: 2 SION HILL, KIDDERMINSTER, DY10 2XS

Delegated **APPROVAL** subject to:

- a) the signing of a **Section 106 Agreement** to prevent the previously approved Planning Permission being implemented; and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B1 (Samples/details of materials)
 - 4. Bat box to be provided
 - 5. Lighting assessment to be provided
 - 6. Access, turning and parking facilities to be provided
 - 7. Temporary permission for two year period for a Log cabin

Application Reference: 19/0133/FULL

Site Address: 7 WESTHEAD ROAD NORTH, COOKLEY, KIDDERMINSTER, DY10 3TQ

APPROVED subject to the following conditions:

- 1. A6 (Full with no reserved matters)
- 2. A11 (Approved plans)
- 3. B6 (External details – approved plan)
- 4. Access and parking facilities

Application Reference: 19/0134/FULL

Site Address: 42 FRANCHE ROAD, WOLVERLEY, KIDDERMINSTER, DY11 5TP

APPROVED subject to the following conditions:

- 1. A6 (Full with no reserved matters)
- 2. A11 (Approved plans)
- 3. B3 (Finishing materials to match)
- 4. J7 (Obscure glazing on side elevation)

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

23/05/2019

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
19/0037/S73	VALE ROAD CAR PARK STOURPORT-ON-SEVERN	REFUSAL	15
19/0139/FULL	LESWELL COURT LESWELL STREET KIDDERMINSTER	APPROVAL	22

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
19/0050/FULL	37 NORTHUMBERLAND AVENUE KIDDERMINSTER	APPROVAL	27
19/0053/FULL	SPENNELLS PLAYING FIELD HERONSWOOD ROAD KIDDERMINSTER	APPROVAL	31
19/0062/FULL	BEECHFIELDS 24 WHITEHILL ROAD KIDDERMINSTER	APPROVAL	35
19/0105/FULL	23 HARRIERS GREEN KIDDERMINSTER	APPROVAL	42
19/0125/FULL	1 THE FIRS CLOSE KIDDERMINSTER	APPROVAL	45
19/0127/FULL	BERRINGTON COURT LAND ADJACENT TO BERRINGTON COURT FELIX BAXTER DRIVE KIDDERMINSTER	APPROVAL	49
19/0140/FULL	OLD HALL FARM TENBURY ROAD CLOWS TOP KIDDERMINSTER	APPROVAL	59
19/0162/FULL	HAYMIT WORCESTER ROAD CLOWS TOP KIDDERMINSTER	APPROVAL	66
19/0181/FULL	PARK ATTWOOD TRIMPLEY LANE SHATTERFORD BEWDLEY	DELEGATED APPROVAL	73

WYRE FOREST DISTRICT COUNCIL
PLANNING COMMITTEE
23RD MAY 2019

PART A

Application Reference:	19/0037/S73	Date Received:	21/01/2019
Ord Sheet:	381287 271506	Expiry Date:	18/03/2019
Case Officer:	Paul Round	Ward:	Mitton

Proposal: Variation of condition 2 of 17/0104/RESE to allow amendments to the position of dwellings and other associated changes including relocation of footpath link

Site Address: VALE ROAD CAR PARK, STOURPORT-ON-SEVERN, DY138YJ

Applicant: Elmsvyne Ltd

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

1.0 Site Location and Description

- 1.1 The site forms what was originally part of the Vale Road Public Car Park, which was sold by the Local Authority for development. The relevant permissions were obtained for 6 residential units with the reserved matters permission being approved in 2017.
- 1.2 The site is bounded by Mitton Gardens to the rear and Vale Road to the front where access is provided. There are a mixture of residential, commercial and community facilities within the area.
- 1.3 It is evident that the construction of the dwellings has not adhered to the approved plans. Whilst some aspects are being rectified by the developer there are fundamental deviations where an application is required to regularise such changes. This application is the second of such applications in an attempt to demonstrate to the Local Authority that the development should be retained as constructed. A number of the properties are now occupied.

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2.0 Planning History

- 2.1 15/0624/FULL - Outline Application (15/0624/OUTL) for residential development (max 6 units) : Approved
- 2.2 17/0104/RESE - Approval of reserved matters (Layout, scale, appearance, access, landscaping) in respect of approved Outline Application (15/0624/OUTL) for residential development (max 6 units) : Approved
- 2.3 18/0603/S73 - Variation of condition 2 of 17/0104/RESE to allow amendments to the position of dwelling and other associated changes including removal of footpath link : Refused

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Object and recommend refusal
- 3.2 Highway Authority – No objection subject to the footpath link being provided.
- 3.3 Arboricultural Officer – No objections
- 3.4 Operational Services – Object to the loss of car parking spaces without justification or compensatory measures being put in place.
- 3.5 Worcestershire County Council Countryside Service - The above development affects a route for which we are in receipt of an application for a Definitive Map Modification Order (DMMO) to record a public right of way, that it is claimed already exists, under section 53 of the Wildlife and Countryside Act 1981. Fences and planting appear to obstruct the claimed route.

It is not until a DMMO application is researched and a legal Order made, advertised and confirmed that a path can be recorded on the Definitive Map. Whilst the Definitive Map is the only document containing legally conclusive evidence about public rights of way, it is a minimum record of public rights and does not preclude the possibility that unrecorded public rights may exist (such as those claimed), nor that higher rights may exist than those shown.

Should the DMMO be successful, a public footpath will need to be made available on the ground on the claimed route. It is an offence to obstruct a public right of way. It is also difficult to sell or obtain a mortgage on a property adversely affected by a public right of way, or a DMMO claim, as the information is provided through standard Searches. Therefore it is neither in the public nor the applicant's interest to block the claimed route by way of development. The landowner should consider dedicating the route to the public now using section 25 of the Highways Act 1980 to avoid a protracted DMMO legal process later, which typically results in referral to Secretary of State for determination by public inquiry.

19/0037/S73

Nevertheless, it appears to me from the submitted plan that there may be sufficient space alongside the southernmost property to enable the claimed route to be created at a later date if necessary, by removal of fences and planting, should the Definitive Map Modification Order be successful, or now should the landowner agree to dedicate the route to the public.

We have no objection to the planning application but suggest that the applicant/landowner notes the above points and considers taking private legal advice about appropriate action to take

3.6 Neighbour/Site Notice – 12 letters of objection received raising the following issues:

- Lack of safe access along Mitton Gardens to business through loss of footpath.
- Loss of car parking through new proposal for footpath. This will severely impact on businesses and residents. Cannot give Council land for a builder's mistake.
- Position of link does not make sense as it is close to the existing junction.
- The footpath that was lost is classified as a "Presumed Dedication" under a number of pieces of legislation

4.0 Officer Comments

4.1 The development as constructed fails in a number of areas to adhere to the acceptable design that had been approved as part of the reserved matters submission. The submitted plan as part of this amendment addresses in the main the concerns expressed in respect of boundary treatment and landscaping. However, the issue of the revised position of the dwellings and the loss of the footpath link to the south is a substantial and fundamental omission. As originally approved the footpath would link Mitton Gardens and Vale Road, running adjacent to the adjoining Church.

4.2 The whole ethos of design, as set out in the design policies of the Development Plan and the Government's aspirations of good design, is to create well connected places that integrate into the surrounding area. Key to this is taking the opportunities of providing enhancements to the character and quality of areas and the way they function. In the main, the amendments as shown are considered to be acceptable and the scheme could be approved if a suitable footpath link is provided. The provision footpath link is therefore the critical consideration in this case.

19/0037/S73

- 4.3 The previously refused application proposed an alternative link directly into the adjacent public car park. This was not only unacceptable in design terms but also introduced safety concerns for vulnerable users of the footpath. The current proposal now proposes a full footpath link between Mitton Gardens and Vale Road. To achieve this, the proposal seeks to obtain a 1.2m strip of land that is currently used as public car park and owned by the District Council.
- 4.4 The proposed footpath would remove approximately 4 car parking spaces. Policy SAL.CC2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan requires any reduction in car parking to be fully justified. No justification or analysis has been provided to support the loss of such spaces. The car park facility in Vale Road was significantly reduced as part of the original development. I do not consider that a further reduction has been justified. The facility provides an important parking resource for residents and local businesses, the loss of spaces would in my opinion result in a negative impact. Due to loss of public parking spaces, without compensation or justification, the provision of the footway would reduce public car parking and therefore be contrary to Policy SAL.CC2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.
- 4.5 Members will be aware matters of ownership of land are private matters and planning considerations cannot take into account the fact that a proposal is not within the ownership of the applicant. However the loss of car parking facilities has provided a negative response from the Council's Operational Services team. Officers have also discussed the proposal with the Council's Estates team who based on the impact of the proposal and the lack of mitigation or compensation would not be providing the developer with additional land. Whilst such matters are discussions outside the planning spectrum, the Planning Practice Guidance on the use of conditions is clear that a condition should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. Based on the advice provided from both Operational Services and Estates, I take the view that there is no prospects at all of the footpath link being provided within a reasonable amount of time, that would be expected by an imposed condition. Such a condition cannot therefore be imposed. The application has to be determined on the basis of no footpath link provision.
- 4.6 The Highway Authority has provided a 'no objection' response subject to the provision of the footpath. The inability of the developer to provide the footpath link fails to provide a development that promotes sustainable or safe means of access to the surrounding area particularly for vulnerable users, failing to prioritise access for pedestrians and cycles.

19/0037/S73

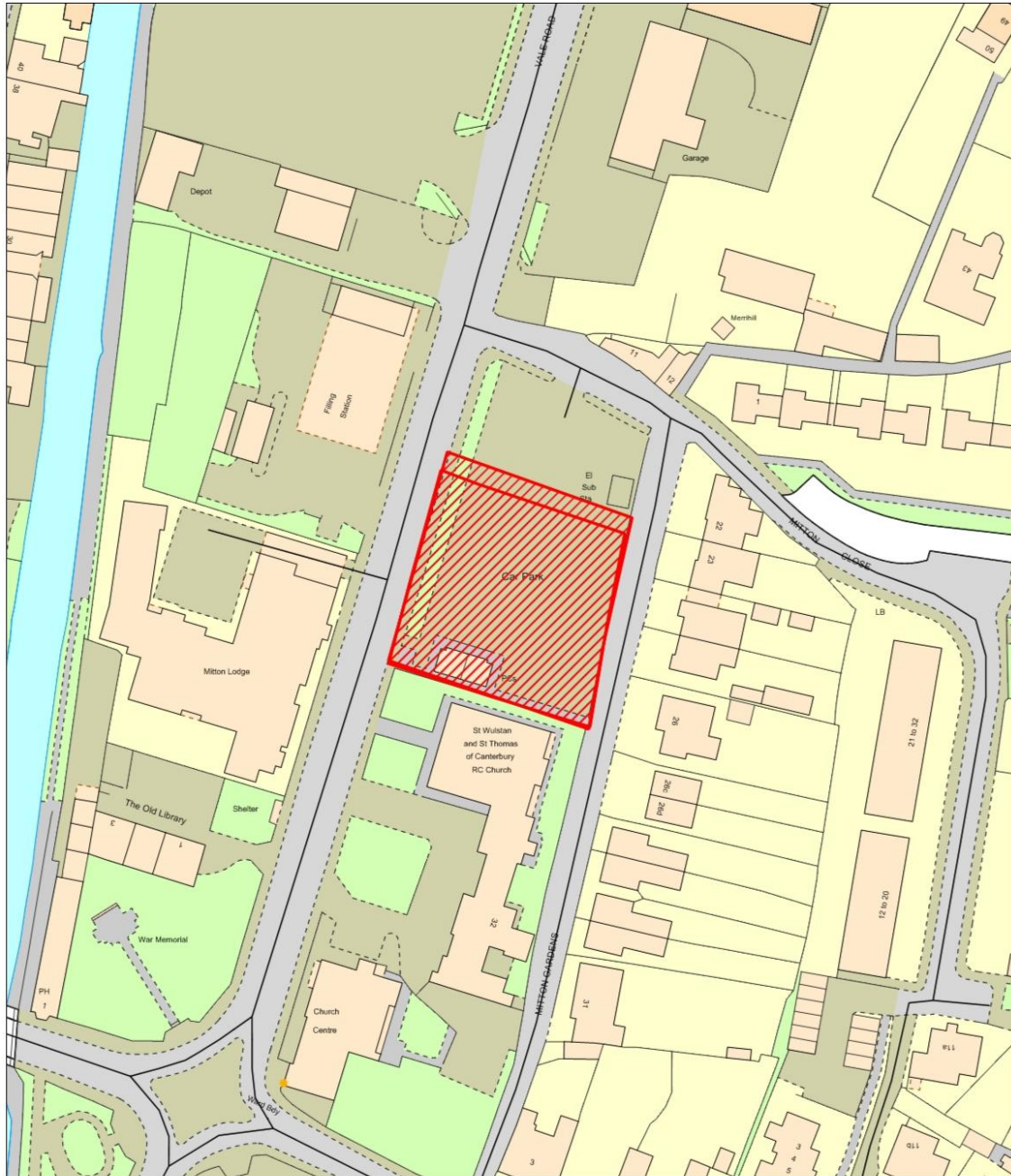
- 4.7 It is clear that the footpath link as proposed cannot be provided either physically on the ground or without impact on car parking provision. It is my view that the inability to provide the footpath link makes a significant reduction in quality and diminishes the quality of the design and sustainable access as originally intended. When the development plan, National Planning Policy Framework and Planning Practice Guidance are taken as a whole the trust of design policy is to resist such proposals that dilute design as they are to detriment of providing high quality environments.

5.0 Conclusions and Recommendations

- 5.1 Having balanced all aspects within this amended application, whilst is accepted that the majority of the amendments are minor and can be accepted, the inability to provide the footpath link is fundamental in this case. The resulting scheme would fail to take the opportunities in providing good design and dilutes the quality of design and sustainable access as originally approved.
- 5.2 It is therefore recommended that the application be **REFUSED** for the following reasons:
1. The proposed footpath link is shown to be provided on land outside the Applicant's control. The landowner has confirmed that there are no prospects at all that land will be sold or leased for this provision with a realistic timescale. The alterations to the design and layout of the development, in particular the inability to provide a direct footpath link between Mitton Gardens and Vale Road and the proposed alternative provision, would fail to promote ease of movement within the area or adequately connect the site to the wider environment. The design would fail to take the opportunities to improve the character and quality of the area and the way it functions and would therefore represent a poor design which has been significantly diminished from the original approval. The applicant has failed to demonstrate any material circumstances that would outweigh the harm that would be caused to the surrounding area and the design of the scheme overall. To approve the application in these circumstances would in direct conflict with Policy CP11 of the Adopted Wyre Forest Core Strategy, Policy SAL.UP7 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and the Adopted Design Guidance SPG along with Section 12 of the National Planning Policy Framework (2019) and Planning Practice Guidance on Design.

19/0037/S73

2. The proposed removal of the approved footpath link and the inability in providing an alternative footpath link does not promote sustainable transport modes with safe and suitable access for all users and fails to give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, not minimising the scope for conflicts between pedestrians, cyclists and vehicles. To approve the development in these circumstances would be in direct conflict with Policy SAL.CC1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, the County Council's Streetscape Design Guide and paragraphs 108 and 110 of the National Planning Policy Framework (2019).
3. Notwithstanding reasons 1 and 2 above, the proposed footpath link would result in the loss of public car parking spaces without any justification. The loss of car parking spaces would adversely impact on the provision of parking to local business and the functionality of the local area. To loss of car parking without justification is in direct conflict with Policy SAL.CC1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government guidance in the National Planning Policy Framework (2019).



Economic Prosperity and Place Directorate

Vale Road Car Park

Stourport on Severn

DY13 8YJ



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Scale 1:1000

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

Application Reference: 19/0139/FULL **Date Received:** 25/02/2019
Ord Sheet: 383714 276811 **Expiry Date:** 22/04/2019
Case Officer: Paul Round **Ward:** Offmore & Comberton

Proposal: Conversion of roofspace to form a one bedroom apartment

Site Address: LESWELL COURT, LESWELL STREET, KIDDERMINSTER, DY101RP

Applicant: Leswell Street Enterprises Ltd

Summary of Policy	DS01, CP03, CP11 (CS) SAL.DPL1, SAL.DPL4, SAL.CC1, SAL.CC2, SAL.UP7 (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 site is located within the urban area of Kidderminster situated on Leswell Street. The property has been developed following permissions in 2012 and 2013 to create 6 residential apartments. The development has recently neared completion.
- 1.2 The application site is surrounded by residential properties with a primary school situated opposite.
- 1.3 The proposal seeks to convert the roofspace to create an additional 1 bedroom dwelling.

2.0 Planning History (of relevance)

- 2.1 12/0443/OUTL - Proposed demolition of 26 and 28 Leswell Street and the development of 6 No. Apartments (Outline all matters reserved) (Resubmission of 11/0136/OUTL) : Refused; Appeal Allowed
- 2.2 13/0612/RESE – (Reserved Matters) Demolition of existing properties and erection of 6No. Apartments (4No. 2 bed and 2No. 1 bed) : Approved
- 2.3 18/9003/NMA - Replace windows to rear with Patio Doors. Rear garden to be subdivided in part : Approved

19/0139/FULL

- 2.4 18/9031/NMA - Revised parking layout to frontage. Alterations to fenestration on side elevations : Approved

3.0 Consultations and Representations

3.1 Kidderminster Town Council – No objection, recommend approval

3.2 Highway Authority – No objection subject to conditions

3.3 Neighbour/Site Notice – 2 letters received raising the following comments:

- This is an additional application even before the developer has complied with the original planning requirements i.e. bicycle shed, bin store, clearing and grassing the land at the rear.
- I understand that the majority of work for this later application is well underway showing a cynical expectation of success. There are already wheelie bins ready, external services were installed months ago, staircase is in!
- The project to date has been carried out with a complete disregard for local residents, health & safety, site security, the developers own CEMP and the actual plans. For example too many windows in the one end resulting in a variation application and "garden fencing which, I believe is not on the original plans.
- Parking, the loss of "on-street" parking created by this development is already having a detrimental effect and an additional flat would remove the already inadequate one space for visitors, there isn't enough space in Leswell street for parking as it is,
- I am amazed that the external brickwork has been left as it is, rather sums up the quality of the whole build and I do not see this additional work being any better
- There will be more windows which will overlook garden areas which will be intrusive on our privacy as they have pulled all the trees down
- It will be a three storey building which is out of character and is an over development.

19/0139/FULL

4.0 Officer Comments

- 4.1 The development as constructed has provided six one bed apartments with appropriate parking, amenity space, landscaping, and bin storage. The building was designed and constructed as a two storey building that mirrored the heights of the adjacent detached and semi-detached properties. Parking is provided to the front of the property.
- 4.2 The proposal seeks to utilise the existing loft space for an additional one bed residential unit. The principle of the use of existing properties is accepted in policy terms particularly given its location within the urban area. Policy SAL.DPL4 provides a helpful approach for this application, dealing with conversion of properties to flats or apartments. The policy states that development is acceptable subject to the following criteria:
- i. Conversion is not detrimental to the appearance of the building and the building and plots are of a suitable size for conversion;
 - ii. Appropriate provision is made for parking, cycle parking, private amenity space and refuse storage;
 - iii. The proposal will not be detrimental to the character of the area; and
 - iv. The internal layout minimises noise disturbance and overlooking to neighbours.

DESIGN AND LAYOUT

- 4.3 The works to create the additional residential unit would be in the main internal works, with external changes limited to the provision of roof lights. The addition of roof lights is a similar approach to many loft conversions within the locality. These changes would not result in harm to the visual appearance of the building or the surrounding area. It is further considered that the plot size can accommodate the additional unit without detriment. It is therefore concluded that the design of the proposal is acceptable.

AMENITY PROVISION

- 4.4 The proposal shows that the existing ground floor flats all have dedicated garden space of approximately 10 minutes in length. The upper floor flats including that now proposed have access to a communal garden that is approximately 520 sq m in area. There is ample amenity space based on this provision for a total of 7 apartments.
- 4.5 Parking is provided at a ratio of 1 space per dwelling wholly in line with the County Council's parking standards. In addition 14 secure cycle spaces are provided, supporting the promotion of sustainable forms of travel. The Highway Authority has confirmed a no objection response to the proposal. The neighbour comment in respect of the loss of visitor parking space is noted. There is no requirement to provide visitor spaces for this number of residential properties and it is not considered that the loss of this space or the provision of an additional flat will result in a significant pressure on surrounding roads for on street parking. The parking provision is acceptable on this basis.

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- 4.6 A dedicated area is shown for 14 cycle spaces and 14 bins to facilitate the development as a whole. This is provided adjacent to an existing hedge along the boundary of 30 Leswell Street. This facility is acceptable and provides the required amenity provision in a suitable location.
- 4.7 Taking all of these aspects as a whole the amenity provision for a total of 7 flats can be easily accommodated within the site without causing any undue harm..

NEIGHBOURS AMENITY

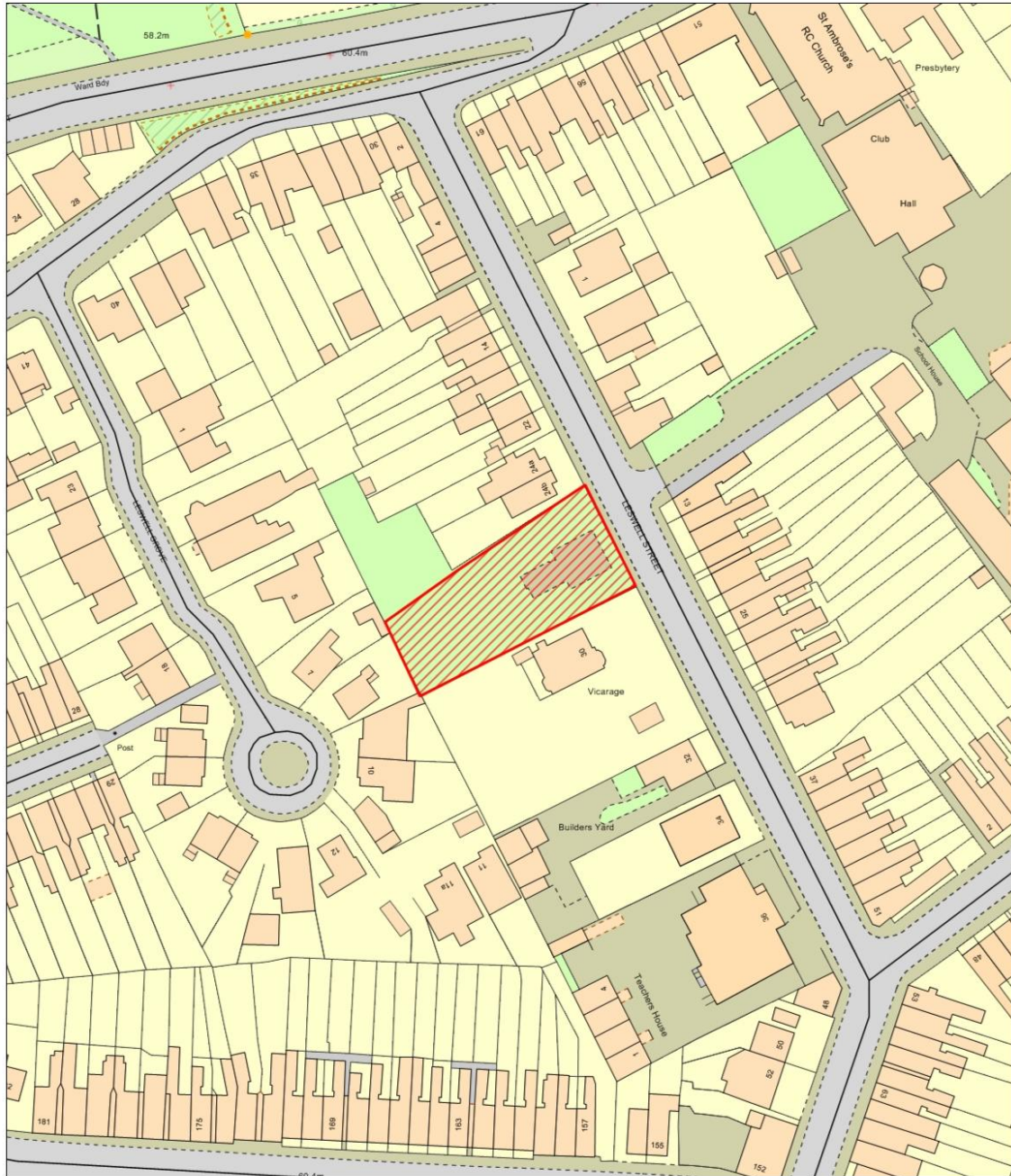
- 4.8 The additional unit will be located within the roof space with only roof lights provided. These will be high level and will provide no opportunity for overlooking to neighbouring properties whatsoever. Any additional windows or roof lights will require planning permission and can be controlled on that basis. I do accept that there may be a perception of being overlooked from a neighbours perspective, it is therefore considered prudent to recommend that any side facing roof light is obscurely glazed. It is considered that the additional flat will not result in any additional noise or disturbance that would result over and above the existing situation. The proposal would therefore not result in any undue harm to residential amenity.

OTHER MATTERS

- 4.9 Neighbours have raised concern over the existing works that have been undertaken in readiness for this proposal. It is clear however that no occupation has taken place, Officers are unsure as to the exact nature of the works that have taken place. In any event, the application has been considered on the basis of established policy and not on what works may or may not have been carried out. The nature of construction works are a matter for building control and in fact limited works are needed for this proposal.

5.0 Conclusions and Recommendations

- 5.1 The provision of an additional flat in this existing development can be provided with the required amenity and parking provision without causing harm to the character of the area or neighbours amenity. The proposal is compliant with established Development Plan policy and would not cause any demonstrable harm.
- 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. Obscure glazing to side facing roof lights
 4. Parking, cycle and bin provision before occupation
 5. Communal area ready for use prior to occupation and maintained.



Economic Prosperity and Place Directorate

Leswell Court

Leswell Street

Kidderminster, DY10 1RP



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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
23RD MAY 2019

PART B

Application Reference:	19/0050/FULL	Date Received:	29/01/2019
Ord Sheet:	382561 275352	Expiry Date:	26/03/2019
Case Officer:	Imogen Hopkin	Ward:	Foley Park & Hoobrook

Proposal: Erection of a dormer bungalow

Site Address: 37 NORTHUMBERLAND AVENUE, KIDDERMINSTER, DY117AN

Applicant: Mr Neil Cook

Summary of Policy	CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.UP7, SAL.CC2, SAL.CC7 (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	APPROVAL

1.0 Site Location and Description

- 1.1 The site refers to garden area at the rear of 37 Northumberland Avenue and lies fronting Neville Avenue in Kidderminster. There is a distinct streetscene along Northumberland Avenue consisting mainly terrace properties, but there is not as much of a distinct character along Neville Avenue which includes semi-detached, detached properties and a block of apartments (Neville Court).
- 1.2 The proposal seeks for the erection of a Victorian 1no. bedroom dormer bungalow to the rear of 37 Northumberland Avenue, with access off Neville Avenue.

2.0 Planning History

- 2.1 13/0173/FULL – Erection of dormer bungalow: Refused 29/05/13. Appeal dismissed 26/3/14

19/0050/FULL

- 2.2 12/0540/FULL – Erection of dormer bungalow to the rear of 37 Northumberland Avenue: Refused 19/10/12.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Awaiting comments
- 3.2 Highway Authority – Approve with conditions.
- 3.3 Worcestershire Regulatory Service – No objection subject to contaminated land conditions
- 3.4 Severn Trent Water – No objection, subject to a suitable drainage condition.. Advises that there may be a public sewer located within the site.
- 3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The application site relates to a residential garden belonging to 37 Northumberland Avenue, which includes land that was previously owned by 36 Northumberland Avenue. The application proposes the erection of a dormer bungalow at the end of the rear garden within a residential area of Kidderminster. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development should be concentrated on previously developed land within the urban areas of Kidderminster first before applying a sequential approach when considering other sites within the District. As the application site is located on garden land, it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.
- 4.2 Notwithstanding this, the housing numbers within the Wyre Forest Core Strategy were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council has for the last 3 years based its housing land availability figures on an assessed need. Relevant policies for the supply of Housing therefore are out of date. Based on the latest Housing Residential Land Availability data the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. These factors result in the presumption in favour of sustainable development as set in Paragraph 11 of the National Planning Policy Framework being engaged. Applications should therefore be approved unless any identified harm significantly and demonstrably outweighs the benefits including that of boosting housing land supply. This application is to be considered in this policy context.

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- 4.3 The proposed bungalow would provide a kitchen/dining room, lounge, bathroom and garage at ground floor and a bedroom at first floor. The bungalow would measure 8.9m by 8.4m with a 3m by 5.5m integral garage on one side. The height of the bungalow would be 6.5m and would lie 1m from each side boundary. No windows are proposed in the south elevation and the window in the north elevation serving the lounge/dining room would not result in any overlooking of the remaining rear garden to No. 37 as views from the window would be screened by the proposed boundary fence and will be conditioned to be top hung and obscure glazed. The development would offer no detriment to the amenity enjoyed by the occupants of neighbouring properties in terms of privacy, light or outlook.
- 4.4 The position of the bungalow would follow the front building line of the adjacent block of apartments (Neville Court) and would allow for outdoor amenity space and one parking space to the front and amenity space to the rear of the proposed bungalow. The remaining rear garden for 37 Northumberland Avenue and the proposed outdoor amenity space is considered sufficient. It is therefore considered acceptable in terms of both layout and design and the proposed bungalow would not appear incongruous in the context of the streetscene.
- 4.5 The Highway Authority had an objection to the original parking layout as it was not appropriate for a 2no. bedroom dwelling. The proposal was subsequently reduced to provide a 1no. bedroom bungalow with one parking space in front of the integral garage, which is to be equipped with a roller shutter door. The proposed development is therefore deemed acceptable by the Highway Authority.

5.0 Conclusions and Recommendations

- 5.1 Having assessed the application and identified no harm in the detail of the application that would sustainably and demonstrably outweigh the benefits, it is considered that the application is acceptable and would amount to sustainable development. The additional bungalow would, 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.

19/0050/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1(a) Materials to be provided
4. Boundary treatment
5. Parking facilities to be retained
6. Conditions provided by Worcestershire Regulatory Services regarding contaminated land
7. Site and finished floor levels

Note

Severn Trent Water

Application Reference: 19/0053/FULL **Date Received:** 28/01/2019
Ord Sheet: 384422 275086 **Expiry Date:** 25/03/2019
Case Officer: Imogen Hopkin **Ward:** Aggborough & Spennells

Proposal: Proposed scout hut

Site Address: SPENNELLS PLAYING FIELD, HERONSWOOD ROAD,
 KIDDERMINSTER, DY104ET

Applicant: Wyre Forest 9 (Spennells Scout Group)

Summary of Policy	CP01, CP02, CP07, CP11 (CS) SAL.DPL11, SAL.UP4, SAL.UP5, SAL.UP7, SAL.CC2, SAL.CC7 (SAAPLP) National Planning Policy Framework Design Guidance Supplementary Planning Document
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Spennells Playing Field is located on the edge of the Spennells Valley Estate and is accessed from Heronswood Road. There are existing disused changing rooms that are in a state of disrepair and are prone to vandalism. Located 29m from Heronswood Road, the existing building can be accessed from an existing public car park with a northerly pathway and a westerly path.

1.2 The application seeks approval to demolish the existing building and replace it with a new, larger Scout Hut that would include a large hall, kitchen, meeting rooms, on site toilet facilities and storage. The proposed building has a modern style while being sympathetic to its countryside location.

2.0 Planning History

2.1 WF/0805/83 – Erection of changing rooms in association with the playing fields : Approved: 8/11/83

3.0 Consultations and Representations

3.1 Kidderminster Town Council – Approve

19/0053/FULL

- 3.2 Highway Authority – No objection.
- 3.3 Environment Agency – No comments received.
- 3.4 Severn Trent Water – No objection, subject to conditions
- 3.5 Countryside Manager – Ecological assessment was provided, therefore no objection subject to conditions
- 3.6 West Mercia Police Designing Out Crime Officer – No objection, but provided advice of ways to ensure the proposal is safe and secure.
- 3.7 North Worcestershire Water Management – No objection, suggested conditions
- 3.8 Conservation Officer – No impact to any known heritage assets
- 3.9 Neighbour/Site Notice – No consultations received

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT

- 4.1 The application site is located on land allocated for open space and play provision within the Site Allocations and Policies Local Plan, and would therefore be primarily assessed in line with Policy SAL.UP4. This policy safeguards the land from unsuitable development. The proposal will provide a new community facility that is appropriate in its location replacing an existing building. There would therefore be no loss of open space. Therefore the principle of the development is in line with Development Plan policies.

DESIGN OF DEVELOPMENT

- 4.2 The design of the Scout Hut utilises the proposed hall as a design feature having a maximum height of 7.8m and eaves height of 3m, which sympathises with the lower level of the proposal that has the same eaves height and an overall height of 5m. The south west elevation will be the entrance and is therefore the most prominent. The south east elevation shows the installation of Velux windows and windows along the side of the hall, which will enhance the building. This proposed scheme is in accordance with Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and Policy CP11 of the Adopted Core Strategy.

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- 4.3 The size of the proposed building is larger than the existing building. However, any harm of a larger development would be outweighed by the significant benefits of having this building. The proposed building is suggested to utilise the footprint of the existing building.
- 4.4 West Mercia Police provided comments regarding 'Designing Out Crime' which suggested measures to ensure the building is not once again an area for anti-social behaviour. Measures adopted onto the drawings are laminated glass windows, all doors to meet security rating 2, a weld mesh fence, an alarm system and an area for storage of larger items. These aspects have all been incorporated into the proposed scheme.

IMPACT ON SURROUNDINGS

- 4.5 There will likely be a positive impact on surroundings, as it will provide an aesthetically pleasing building to replace a derelict building. Although this will create a more dominant building in the area, when read within the context of the field, the design quality will provide substantial benefits.

FLOOD RISK

- 4.6 The Water Management Officer provided initial comments that a Flood Risk Assessment should be submitted as the proposal lies close to flood zones 2 and 3. Further information has been provided that shows the building will not be at risk from flooding. The Water Management Officer believes there was no reason to further withhold an approval from a flood risk perspective, and is therefore in accordance with Policy SAL.CC7 of the Adopted Site Allocations and Policies Local Plan.

DRAINAGE

- 4.7 Severn Trent Water were consulted on the application and has no objections.

ECOLOGY

- 4.8 The application was submitted with an appropriate ecological assessment that has identified areas of potential harm to biodiversity that requires further measures to protect. The Council would require a Construction Environment Management Plan and a lighting plan as areas nearby may be affected by light spill. Both of these factors can be managed through conditions. The proposal would therefore be in accordance with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan.

IMPACT ON THE HIGHWAY

- 4.9 There is a public car park located near to the site and the site can also be accessed on foot, cycle or bus. The Highway Authority has no objection to the scheme. The proposal therefore is in line with Policy SAL.CC2 of the Adopted Site Allocations and Policies Local Plan.

19/0053/FULL

5.0 Conclusions and Recommendations

- 5.1 The proposed development would make efficient use of a site with a disused building on. The proposal has good design, is suitably sited, would enhance local amenity and is in an accessible area. It is therefore considered that this proposal be appropriate in line with the relevant policies.
- 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. B1a (Samples of materials)
 4. Vicinity to Hoo Brook
 5. Surface Water
 6. Drainage Plans
 7. Drainage to be implemented and retained
 8. Construction Environment Management Plan
 9. Lighting plan

Application Reference:	19/0062/FULL	Date Received:	24/01/2019
Ord Sheet:	381083 275610	Expiry Date:	21/03/2019
Case Officer:	Julia McKenzie-Watts	Ward:	Foley Park & Hoobrook

Proposal: Erection with a bungalow with associated vehicular access

Site Address: BEECHFIELDS, 24 WHITEHILL ROAD, KIDDERMINSTER, DY116JJ

Applicant: Mr J Parsons

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	APPROVAL

1.0 Site Location and Description

- 1.1 The application site comprises garden land belonging to number 24 Whitehill Road (Beechfields) which is a large detached property. The properties on this side of Whitehill Road and particularly immediately adjacent to the host dwelling are large in nature situated in very large plots. Over the years, gardens have been divided up and new properties have been built in the rear gardens.
- 1.2 The application seeks for the erection of a detached bungalow to the rear of number 24 (Beechfields) with amenity space to both sides.

2.0 Planning History

- 2.1 None of relevance.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Awaiting comments

19/0062/FULL

- 3.2 Highway Authority – It is noted that the proposed development is located on a private road and there is adequate visibility at the junction between Whitehill Road and the highway on Sutton Park Road. Whitehill Road is a slow speed, cul-de-sac and accordingly, vehicles will turn right into the site and turn left out of the site hence the existing access arrangement on an angle. However this is also a pedestrian route with access to a public right of way at the end of the road and adequate visibility on the access must be maintained which will require trimming back the hedges on both sides.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that the proposal is not contrary to Para. 109 NPPF and therefore there are no justifiable grounds on which an objection could be maintained

- 3.3 Countryside Manager – The biodiversity risk here is very minimal. I'd be happy that the application proceeds from a biodiversity perspective.

- 3.4 Arboricultural Officer – No objections subject to conditions.

- 3.5 Severn Trent – No comments received

- 3.6 WRS (Noise) - No objection to the application in terms of any nuisance issues. In order to minimise any nuisance during the construction phase from noise, vibration and dust the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with.

- 3.7 North Worcestershire Water Management - The information makes clear that the proposed development will not compromise the existing drainage systems serving No24. The proposed methods of discharge for surface water and foul water (soakaway and package treatment plant) are the preferred methods of drainage. I believe that the design and installation will be adequately dealt with in a future Building Control application and have therefore no adverse comments to make.

- 3.8 Neighbour/Site Notice – 2 letters received raising the following issues:

- Whitehill Road is a low density housing area on high ground with Green Belt and Landscape area beyond. It is an area where residents enjoy a high level of privacy due to the size of their plots. This development is of backland type and is clearly a tandem / overdevelopment of this plot. Our bungalow is angled on our plot and this development will be in clear sight.
- The proposed development would create extra traffic at the sub-standard junction between Whitehill Road and Sutton Park Road and we must be mindful that if this application were to be approved, there are obvious ramifications for other plots in Whitehill Road.

19/0062/FULL

- The position of the proposed new driveway would have an adverse effect on the adjacent tree line which is why the existing driveway to no.24 was sighted well away from this tree line.
- The proposed development site has no access to the driveway. We own the whole of this driveway and it must not be used for the delivery of building materials or equipment to any other plots.
- Although the plans as submitted do not show any chimneys or dormer windows, we are very concerned if either or now or at any future occasion.
- There is no clear indication of the proposed site levels in this application and they should have been included as the impact of the proposed dwelling on those around it cannot be properly appreciated.
- By permitting this development it opens up the surrounding sites to similar developments on a road which is not adopted and would not be suitable for the possible increase in traffic. The permitting of this development would also fail to check the sprawl of the building-up area into the countryside and allow further encroachment.
- The application for the bungalow shows a separate on distance of approximately 16.5m to the bedroom window from the rear of the existing property. At its closest point the buildings are 14.5m apart. On level land these distances would meet with legislative guidance, however the two storey building is approximately 1.5m higher than the bungalow and the distances should be increased to compensate for this on the proposed scheme. It is usual to increase the distances by 2m for every 1m rise in property height so the scheme should be revised to cater to this.
- No kerbside refuse collection is indicated, and the drive exceeds the 25m stipulated in legislation for a lorry to turn to travel without turning. The proposed width and excessive length of the access road fails to provide adequate access for servicing the property, let alone the construction traffic.
- The garage has a lack of manoeuvring space in front of it and we have concerns on the amount of additional noise created by vehicles trying to move in these tight confines.
- A lighting scheme has not been provided for this long access and we have concerns about security, hiding spots and general safety for pedestrians and cyclists using the private Whitehill Road.
- The outlook from 26 Whitehill Road will be affected to both bedrooms and lounge facing the development site. whilst all trees are shown removed on the site, no new proposal for the replacement trees or screening has been submitted.

19/0062/FULL

- The proposed development is not of the high quality design associated with the 'one off' houses in the vicinity and the character and its impact on the local people has not been taken into consideration. The roof pitch along limits the type of tile that can be utilised. The low pitch is out of character with the steep roofs and gables on adjoining properties.
- The current adopted Core strategy states that Wyre Forest will strive to ensure 'New Development' must protect and where possible enhance the unique character of the landscape including the individual settlement or hamlet in which it is located. Opportunities for landscape gain will be sought alongside new development, such that landscape character is strengthened and enhanced'. This development would not be within these guidelines. The development would appear intrusive and in conflict with the open character of the area therefore harming the identity and character of the locality
- CP11 states ' Designs should combine active frontages and secure private areas and , where appropriate, the suitable integration of mixed uses complemented by attractive building and landscaping that is an integral part of the overall scheme design'. By its design the building is trying to tuck itself behind the original house in an 'out of sight out of mind' way. You approach the building from the side and it has no attractive frontage that is sought.
- A drainage design or strategy has not been submitted to show how the extra 4 bed dwelling will be catered to and how a vehicle will access the site to drain any tanks. (*Officer Comment – This has now been submitted and no objections received from North Worcestershire Water Management*)
- What mitigation are they proposing for bats, particularly the pipistrelles, that reside within the area which will be affected on the removal of the trees. Other wildlife inhabits our gardens due to the rural locale.

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.1 The application site relates to an existing residential garden belonging to Number 24 Whitehill Road (Beechfields) within a residential area of Kidderminster. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. As the application site comprises garden land it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.

19/0062/FULL

- 4.2 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.. 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 single storey dwelling would be constructed in materials to match the adjacent property (Beechfields) which is brick with a tiled roof. The accommodation would consist of an entrance hall, utility, kitchen / Dining area, living room, bathroom and four bedrooms two with en-suite and an integral double garage (5.8m x 6.1m) located to the front. In design terms the dwelling is sympathetic in scale and character to the adjacent properties. The bungalow has been designed to be discrete with a 12.5 degree pitched roof providing a maximum ridge height of the bungalow of 3.9m and the ridge height of the garage being 3.2m.
- 4.4 The bungalow would be separated by a gap of 19.5 metres from the front of the bungalow to the rear wall of number 24 Whitehill Road, approximately 35 metres to the nearest point of number 26 Whitehill Road and approximately 50 metres to the boundary with number 20 Whitehill Road.
- 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 when the proposed plot size and degree of separation from the neighbouring properties is taken into account. The rear windows and doors would face into the rear garden of the new bungalow and would have no adverse effect on the surrounding neighbours.

HIGHWAYS AND ACCESS

- 4.6 The Highway Authority has raised no objection to the scheme. The plans show that the development would be capable of providing adequate parking provision for the proposed and existing dwellinghouse and that there is adequate visibility at the junction between Whitehill Road and the highway on Sutton Park Road. I therefore consider that the proposed development would not have any detrimental impact on highway safety in the area.

19/0062/FULL

TREES

- 4.7 It is acknowledged that there are trees within this site. Further information has now been received which has satisfied the Council's Arboricultural Officer who now has no objections to the development subject to the inclusion of conditions. On this basis the proposal will not adversely affect existing trees on the site.

OTHER MATTERS

- 4.8 North Worcestershire Water Management have offered no objection as it is considered that the proposed development would not compromise the existing drainage systems serving number 24 and no conditions / notes are required to be added.

NEIGHBOUR CONCERNS

- 4.9 Whitehill Road is private and therefore the refuse collection arrangements will be the same as the existing dwellings. The driveway is fairly narrow for a single dwelling, however space is available for a passing bay should this be required once the development has been completed. Any disruption locally during construction will be short term.
- 4.10 A neighbour objection has discussed the wording of Adopted Core Strategy Policy CP11 which states that 'Designs should combine active frontages and secure private areas and , where appropriate, the suitable integration of mixed uses complemented by attractive building and landscaping that is an integral part of the overall scheme design'. In this instance this policy does not apply as the development is to be erected on garden land and as such it is not possible to achieve an active frontage.
- 4.11 The Council's Countryside Manager has been consulted and has commented that the biodiversity risk on the site is very minimal and he has no biodiversity concerns.

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 Local Plan policy.

19/0062/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Details of walls, fences and other means of enclosure to be submitted
5. Details of hard and soft landscaping to be submitted
6. B13 (Levels details)
7. J1 (Removal of permitted development – residential)
6. Drainage
7. C2 (Retention of existing trees)
8. C3 (Tree protection during construction)
9. C20 (No dig specification)
10. C21 (Pre commencement tree site meeting)

Note

Demolition and Construction Guidance

Application Reference: 19/0105/FULL **Date Received:** 14/02/2019
Ord Sheet: 384590 277757 **Expiry Date:** 11/04/2019
Case Officer: Helen Hawkes **Ward:** Broadwaters

Proposal: Single storey side extension

Site Address: 23 HARRIERS GREEN, KIDDERMINSTER, DY102UE

Applicant: Mr & Mrs M Taylor

Summary of Policy	CP01, CP03, CP11, CP12 (CS) SAL.CC1, SAL.UP7, SAL.UP8 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site relates to a two-bedroom bungalow located within a residential cul-de-sac comprising a mixture of bungalows of various sizes and styles as well as two-storey detached dwellinghouses. The site includes a detached garage within the rear garden and a driveway to the front and side of the bungalow. Immediately adjoining the site to the north is undeveloped land that falls steeply down a hill towards Hurcott & Podmore Pools and is a local wildlife site. The application site backs onto the rear gardens of properties in James Road and there are neighbouring residential properties adjoining the site to the south.

1.2 Planning permission is sought for the erection of a single storey side extension to the north elevation of the existing bungalow to provide a master bedroom with en-suite, which would increase the total number of bedrooms to three. The proposed extension would have a pitched roof with front, side and rear facing windows and would be constructed in facing brick and roof tiles to match the existing building.

2.0 Planning History

2.1 No planning history.

19/0105/FULL

3.0 Consultations and Representations

- 3.1 Highway Authority – In line with standards there is no change in parking demand to go from a 2no. bedroom dwelling to a 3no bedroom dwelling and 2 spaces are retained within the curtilage.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that the proposal would not be contrary to Paragraph 109 of the National Planning Policy Framework (NPPF) and therefore there are no justifiable grounds on which an objection could be maintained.

- 3.2 Neighbour consultation – No representations received.

4.0 Officer Comments

- 4.1 The main considerations for this application are whether the design of the proposed extension is in keeping with the character and appearance of the existing building and the local area, and whether the development would result in a detrimental impact on the amenities of existing residents and highway safety.

IMPACT ON CHARACTER AND APPEARANCE

- 4.2 Policy SAL.UP7 of the Adopted Wyre Forest Site Allocations and Policies Local Plan requires that residential extensions should be in scale and in keeping with the form, materials and detailing of the original building; be subservient to and not overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features and not have a serious adverse effect on the amenity of neighbouring residents or occupiers. The Design Guidance, which has been adopted as a Supplementary Planning Document includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene.
- 4.3 Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan relates to the design of extensions. The policy requires that additions to a property are in scale and keeping with the form, materials, and architectural characteristics and detailing of the original building and should be subservient to and not overwhelm the original building, which should retain its visual dominance.

19/0105/FULL

- 4.4 The design, scale and siting of the proposed side extension is acceptable. The proposed extension would have a pitched roof gable end to match the existing side element of the bungalow and would be of the same eaves and ridge height as the existing building. The scale of the proposed extension is proportionate to the main built form of the bungalow and would appear subservient and in keeping with the architectural style of the bungalow. The extension would be set back from the road and would not result in a prominent feature in the streetscene. I therefore consider that the proposed extension would not harm the character and appearance of the existing bungalow or local area. The development would accord with Policy CP11 of the Adopted Core Strategy and Policies SAL.UP7 and SAL.UP8 of the Adopted Site Allocations and Policies Local Plan.

IMPACT ON RESIDENTIAL AMENITY OF EXISTING RESIDENTS

- 4.5 The proposed development would extend beyond the north elevation of the bungalow and on the side of the property that is away from any neighbouring residential properties. Therefore, the proposal would comply with the 45 Degree Code and being only single storey in height and screened by the existing garage would not result in any overlooking of the existing residential properties to the rear of the site.

IMPACT ON HIGHWAY SAFETY

- 4.6 The Highway Authority have raised no objection to the application as they are satisfied that adequate off-street parking can be retained on the existing driveway to serve any increase in parking demand as a result of an additional bedroom at this property. I concur with this view and consider that the development would accord with Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan.

5.0 Conclusions and Recommendations

- 5.1 The application is recommended for approval as it would not have any detrimental impact on the amenities of neighbouring occupiers or upon the character of the existing bungalow or local area. The development therefore would accord with the requirements of Policy CP11 of the Adopted Core Strategy and Policies SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan
- 5.2 It is therefore recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. External materials to match existing building

Application Reference:	19/0125/FULL	Date Received:	22/02/2019
Ord Sheet:	384052 276267	Expiry Date:	19/04/2019
Case Officer:	Imogen Hopkin	Ward:	Aggborough & Spennells

Proposal: Proposed three bedroom detached house

Site Address: 1 THE FIRS CLOSE, KIDDERMINSTER, DY101UF

Applicant: Mr D Richards

Summary of Policy	DS01, CP03, CP11, CP12 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, 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	APPROVAL

1.0 Site Location and Description

- 1.1 The application site comprises of garden land belonging to 1 The Firs Close which is a detached property on a small cul-de-sac in Kidderminster. The surrounding area is characterised by dwellings of similar sizes with similar plots. Opposite the proposal site lies a property, No. 2a The Firs Close, a detached property that was approved in 2001. There is a large pine tree in the rear garden of the proposed dwelling which is covered by a Tree Preservation Order (TPO 437).
- 1.2 The application seeks for the erection of a detached 3 bedroom dwelling with two parking spaces at the front and side, to utilise the frontage.

2.0 Planning History

- 2.1 No planning history

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Approve
- 3.2 Highway Authority – Approve with conditions and informative. The proposed dwelling requires 2 parking spaces within the curtilage in line with standards. The dropped kerb must be installed by Ringways. The applicant should contact the relevant departments to re-site the street name and street light.

19/0125/FULL

3.3 Arboricultural Officer – No objection to the proposal due to the submitted Arboricultural Method Statement that has been provided alongside the Tree Report.

3.4 Neighbour/Site Notice – Two comments received raising the following issues:

- Concerns over parking provision
- Happy that the trees are being retained.

4.0 Officer Comments

4.1 The main considerations for this application are: whether the principle of development is acceptable; whether the development would have a detrimental impact on the character and appearance of the local area, on the amenities of existing and future occupiers, on trees and highway safety.

PRINCIPLE OF DEVELOPMENT

4.2 The application site relates to a residential garden which belongs to 1 Firs Close and is located within a residential area within the Adopted Policies Map. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. As garden land, the site constitutes non-previously developed land. Whilst the Council can demonstrate a 5 year supply given the 'out of date' nature of the Plan, there is a presumption in favour of sustainable development applies. Paragraph 11 of the National Planning Policy Framework outlines the presumption in favour of sustainable development where applications should be approved unless and identified harm significantly and demonstrably outweighs the benefits, including that of boosting the housing land supply. This application is considered within this context.

DESIGN OF DEVELOPMENT

4.3 The application seeks approval for a 3no bedroom house to be located on the corner plot of 1 The Firs Close. The size of the development is proportionate to the other dwellings within the street as the dwelling has a ground floor area of around 60m². In addition, it mirrors the siting of the dwelling opposite, approved in 2011. The position of the dwelling maintains the building line and the openness of the corner plot. The siting of the dwelling also retains the neighbouring property's right to light as not contravening the 45 degree code and therefore would not have a detrimental impact on privacy or amenity.

19/0125/FULL

- 4.4 The design of the dwelling is detached in nature and shows architectural characteristics of the neighbouring properties. This is considered to be sympathetic to the neighbouring properties and would therefore integrate well within the streetscene, in accordance with Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan. The boundary of the application would have 1.8m high closed board fencing, which is suitable in this location being similar to the opposite dwelling and therefore in line with the character of the street.

HIGHWAYS IMPACTS

- 4.5 Access will be provided directly from The Firs Close. The application proposes 2 no parking spaces to be provided with the frontage of the site in accordance with the County's car parking standards. In addition, secure cycle parking is provided.
- 4.6 The Highway Authority has raised no objection to the proposal.

ARBORICULTURAL IMPACTS

- 4.7 Within the site lies Tree Preservation Order (TPO) 437 which is a pine tree within the rear garden. The application was submitted with an Arboricultural Impact Assessment which was later amended and submitted with an Arboricultural Method Statement which provides information on how the works will be carried out in relation to TPO 437. The siting of the dwelling will not result in a pressure or harm to the protected tree. The Arboricultural Officer has no objection subject to a condition which would be implemented to ensure the Arboricultural Method Statement is adhered to.

5.0 Conclusions and Recommendations

- 5.1 Having assessed the application and identified no harm in the detail of the application that would sustainably and demonstrably outweigh the benefits, it is therefore apparent that there is a presumption in favour of sustainable development. The addition dwelling will boost the supply of housing, which is also considered a benefit in favour of development. On this basis, it is considered that there are sufficient grounds to support a departure from the Development Plan.

19/0125/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1(a) Materials to be provided – samples
4. J1 (Removal of permitted development – residential)
5. B9 (Details of windows and doors)
6. B11 (Details of enclosure)
7. J7 Obscure glazing
8. Highways access and parking to be implemented and retained
9. Cycle Parking to be approved
10. Pre-commencement tree site meeting
11. Arboricultural Method Statement to be retained
12. Tree protection during construction

Informative

Ringways Dropped Kerb works

Application Reference: 19/0127/FULL **Date Received:** 25/02/2019
Ord Sheet: 382294 274830 **Expiry Date:** 27/05/2019
Case Officer: Helen Hawkes **Ward:** Foley Park & Hoobrook

Proposal: Construction of Extra Care units (Use Class C3) comprising 38no. 2 bedroom apartments and 27no. 1 bedroom apartments with associated facilities, parking and landscaping works

Site Address: BERRINGTON COURT, LAND ADJACENT TO BERRINGTON COURT, FELIX BAXTER DRIVE, KIDDERMINSTER, DY117FH

Applicant: Oakleaf Commerical Services

Summary of Policy	DS01, CP01, CP02, CP03, CP04, CP05, CP11,CP12, CP14, CP15 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Planning Obligations SPD (September 2016) Design Guidance, SPD (June 2015) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site covers approximately 0.55 hectares and relates to previously developed land located on the eastern side of A451 Stourport Road behind a strip of unmanaged land that is not within the ownership of the applicant. It is relatively flat with trees along the north and west boundaries and there is an existing vehicular access point off Felix Baxter Drive that would serve the proposed development.
- 1.2 The site is bounded to the north by Severn Valley Railway line with commercial units sited beyond. To the south is a pedestrian/cycle path with two-storey dwellinghouses beyond and to the east, on the opposite side of Felix Baxter Drive, is Berrington Court, a four-storey 100 unit residential care home and Hampton Mews, a two-storey 12 unit extra care facility, which are both owned and managed by the Community Housing Group. There are also two-storey dwellinghouses to the southeast of the site, to the south of Hampton Mews.

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- 1.3 The site also relates to Development Blocks D and E within Phase 1 of a previously approved Outline Consent (application 12/0146/EIA) which related to the wider site, known as the former British Sugar site, a sugar beet factory. The Outline Consent granted approval for a mixed use development comprising residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycleways; and open space. Several Reserved Matters and Full Planning Applications have been approved and some of these developments have now been implemented including residential properties, leisure centre, public house and a foodstore.
- 1.4 In addition, the site falls within the Stourport Road Employment Corridor (SREC) which is the main focus for employment within the District and runs south out of Kidderminster towards Stourport-on-Severn.
- 1.5 This application is for full planning permission for the erection of a block of 65 self-contained apartments comprising 38no. 2 bedroom apartments and 27no. 1 bedroom apartments with associated facilities, parking and landscaping works.
- 1.6 The development would form Phase 2 of the existing Berrington Court development, which is located to the east of the site and comprises 100 extra-care units for people of 55 years of age and older. It is intended that residents of the proposed development would have use of the communal facilities (hair dressers, café, communal gardens etc) within the existing Berrington Court development.
- 1.7 The proposed block of apartments would be sited adjacent to the railway line and would extend the full length of the north boundary and then wrap around the northwest corner to create a frontage to Stourport Road. The building would be predominantly four storeys in height but would reduce to two storeys nearest to the two-storey dwellinghouses to the south of the site and adjacent to the existing Berrington Court development. The car parking area would be located to the south of the site. The existing vehicular access point off Felix Baxter Drive would be utilised and a total of 68no. resident car parking spaces (including 5 disabled spaces) and 3no. staff car parking spaces, would be provided. In addition, the development would provide 2 cycle spaces, 9 motorised buggy spaces and 5 covered motorcycle spaces.

2.0 Planning History

- 2.1 11/0243/EIASCO – Request for an Environmental Impact Assessment Scoping Opinion. Mixed use employment/commercial and residential development : Decided 15.04.11

19/0127/FULL

- 2.2 12/0146/EIA – An outline application for the redevelopment of the British Sugar Factory (phase 1), including access and Phase 1 link road with all other matters reserved, comprising: demolition of any remaining existing structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycleways; and open space : Approved 13.03.12
- 2.3 Related Planning History of adjacent site (Berrington Court)
- 2.4 17/0387/FULL – The erection of a timber gazebo for the use as a smoking shelter : Approved 15.06.17
- 2.5 14/0377/RESE – Redevelopment of Development Block DEVA (v) within Phase 1 of the Former British Sugar Site for 100No. Residential Units of Extra Care and 12No. Residential Units for Adults with Learning Difficulties Extra Care; Associated Ancillary Facilities & Accommodation, Parking, Waste Storage & Garden Areas. Reserved Matters Approval for Scale, Appearance, Landscaping & Layout and Internal : Approved 27.06.14

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Recommend approval.
- 3.2 Highway Authority – No objection subject to conditions to require a Travel Plan; appropriate cycle storage provision; electric vehicle charging points to six car parking spaces; and to ensure the access, parking and turning facilities are provided in accordance with the submitted plans.
- 3.3 Worcestershire Regulatory Services (WRS) (Contamination Land Officer) (*Initial comments*) – A full ground investigation report has not been submitted and only a Contaminated Land Statement and extracts from the report have been submitted. It is therefore considered necessary to attach a condition to require a detailed site investigation and risk assessment and to ensure the necessary remediation scheme is undertaken.

(*Second comments*) – Following receipt of a ground investigation and test report, it is considered by WRS that the report has not been undertaken in accordance with current guidance and protocol and that the condition proposed in their initial response is still necessary.

19/0127/FULL

- 3.4 Worcestershire Regulatory Services (WRS) (Noise Officer) (Initial comments) – Details of noise mitigation are required for the external gardens and balconies that face the railway line and Stourport Road.

(*Second comments*) –WRS consider $>55\text{dB } L_{\text{Aeq}, 16\text{hr}}$ in outdoor areas to indicate a Significant Adverse Impact. However if the planning department consider the development necessary / desirable then it is recommended that the proposed noise mitigation measures for the balconies (section 5.11) should be implemented and that close boarded boundary acoustic fencing should be provided to garden areas where noise levels are predicted to be above $55\text{dB } L_{\text{Aeq}, 16\text{hr}}$. A condition is therefore recommended to ensure full details of the noise mitigation measures for the proposed balconies and garden areas are submitted and approved. A condition is also required to secure the glazing and ventilation details to ensure satisfactory internal noise levels.

- 3.5 Arboricultural Officer – No objection subject to conditions to require: a Tree Protection Plan for the Oak tree and the line of trees that are located adjacent to the northern boundary of the site; a landscaping scheme which should include soil volumes for the proposed trees; and a 5 year establishment and management plan for the proposed landscaping scheme.
- 3.6 Housing Enabling Officer – No objection to the application subject to a condition to require a Local Letting Plan to be agreed for this site as the proposal involves letting to extra care units.
- 3.7 North Worcestershire Water Management Officer (NWWM) – No objection subject to a condition to require an appropriate drainage strategy to be submitted which demonstrates that the resulting flow rates from the site will not exceed the agreed maximum flow rates from Plots D and E for each of the return periods (1:5, 1:30 and 1:100 + 30%) that were set out in the drainage strategy for the wider site under the 2012 Outline Consent.
- 3.8 Network Rail – No objection as there would be no impact to the railway infrastructure.
- 3.9 Severn Valley Railway – Awaiting comments.
- 3.10 West Mercia Police Designing Out of Crime Officer – No objection and it is noted that the developers intend to build to Secure By Design (SBD) standards. It is recommended that a 1.2 metre high Bow Top fence or similar is provided around the edge of the car park to prevent people using the car park as a short-cut which they may do in order to avoid the dog leg in the adjacent footpath.
- 3.11 Worcestershire County Council Archive & Archaeology Service – No objection.

19/0127/FULL

- 3.12 Severn Trent Water – No objection subject to a condition to be agreed for the disposal of foul and surface water flows.
- 3.13 Countryside Manager – No objection subject to conditions to agree a external lighting scheme adjacent to the railway line wildlife corridor and to ensure the recommendations outlined in the submitted Ecological Report are implemented including fencing to be installed adjacent to the railway line wildlife corridor prior to any construction works.
- 3.14 Neighbour/Site and Press Notices – 1 letter has been received from a nearby occupier stating that they are not against the apartments being built but are concerned about the parking problems it will bring. They advise in their letter that the existing Berrington Court has insufficient parking for existing staff members and residents, which has resulted in on-street parking pressure and inconsiderate parking on grass verges and obstruction to refuse vehicles. Ambulances also cannot access existing dwellings when the nearby Aldi store gets very busy with some customers parking in Felix Baxter Drive and Jothan Close. It is believed that the current parking problems would be exacerbated by the proposed development and that this would put existing residents and children at danger. It is suggested that an underground parking area should be provided as part of the proposed development.

4.0 Officer Comments

- 4.1 The main considerations for this application are whether the principle of residential development on this site is acceptable, the design and layout of the proposal, the impact on Severn Valley Railway, whether there is appropriate remedial works and drainage for the site and the likely impact on highway safety, ecology and trees.

PRINCIPLE OF DEVELOPMENT

- 4.2 The redevelopment of the former British Sugar Site is highlighted within the Adopted Core Strategy as part of the vision for the District, with the Development Strategy advising that it is, *“Possibly the most important site to be allocated under this DPD with regard to the regeneration of Kidderminster...”*
- 4.3 Moreover, the site specific policy (SAL.SK2) within the Adopted Site Allocations and Policies Local Plan for the former British Sugar Site confirms that the Council’s aspiration is to redevelop this wider site for a mixed use development, incorporating a significant number of residential units (C2/C3) (approximately 320 dwellings), and employment generating uses (approximately 12 hectares).
- 4.4 A previous Outline Consent for the redevelopment of the former British Sugar Factory site was approved in 2012 for up to 250 dwellings, employment, retail use, new leisure centre and a care home as Phase 1 development.

19/0127/FULL

- 4.5 Since the approval of the 2012 Outline Consent, which has now lapsed, there have been several reserved matters and full planning applications granted for the redevelopment of various Development Blocks within Phase 1.
- 4.6 A total of 307 dwellings and 112 units for people in need of care have been granted permission which already exceeds the number of residential units recommended in this policy. The current application would provide a further 65 residential units on the former British Sugar site and would conform to the aspirations of Policy SAL.SK2 to provide a significant number of residential units on this site. I am also of the view that the redevelopment of this parcel of land for residential use would not prejudice the remaining parcels within the wider site coming forward for employment use and that a mix of uses would still be provided on this wider site.
- 4.7 The proposed development would provide self-contained residential units, aimed for people of 55 years of age and older, and would form the second phase to the existing Berrington Court development, which currently comprises 100 units of extra care housing for people of the same age range.
- 4.8 The Council's Housing Enabling Officer has further confirmed that the proposed development to deliver an additional 65 units for affordable rent aligns with an identified need for housing for older people in Kidderminster and that the development would make effective use of existing infrastructure and services within the existing Berrington Court development. I concur with this view and consider that the proposed development would help to diversify the range of older persons housing provision within the District. Conditions are recommended to ensure the accommodation is only for people of 55 years of age and older and that a Local Letting Plan is agreed to ensure the affordable housing provision is retained for local people first before those within the wider District.
- 4.9 Policy CP01 of the adopted Core Strategy and Policy SAL.DPL1 seek to concentrate new housing development on previously developed sites within the urban area of Kidderminster first before applying a sequential approach to other sites within the District. The application site meets this policy objective.
- 4.10 It should also be noted that the relevant policies within the Wyre Forest District's Development Plan for the supply of housing are 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 have failed for the last 3 years to meet its assessed need. 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 and as such the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is now fully engaged.

19/0127/FULL

- 4.11 Paragraph 11 of the NPPF advises that where the most important development plan policies for the determining of an application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole. This application is to be considered in this context.

DESIGN, SCALE AND LAYOUT

- 4.12 Paragraph 124 of the NPPF explains that ‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities’. It further states that ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve’. Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan require new buildings and spaces to be well designed that reflects the site context and integrates well with the existing streetscene.
- 4.13 The design of the proposed building would reflect and reinforce the design approach that was taken in the existing Berrington Court, in terms of its built form, roofscape and materials. The predominant use of buff brick has been carefully considered and detailed to ensure the building relates well with the appearance of Berrington Court, whilst also incorporating mainly red brick in the elevations facing west and south, adjacent to Stourport Road and the adjoining housing to reflect the housing in the immediate area. I am satisfied that this combination of external materials would help to integrate the new building with the existing built development in the area.
- 4.14 Whilst the scale and massing of the building would extend up to four storeys, it has been broken up into strong vertical elements to ensure the building does not have a monolithic appearance. The building reduces in height to two-storeys to ensure the building relates well with the scale of nearby dwellinghouses.
- 4.15 The siting of the building has been carefully considered to ensure sufficient space is given to the Oak tree, which is located on the northwest corner of the site and only non-habitable room windows are proposed adjacent to this tree. The building has also been sited a sufficient distance away from the existing dwellings in Jotham Close to ensure no loss of privacy or light to the existing residents.
- 4.16 Internally, the building has been designed with communal lounge, tea making facility, buggy store, activity room/games room and roof terrace with kitchenette to help provide a positive social context for prospective occupiers. A covered pedestrian walkway runs between the north-eastern elevation end of the proposed building and the existing Berrington Court is proposed to improve the access to the existing Berrington Court.

19/0127/FULL

- 4.17 Overall, I consider that the proposed scheme in terms of design, scale and layout is acceptable and would add to the overall quality of the area and provide an acceptable living environment, in accordance with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework which require a high quality design in all new developments.

IMPACT ON SEVERN VALLEY RAILWAY

- 4.18 Policy SAL.SK2 within the Adopted Site Allocations and Policies Local Plan advises that full consideration should be given to the potential for a new connection to the Severn Valley Railway line that adjoins the site to the north. I also note that a railway halt was shown on this site in the Masterplan that was approved in the 2012 Outline Consent. Whilst the application would not provide a new link for passengers to the adjacent railway line, there still remains an opportunity to create a direct link to the railway line in the redevelopment of Development Block R within Phase 2 of the wider site, which remains to be redeveloped. Severn Valley Railway have also been consulted on this application but no comments have been received at the time of writing.

APPROPRIATE REMEDIATION AND DRAINAGE DESIGN

- 4.19 Worcestershire Regulatory Services have advised that the development would be acceptable providing further site investigations for land contamination are carried out in order to ascertain what remediation works would be required given the historic use of the site as a sugar beet factory. I concur with this view and have recommended a condition accordingly.
- 4.20 The Worcestershire Water Management Officer is satisfied that the proposed unattenuated discharge to the surface water sewer is acceptable, in this instance, as allowance was made for this in the overall drainage strategy that was approved in the 2012 Outline Consent. The submitted drainage strategy has been updated during this application to demonstrate that the resulting flow rates from the site would not exceed the agreed maximum allowable discharge rates for this site. I am satisfied that the proposal has incorporated an acceptable drainage design and would not result in any drainage issues. A condition is recommended to ensure the updated drainage strategy that has been submitted is implemented.

HIGHWAY SAFETY

- 4.21 The site is considered to be in a sustainable location being less than 200 metres from bus stops serving four routes around the District within close proximity to local shops and facilities.

19/0127/FULL

- 4.22 A total of 68no. resident car parking spaces (including 5 disabled spaces) and 3no. staff car parking spaces, are proposed and it has been concluded in the Transport Assessment that the development would provide adequate parking provision for the number of apartments proposed. It has also been noted in the Transport Assessment that the proposed development would not generate a significant level of traffic and would have a negligible impact on the road network.
- 4.23 The Transport Assessment demonstrates that the proposed parking arrangements would also help to alleviate the existing on-street parking pressure on Felix Baxter Drive, which is caused by a shortage of parking for the existing residents/ staff of Berrington Court Phase 1 development.
- 4.24 The Highway Authority has raised no objection to the application subject to conditions to ensure a satisfactory development of the site. I concur with this view and do not consider that the proposed development would have a detrimental impact on highway safety. The development would therefore accord with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and Paragraph 109 of the NPPF which states that new developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

ECOLOGY AND TREES

- 4.25 The application has been submitted with an updated Ecological Assessment to the one that was completed in 2014 for the adjoining site as part of application 14/3077/RESE for Phase 1 Berrington Court. It was confirmed within the assessment that the majority of the former vegetation and rubble that was present on the site in early 2014 has not changed and that there has been no material changes found to the site, which might significantly alter the conclusions drawn previously. The Council's Countryside Manager agrees with these findings and raises no objection subject to the inclusion of conditions to safeguard and enhance the wildlife corridor that runs along the adjacent railway line during and post development. I concur with this view and have attached conditions accordingly. The development would therefore accord with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraph 175 of the NPPF which both seek to ensure no significant harm to biodiversity and to secure measurable net gains for biodiversity in the new development.

PLANNING OBLIGATIONS

- 4.26 The proposed development would provide 100% affordable housing for people of 55 years of age and older and a condition is attached to secure a local letting plan to be agreed to ensure the units remain affordable and to give priority to local people first before those within the wider District. No planning obligations are sought for public open space provision or education provision as the development would have no children bedspaces.

19/0127/FULL

5.0 Conclusions and Recommendations

5.1 The proposed development would make efficient use of this previously developed site and would help to boost the supply and range of older persons housing provision within the District. It is considered that the proposed development would be of a high quality design that would integrate well with the surrounding development and would result in no detrimental impact on the amenities of existing residents. The development would also help to alleviate the existing on-street parking pressure on Felix Baxter Drive. Subject to safeguarding conditions there would be no adverse impacts on protected species, trees, drainage and highway safety. I therefore consider that the development would accord with relevant policies of the Development Plan and the National Planning Policy Framework and would achieve sustainable development on the site.

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

- 1 A6 (Full with no reserved matters)
- 2 A11 (Approved plans)
- 3 Units to be Affordable Housing only and occupied by people of 55 years of age and older
- 4 Local Letting Plan
- 5 B13 (Site and Finished Floor Level)
- 6 B1 (Building Materials and Hard Surfacing)
- 7 External Lighting Scheme along railway wildlife corridor
- 8 Ecological Mitigation and Enhancement Measures to be implemented
- 9 Boundary Treatment including close boarded boundary acoustic fencing
- 10 Noise Mitigation Measures for balconies and ground floor garden areas
- 11 Glazing and Ventilation
- 12 Contaminated Land Site Investigations and Remedial Works
- 13 Tree Protection Plan
- 14 Landscaping Scheme
- 15 5 year Landscaping Establishment and Management Plan
- 16 Foul and surface water drainage
- 17 Drainage Strategy
- 18 Access, Parking and Turning Facilities to be provided
- 19 Electric Vehicle Charging Facilities
- 20 Cycle Parking
- 21 Travel Plan

Note

Travel Plan Requirements

Agenda Item No. 5

Application Reference: 19/0140/FULL **Date Received:** 28/02/2019
Ord Sheet: 372379 272110 **Expiry Date:** 25/04/2019
Case Officer: Julia McKenzie- **Ward:** Bewdley & Rock
Watts

Proposal: Proposed 2No. 4 bed houses with garages, parking and access improvements

Site Address: OLD HALL FARM, TENBURY ROAD, CLOWS TOP,
KIDDERMINSTER, DY149HE

Applicant: Mr G Harding

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. Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is a rectangular shaped grassed field, located between Old Hall Farm and The Old Hall. It is currently used as part of the garden land of Old Hall Farm and is approximately 0.37 hectares in area. The nearest settlement is Clows Top which is located 0.8 miles from the site and there are three primary schools all within 4.5 miles of the site - Far forest (2.2 miles / 4 minutes), Baynton (2.15 miles / 5 minutes) and St Annes C of E Primary School (4.43 miles / 7 minutes) are within close proximity.
- 1.2 The site has a long entrance road accessed off the Tenbury Road and is relatively flat, there is a additional lane which provides a second access to The Old Hall which runs along side the western boundary of the field. The western boundary of the site consists of an established conifer hedge along part of the boundary and then a lower hedge in poor condition against the post and rail fence and the eastern boundary comprises wooden post fence with partial hedge in places. The southern boundary comprises a dense hedgerow and there are hedge trees along the road frontage.

2.0 Planning History

- 2.1 No relevant planning history for this site.

19/0140/FULL

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection and recommend approval provided highway access is improved to the current and proposed new dwellings.
- 3.2 Highway Authority – The proposed development is located on a private track leading from the A456 which is a route of strategic importance and whilst alterations to improve the existing access have been submitted and the proposed parking provision within the site meets policy requirements, the site location is not accessible by sustainable modes of transport and future occupiers will necessarily be reliant on private car use.

The applicant has submitted some information in a 'Sustainability Report' however these details do not address the lack of infrastructure in terms of footway provision to enable safe access to key amenities and facilities.

In this location, the A456 is subject to the national speed limit (60 mph) and whilst there is a short section of wide grass verge available going east from the access towards 'Colliers Farm Shop & Café' where there is also a bus stop, it is not acceptable to suggest that pedestrians should be walking in this environment. Moreover this route would not be suitable for vulnerable users such as families with young children or those with disabilities and it would not be suitable as a daily commuter route. There is no street lighting in this location. The lack of adequate footway provision and street lighting will deter journeys on foot particularly during winter months and in times of adverse weather conditions and similarly the environment on a busy, high speed route is not conducive to cycling.

The lack of infrastructure means the site is not accessible by sustainable modes which is contrary to Paragraphs 108 and 110 NPPF and the resulting highway safety hazard is also contrary to Paragraph 109 NPPF.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would be a severe impact and therefore recommends that this application is refused.

- 3.3 Worcestershire Regulatory Services (WRS) (Contaminated land) - No objection subject to a condition to ensure no potential contaminated land issues.

19/0140/FULL

- 3.4 North Worcestershire Water Management - I am grateful that the new proposed site plan now shows the ditch, culverted where it crosses the new accesses and the new passing place. Culverting would require a land drainage consent.

The submitted drainage strategy sets out that the intention is to discharge surface water from the properties to soakaway and foul water to sewage treatment plants with a drainage field. It is my understanding that no permeability tests have yet been undertaken on the development site. The submitted strategy details that the existing property currently discharges to soakaway, which would hopefully mean that on-site percolation tests will confirm the suitability of the ground for the proposed methods of discharge. However, if infiltration is not possible then the proposal is that both surface water and treated effluent will be attenuated on the site prior to discharge to the ditch. A controlled discharge of surface water to the ditch would be acceptable, providing the rate does not exceed the Greenfield level so the discharge will not increase the risk of flooding downstream. The discharge of treated effluent to the ditch would not be acceptable as the ditch only contains water intermittently. This means that a sewage treatment plant solution will not be possible if the on-site tests show that the ground is not suitable for a drainage field. A cesspit might be the only viable alternative in that instance.

I still have some doubts regarding the suitability of this site for the proposed drainage methods, but as alternative solutions can probably be found I believe that these doubts will not be sufficient reason to withhold approval of this application on water management grounds. I therefore raise no objection subject to a condition to require a scheme for surface water drainage and foul water drainage is submitted and approved. An informative is also recommended to make the applicant aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence.

- 3.5 Countryside Manager - No objection subject to conditions to require a site clearance inspection and to secure bird, bat and insect houses. An informative is also recommended to ensure no works occur during the bird nesting season.

(Officer Comment - Revised plans have now been received which show the provision of these on the side elevation of both properties).

- 3.6 Neighbour/Site Notice – No representations received

19/0140/FULL

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.1 The application site relates to a piece of land approximately 0.37 hectares to the rear of Old Hall Far, accessed off the Tenbury Road just outside the settlement boundary of Cows Top. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. As the application site comprises a field although more recently used as garden land for Old Hall Farm it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.
- 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 application proposes the erection of two dwellings on the site each with detached double garage to front and access drive with turning area. The accommodation at both properties would consist of an entrance hall, study, dining room, lounge, utility and living / kitchen room with bi fold doors leading into the garden with 4 bedrooms each with en suite at first floor level, bedroom 1 will have a bi fold door with external balcony. The two dwellings would measure 10.9m in width, 9m in depth with the living room extending further behind the lounge to a maximum depth of 13m to a maximum ridge height of 6.4m. The materials proposed are natural oak cladding and plain clay tiles, however samples of these are to be submitted in order to ensure that the properties blend with the adjacent buildings. In design terms the dwellings are sympathetic in scale and character to the surrounding properties.
- 4.4 The erection of the two dwellings on this site is unlikely to have an adverse impact on neighbouring properties in terms of privacy and light given the proposed plot sizes and degree of separation from the neighbouring properties to the side and rear. All first floor side windows would be obscurely glazed and as such the impact on the neighbours would be minimal.

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SUSTAINABLE LOCATION OF DEVELOPMENT

- 4.5 The Highway Authority have raised objections in the respect of the location of the development particularly stating that the site location is not accessible by sustainable modes of transport and as such future occupiers will be reliant on private car use. The justification for the objection is that whilst it is acknowledged that the applicant has submitted some information in a 'Sustainability Report' these details do not address the lack of infrastructure in terms of footway provision to enable safe access to key amenities and facilities. In this location the A456 is subject to the national speed limit (60mph) and whilst there is a short section of wide grass verge available going east towards The Colliers Farm Shop and Cafe where there is also a bus stop, it is not acceptable to suggest that pedestrians should be walking in this environment. The route would not be suitable for vulnerable users such as families with young children or those with disabilities and it would not be suitable as a daily commuter route. The lack of adequate footway provision and street lighting will deter journeys on foot particularly during winter months and in times of adverse weather conditions and similarly the environment on a busy, high speed route is not conducive to cycling.
- 4.6 The National Planning Policy Framework highlights a presumption in favour of sustainable development and a need to ensure the location allows a strong economy to be built and supports a vibrant healthy community with accessible local services.
- 4.7 Paragraph 108 of the National Planning Policy Framework requires decision makers to consider appropriate opportunities to promote sustainable transport modes based on the application type and location. Given the location of the site, it is expected that there would be limited access to public transport; however there is a public footpath (number 324) which links the development site with Clows Top 0.6 miles away (1016 metres) and access to a local shop, post office and bus stop. Bewdley Town Centre is also close by (Approximately 10 minutes by car) with a range of shops and services including bus services to other towns and cities.
- 4.8 Members will note that there is no requirement to ensure that all sites achieve maximum accessibility, but that it must be appropriate given the type of development and its location. It is accepted that this proposal for two detached dwellings is in a rural location and that it would not be considered to be ideal to walk along the road due to the lack of a formalised footpath and due to the speed limit on the road cycling may not be the preferred mode of transport. However, the location of the public footpath is considered appropriate to the area and would provide access to local services and bus routes if required.

19/0140/FULL

- 4.9 Revised plans have been received since the original submission which shows two new passing bays, the widening of the access entry into the site and the widening of the road for the first four metres to 4m and the remainder widened to 3.5 metres. These revisions acknowledge the comments raised by the Parish Council and have not raised any objections from the Highway Authority.
- 4.10 Overall, I do not consider that the site is so intrinsically unsustainable as to warrant a refusal of the application given that there are houses and local shops and services nearby. In addition the future occupiers would help to support the rural community of Clows Top.

LANDSCAPE AND ECOLOGY

- 4.11 The application site comprises a relatively flat rectangular grass field with a total area of 0.37 hectares which appears to be used as the garden to Old Hall Farm more recently and when visited by the case officer had just been mown.
- 4.12 The proposed development would cause some harm to the landscape, as it would be replacing an existing undeveloped grass field with two dwellinghouses and associated domestic paraphernalia. Conditions recommended will seek for details of landscaping and boundary treatment to be submitted and the removal of Permitted Development Rights for any additional outbuildings.
- 4.13 The Countryside Manager has requested a few conditions to be added which seek a pre site clearance walk over by an ecologist, avoiding works in the bird nesting season (1st September to 1st March), all excavations to be covered and providing a means of escape for inadvertently trapped animals. Revised plans have been received which now show two bird, bat and insect houses on the side elevation of each property, and these are considered to be acceptable. Subject to appropriate conditions, I consider that the development would not have a detrimental impact on ecology and would accord with Policy SAL.UP5 of the adopted Site Allocations and Policies Local Plan..

OTHER MATTERS

- 4.14 The North Worcestershire Water Management Officer has offered no objection to the application on drainage.
- 4.15 Worcester Regulatory Services have requested the inclusion of a landfill and ground gases condition due to the site being within 10m of an area with a history of 'mining of coal and ignite' and of 'unknown filled ground' and therefore there may be potential significant contaminated land issues on site.

19/0140/FULL

5.0 Conclusions and Recommendations

5.1 I note that there are limited opportunities to promote sustainable modes of travel and the poor quality of the route in terms of no footway or street lighting provision, however, given that the development is for two dwellinghouses and located within the countryside, I do not consider that the site is so intrinsically unsustainable to justify a refusal of the application. I have also identified local community facilities and shops that are within a reasonable distance of the site accessible by a public footpath. I therefore consider that the future occupiers of the dwellinghouses would support the rural community of Clows Top and would contribute to additional housing in this location. No harm has been identified that would significantly or demonstrably outweigh the benefits of the scheme, including the boost in housing supply and therefore the planning balance is clearly in favour of the proposed development.

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

3. A6 (Full with no reserved matters)
4. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Details of walls, fences and other means of enclosure to be submitted
5. Details of hard and soft landscaping to be submitted
6. Drainage
7. Drainage
8. Gas protection measures – verification report shall be submitted and approved in writing by LPA
9. A pre site clearance walk over by an ecologist.
10. All excavations works to be covered and provide a means of escape for inadvertently trapped animals.
11. Removal of permitted development rights for future outbuildings
12. Obscure glazing to side facing first floor windows
13. Site and finished floor levels

Notes

- A Land Drainage Consent required
- B Avoid works during bird nesting season

Application Reference:	19/0162/FULL	Date Received:	07/03/2019
Ord Sheet:	371728 271419	Expiry Date:	02/05/2019
Case Officer:	Julia McKenzie-Watts	Ward:	Bewdley & Rock

Proposal: Demolition of existing outbuilding and the construction of 2 No. three bed bungalow

Site Address: HAYMIT, WORCESTER ROAD, CLOWS TOP, KIDDERMINSTER, DY149PH

Applicant: Mr N Oakes

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. Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is located outside the settlement boundary of Clows Top. Permission was given for the replacement of a workshop on site to the north east of the bungalow and it is proposed to replace this with a bungalow and erect a further bungalow to the front of the site both with new access drives. The nearest settlement to the site is Clows Top which is located 500 metres to the north of the site and there are three primary schools all within 4.5 miles of the site - Far forest, Baynton and St Annes C of E Primary School.

1.2 The entrance to the site is off the B4202 and it is proposed to widen the existing access in order to accommodate the new access drive for the two dwellings. The site itself is relatively flat with substantial tree screening to the north and west of the site.

2.0 Planning History

2.1 17/0435/FULL – Replacement ancillary building : Approved 14/8/17

19/0162/FULL

3.0 Consultations and Representations

3.1 Rock Parish Council – No objection and recommend approval

3.2 Highway Authority – It is noted that the existing site access which has adequate visibility will be improved to serve a total of 3 dwellings and the proposed parking provision meets policy requirements.

However, the proposed development is located on the B4202 Worcester Road which is not lightly trafficked and is subject to the national speed limit in this section. Whilst there are some basic facilities such as a post office and village store in Clows Top plus a bus stop served by the 220 and 291 services, there is a lack of infrastructure in terms of footway provision and street lighting to enable safe access to these facilities which are over 500m away and this is particularly the case for vulnerable road users such as those with disabilities. It is not acceptable to expect pedestrians to walk on the grass verge. The lack of adequate footway provision and street lighting will deter journeys on foot particularly during hours of darkness and in times of adverse weather conditions and similarly the environment on a busy, high speed route is not conducive to cycling. Therefore the site location is not accessible by sustainable modes of transport and future occupiers will necessarily be reliant on private car use.

The lack of infrastructure means that safe and suitable access cannot be achieved for all road users which is contrary to Paragraph 108 and the resulting highway safety implications are contrary to Paragraph 109 NPPF.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would be a severe impact and therefore recommends that this application is refused.

3.3 Environment Agency – Based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us; it does not fall within our ‘consultation filter’.

3.4 North Worcestershire Water Management - The application site includes a ditch on the other side of the hedgerow on the south-eastern boundary, which was dry at the time of the ecological survey. I'm not aware of the continuation route of this watercourse off this site, but given the local topography it is highly likely that it will eventually fall out into Dick Brook. There are properties downstream of this application site that are at risk of flooding. It is therefore extremely important that there will not be an increase in runoff leaving this site following the proposed development.

3.5 Severn Trent Water – No objections

19/0162/FULL

- 3.6 Worcestershire Regulatory Services (WRS) (Contaminated land) – No adverse comments
- 3.7 Countryside Manager – The submitted report is sufficient and competent and has identified a few further ecological measures that we will need to condition in order for the application not to cause ecological harm.

These are

- A preclearance search of all areas of the site by a suitably qualified ecologist.
- Works to clear the site implemented outside of the bird nesting season or for the site inspected immediately prior to any works by a qualified ecologists and their recommendations followed to avoid harming or disturbing any nesting birds.
- All excavations covered over night and the means for potentially trapped animals escape provided .
- The lighting scheme for the new development needs to be passed to the applicants ecologist to review, amend and re design to prevent light spill impacting the new bat boxes or other ecologically sensitive receptors.
- The installation of 3 bird, bat and invertebrate boxes. These need to be of a durable nature and located in ecologically suitable locations. The nature and location of these need to be submitted on a plan and then implemented. (*Officer Comment – Revised plans now received to show the location of these boxes*)
- An ecologically appropriate landscaping plan needs to be produced that clearly demonstrates the retention of the mature holy trees in the south eastern corner of the site and includes some new planting of locally appropriate native species.

- 3.8 Neighbour/Site Notice – No representations received

4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.1 The application site relates to a piece of land approximately 0.75 hectares to the side of Haymit accessed off the B4202 just outside the settlement boundary of Cows Top. Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan advises that new residential development is normally allowed subject to the site comprising previously developed land. As the application site comprises part within the residential curtilage and the location for the second dwelling previously a field but more recently used as garden land for Haymit it is not a previously developed site, and therefore contrary to Policy SAL.DPL1.

19/0162/FULL

- 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 application proposes the erection of two bungalows of slightly different designs, one has a large integral garage and the other has a detached one on the rear both with access drive and turning area. The accommodation at both properties would consist of an entrance hall, lounge, dining room and kitchen area with 3 bedrooms each with en-suite bathroom and a large private garden. The materials proposed for the development is cedar timber cladding left natural, facing brickwork to Local Planning Authority approval and natural slate roof tiles; however samples of these are to be submitted in order to ensure that the properties blend with the adjacent buildings. In design terms the dwellings are sympathetic in scale and character to the host property Haymit.
- 4.4 The erection of the two bungalows on this site is unlikely to have an adverse impact on neighbouring properties in terms of privacy and light given the proposed plot sizes and degree of separation from the neighbouring property to the side.

SUSTAINABLE LOCATION OF DEVELOPMENT

- 4.5 The highway Authority have raised objections in the respect of the location of the development particularly due to the lack of infrastructure in terms of footway provision and street lighting to enable safe access to the facilities in Clows Top which are over 500 metres away. They feel that this is particularly the case for vulnerable road users such as those with disabilities and it is not acceptable to expect pedestrians to walk on the grass verge.

19/0162/FULL

- 4.6 Paragraph 108 of the National Planning Policy Framework requires decision makers to consider appropriate opportunities to promote sustainable transport modes based on the application type and location. Given the location of the site, it is expected that there would be access to public transport although it is acknowledged that this will be limited. There is a public footpath to the rear of the application site which links the development site with Clows Top 0.6 miles away (970metres) access to a general store, post office, a butchers and a bus stop. Bewdley Town Centre is also close by (Approximately 10 minutes by car) with a range of shops and services including bus services to other towns and cities.
- 4.7 Members will note that there is no requirement to ensure that all sites achieve maximum accessibility, but that it must be appropriate given the type of development and its location. It is accepted that this proposal for two detached bungalows is in a rural location and that it would not be considered to be ideal to walk along the road due to the lack of a formalised footpath and due to the national speed limit on the road cycling may not be the preferred mode of transport. However, the location of the public footpath is considered appropriate to the area and would provide access to local services and bus routes if required.
- 4.8 It should be noted that the Highway Authority has not objected on visibility grounds which has been acknowledged to be adequate and will be improved to serve three dwellings and in addition the parking provision meets policy requirements.
- 4.9 Overall, I do not consider that the site is so intrinsically unsustainable as to warrant a refusal of the application given that there are houses and local shops and services nearby. In addition the future occupiers would help to support the rural communities of Clows Top.

LANDSCAPE AND ECOLOGY

- 4.10 The application site comprises a relatively flat rectangular space with a total area of 0.75 hectares which is used as a garden by Haymit. To the north and west of the site there is a large established tree screen and to the east a field owned by the applicant through which the public footpath crosses. The site is not designated as Green Belt .
- 4.11 The County Council consider the settlement pattern in this area as 'Principal Wooded Hills which is described as a landscape of large, irregular shaped ancient woodlands typically forming interlocking patterns with surrounding hedged fields and a secondary key characteristic is 'wayside dwellings'. The settlement pattern is described as dispersed. It is considered that the two new bungalows would fit with the landscape type of dispersed dwellings.

19/0162/FULL

- 4.12 The proposed development would cause some harm to the landscape, as whilst one bungalow would replace an existing large barn which would have a minimal additional impact, the second bungalow would be erected in an area where currently no buildings stand. Conditions added to the approval will seek for further details of additional landscaping where required and boundary treatment to be submitted.
- 4.13 The Countryside Manager has requested a few conditions to be added which seek a preclearance search of all areas of the site by a suitably qualified ecologist, all works to clear the site should be implemented outside of the bird nesting season or for the site inspected immediately prior to any works by a qualified ecologist and their recommendations followed to avoid harming or disturbing any nesting birds, all excavations covered over night and the means for potentially trapped animals escape provided, a lighting scheme for the new development needs to be passed to the applicants ecologist to review, amend and re design to prevent light spill impacting the new bat boxes or other ecologically sensitive receptors, an ecologically appropriate landscaping plan needs to be produced that clearly demonstrates the retention of the mature holy trees in the south eastern corner of the site and includes some new planting of locally appropriate native species. Plans were also requested to show the installation of three bird, bat and invertebrate boxes, these have now been submitted and are considered to be acceptable.

OTHER MATTERS

- 4.14 North Worcestershire Water Management have offered no objection subject to the conclusion of a condition

5.0 Conclusions and Recommendations

- 5.1 I note that there are limited opportunities to promote sustainable modes of travel and the poor quality of the route in terms of no footway or street lighting provision, however, given that the development is for two bungalows located within the countryside, I do not consider that the site is so intrinsically unsustainable to justify a refusal of the application. I have also identified local community facilities and shops that are within a reasonable distance of the site accessible by a public footpath. I therefore consider that the future occupiers of the dwellinghouses would support the rural communities of Clows Top and would contribute to additional housing. The overall planning balance is clearly in favour of development and can be supported as a departure.

19/0162/FULL

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

5. A6 (Full with no reserved matters)
6. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Details of walls, fences and other means of enclosure to be submitted
5. Details of hard and soft landscaping to be submitted
6. Drainage
7. Drainage
8. A preclearance search of all areas of the site by a suitably qualified ecologist.
9. Works to clear the site implemented outside of the bird nesting season or for the site inspected immediately prior to any works by a qualified ecologists and their recommendations followed to avoid harming or disturbing any nesting birds.
10. All excavations covered over night and the means for potentially trapped animals escape provided .
11. The lighting scheme for the new development needs to be passed to the applicants ecologist to review, amend and re design to prevent light spill impacting the new bat boxes or other ecologically sensitive receptors.
12. Submission of a landscaping plan
13. Highway conditions

Application Reference:	19/0181/FULL	Date Received:	18/03/2019
Ord Sheet:	379675 279612	Expiry Date:	17/06/2019
Case Officer:	Helen Hawkes	Ward:	Wribbenhall & Arley

Proposal: Change of use and extension to existing staff house to form dwelling. Demolition of existing building and erection of 6No. Dwellings (amendment to previously approved scheme 16/0325/FULL)

Site Address: PARK ATTWOOD, TRIMPLEY LANE, SHATTERFORD, BEWDLEY, DY121RE

Applicant: Christopher Charles Properties

Summary of Policy	DS01, DS04, DS05, CP01, CP02, CP03, CP05, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL2, SAL.DPL4, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP5, SAL.UP7, SAL.UP9, SAL.UP11 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site covers 2.3 hectares of Green Belt countryside at Trimpley. It relates to the former Park Attwood Clinic, a brain injury unit which opened in 2011 but closed in 2014. The site has remained vacant ever since.

- 1.2 The site comprises Park Attwood House and surrounding grounds and a detached dwellinghouse that was used for staff accommodation when the site operated as a Brain injury unit. The site does not contain any statutory listed buildings but is on the historic environment record due to its historic interest. Historically, the surrounding grounds to Park Attwood House was once an enclosed park belonging to John Attwood, the King's Yeoman and Park Attwood House was originally the home for the Attwood family. It was used as a dwellinghouse until 1940, when it was then taken over by the army and used as a radar headquarters during the war. After the war Park Attwood House was converted into a country club and then in 1955 a hotel. Park Attwood House is believed to date from around 1750 but given the long history of the site it is highly likely that the 18th century house replaced an earlier, medieval building.

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- 1.3 Park Attwood House sits in the centre of the site and in an elevated position with spectacular views towards Kidderminster which sits to the east. The site is accessed via a shared private driveway off Trimpley Lane and there is a sizeable car park between the staff house and main house and a number of mature trees are located across the site, with many subject to a Tree Preservation Order (TPO 401).
- 1.4 Immediately to the north of the site, beyond a shared boundary are a collection of former barns (Park Attwood Farm) which have been converted to residential use. To the west of the converted barns sits park Attwood Poultry Farm and the associated agricultural workers dwelling. Both properties are accessed via the same shared driveway which however forks off at the start of the private drive to Park Attwood House and former staff house.
- 1.5 This application is for the conversion and extension of the staff house into a dwellinghouse and the erection of six detached dwellinghouses, following the demolition of Park Attwood House. The proposed dwellinghouses would be sited partly over the footprint of existing Park Attwood House as well as to both sides and adjacent to the former staff house. The proposed dwellinghouses would range from one storey to two-storeys in height (with some having a lower ground level) and each would have individual architectural styles that maximise views over the countryside and respond to the change in ground levels across the site. Plots 1 and 2 and the converted and extended former staff house would have a traditional design with pitched roof gables, chimney breast and use of brick and rendered materials. Plots 3, 4 and 5 would have more of a contemporary design style that utilises flat roofs with areas of sedum green roof, block elements and modern building materials would be used.
- 1.6 The proposed dwellinghouses would range between 3, 4 and 5 bedrooms and would have integral garages for storage. Parking provision would equate to 300% per dwellinghouse and the shared driveway would be altered and widened to allow two cars to pass at the same time.
- 1.7 Amended plans have been received that show a reduction in the length of the rear gardens in order to retain an open park like setting around the southern and eastern boundaries of the site, which are mostly visible from distant views. Hedgerows would be provided to define the plot boundaries and existing trees would be retained and protected during construction works.
- 1.8 The current application follows a previous approved scheme (application reference 16/0325/FULL) which included the conversion of the staff house into a dwellinghouse and the erection of 4 dwellinghouses but also sought to retain Park Attwood House and convert the building into five apartments.

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2.0 Planning History

2.1 The site has benefited from numerous planning approvals, the earliest on record being in 1969 but the most relevant being the planning permissions as set out below:

- 16/0325/FULL - Conversion of existing clinic to form 5no. Apartments (3no. 3 bed and 2no. 2 bed apartments). Conversion and Extension to existing staff house to form dwelling. Erection of 4No dwellings : Approved 28 February 2017.
- WF/0073/98 – Alterations and amendments to Planning Permission WF/579/93 : Approved 17 March 1998.
- WF/579/93 – Erection for Training, Patient and Therapeutic Facilities : Approved 25 January 1994.

3.0 Consultations and Representations

3.1 Kidderminster Foreign Parish Council – The submitted plans do not give comprehensive information to enable a full consideration of the application. Also, concern is raised about the lack of significance given to the small leaved lime which has been pruned back resulting in a tree trunk but is thankfully reshooting. It is requested that the Arboricultural Officer urgently gives this tree and others of note on the site, the protection deserved. The previous application included a condition to require tree planting to replace those trees which will be and/or have already been removed and we insist that this condition is imposed again and enforced and all previous TPOs preserved. If permission is granted, the Parish Council would ask to see conditions imposed to restrict further development on the site and if possible any permitted development rights removed and a condition to require some building recording of the main building and its former historical use to be kept by the District Council in archives.

The Parish Council further comment that we prefer this smaller development to that previously granted permission (16/0325/FULL) and if carefully managed with inclusion of and due reference to our comments, it is considered that the proposal would be a suitable development for the site.

(Officer Comments – All necessary drawings and information were submitted with the application and all information has been forwarded to the Parish Council for further consideration but no additional comments have been forthcoming).

3.2 Highway Authority – No objection subject to a condition to ensure the access, turning and parking facilities are provided before first occupation of the dwellinghouses.

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- 3.3 Environment Agency – Awaiting comments
- 3.4 Arboricultural Officer (*Initial comments*) – Following a site visit with the Case Officer it is considered necessary that an amended Proposed Site Plan is submitted to show the Root Protection Areas (RPA) for the ancient Lime tree to ascertain whether the development can be constructed with damage to the existing trees to be retained.

(*Second comments*) – Following submission of a revised Proposed Site Plan showing the Root Protection Areas (RPA) for the existing trees to be retained and an updated Arboricultural Impact Assessment (AIA), the proposed development is acceptable and no objection are raised subject to conditions to require a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the construction of the access roads/drives within the RPA of the ancient Lime and for the construction of the dwelling and installation of the soakaway in Plot 6.

- 3.5 Worcestershire County Council Archive & Archaeology Service – No objection to the application including the demolition of Park Attwood House, subject to a condition to require a suitable level of recording of the remaining historic elements.
- 3.6 Conservation Officer – No objection to the demolition of Park Attwood House given that the building has suffered greatly from numerous schemes of improvements and alterations which have largely robbed the building of any significant architectural features, with the exception of a some mid-C19 fireplaces, joinery and the cellars. It is recommended that a Level 2 Building Recording should be undertaken to record the features of the building before demolition.

Concern is raised that there is no landscape report on the existing historic park and garden and that the Proposed Site Layout creates extremely large domestic rear gardens which will undoubtedly require a considerable amount of upkeep and external storage. The impact of the linear hedged garden boundaries would be seen from many vantage points and would introduce suburban gardens into the wider Green Belt landscape. In addition, the domestic paraphernalia in terms of garden storage sheds could have a detrimental impact on the wider setting of the farmstead group at Park Attwood as well as the wider landscape. As a suggestion, the rear gardens should be reduced in length and an element of the original Park should be retained to the rear of the gardens to act as a buffer between the development and the agricultural land surrounding the site to the east, south and west. This would reduce the impact of domestic paraphernalia and better maintain the setting of the historic Park Attwood settlement.

(*Officer Comments* – *The Proposed Site Plan has been amended to show reduced rear gardens and an open area of land to the rear of the gardens in order to retain elements of the original Park*)

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- 3.7 Severn Trent Water – No objection and do not require a drainage condition to be applied.
- 3.8 North Worcestershire Water Management Officer – (*Initial comments*) - Requires the applicant to confirm that the soakaway drainage would be designed to cope with the 1 in 100 year events within the submitted drainage strategy as agreed in the previous application 16/0325/FULL and providing this information is submitted, no objection would be raised subject to a condition to require a scheme for surface water drainage to be submitted and agreed in writing by the Local Planning Authority.
- (*Second comments*) – An amended Proposed Site Plan has been submitted which shows the soakaway outside of the RPA of the retained trees and therefore no objection is raised to the application subject to an appropriate drainage condition being imposed.
- 3.9 Countryside Manager – No objection subject to a condition to secure the recommended mitigation and enhancement measures as set out in the Ecological Assessment to be provided and to secure an appropriate lighting and landscaping scheme for the site.
- 3.10 Ramblers Association - Bridleway KF-514 follows the boundary of the application site but only partly within it. It will be used for access to the new dwellings and by construction vehicles whilst the dwellings are being built. We have no objection and would ask that steps are taken, such as suitable notices, to inform drivers of construction vehicles to be aware that walkers, cyclists and horse riders who have a right to use the bridleway. We would not wish this right of way to be used for the storage of construction materials or for it to be temporarily closed for the duration of construction works.
- 3.11 Planning Policy – No objection to the application.
- 3.12 Neighbour/Site and Press Notices – No responses received.

4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development would be appropriate development in the Green Belt including its effect of the proposal on the openness and the purposes for including land within it and the acceptability of design and the impact on heritage assets, wildlife, trees, flood risk and drainage, and highway safety.

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WHETHER THE PROPOSAL IS INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

- 4.2 The application site is washed over by the West Midlands Green Belt and is currently occupied by two redundant buildings (a former Clinic and a staff house) together with an area of hard surfacing for car parking and access and vegetation. The site lies in an elevated position and can be viewed from the west and to the east across open countryside. The site is well screened to the northeast and south by mature trees, some of which are subject to a Tree Preservation Order (TPO 401).
- 4.3 Paragraph 143 and 144 of the National Planning Policy Framework (NPPF) state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Subject to a number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the exceptions within the NPPF include the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 4.4 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan refers specifically to development in the Green Belt and also includes that the redevelopment of a previously developed site is permitted in the Green Belt providing the development accords with the requirements of Policy SAL.PDS1 of Part B of the Adopted Site Allocations and Policies Local Plan document. Policy SAL.PDS1 is relevant to the Park Attwood site by virtue that it is ‘other’ previously developed site in the Green Belt outside of those referenced specifically by the policy. I therefore consider that the site is previously developed land.
- 4.5 In determining whether the development would have a greater impact on the openness of the Green Belt, it is necessary to consider the extant planning permissions on this site as they are a material consideration in the assessment of this application. Firstly, planning permission was granted in 1993 for extensions and alterations to Park Attwood House and the approved development was commenced but the development was never fully constructed. The approved extensions to Park Attwood House would have resulted in an 83% increase in floorspace which would have significantly extended the footprint of the original building and resulted in disproportionate extensions.

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- 4.6 In 2017, planning permission was granted (under application 16/0325/FULL) for the conversion of Park Attwood House into 5 Apartments, conversion of the former Staff House into a dwellinghouse and erection of 4 dwellinghouses. In this scheme, the total floorspace reduced by 12% compared to the existing development with the approved extensions.
- 4.7 In the current application, it is proposed that Park Attwood House would be demolished and the site would be redeveloped with 6 new detached dwellinghouses and that the former staff house would be converted and extended into a dwellinghouse. The applicant has provided the floorspace calculations for the previous approved developments as well as the current development.

These figures are provided as:

Floorspace of existing building	1628sq.m
Floorspace of approved 1993 extensions	1348sq.m
Floorspace of approved 2017 development	2599sq.m
Floorspace of proposed development	2008sq.m

- 4.8 Based on the figures quoted above, the proposed development in the current application would result in a reduction in overall floorspace of 591sq.m compared to the development that was approved in 2017 and a reduction of 968sq.m compared with what could lawfully be constructed on site were the extant 1993 consent be fully implemented.
- 4.9 The demolition of Park Attwood House would result in a material reduction in the scale of built development on this site and the proposed dwellinghouses in Plots 1, 2 and part of Plot 3 would be sited over the footprint of Park Attwood House, including the approved extensions. The dwellinghouses in Plots 4 and 5 would be sited in a similar position as the dwellinghouses in Plots 3 and 4 of the approved 2017 scheme. I am of the view that the siting of the proposed dwellinghouses would be acceptable as they would be confined to one part of the site and would not extend beyond the envelope of what is considered to be previously developed land within the site.
- 4.10 The proposed dwellinghouses have been carefully designed to respect the scale of the adjoining farm buildings and former staff house. The buildings are also of a high quality design with special attention being given to the architectural style and palette of materials to ensure some variation in appearance whilst retaining a coherent design approach that reflects the setting and maximises views across the countryside. The glazing to the rear elevation of all plots will be in tinted anti reflective glass to ensure there is no glare from distant views.
- 4.11 The heights of the proposed dwellinghouses have been kept low and the dwellinghouses in Plots 4 and 5 have a split level to take advantage of the change in levels across the site and to ensure they do not appear as prominent features when viewed across the countryside.

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- 4.12 The proposed development would be screened by existing mature trees to the south and by the existing properties to the north. To the west and from the adjoining public footpath, the proposed dwellings would be screened by the existing staff house and would not be highly noticeable in wider views compared to the existing development on site. From the east, the site is in an elevated position where distant views of the site are possible. However, I am satisfied that the proposed dwellinghouses have been carefully designed and would not have a greater impact on openness of the Green Belt compared to the previously approved development.
- 4.13 The Conservation Officer has raised concern about the subdivision of the Park into small domestic gardens and the domestic paraphernalia that follows with this type of development. Following these comments, the applicant has reduced the length of the rear gardens to retain an open area adjacent to the southern and eastern boundaries of the site, which would restore part of the site as a historic Park like setting. This area of the site would also provide a good landscape buffer between the development and the wider historic environment, which can be seen from across the countryside. Also, all of the proposed dwellings would have garages to store garden machinery/equipment and cycles etc, which should reduce the need for garden sheds and outbuildings in the future.
- 4.14 Furthermore, conditions are recommended to require a landscape management plan to be submitted to ensure the area of the site that is not to be included in a residential curtilage is maintained. In addition, a condition to remove permitted development rights would be needed for any enlargements or outbuildings in order to safeguard the openness and character of the countryside. Subject to these conditions, I consider that the proposed development would preserve the historic landscape in this local area and would not result in an urbanising effect.
- 4.15 Overall, I consider that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development or that approved under the 2017 application. Also, given the existence of buildings on the site and a condition to control further development on this site, there would be no further impact on the purposes of including land within the Green Belt. I therefore consider that the proposed development would not constitute inappropriate development in the Green Belt and would not cause harm to the character or landscape of the area. I do not consider it necessary, in this instance, to consider whether there are any other considerations which could constitute very special circumstances.

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HOUSING LOCATION AND AFFORDABLE HOUSING PROVISION

- 4.16 The site is also not in an isolated location being immediately next to other residential properties, which are known as The Hawthorns, Bell House Farm and Park Attwood Farm. It was also accepted in the previous approved application that the proposed development would accord with Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan as it related to an 'other' previously developed site in the Green Belt and therefore was an acceptable location for new housing.
- 4.17 The Highway Authority raises no objection and considers it to be a sustainable location for new housing.
- 4.18 In terms of the requirements to provide affordable housing provision, the development is for less than 11 new dwellings and the 'new' floorspace to be created, following the reduction to be made for vacant building credit (VBC) falls below the 1,000sq.m threshold in which affordable housing can be required. No other planning obligations are considered necessary.

IMPACT ON HERITAGE ASSETS

- 4.19 Park Attwood House is an undesignated heritage asset included on the Worcestershire HER reference: WSM28644. Although the present building appears to date from the later 19th century there are records of a house on this site from at least the 17th century as evidenced by fragments of stone foundations in the cellars. Unfortunately the existing building on site has suffered greatly from numerous schemes of improvement and alteration throughout the 20th century and into the 21st century. These have largely robbed the interior of any significant architectural features, with the exception of a couple of mid-C19 fireplaces in the attics and fragments of joinery elsewhere. The cellars are perhaps the most interesting part of the building. These are extensive and point to an earlier building on this site, with evidence of at least two phases of rebuilding in the 19th/early 20th centuries.
- 4.20 I concur with the Conservation Officer and the Worcestershire County's Archaeologist that no objection should be raised to the loss of this building subject to a Level 2 Building Recording to be undertaken prior to its demolition, which would accord with paragraph 199 of the National Planning Policy Framework where it requires developers to record the significance to any heritage assets to be lost and to make the evidence publicly accessible.

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- 4.21 The Park at Park Attwood is also an undesignated heritage asset included on the Worcestershire HER reference: WSM68021. It has post-medieval origins and is recorded in several historic documents relating to the sale of the land in the 18th and 19th centuries. Although the gardens have clearly been landscaped, the date of much of this landscaping is unknown. The Heritage Statement suggests that this is likely to have been largely 19th century, but there is potential for there to have been settlement here, and associated gardens and parkland, since the 14th century. Given the potential history of the site, it is recommended by the Worcestershire County's Archaeologist that an agreed programme of archaeological excavation and/ or a watching brief is necessary in order to record the threatened remains prior to damage or destruction within the gardens of this site.

RESIDENTIAL AMENITY

- 4.22 The proposed development would provide a high quality and unique residential environment. The internal layout and room sizes would be acceptable. The siting and design of the dwellinghouses have been amended slightly during this application to ensure a sufficient gap is provided between the buildings and to ensure no direct overlooking between the residential plots. I therefore consider that the proposals would provide an acceptable living environment for future residents.

WILDLIFE AND TREES

- 4.23 A revised Ecological Survey has been submitted with this application which concluded that no bats were found to be roosting anywhere on the site, but that a number of active bird's nests were present under the eaves of both buildings and other species such as hedgehogs were present within the vegetation. The Countryside Manager agrees with these findings and has recommended a condition to secure the mitigation measures as suggested in the Ecological Survey Report, as well as a condition to agree an external lighting scheme and to ensure a passage is provided within the boundary treatment for hedgehogs. I am of the view that the proposed development can be provided, including the demolition of the Park Attwood House, without causing a detrimental impact on wildlife.
- 4.24 The application site contains a number of mature trees including many subject to a Tree Preservation Order (TPO 401). I also note the concerns raised by the Kidderminster Foreign Parish Council about the impact of the development on existing trees including the ancient Lime tree, which is subject to a Tree Preservation Order but now appears more like a tree stump, however, has started to reshoot new branches.

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- 4.25 The Council's Arboricultural Officer has carefully considered the application and following receipt of an updated Arboricultural Impact Assessment and Proposed Site Plan to show the ancient Lime Tree and to consider the impact of the development, it is considered that the layout of the proposed development is acceptable and can be constructed without adversely affecting any trees on site. Conditions are recommended to secure an appropriate Tree Protection Plan and Arboricultural Method Statement prior to any works commencing on site. I concur with the view of the Arboricultural Officer and am satisfied that the proposed dwellings, parking and vehicular access, soakaways and drainage can be provided without damage to the root protection areas of any existing trees to be retained.

PARKING PROVISION AND HIGHWAY SAFETY

- 4.26 The development would provide adequate parking provision for each dwellinghouse and alterations are proposed to the private access track to ensure it is an acceptable width for two cars to pass. The current proposal would see a reduction in traffic movement and generation compared to the previous approved scheme which was for 5 apartments and 5 dwellinghouses and no objection has been raised by the Highways Authority. I therefore consider that the development would have no detrimental impact on highway safety, in accordance with Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and Paragraph 109 of the NPPF.

FLOOD RISK AND DRAINAGE

- 4.27 The North Worcestershire Water Management Officer has confirmed that the site is not at risk of any type of flooding and that the use of non-mains drainage for the discharge of foul water is acceptable, in this case, as there are no public sewers present within the vicinity of the site. However, to ensure the development does not cause any increase in flood risk further along the nearby Honey Brook watercourse, it is considered necessary to require a scheme for surface water drainage to be submitted and agreed prior to development.

5.0 Conclusions and Recommendations

- 5.1 The application follows a previous approved scheme for housing on this previously developed site in which the proposed dwellings would be sited in a similar position as those already approved and the current application would represent an overall reduction in total floorspace compared with what could lawfully be constructed on site were the extant consent to be fully implemented. Overall, I consider that this revised scheme would result in an improvement to the openness and visual amenity of this part of the Green Belt and would constitute appropriate development in the Green Belt.

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- 5.2 The development would help to boost the supply of housing and would be an appropriate and sustainable location for new housing. No other harm has been identified that would arise from the granting of planning permission and subject to safeguarding conditions, the proposed development would represent sustainable development and would accord with relevant local and national planning policies contained within the Development Plan.
- 5.3 It is therefore recommended that the application be given **delegated APPROVAL** subject to no objections being received from the Environment Agency, and the following suggested conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B13 (Site and Finished Floor Levels)
 4. B1 (Building Materials and Hard Surfacing Details)
 5. B11 (Boundary Treatment)
 6. Tree Protection Plan
 7. Arboricultural Method Statement (AMS)
 8. Surface water drainage scheme
 9. Recommended ecological mitigation and enhancement measures
 10. Landscaping plan including Green Roof Details
 11. Landscaping Implementation
 12. Landscape Management Plan
 13. External lighting scheme
 14. Programme of archaeological work including a Written Scheme of Investigation
 15. Require investigation and post investigation assessment to be completed
 16. Access, turning and parking facilities to be provided
 17. Construction Method Statement to safeguard Footpath
 18. Removal of Permitted Development Rights for Enlargements and Outbuildings
 19. Replacement Trees

WYRE FOREST DISTRICT COUNCIL

Planning Committee

23 May 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
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			Allowed 05/04/2019

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
WFA1514 18/0594/FULL	APP/R1845/D/19 /3220082	MR & MRS LOVERIDGE	CULVER HOUSE DOWLES ROAD GREENACRES LANE BEWDLEY DY122RE Extensions and alterations of existing property including the increase of ridge height of provision, dormers and two storey front	WR 20/02/2019	27/03/2019			
WFA1515 18/0722/FULL	APP/R1845/D/18 /3219376	MR NICK SALTER	34 COBHAM ROAD KIDDERMINSTER DY101LF Two storey side extension (Resubmission of approval 15/0500/FULL)	WR 20/02/2019	27/03/2019			Allowed 30/04/2019

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
WFA1516 19/0004/FULL	APP/R1845/D/19 /3224366	MR J POWELL	20 KENT CLOSE KIDDERMINSTER DY101NS PROVISION OF RENDER TO ALL ELEVATIONS.	WR 21/03/2019	25/04/2019			Dismissed 30/04/2019
WFA1517 18/0566/FULL	APP/R1845/W/1 9/3223931	MRS PATRICIA PAYNE	HOBRO CHALET HOBRO WOLVERLEY KIDDERMINSTER DY115SZ Replacement chalet and associated works including cellular mesh to driveway	WR 01/04/2019	06/05/2019			
WFA1518 18/3077/PNRE	APP/R1845/W/1 9/3222905	Mr B Connolly	BARN 5 WOODSIDE FARM TANWOOD LANE CHADDESLEY CORBETT Change of use of agricultural building to a dwellinghouse	WR 01/04/2019	06/05/2019			

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
WFA1519 19/3001/PNRE	APP/R1845/W/1 9/3225708	MR A BREAKWELL	BARN AT BINE FARM BLISS GATE, ROCK KIDDERMINSTER DY149YD Change of use of agricultural building to a dwellinghouse(Class C3) including	WR 09/04/2019	14/05/2019			
WFA1520 19/0218/ENF	APP/R1845/C/18 /3216916	Mr Robert Dyke	EASTER COTTAGE NORTHWOOD LANE HILL FARM BEWDLEY DY121AS Unauthorised two storey extension to a bungalow (Enforcement case 16/0049/ENF)	WR 12/04/2019	17/05/2019			

Appeal Decision

Site visit made on 13 March 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2019

Appeal Ref: APP/R1845/W/18/3212592

Pavement of Habberley Lane, opposite the junction with Berrow Hill Road, Kidderminster, DY11 5BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CTIL & Vodafone Ltd against the decision of Wyre Forest District Council.
 - The application Ref 18/3045/TE, dated 15 June 2018, was refused by notice dated 1 August 2018.
 - The development proposed is the installation of a 12.5 metre monopole with 3no. shrouded antennas and 3no. equipment cabinets.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 Order) for the siting and appearance of the installation of a 12.5 metre monopole with 3no. shrouded antennas and 3no. equipment cabinets on the Pavement of Habberley Lane, opposite the junction with Berrow Hill Road, Kidderminster, DY11 5BL in accordance with the terms of the application Ref 18/3045/TE, dated 15 June 2018, and the plans submitted with it.

Main Issue

2. The main issue is the effect of the siting and appearance of the proposed development on the surrounding area.

Reasons

3. The appeal site is located close to the crossroads of the A442 and the B4190 and the proposed development would be sited on an area of pavement adjacent to a petrol filling station (PFS). Due to the sloping land levels which rise in a general northerly direction, the forecourt of the petrol filling station and associated canopy structure are located at a lower level than the adjacent area of pavement upon which the appeal site is located. However, a wide and tall advertisement is located adjacent to the pavement in a highly prominent location.
4. Diagonally opposite the PFS is a public house which also has a large area of car parking in front of it as well as a number of associated signs. Additional street

- furniture close to the site takes the form of several tall lampposts as well as a small utility cabinet.
5. Although there are a number of residential properties located close to the site, the surrounding area is dominated by the wide and busy junction and the presence of the PFS and public house and their associated large, tall and prominent items of street furniture, as well as the tall lampposts. The character of the area is therefore not mainly residential as described by the Council.
 6. The proposed monopole would be 12.5 metres tall and it would be accompanied by three cabinets. The monopole would be taller than the numerous lampposts that line the pavements. However, based on the evidence before me, the existing lampposts are 10 metres in height. The difference would therefore not be significant. The monopole would also be visible above the canopy of the PFS when travelling north along the A442 (Franche Road) as well as being visible when travelling along the other arms of the crossroads. However, it would be seen in the context of the other items of street furniture described above.
 7. Furthermore, although the street furniture is readily appreciable close to the site, the immediate section of pavement is wide and free from obstructions. As a consequence, the siting of the monopole and cabinets would not appear cluttered, nor would they obstruct the pavement, impede on crossing the road, or cause traffic congestion.
 8. Therefore, due to the defining and dominant presence of the wide and busy crossroads and the distinct presence of lampposts that are of a comparable height as the monopole, the proposal would not appear as a dominant, incongruous or visually prominent addition. Instead, it would be experienced in the context of a wide and busy crossroads, adjacent to a large PFS with its associated signs as well as the numerous tall lampposts. In this context, the proposal would not appear at odds with the character and appearance of the area. Consequently, I conclude that the proposed siting and appearance of the development would not harm the surrounding area.
 9. The proposal would therefore accord with Policy SAL.CC5 of the Site Allocations and Policies Local Plan 2006 – 2026 (Adopted 2013) which requires proposals involving the erection of telecommunications equipment to be sited and designed so as to not result in significant adverse impact to interests of acknowledged importance.

Other Matters

10. An application for a monopole and two ground based equipment cabinets at this site was refused in 2006 (ref: 05/3002/TE). Based on the evidence that I have before me, it was refused due to the effect of the proposal on the function of the Green Belt as well as a Landscape Protection Area and an Area of Great Landscape Value. The site is no longer subject to these constraints, and although the Council also concluded that the proposal would harm the character and appearance of the area, for the reasons identified above, I have concluded differently.
11. In addition, an appeal for a similar form of development close to the appeal site was previously dismissed (ref: APP/R1845/A/09/2098749). Whilst I do not have the full details of this case before me, the proposal was for a taller mast

on a different site. I am therefore satisfied that the two proposals are materially different and that therefore I am not bound by the findings of a previous Inspector.

12. The proposal has been accompanied by an ICNIRP Declaration. It has therefore been designed to be in full compliance with the requirements of the radio frequency public exposure guidelines. Furthermore, although some concern has been raised in relation to the proximity of the proposal to the PFS, I have no objective evidence that this could have any safety implications. Consequently, I am satisfied that the proposal will not be harmful to public health.
13. I also note concern in relation to the effect of the proposal on property values. However, on this point, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as property values, could not be material considerations.

Conclusion

14. For the reasons identified above, the appeal is allowed.

Martin Chandler

INSPECTOR

Appeal Decision

Site visit 19 March 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 30 April 2019

Appeal Ref: APP/R1845/D/18/3219376
34 Cobham Road, Kidderminster DY10 1LF

- 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 Nick Salter against the decision of Wyre Forest District Council.
 - The application Ref 18/0722/FULL dated 15 November 2018 was refused by notice dated 19 December 2018.
 - The development proposed as stated on the application form is described as "Resubmission of Approval 15/0500/FULL".
-

Decision

1. The appeal is allowed, and planning permission is granted for a two storey side extension at 34 Cobham Road, Kidderminster DY10 1LF in accordance with the terms of the application, Ref 18/0722/FULL, dated 15 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-106-1; 15-106-3 rev.P2; and 15-106-4.
 - 3) The external surfaces of the development hereby permitted shall match those used in the construction of the existing building.
 - 4) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with Drawing No 15-106-4 for three cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

Procedural Matters

2. The description on the application form refers to a previously granted planning permission Ref 15/0500/FULL (the previous permission) for the appeal site for the same proposal. In the interest of clarity, as I am allowing the appeal, I have used the wording "two storey side extension" which has been used by both parties in supporting documentation for the appeal in any event. I have not included "Resubmission of Ref 15/0500/FULL" as well as this is a new application and the parties agree that the previous permission has lapsed.

3. The National Planning Policy Framework (the Framework) was revised in February 2019 after the date of the refusal notice. I have had regard to the revised Framework in my decision.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

5. Cobham Road is divided into two sections and the appeal dwelling is a semi-detached house at the end of a narrower section that is elevated and distinct from the remainder of the road. Despite the elevation, these dwellings on this section are more secluded largely due to mature vegetation which means that the appeal dwelling is not visible from the main section of Cobham Road.
6. There is vehicular access to the appeal dwelling via double gates to a garden area and a gravelled area for parking on a lower level as the road drops down sharply after the appeal dwelling and leads to woods. The end location and the drop in levels is unique to the appeal dwelling as neighbouring houses are on the same level and do not benefit from the increased amenity space and parking area.
7. The previous permission expired in October 2018 and the parties agree that this was granted on the basis of the same plans as the appeal before me, and that there have been no changes in local policy since the original decision was made. The Council has indicated that they interpreted the plans as meaning that the hallway was existing rather than part of the new proposal. As a consequence, the Council assessed the new extension as being smaller than it actually was. In all other respects, the Council considered that the proposal was acceptable having regard to the same policies that are applicable to this appeal. In the circumstances, I am attaching significant weight to the previous permission.
8. The appeal proposal would add a two storey side extension to the existing dwelling on the end of the house nearest to the woods with an open car port at the lower level. The proposal would be lower than the existing building and set back at the front. Whilst the Council is concerned that the end of the dwelling would appear as three storeys to the side, the side storey currently appears as three storeys, in any event, due to an existing ground level brick wall. The changes in levels would mean that the appeal dwelling would still appear as two storeys to the front.
9. The Council has referred to there being doubt as to the legibility of the host dwelling largely due to the front door and porch moving to the extension. The adjoining semi-detached No 33 has no door on the front elevation but instead has a side entrance and porch. The Council indicates that historically it would appear that the access to the appeal dwelling would have been through a side door. The brick outline of a door is visible on the side elevation. Moving the front door to the extension which has a slight set back means that the original front elevations on the pair of semi-detached houses would have windows only and brings back an element of symmetry previously lost.
10. Design Guidance Supplementary Planning Document Adopted June 2015 supports the Wyre Forest District Council Site Allocations and Policies Local Plan

2006-2026 (the Local Plan). It states that as a general rule, extensions to the side should have a maximum width of 4/7 ths of the original front width. Whilst the proposal does not comply with that guidance, given that the appeal proposal is for an end dwelling in a secluded position next to woods, deviation from the guidance would not result in any visual harm in this instance.

11. The proposed extension would be commensurate to the size of the existing property and plot. It represents a subservient extension to the existing residential property at a scale which has previously been found acceptable by the Council. I do not consider that the scale, height or width would be out of proportion with the original dwelling.
12. I have therefore concluded that that the appeal proposal would have an acceptable impact on the character and appearance of the area. The proposal, therefore, would not conflict with Policies SAL.UP8 and SAL.UP7 of the Local Plan or Policy CP11 of the Adopted Wyre Forest District Council Core Strategy (2006-2026) Adopted December 2016. The policies, when taken together and amongst other things, seek that the development is of a high quality design and layout, which take account of local character. The policies are consistent with the Framework in those respects.

Conditions

13. I have imposed the standard time limit condition together with a plans condition for certainty. A materials condition is necessary to ensure consistency and to preserve the character and appearance of the area. Worcestershire County Council have suggested a parking condition and the laying out of a defined area for parking of three cars. The condition is needed in the interest of highway safety and to ensure that the defined area shown on the submitted plan is created prior to use of the extension.

Conclusion

14. For the reasons given, the appeal is allowed.

E Griffin

INSPECTOR



Appeal Decision

Site visit made on 23 April 2019

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th April 2019

Appeal Ref: APP/R1845/D/19/3224366
20 Kent Close, Kidderminster DY10 1NS

- 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 J Powell against the decision of Wyre Forest District Council.
 - The application Ref 19/0004/FULL, received by the Council on 3 January 2019, was refused by notice dated 28 February 2019.
 - The development proposed is a render finish to all elevations.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The appeal property is a detached 2-storey house that stands at the end of a residential cul-de-sac along which properties are similar in age and style. Like most other residential properties along Kent Close, the walls of No 20 are red brick and the pitched roof is tiled. The broad consistency in the use of external materials is a unifying and distinctive feature of houses along Kent Close.
4. There is greater variety in the appearance to the properties that address Hoo Road, which runs just beyond the site and from which No 20 is visible in both directions. On the opposite side of Hoo Road to the site I saw that the front or sidewalls of some bungalows were rendered and painted in different colours.
5. The appellant has drawn my attention to these properties and to other buildings further afield that are half rendered or fully rendered, which I saw. Photographs of these examples have also been provided. While I have taken into account all of the cases identified, it is along Kent Close and Hoo Road in the vicinity of the site that the finished dwelling would be visually 'read'. Within these local street scenes, I observed that a prevailing characteristic of many properties was exposed brick rather than paint or render.
6. With smooth painted render applied all the elevations of No 20, as proposed, the appearance of the finished dwelling would markedly contrast with that of the existing dwelling and most other 2-storey properties in the vicinity of the site, which are constructed largely from traditional brickwork. With its relatively wide 2-storey front and rear façades compared to other nearby

- buildings, and a sizeable gable to each of the front, side and rear elevations, that difference would draw the eye from both Kent Close and Hoo Road given that a large expanse of render would be applied to the host building. That the existing dwelling occupies an elevated position in relation to Hoo Road in views from the southeast due to the notable difference in ground levels would accentuate the visual impact of the proposal.
7. To my mind, the overall coverage and the visual impact of the painted render to No 20 would be considerably greater than that of the Hoo Road bungalows. These single storey properties have a modest presence in the street scene mainly due to their limited size and low profile. In contrast, when seen from Hoo Road and Kent Close, the finished dwelling would stand out prominently and awkwardly as the only example of a 2-storey building with painted render to all of its elevations. In doing so, it would appear as an obtrusive and discordant feature in the local area.
 8. Additional planting with a new hedgerow around the perimeter of the plot would visually soften the appearance of the finished dwelling from some public vantage points. However, it would do little to subdue the adverse visual impact of the render at first floor level or would it amount to appropriate mitigation for the significant harm caused by the appeal scheme.
 9. I observed some variation in the colour of the brickwork in the main rear wall of the appeal property, to which the appellant has referred. There is no compelling evidence before me to show that the application of render across all the elevations of No 20 is the only way to achieve greater uniformity in the appearance of the rear façade of the existing building. I therefore attach only limited weight to this consideration in support of the appeal.
 10. On the main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. It therefore conflicts with Policy SAL.UP7 of the Council's Site Allocations and Policies Local Plan 2006-2026 and Policy CP11 of its Core Strategy (2006-2026). These policies aim to ensure that all development integrates well with the existing street scene and buildings are well designed through the appropriate use of materials, amongst other things.
 11. The appellant states that the concrete render to be applied would ensure that the host building would more fire resistant and energy efficient than the existing dwelling. Although these considerations weigh in support of the appeal scheme they do not outweigh the significant harm that I have identified.
 12. I note the appellant's opinion that the existing brickwork could be painted without the need for planning permission. I also acknowledge that others raise no objection. However, the absence of representations from interested parties does not justify permitting what would be unacceptable development.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR