

Open

Planning Committee

Agenda

6pm
Tuesday, 18th June 2019
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor C E E Edginton-White
Vice-Chairman: Councillor J Aston

Councillor C J Barnett

Councillor S J Chambers

Councillor M J Hart

Councillor F M Oborski MBE

Councillor J W R Thomas

Councillor V Caulfield

Councillor P Harrison

Councillor L J Jones

Councillor C Rogers

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.

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

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

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

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

*Unless there are no reports in the open session.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or Director: Economic Prosperity & Place before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director: Economic Prosperity & Place.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, “background papers” in accordance with Section 110D will always include the case Officer’s written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 18th June 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 23rd May 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.	44
7.	Land at Sadlers Cottage, The Village, Chaddesley Corbett To consider a report from the Corporate Director: Economic Prosperity and Place to determine whether the Tree Preservation Order No 436 (2019) relating to a Lime tree, within the rear garden of Saddlers Cottage, Chaddesley Corbett, should be confirmed or not.	51

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

Part 2

Not open to the Press and Public

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

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

23RD MAY 2019 (6PM)

Present:

Councillors: C E E Edginton-White (Chairman), J Aston (Vice-Chairman), C J Barnett, V Caulfield, S J Chambers, P Harrison, M J Hart, L J Jones, F M Oborski MBE, C Rogers, J W R Thomas and L Whitehouse.

Observers:

Councillors: G Ballinger and A Totty

PL.01 Apologies for Absence

There were no apologies for absence

PL.02 Appointment of Substitutes

No substitutes were appointed

PL.03 Declarations of Interests by Members

Councillor C Edginton-White declared a DPI in agenda item number 10 and informed the Committee that she would leave the room for this item and that Councillor J Aston would Chair the meeting in her absence.

Councillor C Rogers entered the room at this point (6:02pm) and confirmed he had no declarations of interest to make.

PL.04 Minutes

Decision: The minutes of the meeting held on 16th April 2019 be confirmed as a correct record by those in attendance at the April meeting and signed by the Chairman.

PL.05 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 573 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No 573 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.06 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.07 Exclusion of the Press and Public

Decision: That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

PL.08 New Enforcement Case

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

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

Councillor C Edgington-White left the meeting at 6:58pm. Councillor J Aston Chaired the meeting in her absence.

PL.09 Enforcement Matters

The Committee received a report from the Corporate Director: Economic Prosperity and Place which provided Members with a summary report on enforcement matters and specifically the volume of new complaints.

Decision: That the contents of the report be noted.

Councillor C Edgington-White re-entered the room at this point (6:59pm) and resumed the Chair position.

There being no further business the meeting ended at 7:00pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

23rd May 2019 Schedule 573 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: 19/0139/FULL

Site Address: LESWELL COURT, LESWELL STREET, KIDDERMINSTER, DY10 1RP

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

Application Reference: 19/0037/S73

Site Address: VALE ROAD CAR PARK, STOURPORT-ON-SEVERN, DY13 8YJ

Application WITHDRAWN

Application Reference: 19/0050/FULL

Site Address: 37 NORTHUMBERLAND AVENUE, KIDDEWRMINSTER, DY11 7AN

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

Notes
Severn Trent Water

Application Reference: 19/0053/FULL

Site Address: SPENNELLS PLAYING FIELD, HERONSWOOD ROAD, KIDDERMINSTER, DY10 4ET

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

Site Address: BEECHFIELDS, 24 WHITEHILL ROAD, KIDDERMINSTER, DY11 6JJ

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

Site Address: 23 HARRIERS GREEN, KIDDERMINSTER, DY10 2UE

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

Site Address: 1 THE FIRS CLOSE, KIDDERMINSTER, DY10 1UF

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

Site Address: BERRINGTON COURT, LAND ADJACENT TO BERRINGTON COURT, FELIX BAXTER DRIVE, KIDDERMINSTER, DY11 7FH

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

Application Reference: 19/0140/FULL

Site Address: OLD HALL FARM, TENBURY ROAD, CLOWS TOP, KIDDERMINSTER, DY14 9HE

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. 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

Site Address: HAYMIT, WORCESTER ROAD, CLOWS TOP, KIDDERMINSTER, DY14 9PH

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. 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

Site Address: PARK ATTWOOD, TRIMPLEY LANE, SHATTERFORD, BEWDLEY, DY12 1RE

APPROVED subject to the following 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

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

18/06/2019

PART A Report

Ref.	Address of Site	Recommendation	Page No.
19/0157/FULL	TALBOT INN THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	15

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
18/0585/FULL	LAND TO WEST TREACLE HALL LYE HEAD BEWDLEY	APPROVAL	28
19/0032/OUTL	LAND AT ARLEY LANE POUND GREEN ARLEY BEWDLEY	APPROVAL	36

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
18TH JUNE 2019

PART A

Application Reference:	19/0157/FULL	Date Received:	05/03/2019
Ord Sheet:	389221 273611	Expiry Date:	30/04/2019
Case Officer:	Helen Hawkes	Ward:	Wyre Forest Rural

Proposal: Refurbishment works to Grade II Listed Public House including single storey rear extension, internal alterations, erection of storage building and alterations to car park

Site Address: TALBOT INN, THE VILLAGE, CHADDESLEY CORBETT, KIDDERMINSTER, DY104SA

Applicant: Mr Mark Titman

Summary of Policy	DS04, CP01, CP02, CP03, CP09, CP07, CP09, CP10, CP11, CP12 (CS) SAL.PFSD1, SAL.CC1, SAL.CC2, SAL.UP1, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) CC3, CC9, CC10, CC12 (CCNP) Design Guide SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval. Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The site relates to The Talbot Inn, a Grade II Listed Public House located within the village of Chaddesley Corbett. It lies at the back of the footpath with a customer car parking area to the rear. The car park is not formally laid out and includes small grassed areas and a few scattered trees and shrubs. There is also an unused detached toilet block, a garage and a garden shed to the rear of the building along the north boundary of the site.

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- 1.2 The site is adjoined to the north and south by residential properties and to the east by an area of land that was formerly used as an overspill car park to the public house and is within the same ownership as the application site. To the west, on the opposite side of the road, are residential properties and the Grade I Listed St Cassian's Church. The surrounding area is characterised by a mixture of commercial and residential uses and the wider area is open countryside. The site also falls within the Chaddesley Corbett Conservation Area and the West Midlands Green Belt.
- 1.3 The current application seeks to carry out refurbishment works and internal alterations to the existing building, the erection of a rear orangery and installation of an extraction flue enclosed in a chimney structure in order to bring the existing public house back into use, with five letting rooms at first floor. The development would also include the demolition of the outbuildings and erection of a storage building and the reconfiguration of the car park.
- 1.4 The layout of the existing car park would be altered to create 45 formal car parking spaces including 2No. disabled spaces and provision for cycle and motor bike storage. An external yard refuse storage building would be provided within the rear car park.

2.0 Planning History

- 2.1 15/0491/FULL - Replacement signage and lighting. Internal alterations and improvements: Approved 21.10.15
- 2.2 15/0492/LIST - Replacement signage and lighting. Internal alterations and improvements: Approved 21.10.15
- 2.3 14/0149/FULL - Expanded rear External Trade Area to include decking, pergolas and roof extension: Approved 1.05.14
- 2.4 14/0150/LIST - Expanded rear External Trade Area to include decking, pergolas and roof extension: Approved 1.05.14
- 2.5 WF/0725/96 - Advertisement : Two New Projecting Signs (one illuminated) Refurbishment of Existing Projecting Sign and Four Wall Mounted Signs: Approved 11.10.1996
- 2.6 WF/0726/96 - Listed Building Consent : Two New Projecting Signs (one illuminated), Refurbishment of Existing Projecting Sign and Four Wall Mounted Signs: Approved 11.10.1996

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3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council (*Initial response*) - No objections to the proposed works to the building, they have grave concerns about and object strongly to the loss of parking spaces, estimated at near half of the current area. The development would reduce the existing car park from 75 spaces to 43 spaces, which would be insufficient to cover the extra business generated in providing accommodation (5 double rooms), staff parking and increased visitors to the restaurant (An extra 60 covers). As stated in the design and access statement, one of the principal constraints of the property is a small walk-in and drive-by catchment, so the plan is to attract people from further afield, resulting in more cars.

Over the last 10 years there has been a constant parking issue in the village, which resulted in a full Traffic Feasibility Study being carried out as part of our original Neighbourhood Plan. This included traffic calming measures which reduced the overall number of parking places available in the village street. Since then a car park belonging to one of the shops in the village has been converted into a garden, again resulting in more vehicles on the village street.

It is requested by the Parish Council that a full assessment of car parking on the site both as it is today and validate the proposed parking provision and consider the proposed removal of existing trees, especially the Yew and Tulip trees.

(Second response) – The Parish Council acknowledges the need and desirability of bringing this heritage asset and public house back into use as a sustainable business, but objects most strongly to the subdivision of the site.

It is difficult to see how the rear of the site would be acceptable for residential or similar use given its position in the Green Belt and Conservation Area. Unless and until it can be proven that the parking spaces it could provide are not needed, the area at the rear of the site should remain integrated with the rest of the site.

(Officer Comments – The site is not being sub-divided as part of this application).

The applicant seeks to discount the parking spaces provided on the basis of non-compliance with modern parking standards. A previous Landlord considers the capacity to be 75 cars, including the alleged 'non-compliant' spaces, which have been successfully parked on for many years. Allowing for the 8 places lost to the approved new seating area this still leaves 67 places; 22 more than the number proposed. Utilisation of the grassed and 'non-compliant' areas would easily see parking spaces restored to previous (circa 75) levels.

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The proposed spaces would be 2.4m wide by 4.8m long. This is the standard for a minimum size; in this rural location, many customers will travel in large saloons and 4x4s (eg BMW 5 Series, width 2.1m, length 5.0m). Whilst the Parish Council is no expert in this matter it is clear to see that customers might struggle to get out of their cars.

The Swan's customers do park on the road at busy times, and this can cause congestion on occasion. Should the same occur at the Talbot some 150 yards away this could compound the problem. The Parish Council has worked hard to minimise on-street parking and congestion, and have major concerns that the Village street could become The Talbot's overflow car park.

Seeking to establish the number of spaces required using square area and other yardsticks is unsound. Unless and until The Talbot has been refurbished and operating for some time in its new form, and there is clear, objective evidence of the actual number of spaces required, the Parish Council considers that all available space should be retained for parking.

In conclusion, for the good of all concerned, the Parish Council urges the District Council not to approve the split of the current site proposed in this application, and to seek the conduct of an Independent Parking Study.

- 3.2 Highway Authority (Initial comments) – No objection in principle, however I seek to offer a deferral comment to the application. The applicant has cited LTP3 in relation to parking standards and this document has been superseded. The only relevant document is the adopted Streetscape Design Guide and whilst the guide states that "the applicant is well placed to assess their operational demands" in relation to parking provision and the parking detail for two local public houses (The Swan and The Fox) as justification is acknowledged.

(Second comments) – No objection subject to a condition to require the access, turning area and parking and cycle storage facilities to be provided and retained.

It is advised within their comments that further to the deferral comment, the applicant has submitted additional information to clarify their proposal and it is acknowledged that the parking provision includes accessible spaces, electric vehicle charge points, motorcycle and cycle parking.

The Highway Authority has given the proposed development careful consideration and is of the opinion that the applicant is best placed to understand the operational needs of their business and the associated parking demands and this reflects the National guidelines. The public house is a local facility which is accessible on foot, with only customers travelling from outside the village needing parking provision. The proposal retains 45 parking spaces but the provision of these is in a more formal arrangement and supplemented by accessible spaces and facilities to encourage sustainable travel which is to the application's benefit.

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3.3 Conservation Officer – No objection to the application subject to conditions to require full details of the proposed internal works including associated services, new studwork partitioning and fire protection for voids and cavities, details of the viewing panel to the void between the two original buildings, details of all external materials including windows and doors and a scheme of building recording and written investigation for archaeology for the foundation trenches for the new dining room.

3.4 Worcestershire Regulatory Services (Initial comments) – Require details of the proposed commercial kitchen extraction system, including noise and odour control measures.

(Second comments) – No objection subject to a condition to require the extraction equipment to be implemented in accordance the submitted details and with a dwell time of 0.2 seconds through the carbon filter.

3.5 North Worcestershire Water Management – No objection. The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. Since there does not appear to be any significant changes to the impermeable footprint of the site, there should be no drainage or flood risk impact, and I therefore have no adverse comments to make.

3.6 Arboricultural Officer – No objection to the application.

3.7 Neighbour/Site Notice – Five letters of objection have been received from nearby occupiers, although a number of the letters expressed no objection to the actual proposed refurbishment works to the public house or to the single storey rear extension, internal alterations and erection of the storage building. The concerns raised to the application include the following:

- Car park would be inadequate for the increase of trade envisaged.
- The planning application form incorrectly states that the existing car park is 50, when it is at least 75 spaces.
- The proposed increase in the number of covers will mean a need for additional parking over and above that currently available whereas the application seeks to reduce the parking level.
- The proposed will result in a loss of more than 30 spaces.
- The reduction in the car park, together with the lack of other parking facilities in the village for use by visitors, will result in parking in the High Street which already has insufficient parking for people living in or wishing to use other facilities in the village. The proposal will exacerbate this parking problem substantially and affect not only those living in the village from enjoying their homes but also the other businesses in the village whose customers would be unable to park.
- Major problem with the additional dwellings that are being proposed, resulting in more on-street parking than ever and this would blight this peaceful part of the village. (*Officer Comments – This does not form part of the proposal*).

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- No reason whatsoever has been given to alter the number of parking spaces and remove long standing mature trees to carry out the work to the public house, other than to assist in a future development for which no application exists.
- Overlooking from the car park, impacting privacy and environment of neighbouring residents.
- Cooking smells from the kitchen outlet flue.
- Loss of trees
- Removal of the Yew tree and old toilet block will make the refuse bins visible from neighbouring properties.

(Officer Comments – The applicant has agreed to provide trellis above the brick boundary wall and has updated the Proposed Site Layout Plan to illustrate this boundary treatment. The neighbouring occupier has been consulted on the revised Site Layout Plan and has confirmed that they are satisfied with the trellis fencing arrangements).

4.0 Officer Comments

- 4.1 The main considerations are whether the principle of development is acceptable and the impact on heritage assets, on parking and highway safety, the living environment of existing residents and upon biodiversity and trees.

BACKGROUND INFORMATION

- 4.2 The proposal would convert the first floor manager's flat, kitchen and function room into five residential letting rooms, which would remain ancillary to the main use of the building as a public house.

- 4.3 Although the public house is closed down at present, it could reopen at anytime without the use of the land to the rear of the application site (shown with a blue boundary line on the Proposed Site Layout Plan, which has been indicated as being 'reserved for future development'), which was previously used for an overspill customer car parking area. The current application does not consider the use or any potential redevelopment of the land to the rear of the application site.

PRINCIPLE OF DEVELOPMENT

- 4.4 Paragraph 83 of the National Planning Policy Framework highlights that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and also the retention of accessible local services and community facilities such as public houses. Paragraph 92 of the National Planning Policy Framework further states that planning decisions should ensure that established community facilities should be able to develop and modernise, and are retained for the benefit of the community.

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- 4.5 Policy CP07 of the Adopted Core Strategy states that the Council will support opportunities to expand, enhance or maximise existing community uses. Policy CP10 of the Adopted Core Strategy also states that the Council will seek to support the local tourism industry through proposals that improve the quality and diversity of existing tourist facilities, attractions, accommodation and infrastructure subject to the proposals not causing adverse impacts on the surrounding environment and infrastructure.
- 4.6 Policy CC3 of the Chaddesley Corbett Neighbourhood Plan further states that sustainable development that improves the quality and diversity of existing tourist facilities, attractions, accommodation and infrastructure will be permitted providing that the development is not inappropriate in the Green Belt.
- 4.7 The Talbot Inn Public House has been a local facility to the community of Chaddesley Corbett for a very long time until it closed recently. The proposed refurbishment works, including the new orangery and external alterations would increase the attractiveness of the building and help bring the public house back into a thriving business, which would not only retain a valuable community facility but also support the rural economy and generate job opportunities, in accordance with relevant local and national planning policies.
- 4.8 The application site is located within the West Midlands Green Belt, in which paragraph 145 of the National Planning Policy Framework only permits the construction of buildings providing they meet one of the exceptions that have been listed. These include extensions or alterations to a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan also refers to this exception for new developments in the Green Belt. The proposed orangery would increase the gross floor area of the public house by 3.8% (existing GFA is 361sqm and proposed GFA is 375sqm) and is considered to be a subservient extension to the building. The proposed extraction flue would be enclosed in a chimney structure and would also be a proportionate addition to the original building. The proposed external yard building for delivery bins etc would not be a prominent building within the car park and would be sited in close proximity to the public house to ensure no adverse impact on the openness of the Green Belt.
- 4.9 I therefore consider that the proposed development would represent appropriate development in the Green Belt, in accordance with the National Planning Policy Framework and Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan. The principle of development is therefore considered to be acceptable.

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HISTORIC ENVIRONMENT

- 4.10 The application relates to a very important grade-II listed building situated at the heart of Chaddesley Corbett Conservation Area, prominent in the street scene and surrounded by other heritage assets, most of which are listed buildings. The building is, as the list description states, two early 17th century houses now one public house. The two bay house sits to the north of the three bay house. Recent stripping out of non-historic partitions and pub fittings has revealed the hidden south elevation of the two bay house: this is a remarkable survival and features original wattle and daub panels and uncut pegs within the timber joints. There appears to have been no access between the two houses at the upper levels, until a Victorian two storey service wing was added. In terms of the external space, the 1926 map shows additional outbuildings had been built to the rear of the two bay house although it is assumed these were removed when the buildings were comprehensively remodelled and combined into the public house after 1932.
- 4.11 The proposed development seeks to carry out much needed repair and refurbishment work to the Grade II listed building to better reveal its historic features. The proposed internal alterations would improve the flow of the space and the way the public house functions. The proposed orangery would be of an acceptable scale and would appear as a subordinate addition to the building. It would also have an exposed oak roof structure above a brick plinth which will resemble the construction materials of the listed building without attempting to replicate the building in a pastiche style. There will be some loss of minor and less significant elements of historic building fabric which is considered to be necessary in order to facilitate the proposed works.
- 4.12 Amended plans have been received to ensure the proposed external extraction flue, which is required to meet current standards for air filtration and emissions, is externally enclosed with a brick-slip clad to resemble a structural brick chimney. Whilst the use of a non-structural cladding is not ideal, the proximity of the flue to the existing cellar barrel drop prevents the construction of a traditional brick chimney. On balance it is preferable to relocate the first floor kitchen to the ground floor and within the non-timber-framed part of the building, as this allows the significance of the first floor room to be better revealed and this offsets any minor harm to the appearance of the external elevations that may result from the erection of the external flue.
- 4.13 Taking all of the above into account and consideration of the overall impact on the grade-II listed building, it is considered that the proposal would only cause limited harm from the erection of a new rear chimney and the loss of some minor and less significant elements of historic building fabric. Nevertheless, this would only amount to less than substantial harm.

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- 4.14 Paragraph 134 of the National Planning Policy Framework advises that less than substantial harm should be weighed against the public benefits of the proposed development. The benefits of the scheme would be the reopening of the public house, which is a valuable community facility, and this in turn would support the rural economy and generate job opportunities. The development would also preserve the listed building for future generations and the improvements to the building and car park, including the demolition of the derelict outbuildings and new planting, would enhance the visual setting of the listed building and make a positive contribution to the character and appearance of the Chaddesley Corbett Conservation Area. I therefore consider that these benefits outweigh the less than substantial harm that would be caused to the significance of the heritage assets. The development is therefore in accordance with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

HIGHWAY SAFETY

- 4.15 Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan advises that proposals which would lead to the deterioration of highway safety will not be allowed. Policy CC12 of the Chaddesley Corbett Neighbourhood Plan refers to Highways and Traffic Principles and advises that the impact of development proposals on the existing environment should be comprehensively reviewed to ensure it is sustainable in terms of infrastructure, road safety and the standards required maintaining a peaceful and safe rural parish.
- 4.16 The proposed on-site car parking area has been amended during this application to accord with the Worcestershire County Council's Streetscape Design Guide and the layout is now considered acceptable by the Highway Authority.
- 4.17 I note that the Parish Council and local residents raise concern in relation to increasing parking demand which would exacerbate the existing on-street parking problems in the village and impact on highway safety. A number of representations also consider that the land to the east of the site which once was used as an informal car park for the public house should be retained for parking.

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- 4.18 Although the car parking area has been reduced to 45 spaces compared to when the public house previously operated (75 spaces), it is considered that the proposed car park is appropriate for the size of the operation proposed and is comparable with the size of car park at the nearby Fox Public House. Furthermore, the car park previously, for many years, has not had parking spaces marked and therefore efficient parking has not taken place. The proposed development would create a formal car park with parking spaces marked on the ground and new provision of disabled spaces, motor cycle parking, electric vehicle charging points and bicycle storage would be provided. As such, the improved layout of the car park including allocated spaces for people with disabilities, would ensure customers travelling by car would park appropriately within the car parking area.
- 4.19 There are no highway restrictions fronting the site and therefore no highway enforcement is available to prevent on-street parking, however, I consider that the level of parking to be provided is acceptable and that any on-street parking would not harm highway safety. The site is located on the High Street within Chaddesley Corbett where surrounding residents can travel to the public house by foot or cycle and a new cycle storage facility has been provided to promote sustainable modes of travel.
- 4.20 The Highway Authority have confirmed that the level of parking provision would be acceptable for the proposed use. Paragraph 109 of the National Planning Policy Framework advises that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.
- 4.21 Overall, I have taken full and careful account of all the representations that have been made and have accessed the application against Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan, the National Planning Policy Framework and do not consider that the proposed development would result in a severe impact on highway safety.

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IMPACT ON LIVING CONDITIONS OF RESIDENTS

- 4.22 With regards to protecting the living conditions of neighbouring occupiers, details of the extraction flue have been sought and considered by Worcestershire Regulatory Services. This includes a carbon filter that has a dwell time of 0.2 seconds which reduces the concentration of absorbable contaminations by approximately 80%. It would also be installed with a power box fan and a sufficient noise control and a high velocity jet cowl. The details in relation to potential odour and noise from the extraction equipment are considered to be acceptable by Worcestershire Regulatory Services and a condition is recommended to require the extraction equipment to be installed in accordance with the approved details. The applicant has also confirmed that trellis fencing would be provided to a section of the brick boundary wall shared with the neighbouring residential property to ensure no loss of privacy to the occupiers of this property following the removal of the outbuilding and trees.

BIODIVERSITY AND TREES

- 4.23 The Council's Arboricultural Officer has raised no objection to the loss of trees within the car park as they are not considered to be of high amenity value or trees that make a high contribution to the character and appearance of the Conservation Area. .
- 4.24 A Phase I Habitat Survey has been submitted in support of the application which found no evidence of protected species within the site including the three small buildings which are to be demolished as part of this application. It is recommended within the survey report that the proposed soft landscaping within the car park would compensate for the loss of some existing trees and recommends that four bat boxes and four bird boxes should be incorporated into the fabric of the existing building to offset any loss to biodiversity. This can be secured through an appropriate condition.

PLANNING BALANCE

- 4.25 In considering the overall planning balance, the proposal would facilitate the re-opening of the existing public house and would bring the building back into positive use, which would retain a valuable community facility, support the rural economy and create employment opportunities. It would also enhance and preserve the grade II listed building and make a positive contribution to the character and appearance of the Chaddesley Corbett Conservation Area. The only harm that has been identified is the impact on the significance of the listed building in terms of the installation of the extraction flue, however this can be effectively mitigated by appropriate building materials to resemble a chimney breast and the harm would only be less than substantial which would be outweighed by the benefits of the scheme including the preservation of the listed building. I therefore consider that the balance weighs in favour of the development.

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5.0 Conclusions and Recommendations

5.1 Whilst the development does not seek to incorporate the land to the east of the site within the reconfigured car park, it is considered that the level of parking to be provided is appropriate for the size of operation that is proposed and that any increase in on-street parking would not cause harm to highway safety. I consider that there are a number of matters that weigh in favour of the proposed development. These include the retention and expansion of a valuable community facility and its support to the rural economy. I also consider that any harm caused to the listed building by the installation of an extraction flue would be less than substantial and which would be outweighed by the benefits. I therefore consider that there are no planning reasons to justify a refusal of the application and that the proposals would accord to relevant local and national planning 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. Details of Hard and Soft Landscaping Scheme
4. Landscaping Implementation
5. Details of all external materials including windows, doors, hardsurfacing and brick-slip cladding to extraction flue
6. Details of methods proposed for conserving and repairing wattle and daub panels
7. Details of the proposed en-suite bathrooms
8. Details of new studwork partitioning walls and panels
9. Details of all new electric, gas and water services
10. Details of any fire-protection for voids and cavities
11. Details of the provision of a viewing panel to the void between the two building structures
12. Details of the refuse storage building
13. Programme of archaeological work
14. Archaeological investigation work to be implemented
15. Require access, turning area, car parking and cycle storage facilities to be provided, including vehicle charging points
16. Require extraction equipment to be provided in accordance with the approved details
17. Trellis fencing to be provided and retained



Economic Prosperity and Place Directorate

Talbot Inn
The Village, Chaddesley Corbett
DY10 4SA



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
18TH JUNE 2019

PART B

Application Reference:	18/0585/FULL	Date Received:	12/09/2018
Ord Sheet:	375477 273753	Expiry Date:	07/11/2018
Case Officer:	Paul Round	Ward:	Bewdley & Rock

Proposal: Proposed construction of one live/work unit for a Physiologist Business (Use Classes B1/C3).

Site Address: LAND TO WEST, TREACLE HALL, LYE HEAD, BEWDLEY, DY122UP

Applicant: Mr D Williams

Summary of Policy	DS04, CP01, CP03, CP05, CP11, CP12 (CS) SAL.DPL2, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.UP5, SAL.UP7 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site lies on the west side of a property known as Treacle Hall, which lies off a private drive on the edge of Lye Head. The application site is currently garden land serving Treacle Hall, and is bounded to the west by Lye Head Road, to the east by outbuildings associated with Treacle Hall, to the south by the remaining garden and to the north by the private drive. There are a number of residential dwellings in the vicinity although these are well spaced and sporadic in nature.
- 1.2 The site lies outside any settlement boundary or urban area being within the open countryside. A public right of way passes the length of the private drive.
- 1.3 The proposal seeks for a live/work unit on the site, providing a three bedroom property and a business element for a physiologist.

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2.0 Planning History

2.1 None of relevance

3.0 Consultations and Representations

3.1 Rock Parish Council – Oppose this revised planning namely the proposed development is on land that has not been previously developed neither has any evidence been given since an earlier application was considered and recommended for refusal.

The Parish Council reaffirms the Land identified on the drawings has always been agricultural land although the current owners have converted large sections of the agricultural land into garden. The Lane serving the existing properties is unadopted and the existing two properties are set back a considerable way back from the access lane.

The proposed dwelling, if approved, would be built considerably close to the frontage of the access lane and would alter the visual impact of the street scene and cause considerable harm to the charm and character of this setting.

The Parish Council also felt that, if the WFDC were minded to approve a live/work unit, the proposed use to which the work element of the structure is to be put, does not justify the need for such a large building and indeed this application is contrary to the WFDC own Live Work Policy 21D refers to “Live Work Units and Homeworking which states 60% of the floor space should be for the workspace and no more than 40% for residential use”

3.2 Highway Authority – No objection subject to conditions. There has been further discussion between the parties and on the basis that the proportions of the proposed live / work unit have been reduced, the principle of development of a live / work unit in this particular instance, has been accepted by the Highways Authority. The site is located on a private road and the parking provision complies with standards. 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 Worcestershire Regulatory Services – No objections

3.4 Worcestershire County Council Public Rights of Way – No objection subject to relevant notes

3.5 Severn Trent Water – No objection subject to condition and note

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- 3.6 Neighbour/Site Notice – One comment received expressing concerns in respect of deviation from established policy and disruption during construction works.

4.0 Officer Comments

- 4.1 The proposal seeks to create a live/work unit for a specific end user at the property. The proposal will create a four bedroom property with an attached business that provides a treatment room with office accommodation for a physiologist business of the applicant.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 Policy DS04 of the Adopted Wyre Forest Core Strategy states that "...rural based workspace and live/work units will be permitted providing the proposals are small scale and that they are appropriate to the character of the area..." It is therefore evident that the Development Plan from a strategic perspective supports in principle the development of live/work units. Additional detail is provided in Policy SAL.GPB1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, stating that "[n]ew developments for live/work units will also be considered favourably subject to the following criteria being met:

1. They are located on Previously Developed Land;
2. They do not have an adverse impact on the character, landscape or wildlife of the area;
3. That suitable access arrangements can be made, without the need for extensive new access roads; and
4. They do not constitute inappropriate development in the Green Belt".

- 4.3 The above criteria are a mixture of matters of principle and detail. In the context of the principle of development consideration will given to criteria 1 and 4 at this juncture.

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4.4 The land in question is currently well maintained and managed garden land associated with Treacle Hall. Historic maps from 1926 show that the land was an orchard or woodland as part of Treacle Hall in line with the Parish Council's comments. It is evident that at some point in the past that the land has been incorporated into the residential curtilage of Treacle Hall, aerial photographs indicate that this change was in place over 20 years ago. Whilst it cannot be exactly pinpointed when such changes took place it is clear that this event was more than the 10 years required for such a change of use is now lawful. On this basis I am satisfied that the current use of the application site is garden curtilage associated with Treacle Hall. Previously developed land is defined in the Glossary of the National Planning Policy Framework as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land..." The definition goes on to exclude various types of land including "...land in built-up areas such as residential gardens..." It will be noted that the exclusion of garden land only applies to sites within built-up areas and not rural locations such as in this application, leaving garden land outside built-up areas as previously developed land. This approach has been endorsed by the Court of Appeal in *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017]. The application site is therefore previously developed land in conformity with criterion 1 of the policy.

4.5 Having concluded that the site is previously developed land and taking note that it is located outside of the Green Belt it is established that the proposal for a live work unit on the site is acceptable in principle.

LANDSCAPE CHARACTER AND WILDLIFE

4.6 The site is within an area defined by the County's Landscape Character Assessment as within the Forest Smallholdings and Dwellings Landscape Character Type. This identifies the landscape as being characterised by a densely settled pattern of way side dwellings. The character assessment states that new dwellings can be accommodated within the area subject to developments reflecting the scale of the settlement and avoiding standardisation of design and layout.

4.7 The location of the site is surrounded by dwellings in the form described in the Character Assessment as a cluster of wayside dwellings. The proposed live/work unit would be set back away from Lye Head Road, sitting close to existing development and following the pattern and position of dwellings that surround it. It is appreciated that the provision of an additional building will reduce some of the openness but this will be limited and will sit in the context of the established settlement pattern of development. I am satisfied that the dwelling can be accommodated on the site without adverse harm to the character of the landscape or the surrounding area. Any marginal harm that will be caused will be mitigated through a comprehensive landscaping scheme that can be secured through a suitable condition.

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- 4.8 The nature of the site results in limited or no habitats or protected species being present on the land. In accordance with National and Local policy it is considered that enhancements can be sought through an appropriate condition.

HIGHWAY IMPACT, ACCESS AND PARKING

- 4.9 The highway authority has been consulted on the application and subsequent amendments. Following full consideration it is considered that the concept of a live work unit provides a sustainable development in this location. It is accepted that the work element will attract customers to the site that will rely on private car due to limited public transport opportunities. However, given the size of the business it is felt that limited numbers of customers will be attracted and due the health care nature of business, it is highly likely that private cars will be used in any event. In order to increase the sustainability options at this site it is considered that a condition requiring an electric vehicle charging point should be provided and made available to customers.
- 4.10 Access will be provided from the existing private drive which is accessed from Lye Head Road. The Highway Authority confirms that the surrounding highway network can accommodate the additional dwelling and that adequate access and parking can be provided. The parking provision is suitably located and is proportionate to the building proposed. A public right of way runs the length of the private drive; this will not be affected by the proposal.
- 4.11 It is concluded that access, parking and highway considerations have been fully explored and found to be acceptable.

LIVE/WORK UNIT DESIGN

- 4.12 Policy SAL.GPB1 provides additional criteria for consideration as part of the overall analysis of the design of any live work unit stating, the "...proposals must ensure that;
- a. The work element is restricted to B1 activities. B2 uses may only be considered appropriate where there are no adverse impacts on surrounding properties;
 - b. The workspace is designed to be separate from the dwelling;
 - c. The emphasis is on the work element and this should be reflected in the percentage of floorspace afforded to the workspace; and
 - d. The workspace must be constructed and available for occupation and use before the residential element of the scheme is occupied.

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- 4.13 The proposed use as physiologist can fall within use class B1, provided the accommodation is limited to a consulting room only with no treatment rooms. The proposals have been revised so that the size of the work space does only provide a consulting room and office accommodation. In addition it is clear from the plans that the work element is separate from the residential with no internal access between the two elements. I am satisfied that the work space proposed does fall within use class B1 and has been designed to be a separate entity. A condition can be imposed requiring the work element to be provided prior to occupation of the dwelling.
- 4.14 It will be noted the policy requires the emphasis should be on the work function and reflected in the percentage afforded to the workspace. Within the Council's Draft Local Plan Policy 21D provides a definite split of 60/40 in favour of workspace. This policy is referred to by the Parish Council. The Draft Plan is still at an early stage, and therefore can only be afforded minimal or no weight. It is accepted that in this proposal that the higher percentage is to the 'live' element rather than the 'work'. However, this has been established based on the needs of the business rather than an obligatory percentage of floorspace. This process has resulted in a substantially smaller building which is in character with the surrounding area. The adopted policy is not specific and does not provide any guidance as to what is meant by the phrase 'emphasis'. It is, however, accepted that the split is more residential led and therefore is taken as failure to comply with the policy in this respect alone. Notwithstanding this, the failure to comply with one criterion must be taken in the overall planning balance.
- 4.15 The proposal does satisfy three out of four of the criterion for the design of the live work unit. The failure to comply will be balanced against the benefits of the scheme.

DESIGN AND LAYOUT

- 4.16 The proposed live/work unit will be located within a large plot and set away from Lye Head Road. The dwelling will conform to the structure and pattern of development in this part of Lye Head and will provide an amount of residential curtilage which is both appropriate and reflective of the surrounding properties. The property will be orientated towards the private drive in the same fashion as Treacle Hall. It is considered that the position, layout and orientation of the dwelling are acceptable.
- 4.17 The proposed dwelling is proposed to be constructed in brick and slate with the work element being subservient and treated with cladding. The two storey building is of modern design but takes the lead from the design of surrounding properties. The style of the property is unassuming and provides a suitable design approach to this rural location, taking account of the design requirements of the Landscape Character Assessment.
- 4.18 Overall the design of the property is acceptable and responds positively to its surroundings.

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OTHER ISSUES

- 4.19 Comments have been received over disruption during construction. Whilst this is not a planning issue, it is recognised that this concern can be addressed through a construction management plan that will address hours of working and construction parking. This can be secure through a suitable condition.
- 4.20 The concerns of Rock Parish Council are fully noted. The matters raised have been considered full in the comments above.

PLANNING BALANCE

- 4.21 It has been established that the principle of a live/work unit in this location is acceptable. The proposal provides a suitable design that has limited impact on its surroundings and can be appropriately accessed. In addition, the proposal provides a number of social, economic and environmental benefits through the construction of a new dwelling and business premises, additional tree planting and ecological gain. It is accepted that the location of the property and the associated business relies on private car but this can be offset through promotion of electric vehicles through the provision of a charging point. The proposal will provide an additional property outside the Green Belt and provide additional financial income to the Council.
- 4.22 The proposal does not give an emphasis on the 'work' as required by Policy SAL.GPB1. This is due to the nature of the business and the location of the site. This conflict with policy is the only harm that has been indentified.
- 4.23 The Council has an 'out of date' development plan by virtue of its housing numbers. As this proposal includes a 'residential' element it is considered that the proposal must be judged against the 'tilted balance' on the presumption in favour of sustainable development. The National Planning Policy Framework at paragraph 11 requires that in this case proposals should be approved unless the harm "...significantly and demonstrably outweighs the benefits..." On this occasion taking the balance as a whole it is felt the failure to comply with one part of the policy does not significantly and demonstrably outweigh the benefits on this occasion. The proposal is considered on this basis to be acceptable and constitute sustainable development.

5.0 Conclusions and Recommendations

- 5.1 The proposal for a live work unit has been fully considered against the Development Plan and national policy. Although the proposal fails to comply with one aspect of the established policy is considered that the benefits of the proposal are significant and cannot be outweighed by this minor conflict. The proposal is acceptable and when taken as a whole is acceptable and in accordance with the plan as a whole.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. B11 (Details of enclosure)
5. C6 (Landscaping – small scheme)
6. C8 (Landscape implementation)
7. Workspace to be provided prior to first occupation
8. Workspace not to be sold/let separately
9. Highway – Access and Parking
10. Vehicle Charging Point to be provided
11. Construction Management Plan to be provided
12. E2 (Foul and surface water)
13. No Advertisements without formal consent

Notes

- A. No PD rights
- B. Public Right of Way
- C. Severn Trent

Application Reference: 19/0032/OUTL	Date Received: 16/01/2019
Ord Sheet: 375726 278893	Expiry Date: 13/03/2019
Case Officer: Helen Hawkes	Ward: Bewdley & Rock

Proposal: Erection of a detached dwelling

Site Address: LAND AT ARLEY LANE, POUND GREEN, ARLEY, BEWDLEY, DY123LL

Applicant: Mr J Spragg

Summary of Policy	DS01, DS04, CP01, CP02, CP03, CP11, CP12, CP14 (CS) SAL.PFS1, SAL.DPL1, SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning application represents Departure from the Development Plan. Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site relates to a rectangular shaped grassed field, located within the open countryside of Pound Green. The field sits to the west of Arley Lane, and lies approximately 0.4 miles to Pound Green, 0.7 miles to Button Oak and 0.3 miles to Upper Arley, none of which have a defined settlement boundary. The nearest settlement is Bewdley Town centre which is located 3.4 miles from the site.
- 1.2 The site has a gated entrance off Arley Lane and is relatively flat. The southern boundary comprises a dense hedgerow and there are hedge trees along the road frontage. At the time of my site visit, an unused caravan was present. The site is adjoined by agricultural fields and the nearest neighbouring property is located 160 metres to the north of the site on Arley Lane.
- 1.3 The application seeks outline permission, with all matters reserved, for the erection of a detached dwellinghouse. Indicative plans of the proposal have been submitted showing a two-storey detached dwellinghouse, with access from the existing access point and parking for up to 3 cars.

19/0032/OUTL

2.0 Planning History

2.1 There is no planning history.

3.0 Consultations and Representations

3.1 Upper Arley Parish Council – Objection and recommend refusal.

3.2 Highway Authority – Object. The site is in an unsustainable location and whilst some distance details to Upper Arley have been provided, these amenities and services are fairly minimal. The nearest bus service is on Dowles Road which is beyond the recommended 400m walking distance and there is no footway or street lighting provision in the vicinity of the site. This lack of provision will deter walking particularly in adverse weather conditions and the environment is not considered to be conducive to commuter cycling. Therefore the quality of the route in this location is poor for sustainable modes and future occupants will be solely reliant on private car use.

However, no objections are raised to the visibility splays of 79m (n) and 72m (s) as indicated. Also these distances comfortably exceed the required stopping sight distances (SSD) so they are acceptable. A condition is recommended to ensure the indicated visibility splays are maintained at all times with no obstruction above 600mm.

3.3 Severn Trent Water – No objection to the proposals and do not require a drainage condition to be applied.

3.4 Countryside Manager – Following receipt of a revised Phase 1 Habitat Survey, no objection is raised to the application. It is advised that the applicant has submitted a comprehensive ecological study that has identified some ecological constraints that can be overcome by suitable mitigation. Conditions are therefore recommended to ensure a pre-site clearance search is carried out by a suitably qualified ecologist and ensuring a means of escape for inadvertently trapped animals is provided during construction. It is also recommended that conditions are attached to ensure bird, bat and insect houses are provided; that the existing hedgerow located on the southern boundary of the site is retained; and a condition to secure appropriate external lighting for the site.

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

19/0032/OUTL

4.0 Officer Comments

- 4.1 The main consideration is whether the proposal would be acceptable in principle taking into account its location, and whether there would be any detrimental impact on the intrinsic character of the countryside, on biodiversity and upon highway safety.

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The National Planning Policy sets out the Government's planning policies for England and it advises that there is a golden thread running through the Framework, which is the Government's presumption in favour of sustainable development (Paragraph 11), which broadly means that developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted.
- 4.3 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 4.4 The site does not fall within a defined settlement boundary and is located within the open countryside between two rural hamlets; Buttonoak and Arley. Policy DS04 of the Adopted Core Strategy and Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan provide guidance for Rural Regeneration and Rural Housing, these policies state that within rural areas the only acceptable new residential properties will be to meet: local housing needs as demonstrated through local housing need surveys; to meet an established existing functional need for a rural worker's dwelling; for a replacement dwellinghouse; or if the site is subject to a Community Right to Build Order. The proposed development would not fall within any of these exceptional circumstances and therefore represents a departure from the Development Plan.
- 4.5 Notwithstanding this, the housing numbers within the Adopted 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 have 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 to be considered out of date.
- 4.6 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.

19/0032/OUTL

- 4.7 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, which provides a tilted balance in favour of granting planning permission unless any identified harm significantly and demonstrably outweighs the benefits.
- 4.8 Therefore, the principle of residential development on this site is supported by national planning policy subject to any harm being identified that would significantly and demonstrably outweigh the benefits of granting planning permission for this development.

SUSTAINABILITY OF LOCATION

- 4.9 The National Planning Policy Framework seeks to encourage opportunities to promote walking, cycling and public transport use and advises that the planning system should actively manage patterns of growth. Paragraph 103 of the National Planning Policy Framework recognises that significant developments should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. But recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. For decision-making, this means that appropriate opportunities to promote sustainable transport modes will be considered on individual circumstances, taking into account the type of development and its location (paragraph 108).
- 4.10 The application site is located within a rural area known as Pound Green, which lies between two rural hamlets; Buttonoak and Arley. Apart from a few public houses, there is very little in the way of shops, services and facilities within a convenient walking distance of the site and future residents are unlikely to want to walk or cycle due to the nature of the roads and lack of footpaths.
- 4.11 I therefore anticipate that future residents would be reliant on private cars in most cases in order to travel to shops, services and facilities on a daily basis. The National Planning Policy Framework recognises that this is largely inevitable in rural areas.
- 4.12 The proposal is not for a significant development and is only for a single dwellinghouse, which is likely to generate a few car journeys. Moreover, the distance future residents will need to travel by car would only be a short distance as there are services and facilities close to the application site. For example, the site is within 0.3 miles (3 minutes walk) of Pound Green and Button Oak Village Hall and Olde New Inn Public House. The site is also within 1.3 miles (25 minutes walk) of Upper Arley Primary School, Arley Post Office and a General Store. I also note that Bewdley Town Centre is only 3.4 miles (6 minute car journey) from the site, which has a range of local shops and services, including bus services to other towns and cities.

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- 4.13 I note that the Highway Authority have recommended refusal of the application because they consider that the site is not within a sustainable location and would not take up the opportunities to promote sustainable transport modes in order to minimise the reliance on the car to get to local shops and services. I also recognise that this represents a harmful conflict with the general policy intention of the Development Plan to direct new housing development in sustainable locations within the District and to only permit new rural housing in only in exceptional circumstances. However, the development is only for one additional dwellinghouse and is not remote from services and facilities.
- 4.14 Paragraph 78 of the National Planning Policy Framework advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 seeks to avoid the development of isolated homes in the countryside unless there are special circumstances. The application site is close to existing dwellings and is not in an isolated location and in my opinion, the development would support the vitality of the rural community in Pound Green and nearby rural hamlets.
- 4.15 Overall, I consider that the proposed development would result in some conflict with the Development Plan policies as it would not promote sustainable modes of travel, however, any conflict would be minimal given that the development is only for a single dwellinghouse and is of a scale that would generate a few car journeys. In addition, the site is not in a remote location and future residents would only need to travel a relatively short distance by car to access shops, services and employment. I also consider that the proposed development would help to support the vitality of the surrounding rural community.

LANDSCAPE CHARACTER AND VISUAL AMENITY

- 4.16 The application site comprises a rectangular grass field with a total area of 0.1 hectares which appears to have been last used for pasture but is now overgrown. To the north, west and south it is bounded by open countryside and there is extensive hedgerow planting along its southern boundary and to its front boundary along the road frontage. The site is not designated as Green Belt.
- 4.17 There are limited views of the site due to the topography being relatively flat and the site being well screened by dense hedgerows to one side and along the frontage to Arley Lane.

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- 4.18 The proposed development would cause some harm to the landscape, as it would be replacing an existing undeveloped grass field with a dwellinghouse and associated domestic paraphernalia. However, Arley Lane already contains a number of dwellinghouses dispersed along its road frontage. In addition, the site falls within the 'Forest Smallholdings and Dwellings' Landscape Type by Worcestershire County Council, where strings of wayside cottages and associated smallholdings are considered to be a key characteristic of the area. There would be an opportunity to retain the dense hedgerow along the southern boundary of the site and a condition is recommended to ensure new hedgerow planting is provided to the opposite side boundary and to the rear boundary.
- 4.19 The applicant has advised that a visibility splay measuring 79 metres to the north of the access point can be achieved without any reduction of hedgerow trees along the front boundary of the site. In the opposite direction, there would need to be some cutting back of the hedgerow trees if the visibility splay is to be 72 metres, but this would be only minimal works. I am therefore satisfied that the proposed development can conserve and enhance the existing hedgerow trees along the road frontage, which is one of the landscape guidelines as set out in the County's Landscape Character Assessment for this particular landscape type.
- 4.20 Overall, I consider that the effect of the proposed development would be limited and would be no different to the existing dispersed housing along Arley Lane which have open front boundaries.

BIODIVERSITY

- 4.21 The applicant has submitted a revised Phase I habitat survey during this application to address the concerns raised by the Council's Countryside Manager. It is now considered that the redevelopment of this greenfield to provide a dwellinghouse would have minimal impact on biodiversity subject to conditions to secure the recommendations as set out in the revised ecological survey, as well as conditions to ensure an ecologist is present during the site clearance works and to require a lighting scheme to be submitted and agreed which is designed to have minimum impact on biodiversity. A condition is recommended to secure bird and bat boxes but do not consider it necessary to request insect houses.
- 4.22 I am satisfied that the proposed development would accord with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and paragraph 170 of the National Planning Policy Framework which requires planning decisions to minimise impacts on and provide net gains for biodiversity.

HIGHWAY SAFETY

- 4.23 The Highway Authority have raised concern that the vehicular access to the site would not have appropriate visibility splays and that the hedgerow trees along the front boundary and within the grass verge would need to be cut back in order to provide the splays.

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- 4.24 The applicant have undertaken a speed survey during this application and have agreed with the Highway Authority that a visibility splay of 79 metres (northbound) and 72 metres (southbound) can be achieved and are acceptable. A condition has been recommended by the Highway Authority to ensure that the access point is provided with these visibility splays and that they are maintained at all times with no obstruction above 0.60 metres. I consider that this condition is necessary and reasonable to ensure no detrimental impact on highway safety.
- 4.25 The proposed development would have sufficient space for off-street parking provision and subject to a condition to secure adequate visibility splays, the proposed development would have no severe impact on highway safety, in accordance with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Site Plan and Paragraph 109 of the National Planning Policy Framework.

LIVING CONDITIONS

- 4.26 The proposed dwellinghouse would be located a sufficient distance from neighbouring properties to ensure no overlooking or overshadowing. I also do not consider that traffic on Arley Lane would undermine the living conditions of the occupiers of the proposed dwellinghouse given that it is generally a quiet country lane and appropriate glazing to all windows facing Arley Lane could be provided to alleviate any adverse noise from traffic.

DRAINAGE

- 4.27 The application site is not located within an area of known flood risk and a condition is recommended to ensure the site has appropriate means of drainage.

PLANNING BALANCE

- 4.28 Paragraph 11 of the National Planning Policy Framework advises that where the relevant development plan policies 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 the Framework when taken as a whole.
- 4.29 The relevant housing policies within the development plan, including Policy SAL.DPL2, are considered out-of-date. The harm that I have identified to the landscape character and visual amenity of the countryside is considered to be limited due to the site's landscape type where cottages on smallholdings are located along the lane and separated by agricultural fields, which is a key characteristic of the area and a number of existing dwellinghouses. I consider that the limited harm to the landscape character and visual amenity of the countryside would not outweigh the significant benefit of the scheme, in terms of boosting the supply of housing.

19/0032/OUTL

- 4.30 It is recognised that the Highway Authority have recommended refusal of the application due to the lack of accessibility by sustainable modes and the poor quality of the route in terms of no footway or street lighting provision. However, I do not consider that this is a reason to justify a refusal of the application given that the development is only for a single dwellinghouse and is of a scale that would generate a few car journeys. In addition, the site is not in a remote location and future residents would only need to travel a relatively short distance by car to access shops, services and employment. I also consider that the proposed development would help to support the vitality of the surrounding rural community.
- 4.31 No other harm has been identified in terms of the impact of the development on biodiversity; highway safety; the living conditions of existing and future occupiers; or upon drainage.

5.0 Conclusions and Recommendations

- 5.1 There will be some impact on landscape character and there are limited opportunities to promote sustainable modes of travel. However, given that the development is for a single dwellinghouse and located within the countryside, I do not consider that the site is so intrinsically unsustainable to justify a refusal of the application. I therefore consider that the future occupiers of the dwellinghouse would support the rural communities of Pound Green and nearby Button Oak and Upper Arley villages and would contribute to additional housing.
- 5.2 Accordingly, there is no harm that would significantly and demonstrably outweigh the benefits of providing this additional dwellinghouse in this location. It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A1 (Standard outline)
 2. Approved Plans
 3. A2 (Standard outline – reserved matters)
 4. A3 (Submission of reserved matters)
 5. B1 (Samples/details of materials)
 6. B11 (Details of enclosure)
 7. B13 (Levels details)
 8. Parking Provision to be provided
 9. Visibility Splays to be provided and maintained
 10. Landscaping scheme (including retention of hedgerows)
 11. Landscaping scheme to be implemented
 12. Scheme for Surface Water Drainage
 13. Scheme for external lighting
 14. Ecological Mitigation and Enhancement Measures

Note

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

WYRE FOREST DISTRICT COUNCIL

Planning Committee

18 June 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
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			Allowed 08/05/2019

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
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			
WFA1519 19/3001/PNRE	APP/R1845/W/1 9/3225708	MR A	BARN AT BINE FARM BREAKWELL BLISS GATE, ROCK KIDDERMINSTER DY149YD Change of use of agricultural building to a dwellinghouse(Class C3) including	WR 09/04/2019	14/05/2019			

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
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			
WFA1521 19/0112/FULL	APP/R1845/D/19 /3227534	Mr Fereday	40 AUDLEY DRIVE KIDDERMINSTER DY115NE Proposed single storey front extension	WR 15/05/2019	19/06/2019			
WFA1522 19/0078/FULL	APP/R1845/W/1 9/3227454	MR AND MRS JONES	28 CHURCH WALK KIDDERMINSTER DY116XZ Single storey rear extension	WR 16/05/2019	20/06/2019			

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
WFA1523 19/0132/FULL	APP/R1845/D/19 /3228442	Mr M Nock	NAROK BIRDS BARN LANE WOLVERLEY KIDDERMINSTER DY115SG Proposed car port and rear balcony	WR 24/05/2019	28/06/2019			
WFA1524 18/0615/FULL	APP/R1845/D/19 /3228800	Catherine May	35 CASTLE ROAD COOKLEY KIDDERMINSTER DY103TH Increase in main roof ridge height to allow for loft conversion plus dormer	WR 04/06/2019	09/07/2019			



Appeal Decision

Site visit made on 19 March 2019

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2019

Appeal Ref: APP/R1845/D/19/3220082 Culver House, Dowles Road, Bewdley DY12 2RE

- 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 and Mrs M Loveridge against the decision of Wyre Forest District Council.
 - The application Ref 18/0594/FULL dated 14 September 2018 was refused by notice dated 16 November 2018.
 - The development proposed is an extension to an existing dwelling to include demolition of garage.
-

Decision

1. The appeal is allowed. Planning permission is granted for an extension to an existing dwelling to include demolition of garage at Culver House, Dowles Road, Bewdley DY12 2RE in accordance with the terms of the application, Ref: 18/0594/FULL, dated 14 September 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: Location Plan 1811-01; Block Plan 1805-02; Proposed Plan 1811-04.
 - 3) The bricks to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published in February 2019. I have had regard to the revised Framework where relevant.

Main Issue

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

Reasons

4. The existing dwelling is a detached single storey bungalow on Greenacres Lane set back within a spacious plot. There is mature vegetation both to the sides and rear of the plot with a large tall tree along the rear boundary. The site is accessed via a steep private drive which slopes down from Dowles Road to the

- appeal site and the caravan park opposite. Next door is Greenacres which is a large bungalow also set in a spacious plot.
5. Although the bungalows on Sabrina Drive which is a cul de sac behind the appeal site are largely uniform, they are not visible from the appeal site so that in terms of character, the relationship with those bungalows is not significant. Greenacres Lane is unusual in that the appeal dwelling and Greenacres are separated from the rest of the dwellings on the lane by a surfaced car park. There is a mix of house styles on the other section of Greenacres Lane but again, there is no visual connection in terms of character with the appeal dwelling.
 6. The mix of styles in the wider area means that there is limited prevailing character. The dwelling that the appeal dwelling is most closely associated with is Greenacres next door.
 7. The existing dwelling is very simplistic in style and is described by the appellants as "rather bland". The changes put forward by the proposal will modernise and update it. The Council believes that the original dwelling would become unrecognisable, but I agree with the appellant that the proposal would improve a building which has no distinguishing features. The existing footprint is used and whilst the height of the dwelling would increase in this location, it would not appear out of place. There is substantial mature hedging to the back and side of the house with the private drive along Greenacres Lane to the north west boundary. The steep slope down the drive to the appeal dwelling adds to its secluded location.
 8. The appeal dwelling would not therefore appear over dominant as a result of its height due to a combination of the set back from the lane, the secluded location and its screened position in a corner plot.
 9. The appellants indicate that different ways were considered to improve the layout of the original dwelling including using permitted development rights. An example has been provided of how that might work and would involve using up most of the rear garden which would have brought built development closer to Sabrina Drive. Whilst I consider it unlikely that all of the permitted development rights would be exercised in this manner, the appeal proposal does appear to be a more suitable way to provide more family accommodation with less potential impact on neighbours.
 10. The Council has concerns with regard to design, scale and massing and considers that the proposal will be out of keeping with the character and appearance of the existing dwelling house and surrounding area. The design would improve the appearance by creating a front entrance, a balanced front elevation and removing the garage that currently obscures part of the dwelling. The scale and massing are not disproportionate in relation to the size of the plot or in relation to neighbouring Greenacres.
 11. I do not consider that the appeal proposal would harm the character and appearance of the area. I do not, therefore, find the proposal to be in conflict with Policy SAL.UP8 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 (the Local Plan) which deals specifically with the design of extensions. It states that extensions should be in scale and in keeping with the form, architectural style and detailing of the original building. The extensions do not significantly extend beyond the existing footprint and

enhance the building's appearance as it currently has limited architectural style.

12. I do not find that the proposal would be in conflict with Policy SAL.UP7 of the Local Plan which refers, amongst other things, to having an appropriate footprint and not overdeveloping the site. For similar reasons, I do not find the proposal to be in conflict with Policy CP11 of the Wyre Forest District Council Core Strategy (2006-2026) (the Core Strategy) which, states amongst other things, that buildings should be well designed to complement the layout through appropriate use of scale, mass proportions and materials.
13. It would also not be contrary to paragraph 130 of the Framework which refers to refusing development proposals of poor design that fail to take opportunities to improve the quality and character of an area and the way it functions.

Other Matters

14. The Council has referred to there being some level of overlooking to the rear with occupiers of the appeal proposal being able to look into 20 Sabrina Drive if the mature vegetation were to be removed. In view of the considerable separation distance between the appeal dwelling and 20 Sabrina Drive, I consider it unlikely that there would be overlooking resulting in unacceptable harm. Whilst the occupiers of 20 Sabrina Drive have concerns about future maintenance of the hedging along the boundary, this is a matter for the appellants and the occupiers to resolve. I am not able to impose a condition to deal with this issue as it is not required on planning grounds.
15. Bewdley Town Council has objected to the proposal on the grounds of visual amenity and overlooking. Limited information is provided. With regard to overlooking, I have addressed the concern of overlooking for occupiers of 20 Sabrina Drive. I have also addressed visual amenity. Reference is made to the previous application being refused due to the same concerns. Whilst I have limited information about the previous scheme, the drawings at paragraph 2.8 of the appellant's statement show a very different scheme to the appeal proposal and each appeal has to be judged on its own merits.

Conditions

16. No conditions have been proposed by the Council, but the standard commencement of development and plans condition are included for certainty. I have also included a matching brick condition to ensure continuity of design as indicated by the appellant. A request for cycle provision has been made by the County Council due to the demolition of the garage. As only a small corner of the garage will be lost to built development and there is a spacious front garden, I do not consider a condition is necessary for cycle provision.

Conclusion

17. For the reasons given, the appeal is allowed subject to conditions.

E Griffin

INSPECTOR

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18th June 2019

Land at Saddlers Cottage, The Village, Chaddesley Corbett

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

1. PURPOSE OF REPORT

- 1.1 To determine whether the Tree Preservation Order No 436 (2019) relating to a Lime tree, within the rear garden of Saddlers Cottage, Chaddesley Corbett, should be confirmed or not.

2. RECOMMENDATION

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

TPO to include:

1 x Lime tree

as the tree contributes to the amenity of the locality and is considered worthy of protection.

3. BACKGROUND

- 3.1 On 28 January 2019 a Conservation Area Notification was received for the removal of a mature lime tree within the rear garden of Saddlers Cottage, Chaddesley Corbett.
- 3.2 A site visit was undertaken on 22 February 2019 to ascertain the condition of the tree, make a judgment as to whether the tree was worthy of a Tree Preservation Order and if the proposed removal was justified.
- 3.3 During a brief inspection of the tree there seemed to be no obvious reason for the complete removal of the tree. The application submission contained no condition report or reason for the works proposed. Following further investigation with the owners' consultant, it was ascertained that the owner was concerned about its size and proximity to their dwelling. No details were provided to show the tree being in decline, diseased or in a hazardous condition.
- 3.4 The tree was considered to be a healthy specimen and provides significant amenity value to the area. As a result, a new Tree Preservation Order was made to prevent the proposed removal and served on 7 March 2019.

4. COMMENTS RECEIVED

- 4.1 One objection to the making of the TPO has been received from the owners of Saddlers Cottage, Mr & Mrs Rollinson, dated 30 March 2019.
- 4.2 The objection is summarised below:
- We were not aware of anyone requesting to visit the property to view the tree in relation to the request to fell.
 - As stated, this is a very large tree, which is leaning towards Saddlers Cottage, and in high winds the tree shows lots of movement and directional swaying, especially when in full leaf. If all or any part of the tree was blown down or broke away, there would be a high risk of damage to Saddlers Cottage and/or Yew Tree Cottage which are Grade II Listed. It may also pose a risk to the new build properties at the rear of the garden. At present many smaller dead branches fall constantly in bad weather, luckily none too large to cause damage.
 - When there are storms and high winds it is quite alarming and frightening being in the cottage, and no doubt the neighbouring cottages, especially when the tree is in full leaf, due to potentially branches, or the whole tree being blown down onto property and potential causing harm or even death.

- Branches are very close to overhead power lines, which even smaller branches touch. This in turn could cause major disruption to the area if any large branch or even smaller broke the cables.
- When in full leaf the tree totally blocks all the sunlight to Yew Tree Cottage's garden and property. This also partially applies to Lodge Cottage. This in turn could become the matter of a legal nuisance.
- The residents of the two neighbouring cottages are also concerned of the size of the tree being so near to their homes.
- As the tree is in the garden of Saddlers Cottage and not in a public area, what amenity is the tree to the village. On speaking to neighbours, they are all in agreement to the felling of the tree because of the two Grade II Listed properties it could potentially destroy if it were to fall.
- If the tree was allowed to be felled it would be replaced with a similar tree which could be properly managed as it grew.

5. OFFICER COMMENTS

- 5.1 The objection made by the owners has been fully considered and the following comments are made in response:
1. The property was visited on 22 February 2019. Unfortunately, the owners were not at the property. However, access to view the tree could be obtained and the necessary inspection carried out.
 2. The tree is a very large mature Lime tree and is within falling distance of the owners' property if it was to fail. However, the main point of contention is the likelihood of such a failure. No major defects have been identified within the notification; no report accompanied the objection pointing to gross defects with the tree, which could result in complete or part failure of the tree, and, the owners' consultant did not highlight any major issues with the tree either. On this basis, there is no evidence to support this part of the objection.
 3. The danger therefore is one of perceived risk and not actual risk. If all trees within falling distance of properties were removed due to the potential for damage, the tree population of the District would be significantly reduced.
 4. It is not uncommon for mature trees to drop dead branches. This can be adequately managed through minor works to remove the dead branches and would not be sufficient reason to justify complete tree remove.

5. Although it is appreciated that seeing the tree being buffeted by strong winds can be cause for concern, it is perfectly normal for the tree to flex and bend. The tree's branches act like shock absorbers to dissipate the force of the wind to reduce the chances of whole tree failure. This effect does not justify the removal of the tree.
6. Although the tree is close to power lines, this would not be a reason for complete tree removal unless the tree is in hazardous condition. Branches affecting the overhead lines can be removed/reduced by Western Power without the need for a formal planning application as they are a statutory undertaker.
7. Trees can reduce light to properties. There is no automatic right to light and the loss of light from trees is not classed as a 'legal nuisance'. It is not considered that this aspect is a justifiable reason to remove an important healthy tree.
8. It is highlighted that the residents of the two neighbouring cottages are also concerned of the size of the tree being so near to their homes. No evidence has been provided to substantiate this objection. In addition, no comments have been received from neighbouring properties.
9. The tree is in the rear garden of Saddlers Cottage and not in a public area.
10. However, the powers given to Local Planning Authorities via the Town and Country Planning Act 1990 allow the protection of trees in public or private ownership from being removed or mismanaged. The Lime is a fine specimen and is part of the backdrop of the village and therefore has a very high amenity value. No evidence has been provided to show any real threat or damage to the Listed Buildings to justify complete removal.
11. The owners have offered to replace the tree should it be allowed to be removed.
12. The tree appears to be over 100 years old. It is providing significant ecological benefits and is an important feature within the local landscape. Removing it and replacing it with a young tree would not be acceptable unless there was a good reason to justify its removal, which does not seem to be the case at the present time.

6. FINANCIAL IMPLICATIONS

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

7. LEGAL AND POLICY IMPLICATIONS

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

8. RISK MANAGEMENT

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

9. EQUALITY IMPACT ASSESSMENT

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

10. CONCLUSION

- 10.1 Officers consider that the objections and representations have been fully considered and that it is concluded that the tree is healthy and provides significant amenity value to the surrounding area. On this basis, it is concluded that the Tree Preservation Order should be confirmed without modification due to the reasons given above.

11. CONSULTEES

- 11.1 None

12. BACKGROUND PAPERS

- 12.1 Tree Preservation Order No. 436



Economic Prosperity and Place Directorate

Saddlers Cottage

The Village, Chaddesley Corbett, DY10 4SD

