

Open

Planning Committee

Agenda

6pm
Tuesday, 18th February 2020
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

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

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

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

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

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

*Unless there are no reports in the open session.

NOTES

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

Wyre Forest District Council

Planning Committee

Tuesday, 18th February 2020

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 14th January 2020.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	13
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.	88
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

8.	Exclusion of the Press and Public To consider passing the following resolution: “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”.	
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Part 2

Not open to the Press and Public

9.	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

14TH JANUARY 2020 (6 PM)

Present:

Councillors: C 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:

There were no members present as observers.

PL.59 Apologies for Absence

There were no apologies for absence.

PL.60 Appointment of Substitutes

No substitutes were appointed.

PL.61 Declarations of Interests by Members

No Declarations of Interests were made.

PL.62 Minutes

Decision: The minutes of the meeting held on 10th December 2019 be confirmed as a correct record and signed by the Chairman.

PL.63 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No.580 attached).

Councillor S J Chambers arrived at 6:10pm and abstained from voting on application 19/0618/FULL as she had not been present for the presentation and debate.

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No 580 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.64 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.65 Section 106 Obligation Monitoring

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

Decision: The details be noted.

PL.66 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.67 New Enforcement Case

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

Decision: That the Solicitor to the Council receive delegated authority to serve or withhold an Enforcement Notice to cease the use of the building for residential purposes and to carry out remedial works to the building to return the building as it existed prior to conversion works being carried out.

There being no further business the meeting ended at 6:30pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

14th January 2020 Schedule 580 Development Management

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.

Councillor S J Chambers arrived at 6:10pm and abstained from voting on application 19/0618/FULL as she had not been present for the presentation and debate.

Application Reference: 19/0618/FULL

Site Address: BUTTON OAK HOLIDAY PARK HOMES, BUTTON OAK TO ARLEY ROAD, POUND GREEN, BEWDLEY, DY12 3LA

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Highways
4. Submission of Lighting plan
5. Works only during daylight hours
6. Site licence
7. Fire risk assessment information made available
8. Location of the three woodcrete mounted bat boxes to be shown on a plan and photographic evidence of their installation to be provided.
9. Replicate conditions 4-13 from Decision Notice 07/0958/FULL
 - Location of caravans as per approved plan
 - No caravan brought to site until details agreed of its appearance
 - No occupation during the month of January
 - Holiday occupation only
 - Not to be occupied as main residence
 - Register of owners and addresses of main residences to be kept
 - Lighting to be agreed
 - Planting Scheme
 - Landscape implementation
 - No Change in levels
10. Arboricultural assessment and methodology to be submitted
11. Fence to be erected as shown on drawing number within 3 months of the date of the permission
12. Works to be carried out in accordance with the details submitted in the Churton Ecology
13. Disposal of foul and surface water drainage
14. Satisfactory means of drainage
15. To restrict maximum number of caravans to 30
16. Maintenance Plan

Application Reference: 19/0263/FULL

Site Address: LAND ADJACENT TO 4 TELFORD DRIVE, BEWDLEY, DY12 2EP

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. Highways
5. Highways
6. Highways
7. Land stability report
8. Details of walls, fences and other means of enclosure to be submitted
9. Details of hard and soft landscaping to be submitted
10. Removal of permitted development rights
11. No balcony / decking area to the rear
12. Details of electric charging point

Notes

- A Highways
- B Severn Trent
- C Waste and recycling collection

Application Reference: 19/0635/REGS3

Site Address: CROWN HOUSE, BULL RING, KIDDERMINSTER, DY10 2AA

APPROVED subject to the following conditions:

1. A9 (Temporary permission – uses of land)
2. A11 (Approved plans)
3. Details of any barrier prior to installation.

Note – Cycle Parking

Application Reference: 19/0667/FULL

Site Address: LAND ADJACENT TO 1 WESTHEAD ROAD, COOKLEY,
KIDDERMINSTER, DY10 3TG

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of material)
4. Site and Finished Floor Levels.
5. Boundary treatments
6. Details of landscaping scheme to include wildlife friendly plant species.
7. Implementation of Landscaping Scheme.
8. Scheme of surface water drainage.
9. Access, turning area and parking facilities including cycle parking to be provided.
10. Removal of permitted development rights

Notes

- A Severn Trent Water
- B Ringway Infrastructure Service to carry out all highway work
- C Waste and recycling collection

Application Reference: 19/0700/FULL

Site Address: 55 BEWDLEY ROAD NORTH, STOURPORT-ON-SEVERN, DY13
8PT

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)
4. Windows non opening and obscure glazed to side elevations.
5. Highway access.

Application Reference: 19/0751/FULL

Site Address: LAND OFF GORST HILL ROAD, ROCK, KIDDERMINSTER,

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (samples/details of materials)
4. Site and Finished Floor Levels
5. Boundary treatments
6. Details of hard and soft landscaping to be submitted
7. Landscaping establishment and management plan
8. Highway conditions
9. Surface water and foul water drainage
10. Electric vehicle charging points
11. Removal of Permitted Development Rights for outbuildings and new boundary treatment.
12. Implementation of Ecological Mitigation and Enhancement Measures
13. Details of external lighting to be submitted
14. Submission and approval in writing of a welcome pack

Note

Waste and recycling collection

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

18/02/2020

PART A Report

Ref.	Address of Site	Recommendation	Page No.
19/0741/FULL	TALBOT INN THE VILLAGE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	14

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
19/0219/FULL	MARGARET THATCHER CONSERVATIVE HOUSE 35 MILL STREET KIDDERMINSTER	APPROVAL	24
19/0240/FULL	THE FARTHINGS ARLEY BEWDLEY	APPROVAL	32
19/0366/FULL	THE MUSKETEER AVON ROAD KIDDERMINSTER	DELEGATED APPROVAL	40
19/0603/FULL	LAND AT SILVERWOODS WAY KIDDERMINSTER	DELEGATED APPROVAL	47
19/0622/TREE	PLOT L LAND AT SILVERWOODS WAY KIDDERMINSTER	APPROVAL	61
19/0625/FULL	LAND OFF SOLCUM LANE BLAKESHALL WOLVERLEY KIDDERMINSTER	APPROVAL	66
19/0703/FULL	CHAPEL PADDOCK CHAPEL LANE ROCK KIDDERMINSTER	APPROVAL	69
19/0762/FULL	2 ALTON NURSERIES LONGBANK BEWDLEY	APPROVAL	74
19/0808/FULL	93 BALDWIN ROAD KIDDERMINSTER	APPROVAL	82
20/0005/FULL	21 HARRIERS GREEN KIDDERMINSTER	APPROVAL	85

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18TH FEBRUARY 2020

PART A

Application Reference:	19/0741/FULL	Date Received:	19/11/2019
Ord Sheet:	389221 273611	Expiry Date:	14/01/2020
Case Officer:	Helen Hawkes	Ward:	Wyre Forest Rural

Proposal: Internal alterations to relocate kitchen and create 5No. Bed and breakfast rooms, erection of orangery to rear, installation of flue, replacement of outbuilding and configuration of 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, CC13 (CCNP) Design Guide SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Third party has registered to speak at Committee. Councillor request for application to be considered by 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 on the High Street in 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. 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.

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- 1.2 This application is a resubmission for an identical scheme that was refused planning permission on 12 July 2019 (under application 19/0157/FULL).
- 1.3 The proposed scheme involves refurbishment and extension of the public house to facilitate re-opening of the business, including: 5no. en-suite bed and breakfast letting rooms; the erection of an Orangery to the rear; installation of an external extraction flue; construction of a refuse storage building; new landscaping; and reconfiguration of the car parking spaces following a reduction in the car parking area and demolition of an outbuilding.
- 1.4 The proposed car parking area would be formally laid out to provide 45 parking spaces, including three disabled spaces, five motorcycle parking spaces, four electric vehicle charging points and secure cycle storage.
- 1.5 It is anticipated that the proposed scheme would create 20 job opportunities which will be a mix of part time and full time jobs working shift patterns.
- 1.6 The application has been submitted with a Design and Access Statement, A Personal Statement by the Applicant, a Statement of Case: Highways (prepared by PJA, dated August 2019); and Heritage Impact Assessment.

2.0 Planning History

- 2.1 19/0157/FULL – Refurbishment works to Grade II Listed Public House including single storey rear extension, internal alterations, erection of storage building and alterations to car park: Refused 12.07.19
- 2.2 19/0158/LIST - Refurbishment works to Grade II Listed Public House including single storey rear extension and internal alterations: Listed Building Consent granted on 20.06.19.

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – No objection and Recommend Approval.
- 3.2 Highway Authority – No objection subject to conditions to require the access, turning area and parking facilities including cycle parking to be provided prior to the development being brought into first use.

It is advised that the applicant has provided further information in justification of their proposal and from a Highways point of view, the proposed parking provision of 45 spaces in a more formal arrangement plus accessible spaces, electric vehicle charge points, motorcycle and cycle parking is acceptable. It is acknowledged that the site is a local facility with sustainable credentials and both staff and customers are able to access the site on foot.

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The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that the proposal is not contrary to the transport related paragraphs of the National Planning Policy Framework and therefore there are no justifiable grounds on which an objection could be maintained.

- 3.3 Conservation Officer – No objection subject to conditions
- 3.4 Worcestershire County Council Archive & Archaeology Service – No objection subject to conditions to require a programme and methodology of site investigation and recording to be provided.
- 3.5 Worcestershire Regulatory Services – No objection subject to condition to secure the approved details for the kitchen extraction system.
- 3.6 North Worcestershire Water Management – No objection and it is advised that the proposals will have no impact upon flood risk or drainage.
- 3.7 Arboricultural Officer – No objection to the application.
- 3.8 Neighbour/Site Notice – 2 letters of support received from nearby occupiers and they have made the following comments:

- The public house is a iconic building in the village;
- The village needs a second hostelry, particularly with good dining facilities;
- The re-opening as a public house will ease parking around the Swan;
- If it changed to private accommodation there would be a loss of parking, which is available for church functions such as weddings and funerals;
- The community needs this special public house to reopen;
- Many of the clientele will be local and will walk to the Talbot Inn, so parking will not be a problem and a second public house in the village will ease the demand for parking at the Swan Public House; and
- The building is very special to our community and to lose it to private dwelling accommodation or any non-public use would be a travesty.

1 letter of objection received from a nearby occupier, stating the following:

- Identical application to Application 19/0157/FULL, which was unanimously refused by the planning committee on 12th July 2019;
- The new application does not address the concerns expressed to the previous refused application;
- The site provides in excess of 75 car parking spaces and when the public house was busy the car park was always full, therefore inaccurate to concluded in the report from PJA, that the site currently provides a maximum of 49 spaces;
- The PJA statement is factually wrong and does not include a further 25% of parking area to the southeast of the site;
- The application is for a reduction in the size of the car park by nearly 50%;

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- The Orangery will necessitate more rather than less car parking provision at the site;
- Unacceptable impact on highway safety;
- Severe impact on the road network, which was concluded by the last committee;
- It was recognised by the previous committee that the development would attract a high volume of traffic in view of its rural location; and
- There is no reason why the necessary refurbishment works cannot be carried out and the pub reopened without reducing the size of the car park.

1 letter of observation received from a nearby occupier, who also was the lessee of the Talbot Inn for 24 years from 1989 to 2013. They have provided the following comments:

- No objections to the internal works;
- 80 car parking spaces were available at the public house and the car park was frequently used to full capacity;
- The car parking spaces were marked out in 1992 to the recommended size, which has not changed in the intervening time;
- The public house previously operated as a destination eating house and is therefore comparable with what is now proposed;
- Inadequate parking to meet the demands of the proposed business;
- The reduction of car park capacity to 45 spaces, a 44% reduction, would impact significantly upon street parking;
- Parking in the street has been an issue in Chaddesley Corbett; and
- The re-opening of the Talbot Inn will exacerbate the parking pressure on the Highway Street, and make it more difficult to park for village residents who require street parking as they do not have drives or garages.

4.0 Officer Comments

4.1 The previous application 19/0157/FULL was refused planning permission by the Planning Committee on 12th July 2019, and the reason for refusal was as follows:

1. *The proposal has failed to adequately demonstrate that reduction in the number of car parking spaces, as a result of this development, will not cause highway congestion and inconvenience within the village that would result in an unacceptable and severe impact on highway safety. The proposal would therefore be contrary to Policy SAL.CC2 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, Policy CC12 of the Chaddesley Corbett Neighbourhood Plan and Government Guidance in Section 9 of the National Planning Policy Framework.*

4.2 The current application is for an identical scheme and no changes have been made to the proposed parking provision or car parking layout.

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- 4.3 The only difference between this application and the previous application is that an updated Design and Access Statement, Statement of Case by PJA (a Highways Consultant) and a Personal Statement by the applicant have been submitted in an attempt to overcome the previous reason for refusal.

PARKING AND HIGHWAY ISSUES

- 4.4 Nearby occupiers have expressed concerns about the proposed reduction in the car park and have noted in their comments that the Talbot Inn had up to 80 parking spaces when it was trading (between 1989 -2013) and that the car park was always full when the public house was busy.
- 4.5 I have carefully considered the planning history for this site and have visited the site a number of times. In 2014, a planning application (reference 14/0149/FULL) was approved for the erection of a new decked area and pergola to the rear of the building which made reference to parking in the application form and had stated that there were 70 car parking spaces and that the development would reduce the parking area to 58 spaces. However, from the submitted details, the site layout plan did not show the 58 spaces formally laid out and no condition was attached to the decision notice to secure the reduced level of parking provision. There have been no other previous planning applications that have either restricted the amount of land to be used for car park or have secured the number of parking spaces to be provided. I am therefore of the opinion, that there is a realistic fallback position for the public house to reopen with a reduced parking provision than previously provided without any control by the Local Planning Authority.
- 4.6 In addition, the applicant has questioned the feasibility of providing 80 spaces on the existing car parking area as they contest that the existing spaces, shown by the somewhat faded white lines, do not comply with current parking standards.
- 4.7 The applicant has also appointed an Independent Transport Consultant to undertake a study of the existing car park where they have advised that based on the current parking standards (as per Worcestershire County Council's Adopted Streetscape Design Guide) the existing car parking area could only accommodate 49 spaces.
- 4.8 As part of the proposed development, the existing car parking area would be reconfigured and reorganised to provide 45 car parking spaces, in line with current parking standards and with additional provision for people with disabilities, cycles, motorcycles and charging points for electric vehicles. This would include a reduction in the car parking area to the east of the site (adjacent to the grass beer garden) but the inclusion of the land where the two outbuildings are in situ, which are to be demolished as part of this application.
- 4.9 The main consideration in this application is now whether the 45 car parking spaces would be sufficient to accommodate the parking demand generated by the proposed use and that the development would not result in unacceptable on-street parking demand as to cause highway congestion and highway safety issues.

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- 4.10 The Worcestershire County Council's Adopted Streetscape Design Guide advises that applicants should provide a minimum parking provision for each development along with evidence to demonstrate the appropriateness of the proposed parking provision. Policy SAL.CC2 of the Adopted Site Allocations and Policies Local Plan also states that any proposed reduction in the amount of car parking spaces as a result of development will need to be fully justified.
- 4.11 Policy CC12 of the Chaddesley Corbett Neighbourhood Plan further states that in order to be considered favourably, all new development proposals will need to satisfy (amongst others) that the impact of development is sustainable in terms of infrastructure, road safety and the standards required to maintain a peaceful and safe rural parish.
- 4.12 The Statement of Case that has been submitted by the independent Transport Consultant has carried out an assessment of parking demand for two nearby comparable public houses (The Fox Inn and The Swan Inn). In the Statement of Case it is advised that The Fox Inn provides a larger internal retail area (244sqm) in comparison with the Talbot Inn (178sqm) and a similar level of parking (46 spaces). The Swan Inn also has a car parking area with 48 spaces. A study of existing public houses in 'edge of town' locations has also been undertaken using TRICS database (an industry standard tool for providing trip rates for development proposals based upon surveys of comparable sites). In this study, it concluded that the car parking demand of these comparable sites were 28 vehicles on Friday evenings and 22 vehicles on a Saturday evening. I consider that this evidence helps to demonstrate that the proposed parking provision (45 spaces) would be sufficient and would avoid excess on-street parking demand on the High Street to cause any significant road congestion.
- 4.13 The Statement of Case also states that the internal public floor area within the public house would be reduced from 207sqm to 178sqm, following the proposed refurbishment works including the removal of the first floor function room and covered veranda, but the addition of the Orangery and five letting rooms. It is advised within the Statement of Case, that the reduction in internal public floor area compared to the fallback position of the public house returning to its previous internal layout is unlikely to increase parking demand over and above the current position.
- 4.14 With respect to highway safety, it is highlighted in the Statement of Case that there have been no recorded road accidents within the village over the last five years and this includes a period when the Talbot Inn was operating. Also, that there is less on-street parking demand on the High Street since the primary school relocated. It is concluded within the Statement of Case that any very limited additional parking on the High Street would not create a safety issue that would be so great as to be classified as 'unacceptable or severe'.
- 4.15 I agree with this conclusion and as there are no traffic regulation orders in place directly outside of the public house, I consider that on-street parking can take place without adversely causing traffic congestion or highway safety

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issues. It is stated within Paragraph 109 of the National Planning Policy Framework that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. As the development would not result in an unacceptable impact on highway safety or lead to severe cumulative impacts, I do not consider that there are any justifiable reasons to warrant a refusal of the application.

- 4.16 The proposed development would also provide additional facilities to encourage sustainable travel in comparison to the existing situation, including cycle storage and electric vehicle charging points. The site is also located in a central location on the High Street within Chaddesley Corbett village where future staff members and customers could easily walk or cycle from their homes to the public house.
- 4.17 I further note that a Personal Statement has been submitted by the applicant in support of the application, which advises that they have agreed an informal arrangement with the owners/tenants of shops on the High Street which do not benefit with off-street parking, to allow their customers to park within the Talbot Inn car park when it is not busy. The applicant highlights that this informal agreement satisfies Action Point 18.2 of the Chaddesley Corbett Neighbourhood Plan which states that the Parish Council will 'Enter into negotiations with the Public House within the village with an aim of securing access for visitors to existing tarmac car parking space'. The applicant further notes that Chaddesley Corbett Primary School have relocated and parents of school children no longer require the use of the public house car park. The Chaddesley Corbett Parish Council has offered a no objection to this application. I am therefore satisfied that the applicant would fulfil the requirements of action 18.2 of the Chaddesley Corbett Neighbourhood Plan and that there are no reason to believe differently that the applicant would not have a similar agreement with this car park as they do already with the Swan Inn (as they are also the owner of this public house).
- 4.18 The Highway Authority has undertaken a robust assessment of the planning Application including the parking demand study by the independent Transport Consultant and the Personal Statement by the applicant. Based on the analysis of the information submitted the Highway Authority has concluded that the proposal is not contrary to the transport related paragraphs of the National Planning Policy Framework and that there are no justifiable grounds on which an objection could be maintained.
- 4.19 Overall, the evidence contained within the Statement of Case by the independent Highways Consultant demonstrates that the level of parking proposed would be sufficient to accommodate the parking demand likely to be generated by the proposed use and that any additional on-street parking is unlikely to exacerbate the parking issues on the High Street to the detriment of highway safety. I am satisfied that this revised application has overcome the reason for refusal in the previous application and would not result in an unacceptable impact on highway safety. The proposed scheme also includes provision to promote sustainable modes of travel. The development would

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therefore accord with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan, Policy CC12 of the Chaddesley Corbett Neighbourhood Plan and Paragraphs 108 and 109 of the National Planning Policy Framework.

IMPACT ON THE HISTORIC ENVIRONMENT

- 4.20 The Talbot Inn is a grade II listed building and was built in the 17th Century as two buildings and was turned into two buildings, with a ceiling and flooring extending across the void between the two buildings. The building has been altered and extended over time and not all of the changes and additions have been in the interest of preserving the building's special interest. The building is also showing signs of deterioration.
- 4.21 The proposed scheme seeks bring the building back into long-term viable use. The development would see the reordering of the interior and relocation of the first floor restaurant/function room and kitchen to the ground floor in order to improve the functionality of the public house. Five new bed and breakfast rooms would be provided to improve the viability of the public house.
- 4.22 The works proposed would involve the reinstatement of finishes and the upgrading of the internal performance of the building. The proposed flue would be enclosed in brickwork to resemble a typical chimney and the proposed Orangery, although relatively large in scale, would be in the same location as a previously approved rear extension which was never constructed.
- 4.23 The Conservation Officer raises no objection to the application. I am of the view that any harm caused to the special interest and character of this listed building as a result of this application would be limited and would not outweigh the public benefits of bringing the grade II listed building back into use and thereby securing the future of this heritage asset. The proposed development would therefore accord with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan, Policy CC of the Chaddesley Corbett Neighbourhood Plan and Paragraphs 131 – 134 of the National Planning Policy Framework, which seeks to safeguard designated heritage assets.

IMPACT ON RESIDENTIAL AMENITY

- 4.24 The proposed development would result in no additional overlooking of adjoining residential properties and it has been agreed to erect a trellis along part of the side boundary which is shared with The Haycroft to ensure no overlooking from the car park. Worcestershire Regulatory Services have also sought additional details about the proposed kitchen extraction system and following receipt of these details are now satisfied that no undue harm would be caused to adjoining residents in terms of noise and odour pollution. I concur with this view and conditions are recommended to secure the fencing and agreed extraction system details.

TREES

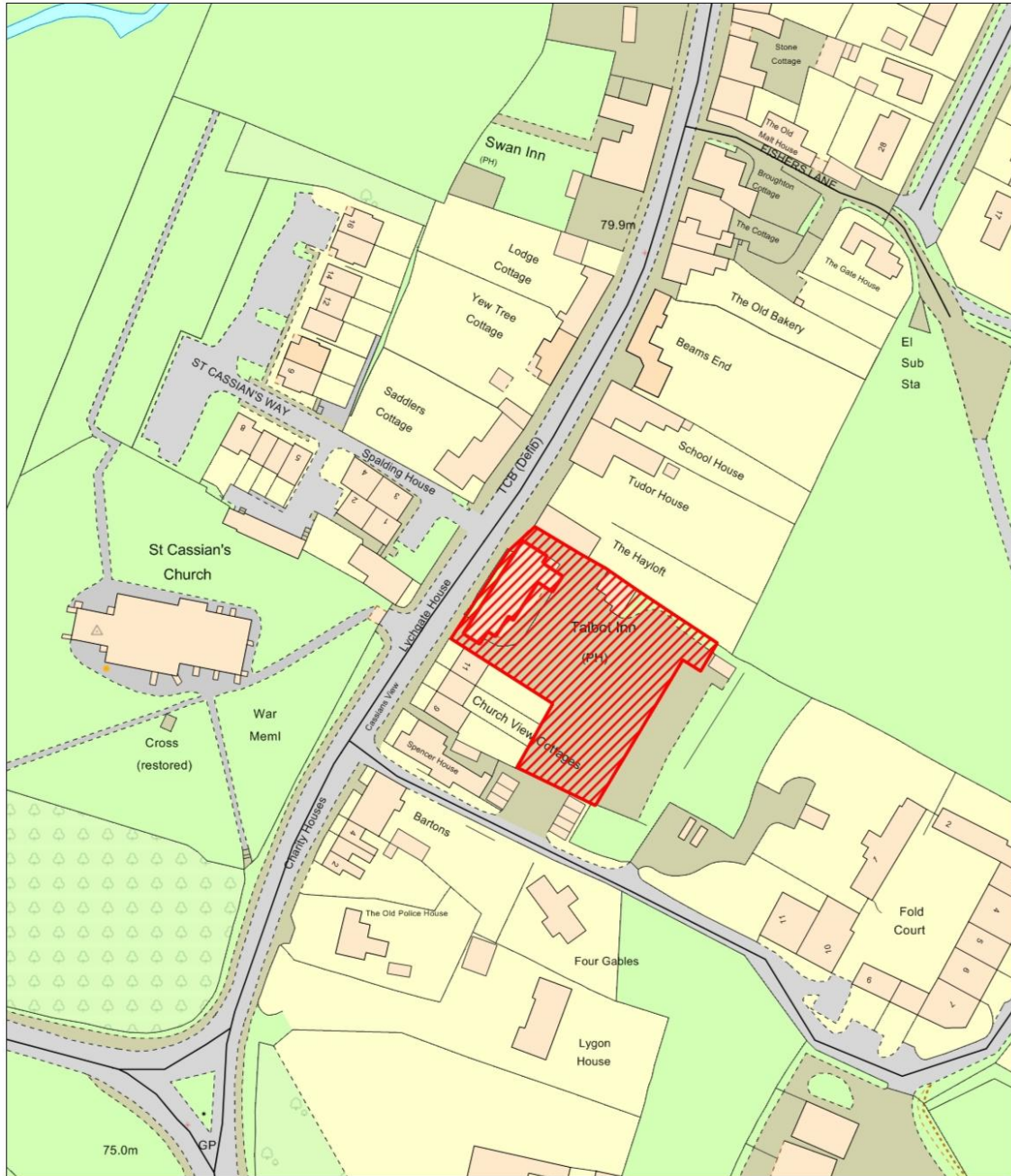
- 4.25 It is proposed to remove two of the three trees within the application site. The two trees to be removed (identified as T1 and T2) are located along the side

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boundary of the site and directly under overhead power cables. T1 (a Yew Tree) has been repeatedly topped by the utility contractor to a very poor standard and T2 (a Bay Tree) is also considered to be low quality. The Council's Arboricultural Officer raises no objection to the removal of these trees and has commented that, although glimpses of the trees can be seen from the main road through the village and from neighbouring properties, the trees have low amenity value and do not make a positive contribution to the character of the Conservation Area. I concur with this view.

5.0 Conclusions and Recommendations

- 5.1 Chaddesley Corbett Parish Council and the Highway Authority raise no objection to the application. The applicant has provided new information to demonstrate that the proposed parking provision would be sufficient to accommodate the parking demand and that any additional parking on the High Street is unlikely to be so great as to be classified as 'unacceptable or severe'. In addition, there is no evidence to indicate otherwise, that any limited additional parking on the High Street would result in highway congestion or inconvenience within the village. The development would facilitate the re-opening of the grade II listed public house, which is considered to be important community facility and a heritage asset. The existing trees to be removed are considered to have low amenity value and there would be no harm to residential amenity. Overall, I therefore consider that the development would accord with relevant policies within the Development Plan and the National Planning Policy Framework.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. 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 the refuse storage building
 7. Programme of archaeological work
 8. Archaeological investigation work to be implemented
 9. Require access, turning area, car parking and cycle storage facilities to be provided, including vehicle charging points
 10. To secure details for kitchen extraction system
 11. Trellis fencing to be provided and retained
 12. Parking to be provided including cycle parking provision
 13. Electric vehicle charging points to be provided and maintained



Economic Prosperity and Place Directorate

Talbot Inn, The Village

Chaddesley Corbett

DY10 4SA



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

18TH FEBRUARY 2020

PART B

Application Reference:	19/0219/FULL	Date Received:	12/04/2019
Ord Sheet:	382722 276809	Expiry Date:	12/07/2019
Case Officer:	Helen Hawkes	Ward:	Blakebrook & Habberley South

Proposal: Conversion of existing office building (B1a) into 4 retail shops (A1) with 9 apartments above (C3), including side extension and associated car parking (amended description)

Site Address: MARGARET THATCHER CONSERVATIVE HOUSE, 35 MILL STREET, KIDDERMINSTER, DY116XB

Applicant: Mr G Windsor

Summary of Policy	DS01, DS02, CP02, CP03, CP11, CP12 (CS) SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7 (SAAPLP) KCA.DPL1, KCA.DPL2, KCA.GPB4, KCA.CC1, KCA.CC2, KCA.UP1, KCA.MS1 (KCAAP) 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
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site relates to a vacant three-storey B1 office building (known as Margaret Thatcher house). It comprises a flat roof and sits above a brick plinth that requires ramped access to the ground floor entrance. The site has a large hardstanding side and rear yard area, which provides off-street parking with vehicular access onto Mill Street.

1.2 The site is situated on the south side of Mill Street within a mixed commercial and residential area, and is located on the edge of Kidderminster Town Centre. Adjoining the site to the west are commercial premises and to the east is a newly constructed apartment block with undercroft parking. To the north, on the opposite side of Mill Street is Ideal House, which comprises residential apartments. The rear boundary of the site comprises a significant embankment, with residential properties siting well above the site on Mill Lane.

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- 1.3 The site falls within Flood Zone 3 and is within the floodplain of the River Stour (which lies approximately 70.5 metres to the north of the site).

2.0 Planning History

- 2.1 No relevant planning history for this site.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – No objection and recommends approval.
- 3.2 Highway Authority – No objection to the revised scheme subject to conditions.
- 3.3 Environment Agency – They have advised that based on the additional information submitted at this time; Revised Flood Risk Assessment (FRA) prepared by Woodsyde Development Ltd. (dated December 2019), and the amended description, we are now in a position to remove our standing objection and offer the following comments to assist your consideration at this time.

We understand the application now seeks approval for the conversion of the existing office building into four retail shops on the ground floor and nine apartments located on the first and second floors.

As outlined previously, the proposed development site is located within Flood Zone 2 and partially Flood Zone 3 of the River Stour (Main River).

With reference to Table 2 in the Flood Risk and Coastal Change section of the National Planning Practice Guidance (NPPG), the retail units on the ground floor of the building would be classified as Less Vulnerable development. However, as advised previously, the residential apartments would be classified as 'More Vulnerable'.

Based on the nature of the proposed development (change of use), the flood risk Sequential Test does not need to be applied in this instance. However, the application still has to meet the requirements of a site specific FRA.

In areas identified at risk of flooding, we recommend the design flood level (in this instance the 1% flood level plus climate change allowance) is used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development.

In the absence of a modelled design flood level and based on the scale of the proposed development, we previously recommended an appropriate assessment of (hydraulic model) of the 1% flood level with relevant climate change ranges was produced. However, in light of the revisions to the development proposals at this time we would accept the use of 'nominal' climate change levels, as detailed within our Area Climate Change guide.

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In the absence of ground floor finished floor levels (FFLs) set 600mm above the design flood level, we note the flood resilience measures proposed within the FRA. Based on the proposed use of the ground floor we would not object to the use of resilience measures in the absence of appropriate FFLs in this instance. We are satisfied that by virtue of the fact that all residential units are located on the first floor upwards, FFLs for this aspect of the proposals will be safe.

As outlined previously, in a worst case scenario (i.e. in the absence of the flood scheme and the wall operating), flood depths on Mill Street are likely to be in the region of 1.25metres during a nominal design flood level, based on the ground level provided in the FRA adjacent to the entrance (32.96m AOD). Given our role and responsibilities we would not make comment on the safety of the pedestrian access or object on this basis.

- 3.4 Kidderminster Civic Society - No objection to this application but are concerned to know that the WW2 memorial plaque outside the present entrance (which was in itself moved from the old Conservative Club on the Butts to a "safe" home) is being re-sited to a similar prominent position or can we be further consulted.
- 3.5 West Mercia Police Designing Out Crime Officer – No objection and suggest that the car parking area has lighting, that an access control system is used and for the communal entrance doors to meet one of the following standards:
- PAS 24:2016
 - STS 201
 - LPS 2081 Security Rating B+
- 3.6 Worcestershire Regulatory Services (Land Contamination) - No objection and recommends an informative to make the applicant aware that the building may contain asbestos.
- 3.7 Worcestershire Regulatory Services (Noise) – The mitigation proposed in terms of improved specification double glazing and acoustic trickle vents should be suitable to achieve acceptable noise levels within the flats with the windows closed.

With the windows open at night time residents may experience some disturbance as LA_{max} values are above 60dB at the façade of the building. If these LA_{max} values occur more than 10-15 times per night there may be disturbance to sleep. As such there may be an impact on the amenity of residents.

The WHO Guidelines indicate that sound pressure levels at the outside façades of living spaces should not exceed 60 dB LA_{max} so that people may sleep with bedroom windows open. These values assume the noise reduction with a window partially open is 15dB, resulting in an internal noise level of 45 dB LA_{max}. The guidelines state that for a good sleep, indoor sound pressure levels should not exceed approximately 45 dB LA_{max} more than 10 – 15

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times per night. It is generally accepted that 60 dB LAmax at the façade is a LOAEL.

- 3.8 Conservation Officer – No objection to the revised scheme.
- 3.9 Countryside Manager – Request a bat survey to be submitted.
- 3.10 Severn Trent Water – No objection subject to a drainage plan to ensure suitable disposal of foul and surface water and an informative is also recommended to make the applicant aware that there could be a public sewer within the site.
- 3.11 North Worcestershire Water Management – No objection to the revised scheme and recommends an informative to be attached to ensure the future occupiers of the building are made aware of the flood risk and how to sign up to flood alerts. The following is advised:

Flood risk

The revised FRA remains to state that the site is protected up to 34.62m AOD but according to the earlier Environment Agency's response dated 11 Oct 2019 this is not the case. This response detailed that the existing Flood Alleviation Scheme is likely to overtop at a level of 33.80m AOD. Based upon the level information from the EA it is my understanding that the proposed retail shops will be at risk of flooding as the proposed finished floor level (34.00 m AOD) is 200 mm below the protection provided by the existing Flood Alleviation Scheme (33.80 m AOD). I note that this discrepancy has not been highlighted in the Environment Agency's latest response dated 20 December 2019. This response does conclude that they would not object to the use of resilience measures in the absence of appropriate FFLs (set 600mm above the design flood level) for the proposed lower risk development on the ground floor. The revised FRA sets out potential measures in paragraph 5.5 which could include raising the electrical sockets/services, non return air brick venting, flood barriers to doorways and treatment of the walls.

A condition is recommended to secure details of the flood resilience measures.

Safe evacuation route

The revised FRA includes: "We note from the adjacent site Planning Permission was granted for 5 residential properties which sits on land lower than this application, but whereby parking, a toilet and study are to be provided and where this is considered to be acceptable as a lower risk development on the ground floor. It is further noted that the safe route away from the dwellings would be across the frontage of this application site to higher ground to the west. I see no reason why the same arrangements would not work satisfactorily for the proposals for this site".

- 3.12 Housing Enabling Officer – No objection and advises that the amended configuration of the accommodation units is much improved with this redesign and the units themselves actually look liveable which is good. From a housing

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perspective, given the high level of need for affordable housing in Kidderminster, it is disappointing that this development will not make any contribution to meeting those needs in favour of delivering retail /commercial units on GF units for which there maybe limited demand.

(Officer Comments – The application is below the threshold for affordable housing (10 or more units) and therefore does not need to provide affordable housing provision).

3.13 Neighbour/Site Notice – One letter of objection received from a nearby occupier stating the following concerns:

- Overlooking and loss of privacy.
- Increase in noise levels.

(Officer Comments – The application originally sought to have a roof extension to create a fourth floor and following discussions with the applicant the proposals have been amended with the omission of the proposed roof extension in order to overcome the objection expressed by this nearby occupier).

4.0 Officer Comments

4.1 I consider that the main considerations to this application relate to the principle of development, the impact on local character, on the amenity of adjoining and future occupiers, highway safety and flood risk.

PRINCIPLE OF DEVELOPMENT

4.2 The site is located within the Mill Street Mixed Use Area as defined within the Adopted Kidderminster Central Area Action Plan. Policy KCA.MS1 of the Adopted Kidderminster Central Area Action Plan promotes a range of uses within the area including residential and retail development. I am therefore satisfied that the development would fully accord with the policy requirements and, as such, the development is acceptable in principle.

IMPACT ON LOCAL CHARACTER

4.3 The application originally sought to increase the height of the building to four storeys, however, this was considered unacceptable by Officers as it would have caused undue overlooking of the residential properties to the rear of the site in Mill Lane and would result in a building that is excessively taller than all nearby buildings which have kept to a particular scale to respect the surrounding townscape and to ensure no adverse impact on the setting of the nearby Grade I Listed St Mary's Church.

4.4 The proposed scheme now seeks to retain the existing height of the building and only extend the building out on one side with a three-storey extension. The proposed extension is in keeping with the architectural style and form of the building and would not appear disproportionate in relation to the existing building. In addition, the proposals also include refurbishment works both

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externally and internally of the building in order to enhance the appearance of the building and to ensure the development provides an acceptable internal environment.

- 4.5 I consider that the proposed works to the building including the new windows, cladding and painting of the render would improve the appearance of the building and would give this building, which is starting to appear dated a new lease of life. The development would therefore help to improve the built environment in this part of the town centre and make a positive contribution to the local character.

IMPACT ON THE AMENITY OF EXISTING AND FUTURE OCCUPIERS

- 4.6 The revised proposals which show the building to be retained at its existing height would ensure no adverse impacts on the existing residents to the rear of the site in Mill Lane. In addition, I do not consider that the use of the upper floors for residential would not result in any undue harm on the amenities of residents within the adjoining properties on Mill Street.
- 4.7 In terms of the amenity for the future occupiers, I am of the opinion that the internal layout is acceptable and would provide satisfactory living accommodation for future occupiers. The apartment and bedroom sizes all accord with the Nationally Described Space Standards and I am satisfied that the layout is acceptable with all habitable rooms having windows for natural daylight/sunlight and ventilation.
- 4.8 I note that Worcestershire Regulatory Services have advised that the apartments to the rear of the building would be significantly adversely impacted by traffic noise on the A456/Proud Cross Ringway. However, the noise levels would be no different than the noise already experienced by the existing residential properties in this location and the noise would only cause a significant adverse impact when the windows are open during the evening and there is an occurrence of more than 10-15 heavy goods vehicles travelling along this road in one evening. Although this weighs against the development, I consider that on balance, it is an acceptable location for residential use given the low probability of noise nuisance occurring in the evening.

HIGHWAY SAFETY

- 4.9 The proposed scheme would provide a total of 14 spaces for residential use and 9 spaces for visitor and commercial use, which is considered to be adequate parking provision for the proposed use. The Highways Authority raises no objection to the proposed development and I concur with this view. The development would therefore not have a detrimental impact on highway safety, in accordance with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and the National Planning Policy Framework.

FLOOD RISK

- 4.10 The site is located in close proximity to the River Stour which currently has a permanent flood defence in the form of a concrete wall that prevents flooding of Mill Street during high rainfall. Nonetheless the site falls within flood zones

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2 and 3 and therefore has a high risk of flooding, should if ever, the flood defence fails. The Environment Agency and North Worcestershire Water Management have been consulted on the revised Flood Risk Assessment and they both raise no objection to the development. It is also noted that no objections were raised in respect of flood risk of the adjoining approved residential development, which gained planning permission in 2017 for the erection of 5 three-bed houses, under application 17/0200/FULL.

BIODIVERSITY

- 4.11 I note the request for a bat survey by the Countryside Manager, however, I do not consider that this is necessary in this instance, given that no demolition works are proposed and no changes are proposed to the hardstanding. I also note that no bat survey or ecological assessment was submitted in support of the approved consent for the adjoining site and to make this request for this application would seem unreasonable.

5.0 Conclusions and Recommendations

- 5.1 Whilst an objection has been raised by Worcestershire Regulatory Services in terms of potential noise nuisance from traffic on the adjacent road to the rear of the building, it has to be recognised that the site falls within an area allocated for residential use and that there are existing residential properties adjoining the site. The traffic noise would only become significant only on occasions when the windows are open and there are more than 10-15 heavy goods vehicles travelling along this road in one evening. Overall, I do not consider that this is a reason to justify a refusal of the application.
- 5.2 The proposed scheme has been amended to provide 9 residential flats with 4 commercial units at ground floor and is now considered to be an appropriate use of the building, which would not result in an over intensive use of the site. The proposed side extension and refurbishment works would enhance the appearance of the building and would improve the built environment in this local area. The development would not cause any unacceptable impact on the amenities of existing residents in Mill Lane and the proposals would provide a suitable internal layout for future occupiers. Details regarding matters of parking and flood risk have been satisfactorily addressed. I therefore consider that the proposed scheme is fully in accordance with the Development Plan.

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5.3 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. Finished Site and Floor Level of side extension
5. Scheme of Foul and Surface Water Drainage
6. Details of the flood resilience measures
7. Access, turning and parking
8. Secure parking for cycles
9. Car Parking Area to be clearly marked out including a electric vehicle charging point and motorcycle parking to be provided.
10. To secure approved glazing and acoustic trickle vents products
11. Details of refuse storage

Notes

- A. Contact Environment Agency regarding flood risk
- B. Highways Informatives
- C. To make the applicant aware that there may be asbestos within the building.
- D. Severn Trent Water
- E. Waste collection and bin provision
- F. Register with Flood Watch Scheme

Application Reference:	19/0240/FULL	Date Received:	24/04/2019
Ord Sheet:	376597 282196	Expiry Date:	19/06/2019
Case Officer:	Julia McKenzie-Watts	Ward:	Wribbenhall & Arley

Proposal: Conversion of existing rural building in a mixed use (former apple grading building with living accommodation and storage) to dwelling (Class C3)

Site Address: THE FARTHINGS, ARLEY, BEWDLEY, DY121SP

Applicant: Mr and Mrs D Greenaway

Summary of Policy	CP11 (CS) SAL.UP1, SAL.UP6, SAL.UP7, SAL.UP11 (SAAPLP) National Planning Policy Framework
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The Farthings is a large detached property located in Lion Lane, Arley within the West Midlands Green Belt.
- 1.2 To the east side of the Farthings near to Lion Lane, a building stands on the site which was erected in the 1950's and formally used in conjunction with the Farthings Orchard and dealt with apples bought off the site to be processed . The building is currently vacant on the first floor, however It retains the apple grader, fruit loft with living space and evidence of metal vehicle tracks whilst the ground floor is used for storage. It is listed on the County Historic Environment Record as WSM71628 *Gatehouse, adjacent to The Farthings, Lowe Lane, Upper Arley* .
- 1.3 The site benefits from one access point which provides access to the main house and also the building subject of this planning application.
- 1.4 The application proposes the conversion of this rural building into a two bedroom property, the creation of an amenity area and two parking spaces.

2.0 Planning History

- 2.1 None relevant.

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3.0 Consultations and Representations

3.1 Upper Arley Parish Council - No objection

3.2 Highway Authority – Recommends refusal.

The proposed development relates to the conversion of an existing rural building which has no established use in planning policy terms, therefore the traffic generation associated with the proposed residential use will be considered as new trips on the transport network.

The proposed site is in an unsustainable location from a Highways point of view, being approximately midway between Upper Arley and Alveley both of which are over 2 km away which is the industry accepted maximum walking distance. There are limited amenities and services in Upper Arley apart from the primary school, post office and local store and whilst there is a train station via a footpath over the river, the Severn Valley Railway timetable is seasonal and therefore unsuitable as a commuter service. There is only slightly more provision in Alveley where there is a primary school and medical practice as well as a shop and public houses. There is a regular bus service between Kidderminster and Bridgnorth however the bus stops are in excess of the 400m walking distance which is the expected length of journey on foot to access public transport.

Furthermore, the proposed site is located on Lowe Lane which is a single width rural road which has limited visibility due to bends, high hedges and overhanging trees in places and there is limited opportunity for a vehicle and pedestrian or cyclist to pass safely. There are no footways and no street lighting and this lack of provision will deter journeys on foot. This applies particularly at times of darkness and in adverse weather conditions and cycling will also be discouraged as a daily commute. Future occupants will therefore be solely reliant on private car use.

The lack of sustainable location and the lack of infrastructure to support sustainable modes mean the site does not provide safe and suitable access for all users and priority has not been given to pedestrian and cyclist movements which is contrary to Paragraph 108 and 110 NPPF. The resultant highway safety hazard is contrary to Paragraph 109 NPPF.

3.3 Severn Trent - No comments received

3.4 North Worcestershire Water Management – No objection subject to conditions.

3.5 Conservation Officer – No objection subject to conditions.

Although a relatively modern building, the former apple grading building has an interesting history (as outlined in the planning and heritage statements). The applicant has identified nearby heritage assets which is helpful and in compliance with Local and National Policy, although I would probably

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consider that the building itself does not qualify as an undesignated heritage asset.

Having said that the building is of considerable local interest for its agricultural associations (rather than any architectural merit), together with the fact that the original grading equipment is still on site. I would hope that the equipment could be found a new home, either at a local museum or with one of the local apple growers.

I would definitely class this as a rural building and thus Policy SAL.UP11 is relevant to the application. That policy requires the building (inter-alia) to be structurally sound and not requiring extension. So in this instance I consider the proposal satisfies Policy SAL.UP11.

3.6 Worcestershire Regulatory Services (Noise) - No objection to the application in terms of any noise / nuisance issues.

3.7 Worcestershire County Council Archive & Archaeology Service - I have checked this application against the Worcestershire Historic Environment Record, and in this instance the proposals will affect a locally significant non-designated heritage asset WSM71628 Gatehouse, adjacent to The Farthings, Lowe Lane, Upper Arley. This is recorded on the HER as a 1950s fruit store associated with the fruit picking industry. It retains the apple grader, fruit loft with living space and evidence of metal vehicle tracks. FRUIT STORES are defined in the HER *as purpose-built stores, mostly for apples, on the upper floor of a building which resembles a cart shed or as a store raised above the ground. They are usually detached from the farmstead, and may be located within the orchard.* Surviving examples are mostly mid-late 19th century, and very rare. In Worcestershire we only have this and one other purpose-built store recorded on the HER. Others will survive, but they are currently a poorly recorded type of heritage asset.

Although this building is only of local significance and relatively modern, the opportunity to retain and sensitively convert it is welcome, as these building types are a rare survival of a fast disappearing industry that has shaped the landscape of the area during the 19th and early 20th century.

The retention and conversion of this heritage asset is consistent with paragraph 184 of the NPPF and the WFDC Policy SAL.UP6 Safeguarding the Historic Environment *“The re-use of heritage assets will be encouraged where this is consistent with the conservation of the specific heritage asset”*.

Orchards have long been successfully cultivated throughout Worcestershire. The 1937 Land Utilisation Survey ranked Worcestershire the second most important (after Kent) fruit growing county in England and Wales. A large variety of both hard and soft fruits have traditionally been farmed, including apples, pears, cherries, plums, strawberries, currants, gooseberries, raspberries, walnuts and chestnuts. The cider apple was more widely distributed than any other fruit.

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By the turn of the 20th century a considerable quantity of cider, perry and soft fruits were being produced for external markets, including Birmingham, The Black Country, Wolverhampton, Lancashire and Yorkshire (Pitt. 1969.149). Large quantities of small sour apples were also purchased by jam makers for the manufacture of jelly and of cheap jams which were in great demand by the working class (Haggard. 1902. 352) Stamps' 1933 Land Utilisation Survey recorded 23,937 acres under fruit in the county and 12,526 acres, or 12.2% of the total arable area, under market garden crops (Buchanan. 1944. 436). However, by 1937, a large proportion, as much as 15-20% of the county's fruit acreage, consisted of old and degenerate cider, perry and pot fruit orchards (Buchanan. 1944. 451).

The Historic Landscape Characterisation Project has recorded locally distinctive 19th century smallholding landscapes around Wyre Forest (largely focussed on Callow Hill and Buckridge) which developed during the mid 19th century to meet the demand for soft fruit in Birmingham and the Black Country. Despite some 20th century field amalgamation the signature of these smallholdings and the overall grain of the landscape pattern survives intact (Clarke and Crowther. 2008. Worcestershire County Council). The associated built heritage resource is both poorly recorded and highly vulnerable. Changes to farming practice have led to the wholesale redundancy of buildings associated with Worcestershire's historic fruit industry; cider mills, for example, once common place, predominantly survive as garden ornaments. Opportunities to conserve and/or record these heritage assets should be pursued where possible.

The agent has already supplied drawn, written and photographic information to the HER recording this building, so no further recording by condition is advised prior to conversion.

- 3.8 Countryside Manager – The vegetation behind the house is quite sparse and there is a reasonable gap between the house and the trees so I can concur with the applicant that dormice are unlikely to be affected.

The wooded band of land behind the property needs to be protected from the development. It provides good connectivity across the landscape. Hence, we will need to see root protection zones identified and a condition put in place for these to be fenced off to protect them during the development phase.

Lighting, could also damage this connectivity so we will need a condition preventing lighting being installed that casts glare on the woody boundary

- 3.9 Neighbour /Site Notice – No representations received.

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4.0 Officer Comments

PRINCIPLE OF DEVELOPMENT/ POLICY CONTEXT

- 4.1 This application seeks to convert the former timber clad building into a one bedroom dwelling to be used as a separate unit of accommodation. The agent states that the building was originally used for the storage of produce from the adjoining field, primarily as an apple store and has provided a letter from the previous owner to support this. The conversion would require the removal of the existing garage doors and replacement with two windows and a door, the removal of the existing external staircase creation of an internal staircase. The property would share a drive with the main house but would have two parking spaces and an amenity area to the rear.
- 4.2 Paragraphs 89 and 90 of the National Planning Policy Framework state the following:
- The re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green.*
- 4.3 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan mirrors this advice and sets out what is considered to be appropriate development in the Green Belt and one of the exceptions stated allow the proposals where ‘ the development involves the re-use or conversion of buildings in accordance with the policies for the re-use and adaptation of Rural Buildings (SAL.UP11).
- 4.4 Policy SAL.UP11 states that when considering the re-use and adaptation of rural buildings for any new use the following criteria will need to be met:
- *The building(s) are permanent structures which are in keeping with their surroundings and they are of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations or the addition of new buildings within the curtilage.*
 - *The building(s) can be converted without significant building works or complete reconstruction and the conversion works would have no significant detrimental effect on the fabric, character and setting of the building.*
 - *That the proposed development enhances and safeguards heritage assets.*
 - *That suitable access arrangements can be made, without the need for extensive new access roads.*
 - *That there is no adverse impact on the countryside, landscape and wildlife or local amenities.*
 - *That appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and are available for the lifetime of the development.*

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- 4.5 Where residential development is concerned, the re-use or adaptation of rural buildings for residential use will be carefully assessed. Proposals for the conversion of rural buildings to residential use must also ensure the following criteria are adhered to:
- *The proposal does not lead to the dispersal of economic activity, which would have an adverse impact on the local economy, or prejudice the vitality of nearby town centres or villages*
 - *The buildings to be converted are not domestic outbuildings.*
- 4.6 The timber clad building was originally erected sometime in the 1950's for use as an apple store for storage, grading and distribution of apples from the adjacent field and is a permanent structure which is in keeping with its surroundings. The building has all the characteristics of an agricultural building with some more recent usage of the ground floor for storage associated with the main dwelling. The upstairs of the building is in the main in its original condition used as an apple store and processing plant with a kitchen area for workers and much of the plant and equipment associated with this agricultural use is still evident. The building retains the apple grader, fruit loft with living space and evidence of metal vehicle tracks, it is structurally sound and of considerable local interest for its agricultural associations and would not require any extension to facilitate its conversion to a dwelling. The existing external staircase is to be removed and a new internal staircase erected.
- 4.7 The retention and conversion of this heritage asset is consistent with paragraph 184 of the NPPF and Policy SAL.UP6 Safeguarding the Historic Environment "*The re-use of heritage assets will be encouraged where this is consistent with the conservation of the specific heritage asset.*" The proposal is a locally significant non-designated heritage asset and is recorded as a 1950's fruit store associated with the fruit picking industry. The advice from Worcestershire Archive and Archaeology Service highlights that surviving examples of buildings of this type are very rare and there is only this building and one other purpose-built store recorded on the HER. Others may survive but they are currently a poorly recorded type of heritage asset and therefore opportunities to conserve and/or record these heritage assets should be pursued where possible.
- 4.8 The Council's Conservation Officer and Worcestershire County Council's Archive and Archaeology Service have both offered support to the conversion of the building in order to secure its long term survival and as such the conversion would comply with Policies SAL.UP6 and SAL.UP11 of the Adopted Site Allocations and Policies Local Plan. When taken as a whole, the proposal is appropriate development in the Green Belt and is fully in accordance with Development Plan policies.
- SUSTAINABLE LOCATION OF DEVELOPMENT
- 4.9 The Highway Authority has objected to the scheme and have recommend refusal due the fact that the building is not considered to be situated in a

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sustainable location and the fact that future occupants will be solely reliant on private car use. It will be noted that there are no technical matters raised as part of the objection.

- 4.10 The National Planning Policy Framework highlights a presumption in favour of sustainable development with a need to ensure the location allows a strong economy to be built and supports a vibrant healthy community with accessible local services.
- 4.11 Paragraph 108 of the National Planning Policy Framework requires decision makers to consider appropriate opportunities to promote sustainable transport modes based on the application type and location. Given the location of the site, it is expected that there would be limited access to public transport. However, access to a general store, post office and a bus stop are available in Arley with further shops and services including bus services to other towns available in Alveley.
- 4.12 Members will note that there is no requirement to ensure that all sites achieve maximum accessibility, but that it must be appropriate given the type of development and its location. It is accepted that this proposal for the conversion of the building into a one bedroom dwelling is in a rural location. Opportunities for walking along the road may be different due to the lack of a formalised footpath and due to the national speed limit on the road cycling may not be the preferred mode of transport. It is also acknowledged that future occupants will most probably be solely reliant on private car. However I do not consider that the site is so intrinsically unsustainable as to warrant a refusal of the application given that there are houses and local shops and services nearby, and that this relates to a single unit of accommodation..
- 4.13 In any case by the very nature of the location of rural buildings, they are generally situated in unsustainable locations such as on farms or rural land away from the provision of services. The sustainability argument although easier to impose on new housing development if it were to be applied in all situations such as the current application it would render the conversion policy un- implementable by applicants and buildings of importance would not find suitable alternative uses and would fall into disrepair.

OTHER MATTERS

- 4.14 North Worcestershire Water Management have offered no objection subject to the inclusion of a condition and the Countryside Manager has also requested the inclusion of conditions relating the submission of a plan to show the root protection zones of the trees and their protection during the development phase and a condition preventing lighting being installed that casts glare on the woody boundary.

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5.0 Conclusions and Recommendations

- 5.1 It is considered that the conversion of this building due to its historical significance complies with the policies outlined above and clearly outweighs the sustainability issues in relation to its isolated location. Failure to approve an alternative use for the building would likely lead to a decline in the building as outlined by the Council's Conservation Officer and the Worcestershire County Council's Archive and Archaeology Service.
- 5.2 It is accepted that the County Council has highlighted the unsustainable location of the site. However, due to the size of this single dwelling and the benefits that will ensue, this will outweigh any degree of harm identified.
- 5.3 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 all materials) – submission of all external materials
 4. Access and parking provided in accordance with plans
 5. Parking and turning for the existing dwelling must be retained and should be shown on plan
 6. Drainage - surface water not to drain into the highway
 7. Trees - root protection zones to be identified and to be fenced off during construction
 8. Submission of lighting details
 9. Removal of PD rights

Application Reference: 19/0366/FULL **Date Received:** 10/06/2019
Ord Sheet: 381738 275011 **Expiry Date:** 09/09/2019
Case Officer: Sarah Mellor **Ward:** Foley Park & Hoobrook

Proposal: Demolition of existing public house. Construction of 13No. One and two bed apartments with associated parking and bin storage

Site Address: THE MUSKETEER, AVON ROAD, KIDDERMINSTER, DY117PB

Applicant: The UK Property Buyers Ltd

Summary of Policy	DS01, CP01, CP02, CP03, CP04, CP05, CP11 (CS) SAL.PFSD1, SAL.DPL1, SAL.DPL3, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP7, SAL.UP9, SAL.KSS1 (SAAPLP) National Planning Policy Framework Planning Practice Guidance Design Guidance SPD Planning Obligations SPD Affordable Housing SPD
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL subject to a Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site is located off Avon Road, Kidderminster and covers an area of 0.38a
- 1.2 The site comprises a vacant public house set back from the road and surrounded by hard standing to the front and rear.
- 1.3 The area is of a mixed character, comprising houses, flats and a local centre to the rear of the site.

2.0 Planning History

- 2.1 None relevant

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – No objections.

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- 3.2 Highway Authority – No objection subject to conditions to secure, access, turning area, parking facilities, cycle parking, residential welcome pack and a Construction Environmental Management Plan.
- 3.3 Arboricultural Officer – no objection subject to a condition to secure a landscaping scheme and establishment and management.
- 3.4 West Mercia Police Designing Out Crime Officer - No objections
- 3.5 Worcestershire County Council (Education) - The proposal as submitted is for 4 x 1 bed properties and 12 x 2 bed properties. The number of pupils likely to be generated from the development is 4-5 primary school aged children and 3-4 secondary school aged children. The catchment area schools are Birchen Coppice Academy at primary stage and Baxter College for the secondary stage. There are currently sufficient places to accommodate the number of children likely to be generated.
- On conclusion, a contribution towards education infrastructure on the proposal, as submitted, will not be sought and I have no further comments.
- 3.6 Worcestershire Regulatory Services (Land Contamination) - No objection.
- 3.7 Worcestershire Regulatory Services (Noise) – No objection to the application in terms of noise/nuisance.
- 3.8 NHS (Wyre Forest CCG)– No comments to make
- 3.9 Severn Trent Water – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water.
- 3.10 Housing Enabling Officer – based on the original plans for 1 block of 16 units we would be minded to take those 3 units as a commuted sum
- 3.11 North Worcestershire Water Management Officer - no objection subject to conditions to secure a site drainage strategy, a management plan detailing future maintenance responsibilities and a restriction on replacing permeable surfaces with impermeable surfaces.
- 3.12 Neighbour/Site Notice – 35 neighbours consulted and a site notice posted. No response received.

4.0 Officer Comments

POLICY CONTEXT

- 4.1 The application site is currently occupied by The Musketeer Public House and is allocated within the Wyre Forest District Site Allocations and Policies Local Plan under Policy SAL.KSS1 –Smaller Kidderminster Sites, for residential development.

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4.2 Policy DS01 'Development Locations' of the Adopted Core Strategy identified the assessed needs for the District when the current Development Plan was adopted in 2013 and at the time when housing numbers were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. The Council have undertaken a comprehensive assessment of housing need for its Local Plan Review which has taken into account the Government's Standardised Methodology and includes additional growth. The Council is able to demonstrate in excess of a 5 year housing land supply against its identified housing needs target. The Framework advises that decision makers should consider the most important policies within the Development Plan in line with the Framework and make a judgement as to whether they are 'out-of-date'. Having taken account of recent case law, in particular *Wavendon Properties Ltd v SSHCLG [2019]* and *Peel Investments (North) Ltd v SSHCLG [2019]*, it is clear that the out datedness of one policy does not cause the whole Plan to become out-of-date. It is considered that given the Council's position of housing delivery, the most 'important' policy is that of location, in this case Policy SAL.DPL1. This policy is considered to be inconsistent with the Framework. Therefore, when taken as a whole it is considered that the Council's Development Plan is not out-of-date.

4.3 The delivery of this site makes an important contribution to the Council's five year housing land supply and as such would further strengthen the Council's position in respect of meeting its housing need. Furthermore, the site relates to previously developed land well served by public transport, local shops and facilities.

4.4 The site is therefore considered acceptable for residential development.

CHARACTER AND APPEARANCE

4.5 The revised scheme addresses concerns regarding the initial scheme which proposed a 4 storey flat roof block of 16 no units.

4.6 The scheme is now presented as a three separate, three storey blocks of accommodation as follows:-

Block One to the south east proposes 2no. 1 bedroom units.

Block Two to the north west proposes 2no. 1 bedroom units

Block Three to the north east proposes 6no. 2 bedroom units and 3no. 1 bedroom units

4.7 Amendments to the layout of the development within Avon Road, is considered to address the initial concerns regarding the scale and massing of the single four storey block. The proposed scheme would provide a well designed residential development that would improve the character and appearance of the area.

4.8 The front of the site would be landscaped with planting beds behind proposed 1.5m high boundary treatment abutting the rear of the footpath.

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IMPACT ON RESIDENTIAL AMENITY

- 4.9 The existing residential properties, located in proximity to the site on Jubilee Drive North, Severn Grove and Avon Road are sited such that there would be no significant impact upon the amenities of existing residents or future occupiers of the proposed units as a result of the development.
- 4.10 The rear gardens of 71, 72 and 73 Jubilee Drive North adjoin the southern boundary of application site. The proposed layout of the application site proposes only the 2no. units of the 13 in proximity to the side boundary of no. 71. There are no proposed side facing windows to this block that could afford overlooking of the adjacent private rear garden. The site proposes car parking in the area immediately behind the rear boundaries of no. 72 and 73.
- 4.11 The layout of the site is considered acceptable in respect of amenity. No responses have been received following neighbour conclusion.

HIGHWAY SAFETY AND PARKING

- 4.12 A new access to serve the proposed development would be constructed; this would be sited south of the existing taken from Avon Road. This would be the only vehicular access to the site. Automated gates are proposed to a height of 1.5m which would be set back from the edge of the footpath by 6m.
- 4.13 Following a number of amendments to present a less parking dominated scheme with sufficient turning space, the concerns of the Highway Authority have been addressed and subject to conditions, no objection is raised. The final revised scheme proposes 19 car parking spaces with circulation space, a two tier 28 bay cycle store, access laid out with a dropped kerb crossing with tactile paving on both sides of the footway, and appropriate boundary treatment to afford the necessary visibility splays when entering and exiting the site. Electric Vehicle Charging Points will be secured through an appropriate condition.

TREES

- 4.14 The site does not host any trees of any significant amenity value. No objection to the proposed development is therefore raised, subject to the submission of a detailed landscape scheme and establishment and management plan which will be secured by condition.

DRAINAGE

- 4.15 The North Worcestershire Water Management Officer has considered the proposals and comments that this site is not at risk of flooding from any source.
- 4.16 Subject to conditions to secure a site drainage strategy to include details of surface water drainage measures, including for hard standing areas and a management plan detailing future maintenance responsibilities for the surface water drainage, no objection is raised.

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4.17 PLANNING OBLIGATIONS

The table below identifies the planning obligations that have been requested by consultees in connection with this development and in line with the Adopted Planning Obligations SPD.

Consultee	Contribution for	Amount
Wyre Forest District Council	Public Open Space – Brinton Park	£3486.24
Wyre Forest District Council	Affordable housing – commuted sum	£198,000.00
		£201,486.24

- 4.18 Policy CP04, Providing Affordable Housing of the Adopted Core Strategy seeks to secure an affordable housing provision of 30% on sites of ten or more dwellings within Kidderminster and a tenure split of 70% social rented housing and 30% shared ownership housing.
- 4.19 Notwithstanding the initial response from the Housing Enabling Officer, requesting the provision of 3no. units as affordable housing, this was on the basis that a separate block of accommodation could serve this need. Following changes to the layout of the site, the blocks comprise 2 no. units or 9 no. units. On this basis it is determined that a commuted sum of the above amount is preferable.
- 4.20 Paragraph 56 of the Framework (as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010) advises that ‘Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 4.21 Officers consider that the planning obligations identified for the Brinton Heritage Fund at Brintons Park, and commuted affordable housing sum are all considered to be necessary, directly related and proportionate to the scale of development proposed and therefore would meet the tests set out in Paragraph 56 of the Framework.
- 4.22 Following an initial request for a Public Open Space contribution of £3486.24 and a commuted affordable housing sum of £198,000.00, a total of £201,486.00, the viability of the scheme was challenged by the applicant.
- 4.23 In accordance with Policy SAL.DPL3, the Council appointed an independent professional to validate the viability assessment submitted by the applicant to justify a lesser provision of affordable housing.
- 4.24 The outcome of the assessment has determined that the scheme is viable with a financial contribution of a sum of £23,786.24 as set out below.

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Consultee	Contribution for	Amount
Wyre Forest District Council	Public Open Space – Brinton Park	£3486.24
Wyre Forest District Council	Affordable housing – commuted sum	£20,300.00
		£23,786.24

4.25 The applicant has agreed these contribution levels. In line with Development Plan policy and the NPPF, a Section 106 Agreement will be sought to secure these obligations.

5.0 Conclusions and Recommendations

5.1 The proposed development would be in accordance with the Development Plan and the delivery of 13 no. residential units on this previously developed site would help to boost and maintain the Council's five year housing land supply requirements. The development would have no detrimental impact on the amenities of neighbouring residential properties and conditions have been recommended to ensure suitable drainage of the site. Adequate parking and access arrangements have been shown and amendments have been made to address the initial concerns raised by the Highway Authority in terms of circulation. In addition, planning obligations to secure the required infrastructure provision in order to make the development acceptable in planning terms would be secured through a Section 106 Agreement.

5.2 It is therefore recommended that the application be given **delegated APPROVAL** subject to the following:

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved Plans)
 3. Details of external materials
 4. Details of hardsurfacing
 5. Details of boundary treatment
 6. Site and finished floor levels
 7. Detailed landscaping scheme
 8. Landscape establishment and management plan
 9. Details of site drainage strategy
 10. Management plan detailing future maintenance responsibilities for the surface water drainage
 11. Drainage plans for the disposal of foul and surface water flows
 12. To secure the provision of electric vehicle charging points
 13. To secure two tier 28 bay cycle parking provision
 14. To require access, pedestrian visibility, parking and turning areas to be provided

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15. A residential welcome pack promoting sustainable forms of access to the development
16. First 5 metres of the access into the development, measured from the edge of the carriageway, surfaced in a bound material.
17. Construction Environmental Management Plan

Notes

- A. SN2 (Section 106 Agreement)
- B. Highways
- C. Provision of waste collection

Application Reference:	19/0603/FULL	Date Received:	30/09/2019
Ord Sheet:	382725 274652	Expiry Date:	30/12/2019
Case Officer:	Helen Hawkes	Ward:	Foley Park & Hoobrook

Proposal: Erection of a 3 storey, 66 bed care home with associated parking, access and landscaping

Site Address: LAND AT SILVERWOODS WAY, KIDDERMINSTER, DY11 7BW

Applicant: LNT Care Development

Summary of Policy	DS01, DS02, CP01, CP03, CP05, CP07, CP08, CP11, CP12, CP13, CP14 (CS) SAL.PFSD1, SAL.DPL1, GPB1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.SK2 (SAAPLP) Design Guide SPD Adopted Streetscape Design Guide National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site relates to a 0.58 hectare plot of land to the north of Silverwoods Way in a mixed residential and commercial area of Kidderminster. The site fronts Silverwoods Way and forms part of Parcel L within a wider site, known as the former British Sugar Factory site, which is a key regeneration site comprising housing, leisure centre, public house with ancillary restaurant, care home and foodstore. The site benefits from the new Hoobrook Link Road (Silverwoods Way) which provides a new connection between the A442 Worcester Road and A451 Stourport Road, linking two key employment corridors.
- 1.2 Adjoining the site to the north and west is previously developed vacant land and beyond is Severn Valley Railway line (a locally listed undesignated heritage asset). To the east, is an unadopted footpath and the wider site attenuation pond. Further to the east is the Staffordshire and Worcestershire Canal, with its associated Conservation Area, and the River Stour. To the south of the site, on the opposite side of Silverwoods Way is a housing site currently under construction.

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- 1.3 The application is for the erection of a three-storey building, for use as a Class C2 residential care home for the elderly with associated access, parking and landscaping.
- 1.4 It is proposed that 60 full time equivalent job opportunities would be created, comprising a Home Manager; Care Workers; Catering Staff; and Domestic Assistants. It is also anticipated that due to shift patters, that there would be a maximum of 24 staff on site at any one time.
- 1.5 The proposed building would provide a total of 66 en-suite bedrooms, communal lounge/dining rooms, cinema room, hair salon room, library room, nurse clinic room, café shop/tea room, staff rooms, kitchen, laundry room and ancillary bathrooms. The care home would provide general residential and residential dementia care and has been designed to allow the home to be split into separate care requirements.
- 1.6 The building would be positioned approximately 16.5 metres from the road frontage to Silverwoods Way and would have an L shaped built form. The entrance would be located to the rear of the building facing the car park and the eastern end of the building, facing the canal road bridge would be designed with glazing to add visual interest to this aspect of the building. The building would incorporate a mixture of pitched roofs gables and the roof would be a maximum of 10.8 metres in height. Separate refuse, cycle, meter and garden storage buildings would be provided to the rear of the building.
- 1.7 A new vehicular access would be provided to the west of the building, off a newly constructed road from the existing four-arm roundabout. A total of 21 car parking spaces, including 2 disabled parking spaces, are proposed in a formal car parking arrangement to the north of the building. 8 cycling parking spaces are proposed and a dedicated ambulance/drop off area is also proposed adjacent to the main entrance.
- 1.8 Landscaped gardens would be provided around the building to soften the appearance of the building and provide a pleasant outdoor environment for future occupiers, as well as attractive views when looking out of the building. A continuous pathway would also be provided around the building.
- 1.9 The application has been submitted with a supporting Transport Assessment, Travel Plan, Noise Impact Assessment, Heritage Statement, Planning Statement and a Design and Access Statement.

2.0 Planning History

- 2.1 12/0146/EIA - An outline application for the redevelopment of the British Sugar Factory (phase 1), including access and Phase 1 link road with all other matters reserved, comprising: demolition of any remaining existing structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take

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away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycleways; and open space: Approved 07.12.12

3.0 Consultations and Representations

3.1 Kidderminster Town Council – No objection

3.2 Highway Authority – No objection subject to conditions and financial obligations.

The applicant has provided a transport assessment and updated the site layout drawings. The proposal is considered to be acceptable in this location and the level of car parking is considered to be appropriate. However conditions are required to finesse the proposals in terms of ensuring the access road address the needs of future commercial development and complies with the “Streetscape Design Guide”, and to provide for parking for electric vehicles. To encourage sustainable travel a condition is required to provide a travel plan, and contributions are sought to provide a new bus stop and contribute towards community transport services.

The financial contributions sought are:

- £10,000.00 - To provide a new bus stop and associated infrastructure.
- £12,000.00 - To contribute towards community transport services.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

3.3 Worcestershire Regulatory Services (Noise) – No objection following revised site layout plan which shows that the only external residential garden would be behind the proposed building and therefore would not be adversely impacted by road traffic noise. In terms of internal noise levels, the submitted noise impact assessment predicts, that with the installation of the recommended glazing and ventilation products, internal noise levels will achieve those recommended within BS8233:2014 and therefore this is acceptable.

3.4 Worcestershire Regulatory Services (Land Contamination) – No objection subject to a condition to require a Phase 1 desk study to be undertaken.

3.5 North Worcestershire Water Management Officer – No objection subject to a condition to secure an acceptable surface water drainage strategy for the site.

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- 3.6 Principal Health and Sustainability Officer (on behalf of the Wyre Forest Cycle Forum) - I am keen not to miss the probably small window of opportunity for planning obligation for a multiuser user path, so must ask for further action: – this specifically is not a cycle path, but a none motorised user route with appropriate width and drainage. I would request that appropriate drainage, boundary treatment and lighting is provided to the path adjacent to this development.

(Officer Comments – The path adjoining the site is intended to be adopted by Wyre Forest District Council under the S106 Agreement attached to 12/0146/EIA and the full specifications for this path have been agreed by the Local Planning Authority, which requires it to be 1.5 metres in width and used as a informal footpath. A post and rail fence has already been installed to either side of the path and the Countryside Manager has advised that any lighting of this path would result in an adverse impact on the wildlife corridor that runs parallel to this path along the River Stour. The applicant has also confirmed that the site would be appropriately drained as to avoid any significant surface water runoff onto the path).

- 3.7 NHS (Worcestershire Acute Hospital NHS Trust) - The existing service infrastructure for acute and planned health care is unable to meet the additional demand generated as a result of the proposed development for 66-care home. The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase. As a consequence of the development and its associated demand for acute and planned health care, there will be an adverse effect on the Trust’s ability to provide “on time” care delivery without delay due to the current payment mechanism. Therefore, a contribution of £67,305.00 is requested in order to provide additional services to meet patient demand. Without the contribution, the development is not sustainable and should be refused.
- 3.8 NHS (Wyre Forest CCG) – No objection, as there is currently sufficient capacity within the Bewdley and Kidderminster practices within whose practice areas this proposed care home falls in.
- 3.9 Canal and River Trust – No objection to the application and in particular to the proposed drainage scheme options.
- 3.10 Natural England – No comments to make on this application and recommend that the Local Planning Authority refers to the Standing Advice published by Natural England, which can be used to assess impacts on protected species.
- 3.11 West Mercia Police Designing Out Crime Officer – No objection but note that security measures should be put in place to deter unauthorised access through ground floor bedrooms windows and doors.

(Officer Comments – The applicant has advised that all ground floor bedrooms with external doors will open into the residents secure garden area, which is kept locked at all times (controlled by a keypad on the gate), and

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windows are fitted with restrictors. Staff will also ensure any opening windows are kept shut and locked when not in use).

- 3.12 Conservation Officer – No objection.
- 3.13 Worcestershire County Council Archive and Archaeology Service - No objection.
- 3.14 Housing Enabling Officer – No objection.
- 3.15 Severn Trent Water – No objection subject to a condition to ensure suitable drainage of the site for the disposal of foul and surface water flows.
- 3.16 Arboricultural Officer – No objection subject to a condition to require detailed planting plans for the soft landscaping.
- 3.17 Countryside Manager – No objection subject to a condition to require an ecological survey to be submitted as the site has been cleared of most vegetation and is separated from the railway line wildlife corridor.
- 3.18 Neighbour/Site Notice - 2 letters of objection have been received from nearby occupiers stating the following concerns:
- Inadequate parking for staff and visitors and the impact this will have on residents in the immediate vicinity. It is known that there are already parking problems related to Berrington Court and the Leisure Centre and the impact this has on residents in the Phase 1 development of Silverwoods.
 - Additional on-street parking demand would cause hazards/potential accidents on nearby residential roads, such as Kirkby Drive, as these roads are quite narrow, there are already a number of residents who park along the road, drives are narrow and manoeuvring in and out of driveways can be hazardous.

2 letters of comment have been received from nearby occupiers stating the following:

- A more thorough survey of biological assets should be undertaken.
- I am pleased to read that bus service No.1 will be rerouted along Silverwoods Way.
- The overall aim of the Travel Plan is welcomed.
- Further car parking provision should be made, due to the semi-rural bus service offered in Kidderminster which has no services between 6pm and 8pm, with no service run on Sundays.
- The provision of an electric vehicle charging point is positive.
- I would hope that the new rail halt on the nearby Severn Valley Railway can be provided as this was proposed in the outline consent for “Silverwoods” and it would enhance public transport options.

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4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development would be acceptable in principle and whether it would result in a detrimental impact on the character and appearance of the area, on residential amenity, highway safety and drainage.

BACKGROUND INFORMATION AND PRINCIPLE OF DEVELOPMENT

- 4.2 The application site relates to Parcel R within Phase 2 of the former British Sugar Factory site (covering an area of approximately 24 hectares), which has been cleared of all former buildings and has undergone a significant transformation and regeneration. It is now partially developed with new housing, a public house, leisure centre, foodstore and care home. The original Outline Consent which included an Environment Impact Assessment has now lapsed and now carries limited weight in the consideration of current and future applications.
- 4.3 Paragraph 117 of the Framework advises that planning decisions should promote an effective use of land in meeting the need for homes and other uses. As the site relates to previously developed land, I consider that significant weight should be given to this.
- 4.4 The Framework in Paragraph 59 also seeks to support the Government's objective of significantly boosting the supply of homes, it is important that ... the needs of groups with specific housing requirements are addressed".
- 4.5 Policy DS02 'Kidderminster Regeneration Area' of the Adopted Core Strategy seeks to promote Kidderminster as the strategic centre for the District and its role in providing a focus for new housing, retail, office and leisure development is to be enhanced. New development will focus on the regeneration opportunities present on identified brownfield sites, such as the former British Sugar site.
- 4.6 The site is allocated for new economic development as shown on the Proposals Map and the development would accord with Policy CP08 of the Adopted Core Strategy and Policy SAL.GPB1 of the Adopted Site Allocations and Policies Local Plan, which seek to safeguard employment land. The site specific policy for the former British Sugar site (Policy SAL.SK2) also advises the proposals for this site should provide a mixed use development incorporating a significant number of residential units (C2/C3) and employment generating uses. I am satisfied that the proposed scheme would comply with this site specific policy.
- 4.7 Policy CP05 'Delivering Mixed Communities' of the Adopted Core Strategy aims to deliver new housing well designed to address the local housing needs. The Council's Housing Enabling Officer has advised that the October 2018 Housing Needs Study for Wyre Forest indicates a need for an additional 487 C2 bed spaces by 2036 which would support the case for the delivery of a new care home.

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- 4.8 In terms of the proposed land use, Policy SAL.DPL5 of the Adopted Site Allocations and Policies Local Plan advises that the District Council will support applications for extra care provision where it is demonstrated that:
- They offer their residents and staff easy access to a range of services, particularly access to appropriate community facilities, including healthcare, by foot or by public transport.
 - They will have minimal impact on the local character and amenity of the area and are acceptable in highway terms.
 - They have adequate amenity space, incorporate a range of communal facilities and provide sufficient parking provision for staff and visitors, which comply with Worcestershire County Council's parking standards.
 - Where appropriate, they incorporate a mix of dwelling types and tenures.
 - Developments should incorporate lifetime homes standards in accordance with Adopted Core Strategy policy CP05.
 - 24-hour on-site care should be provided within larger extra care developments.
 - Staff facilities should be incorporated into schemes, which would include a changing room, sleep in, office space and equipment storage.
 - Self contained dwellings should be a minimum of 50 square metres for 1 bed apartments and 60 square metres for 2 bed apartments. They should include a kitchen and bath/shower room.
 - Within larger extra care developments, a proportionate level of visitor accommodation should be provided.
 - Proposals must also be in accordance with all other relevant policies with the Development Plan.
- 4.9 The application site lies in a sustainable location within the urban area of Kidderminster and has excellent accessibility by foot, cycle or by bus to nearby shops and services. As such, I believe that the sites location would promote staff members and visitors to travel to the care home by sustainable modes of travel. The development would have minimal impact on local character, amenity and highway safety. Adequate parking provision would be provided and appropriate facilities would be provided for staff. I am satisfied that the proposed development fulfils the requirements of Policy SAL.DPL5.
- 4.10 Overall, the proposed development would re-use previously developed land and is a suitable location for extra care housing for the elderly being a sustainable location. The principle of development is therefore acceptable.

SITING, SCALE AND DESIGN

- 4.11 Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and Paragraph 127 of the Framework all require good design and for new developments to add to the quality of the overall area.

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- 4.12 The siting of the building is positioned back from the road frontage to Silverwoods Way in a similar location as the approved houses on the opposite side, to retain an open frontage to the road and a wide road corridor. The building would be three-storeys in height which is considered to be acceptable in this local context where there are other buildings of a similar height (including the Leisure Centre and Berrington Court).
- 4.13 The design of the building has been amended during the course of the application following discussions with Officers to ensure the roofscape, recessed/projection elements in the elevations and materials are used carefully to help break up the massing of the building and ensure that it is well articulated. The building has been designed with a dual frontage to ensure it provides an active frontage to all road frontages, including the roundabout. There is a reduction in height at the eastern corner end of the building to ensure it does not create an imposing building when viewed from the east. The main entrance is situated on the north elevation of the building overlooking the car park and would include a sitting out area/terrace for the café located in the main reception area. A comprehensive landscaping scheme is also proposed which would include new trees and shrubs in order to provide an attractive setting for the new care home and to ensure the development adds to the overall quality of the area.
- 4.14 Overall, I consider that the development would be visually attractive as a result of good architecture, layout and appropriate landscaping and would help to create a high quality place within the former British Sugar site, in accordance with local planning policies CP11, CP12, SAL.UP7 and SAL.UP9 and Section 12 of the Framework.

PROPOSED RESIDENTIAL ACCOMMODATION

- 4.15 The Planning Statement submitted with this application advises that the applicant, LNT Care Developments, are a company renowned for delivering high quality, residential care homes creating caring environment which is designed to promote independence. It further states that LNT have developed approximately 100 care homes since 2005 and that the proposed care home would be fully compliant with the requirements of the Care Standards Act.
- 4.16 Worcestershire Regulatory Services raises no objection to the application in terms of noise nuisance providing a condition is attached to secure the glazing and ventilation products as recommended in the submitted Noise Impact Assessment to ensure internal noise levels are acceptable and not adversely impacted by road traffic noise.
- 4.17 Adequate external gardens would be provided and the development would include a 1.8 metre high vertical railing fence around the site to ensure secure outdoor amenity areas are provided. No objection has been offered by the Designing Out Crime Officer.

IMPACT ON EXISTING RESIDENTIAL AMENITY

- 4.18 The front (south) elevation of the building would face the two-storey dwellings on the opposite side, once they have been constructed. The windows in the

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front elevation of the proposed building would be between 35 and 45 metres away from these dwellinghouses and this separation distance is considered to be acceptable and would not result in any loss of privacy or light.

PARKING AND HIGHWAY SAFETY

- 4.19 Policy CP03 of the Adopted Core Strategy seeks to limit the effect of traffic impact on the local highway network through enhancing accessibility, delivering transport infrastructure, taking account of air quality and setting parking standards for new developments. Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and Paragraph 108 of the Framework are also consistent with Policy CP03.
- 4.20 Objections have been raised by nearby occupiers about the potential lack of parking provision and the effect that this may have on parking demand within nearby residential roads. The proposed scheme includes 21 car parking spaces and it is envisaged that approximately 58 equivalent full time staff members would be employed.
- 4.21 It is advised within the Worcestershire Adopted Streetscape Design Guide (Winter 2018) that the applicant are best placed to assess operational demands and that for care homes, most sites are promoted by established care providers who will have experience of comparable sites. The applicant, LNT Care Developments, have developed approximately 100 care homes since 2005, in a number of locations across Yorkshire, Lancashire and the Midlands.
- 4.22 A Transport Assessment has justified the provision of 21 car parking spaces based on the following:
- Evidence from other care homes has shown that residents would generally come from a catchment of no more than 3 mile radius of the site and that this encourages relatives/friends to visit by foot, cycle or public transport;
 - Many visitors to residents are elderly themselves, which influences patterns of travel and choice of modes of travel to the site;
 - Visiting times are unrestricted, which reduces the probability of significant peaks in parking demand by visitors;
 - Most future residents have limited mobility and will not require a parking space;
 - Car parking surveys have been carried out at two care homes, which has helped predict the parking demand for this site;
 - LNT Care Developments have a good understanding of parking requirements in a variety of different locations; and
 - Due to the staff shift patterns, it is anticipated that the maximum number of staff on site at any one time would be 24 and that some staff would travel to the site by foot, cycle or bus.
- 4.23 The Transport Assessment also concludes that the development would not have a material impact on the operational performance of the local highway network.

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- 4.24 I am satisfied that the level of parking provision has been justified by the applicant and that the development would not result in an adverse impact on highway safety from increased on-street parking demand or traffic congestion. In addition, the site has good accessibility which will help to encourage staff and visitors to travel to the site by sustainable modes of travel. A condition has been recommended to encourage sustainable travel by staff members through a travel plan and planning obligations would be sought to provide a new bus stop and contribute towards community transport services.
- 4.25 The Highways Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority has concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.
- 4.26 I am therefore of the view that the proposed development would not have a severe impact on the local highway network, as per paragraph 109 of the Framework, which states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

DRAINAGE

- 4.27 A Drainage Strategy was agreed under 12/0146/EIA for the former British Sugary Factory site and a storm sewer was installed to accommodate the whole of Plot R, before it connected to the existing STW sewer, as well as an attenuation basin for the entire site. The submitted details show that it is proposed to limit discharge from the site to 5 litres per second, attenuating excess water in a geocellular tank under the car park. The applicant has also advised that they will explore the option of having a bioretention / treatment feature along the northern boundary which would be designed to accept water from the car park and let potentially contaminated water flow through along a vegetated ditch.
- 4.28 The North Worcestershire Water Management Officer is satisfied with the draft drainage strategy details and has raised no objection subject to a condition. I concur with this view and have recommended a condition accordingly to require a surface water drainage strategy to be agreed and implemented prior to the first use of the development and thereafter maintained.

POTENTIAL CONTAMINATED LAND

- 4.29 Worcestershire Regulatory Services has assessed the application in terms of potential contaminated land (PCL). They have noted that due to the site being a historic food processing plant and sewage works and is located within 250 metres of a known landfill site and an area of unknown filled ground, and as such the site may have significant PCL issues. It is acknowledged that some remediation works have been undertaken but that a further Phase 1 desk study should be completed, which includes a comprehensive review of works that have been carried out and consideration of remedial assessment criteria and techniques implemented to date and relevance to current best practice

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standards. I have recommended a condition to require a Phase 1 desk study to be completed.

IMPACT ON HERITAGE ASSESTS

- 4.30 The application site also lies near to the Staffordshire and Worcestershire Canal Conservation Area and undesignated heritage assets including the Severn Valley Railway, Severn Valley Railway Bridge and Falling Sands Viaduct. A Heritage Statement has been submitted in support of this application which concludes that:

“.....due to the distance between the Staffordshire and Worcestershire Conservation Area and the proposed development, which as a result provides no direct relationship, the site will present a small change to the setting of the canal and is therefore considered to be a neutral contribution to the Conservation Area and its immediate surroundings. The enjoyment of the canal is not compromised by the proposed development with the surrounding landscaped buffer area, providing a physical barrier between the canal and the site. As such it is considered that the proposed scheme will not have a detrimental impact upon the Staffordshire and Worcestershire Canal Conservation Area.”

- 4.31 I agree with these conclusions and no objection has been raised by the Conservation Officer. The Conservation Officer has also considered the impact on the Severn Valley Railway and its structures, and the Falling Sands Viaduct, and has concluded that the site is a good distance away from these undesignated heritage assets and that it would be seen within the context of an area of housing and mixed use developments, and as such would have a negligible impact on the significance of these historic assets. I agree and consider that the proposed development would comply with Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan and Section 16 of the Framework.

BIODIVERSITY

- 4.32 With respect to impacts on biodiversity, the site comprises a cleared parcel of land that contains only a small area of vegetation along the adjacent footpath. It is set back from the canal and railway line wildlife corridor and is therefore considered to have low biodiversity value. The Countryside Manager has considered the application and is satisfied to condition the details for an ecological survey for later submission, which would include measures to secure enhancement measures. I have recommended a condition accordingly and consider that the development would accord with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170 and 175 of the Framework. I also note that no objections have been raised by the Canal and River Trust.

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OTHER MATTERS

- 4.33 I note comments have been expressed by a nearby occupier about the desire to have a railway halt on the former British Sugar site and that this was proposed in the Outline Consent to enable a railway link between Kidderminster and Bewdley on the Severn Valley Railway line. I also recognise that this is an aspiration within the site specific policy SAL.SK2 of the Adopted Site Allocations and Policies Local Plan. However, the application site does not adjoin the railway line and therefore cannot provide land for a railway halt.

PLANNING OBLIGATIONS

- 4.34 The Highways Authority has advised that in order to make the application acceptable financial contributions will be required to provide a new bus stop and associated infrastructure (£10,000) and contribute towards community transport services (£12,000).
- 4.35 I consider that these planning obligations would meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 in terms of being: necessary to make the development acceptable in planning terms (in accordance with Paragraphs 108 and 110 of the Framework and Policy SAL.CC2 of the Adopted Site Allocations and Policies Local Plan which require new developments to promote sustainable travel and give priority to pedestrian and cycle movement first); directly related to the development; and fairly and reasonably related in scale and kind to the development. The applicant has agreed to these planning obligations, which will be secured through a section 106 Agreement.
- 4.36 With regards to the contribution that have been sought from the NHS Trust. Such contributions are required for the shortfall of health services to cover revenue costs. The need for, and provision of, healthcare facilities and infrastructure and health and wellbeing related services are clearly capable of being treated as a relevant material consideration in reaching planning decisions and therefore should be carefully considered as part of the decision making process.
- 4.37 Officers have had ongoing discussions with the NHS Trust in general terms as to their methodology for establishing costs and the assumptions that they have made in approaching requests for contributions. Officers are not clear that the justification of the impact is sufficiently precise. Revenue shortfall is only as a result of the nature of the Government's formulae for calculating revenue funding. Having considered requests by the NHS Trust on this application and generally it is considered that requests based on the current methodology are not sufficiently robust as to meet the three tests set out in paragraph 56 of the Framework. In particular Officers have questioned the following:

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- Whether all projected service users are new to the Trust’s catchment area for services and facilities;
- Migration assumptions;
- Whether assumptions on demand arising from future affordable housing provision are correct;
- Demographic and household size assumptions; and
- Whether all services to be provided are appropriate to be funded through developer contributions.

4.38 On this basis it is not recommended that contributions are sought for contributions towards health services on this occasion.

5.0 Conclusions and Recommendations

5.1 The proposed scheme would enhance the supported housing provision for people in need within the District and would represent sustainable development. The development would re-use previously developed land and is a suitable location for extra care housing for the elderly being a sustainable location. The siting, scale and design of the proposed building would integrate well within this local context and would add to the overall quality of this area. A high quality and safe residential environment would be provided for prospective occupiers and there would be no detrimental impact on existing occupiers as a result of this development.

5.2 The applicant has provided a robust Transport Assessment to demonstrate that the parking provision is sufficient for the proposed use based on the accessibility of the site; comparative evidence taken from other similar care homes; the unrestricted visiting time; and the nature of the care home being predominantly for elderly residents with low car ownership. The development would promote sustainable travel through the provision of a new bus stop and financial contributions towards community transport services, which will be secured through a Section 106 Agreement. The financial contribution towards the delivery of healthcare service in the area administered by Worcestershire Acute Hospitals NHS Trust (the Trust) will not be sought for the reasons set out within the report.

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5.3 It is therefore recommended that the application be given **delegated APPROVAL** subject to the following:

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B1 (samples/details of materials)
 - 4. Details of External Windows
 - 5. Site and Finished Floor Levels
 - 6. Boundary treatments
 - 7. Details of hard and soft landscaping to be submitted
 - 8. Landscaping establishment and management Plan
 - 9. Access Road Specification
 - 10. Residential Travel Plan
 - 11. Electric Vehicle Charging Point
 - 12. Construction Environmental Management Plan
 - 13. Detailed surface water drainage strategy
 - 14. Drainage scheme for the disposal of foul and surface water flows
 - 15. To secure recommended glazing and ventilation products
 - 16. Phase 1 desk study to be completed for potential contaminated land
 - 17. Ecological Survey to be undertaken
 - 18. Care Home only; no other use in C2.

Notes

- A. Waste and recycling collection
- B. Construction Environmental Management Plan (CEMP)
- C. Travel Plan Requirements

Application Reference: 19/0622/TREE **Date Received:** 11/10/2019
Ord Sheet: 382268 274548 **Expiry Date:** 06/12/2019
Case Officer: Alvan Kingston **Ward:** Foley Park & Hoobrook

Proposal: Fell 2x Birch, 7x Elder, 47 Cypress, 1x Oak, 1x Sycamore and a group containing 34 trees of mixed species.

Site Address: PLOT L, LAND AT SILVERWOODS WAY, KIDDERMINSTER, DY117BW

Applicant: Suma Property and St Francis Group (BS Kidderminster) Ltd

Summary of Policy	CP14 (CS) SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP) National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application relates to land at the former British Sugar site within Kidderminster. The trees are located on land known as Plot L, Silverwoods Way. The site is bounded by Silverwoods Way and Crosbie Grove. The Aldi retail store lies to north, with residential properties to the east and industrial premises to the south.
- 1.2 Ninety-one of the trees listed within this application are growing on the southern boundary of the site. Only T24 (Oak) is located in the centre of the site. The application seeks removal of the trees to facilitate development of the site.

2.0 Planning History

- 2.1 12/0146/EIA - An outline application for the redevelopment of the British Sugar Factory (phase 1), including access and Phase 1 link road with all other matters reserved, comprising: demolition of any remaining existing structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycleways; and open space : Approved

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- 2.2 19/3054/PNLDO - Erection of 16,999 square feet of light industrial space (Use Class B1, B2 and B8) includes access, landscaping and associated works. (Notification Only)
- 2.3 19/3055/PNLDO - Erection of 24,500 square feet of light industrial space (Use Class B1, B2 and B8) includes access, landscaping and associated works. (Notification Only)
- 2.4 19/0661/FULL - Erection of Coffee Shop (Use Class A3) with drive-thru facility including car parking, access road, landscaping and associated works – Awaiting Determination

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – Object; concerns over the number of trees to be removed.
- 3.2 Ward Members – No objections.
- 3.3 Neighbour/Site Notice – 4 letters of objection have been received raising the following concerns:

- How can you even consider pulling down such trees to build industrial unit? The Oak tree in particular must be years old and to pull down these trees to replace with industrial units with lorries kicking out fumes is an absolute disgrace in the current environmentally aware society we have meant to become
(Officer Comment – This application relates to the works to the trees only)

- I object to the felling of these trees, some I understand have a tree protection order on them. Trees have a positive environmental and social value and should be retained if at all possible. In my lay opinion, only small alterations to the plans would be necessary so that the trees could be left

Most of these trees are on the fringe of the site to be developed, so their retention would not present any obstacle to development. There is one tree shown that would overshadow and perhaps take away some parking from a planned small car park in the centre of the site -- I think that the plan could be altered so that the commercial use on the site could accommodate to this tree

- I am concerned at the loss of so many trees 92 when so many have gone and not been replaced. Its not good for the environment and the climate. So far on Silverwoods / Stour Valley the landscaping and planting has been poor this will make it worse. The lack of sufficient parking for these developments and the loss of more trees is a disgrace you should be protecting the environment not systematically destroying it.

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- Aside from what it'll do to the aesthetics from my own house aren't we as a planet striving to protect the environment and not find any way to destroy it? Why would we want to fell yet more trees unnecessarily? Surely there are either other easy around this maybe building around our environment or even better building elsewhere

4.0 Officer Comments

- 4.1 The application is for works to trees covered by a Tree Preservation Order. The Planning Practice Guidance advises that decisions for such works should take account of the following considerations;
- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
 - consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
 - consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
 - consider whether any requirements apply in regard to protected species; and
 - consider other material considerations, including development plan policies where relevant;
- 4.2 This application appears very drastic and removing 92 trees in one operation has resulted in local opposition. However, all the trees to be removed on the southern boundary are of a condition and/or species that are of limited amenity value. When taking into account their current condition, it is likely that they would not be worthy of inclusion within the TPO should it be reviewed. The only tree that does have significant amenity value is the Oak (T24). This tree is a wonderful specimen which seems to have coped well with the ground clearance that took place to prepare the site for redevelopment. In respect of amenity value it is concluded that the only tree of value is the Oak.
- 4.3 The application has been justified by the Applicants on the basis of the quality of the trees and the re-development of area as planned part of the original outline for the British Sugar site. The justification for the boundary trees is accepted, particularly given their condition and in view of the fact that the removal of the boundary trees will increase light, space and increase visual amenity of high quality trees on the neighbouring site. In respect of the Oak, the Applicants have demonstrated that in order to accommodate a viable development of the site they cannot keep both trees that are located within the centre of the site. The removal of the Oak allows the retention of a Sweet Chestnut, which is a veteran tree.
- 4.4 The National Planning Policy Framework at paragraph 175 highlights the importance of veteran trees and proposals for the removal of such trees should be refused, unless there are wholly exceptional reasons. The retention of this veteran tree adds significant weight in favour of the proposal. The application includes a comprehensive landscape strategy, which includes the planting of 47 new standard trees, plus hedge and shrub planting. This is an exciting scheme

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from an urban forestry perspective and will provide a high quality landscaped environment as a gateway to Silverwoods Way. This is seen a huge advantage to the proposal, as this is the only mechanism in which this degree of landscaping will be delivered.

- 4.5 The consideration of the impact of refusing this application centres on the delivering of the development site for its intended purpose. The Applicants have indicated their intentions through the submission of notifications under the Local Development Order for industrial development and a planning application for an A3 drive-thru restaurant. If the trees cannot be removed then the development of this site would be significantly curtailed to a degree that would render delivery immensely difficult but more likely impossible. This would have huge ramifications for both the economic prosperity for the area, in respect of investment and jobs; and for the built environment sterilising a key development site within the District's strategic employment corridor. Members are reminded that regulation 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, allows applicants to seek compensation should loss or damage has occurred as a consequence of the refusal of a TPO consent application.
- 4.6 There is no indication that protected species will be adversely impacted by the removal of the trees. However, it is accepted that there will be some impact of wildlife. The retention of the veteran tree is a clear positive argument from a wildlife perspective. In addition the landscaping scheme will provide ecological enhancements and increased linkages throughout the site..
- 4.7 The Development Plan policies positively promote economic development of the British Sugar site, seek for the retention of veteran trees and encourages enhanced landscape design as an important aspect for communities. The proposal when taken as a whole is compliant with the Development Plan.

5.0 Conclusions and Recommendations

- 5.1 The proposal results in the loss of a large number of trees. However, all but one is of poor quality and it is beneficial to seek their removal. Although the Oak tree is of high amenity value its loss has been fully justified through the development of the site, the retention of the veteran tree and the substantial landscape scheme that will be secured. When taking all these matters into account, it is considered that the works to these protected trees should succeed.

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

1. TPO1 - Non-standard Condition '2 year restriction of Consent Notice'.
2. C16 – 47 x Replacement Trees as specified in Margaret Twigg's Landscape Strategy Drawing No. 522.01B
3. C17 - TPO Schedule of Works

Schedule of Works

Only the following works shall be undertaken:

Fell 2x Birch, 7x Elder, 47 Cypress, 1x Oak, 1x Sycamore and a group containing 34 trees of mixed species.

Application Reference: 19/0625/FULL	Date Received: 15/10/2019
Ord Sheet: 382773 281108	Expiry Date: 10/12/2019
Case Officer: Richard Jennings	Ward: Wyre Forest Rural

Proposal: Change of use of land to the keeping of horses and the erection of three stables and a tack room

Site Address: LAND OFF SOLCUM LANE, BLAKESHALL, WOLVERLEY, KIDDERMINSTER, DY115XP

Applicant: Mr Ben Nock

Summary of Policy	CP11 (CS) SAL.UP1, SAL.UP7, SAL.UP13, SAL.UP5 (SAAPLP)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is a parcel of agricultural land totalling approximately 1.21 hectares accessed off an unclassified road approximately a mile to the North West of Cookley.
- 1.2 The application proposes the change of use of the land from agricultural to the keeping of horses and the erection of a stable building and associated tack room. The proposed structure is of timber construction with horizontal timber cladding and corrugated roof.

2.0 Planning History

- 2.1 There is no planning history.

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Objection; overdevelopment of site and adverse impact on the openness of the Green Belt
- 3.2 Highway Authority – Views awaited.

(Officer Comments - Although no comments have been received from the Highway Authority, it is considered that the proposed use would result in no greater intensification of the existing access above and beyond that already experienced and no significant increase in vehicular movements).

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- 3.3 North Worcestershire Water Management – No objection subject to conditions
- 3.4 Arboricultural Officer – No objection
- 3.5 Countryside Officer – No objection subject to proposed ecological enhancements
- 3.6 Worcestershire County Council Countryside Service – No objection
- 3.7 Ramblers – No objection
- 3.8 Neighbour/Site Notice – No representations received

4.0 Officer Comments

GREEN BELT POLICY AND APPROPRIATE DEVELOPMENT

- 4.1 The application site lies within the West Midlands Green Belt. The National Planning Policy Framework at paragraph 145 and Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan set out the exceptions in which development will be permitted in Green Belt Locations. The exceptions include use of land for outdoor sport and recreation and appropriate buildings to support the use. This is subject to the proposal preserving openness and that it does not conflict with the purposes of including land within the Green Belt. By virtue of its size and discreet position with woodland backdrop, the stable block results in a minimal loss of openness and causes little harm to the visual amenity of the Green would comply with policy and the NPPF. The development therefore is appropriate development in the Green Belt.
- 4.2 The Parish Council have raised concerns over the development and specifically that the proposal represents over-development in this Green Belt location. The proposed three stables and associated tack room on a parcel of land in excess of 1.21 hectares (approximately 3 acres) would be considered to provide sufficient space in terms of the British Horse Society standards. The British Horse Society guidance to horse owners recommends approximately one acre per horse to provide adequate exercise space and grazing. It is therefore considered that the proposal represents a level of development and intensity in line with these recommendations.

DESIGN, LANDSCAPE AND OPENNESS

- 4.3 The application proposes the erection of a stable building and associated tack room of 3.5 metres by 4.9 metres to provide associated dry storage of feed etc. It would be constructed in timber with horizontal timber cladding and corrugated roof. The height of the stable building is of a low level being a relatively modest 4.2 metres in height and is proposed to be located against existing screening. This will allow the building to be discrete when read against a tree screened back drop thus maintaining the openness of the landscape and the Green Belt. The materials proposed are in keeping with the materials and rural characteristics of the location.

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ECOLOGICAL ENHANCEMENTS

- 4.4 Policy SAL.UP5 requires that proposals do not negatively impact on the ecology of the site and that the proposal should include ecological enhancements which improve the biodiversity of a site. The applicants have proposed to retain a buffer strip which was previously implemented under an arable scheme and hard fence the area off from grazing horses or livestock to ensure the area can grow naturally without interference. The applicants have also proposed the introduction of traditional orchard areas which again will be restricted from interference by horses by the erection of a permanent stock fence. The Council's Countryside Manager has offered no objection to the proposal subject to the enhancements being carried out.

5.0 Conclusions and Recommendations

- 5.1 The site falls within the West Midland Green Belt. By virtue of its size and position, the stable block results in a minimal loss of openness and causes little harm to the visual amenity of the Green Belt. The development constitutes appropriate development in the Green Belt and, as such, it complies with the requirements of Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government advice in section 13 of the National Planning Policy Framework.
- 5.2 The stable block is of a size which is commensurate with the parcel of land and does not result in an over developed or cluttered appearance. The structure therefore does not impact on this distinctive landscape and complies with the requirements of Policy CP12 of the Adopted Wyre Forest Core Strategy and Policy SAL.UP13 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.
- 5.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B3 (Finishing materials to match)
 4. Surface water
 5. Manure heap
 6. Ecological enhancements
 7. Tree planting
 8. No lighting
 9. Use for personal use only; no commercial use or events

Application Reference:	19/0703/FULL	Date Received:	07/11/2019
Ord Sheet:	374279 273931	Expiry Date:	02/01/2020
Case Officer:	Sarah Mellor	Ward:	Bewdley & Rock

Proposal: Erection of two detached dwellings with new vehicular access and associated works. (Resubmission of 19/0452/FULL)

Site Address: CHAPEL PADDOCK, CHAPEL LANE, ROCK, KIDDERMINSTER, DY14 9XE

Applicant: Mr Bryan Talbot

Summary of Policy	DS01, DS04, CP02, CP03, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.CC1, SAL.CC2, SAL.DPL1, SAL.DPL2, SAL.UP5, SAL.UP7, SAL.UP9 (SAAPLP) Design Guide SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site comprises a parcel of undeveloped land serving as a paddock in the ownership of the applicant's whose residential property is adjacent.
- 1.2 The site has an existing access from Chapel Lane and hosts a couple of low value trees to the north west of the site.
- 1.3 The site is currently bound by hedgerows to the front and side boundaries and host a pitched roof garage to the rear of the site.
- 1.4 Within the immediate area there are a number of two storey detached residential dwellings and an operational bakery to the rear of the site.

2.0 Planning History

- 2.1 19/0452/FULL - Erection of 2no. detached dwellings with new vehicular access and associated works : Refused 5.11.19

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection provided they are conditioned to remain bungalows and PD Rights are withdrawn

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- 3.2 Highway Authority – There is no objection in principle and it is noted that the application is a resubmission of 19/0452/FULL and the scale of the dwellings has been reduced to 2no bedrooms per dwelling. In line with standards, each dwelling will therefore require 2 parking spaces and whilst 3 spaces have been shown on the plan as before, this results in the required circulation space being available for 2 spaces.

Equally, the cycle parking can be reduced to 2 spaces per dwelling also although the over provision is also acceptable.

- 3.3 Severn Trent Water – (Response to 19/0452/FULL) - As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
- 3.4 Arboricultural Officer - No objection subject to conditions
- 3.5 Countryside Manager - No objections subject to conditions. An appropriate ecological assessment has concluded that the application will not cause serious harm to biodiversity.
- 3.6 Worcestershire Regulatory Services (Land Contamination) - No adverse comments.
- 3.7 Worcester Regulatory Services (Noise) – No objection to the application. In order to minimise any nuisance during the demolition/construction phase from noise, vibration and dust the applicant should refer to the WRS Demolition & Construction Guidance.
- 3.8 North Worcestershire Water Management – No objection subject to conditions.

Although I have some reservations regarding the suitability of the site for the proposed soakaway drainage, I don't believe that this would be reason to withhold approval of this application. Given the known surface water flood risk I would like to insist on a 1 in 100 year + climate change allowance design criteria for the soakaways, or alternative surface water drainage method agreed.

- 3.9 Neighbour/Site Notice – No representations received

4.0 **Officer Comments**

POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN

- 4.1 The National Planning Policy Framework (the Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually

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supportive ways. Also, to ensure sustainable development is pursued in a positive way, the decision taking should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. As such, the starting point for all decision making is the Development Plan when the most important policies applicable to the proposed development are considered to be up-to-date.

- 4.2 In respect of the Development Plan, Policy DS01 'Development Locations' of the Adopted Core Strategy identified the assessed needs for the District when the current Development Plan was adopted in 2013 and at that time housing numbers were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. This policy is therefore out of date.
- 4.3 Having taken account of recent case law, in particular *Wavendon Properties Ltd v SSHCLG [2019]* and *Peel Investments (North) Ltd v SSHCLG [2019]*, it is clear that the out datedness of one policy does not cause the whole Plan to become out-of-date. It is considered that given the Council's position of housing delivery, the most 'important' policies is that of location, in this case Policy SAL.DPL1. This policy is considered to be consistent with the Framework.
- 4.4 In addition, the Council have now undertaken a comprehensive assessment of housing need for its Local Plan Review which has taken in account the Government's Standardised Methodology and includes additional growth. Furthermore, the Council is able to demonstrate in excess of a 5 year housing land supply against its identified housing needs target. Therefore, when taken as a whole it is considered that the Council's Development Plan is not out-of-date. It is appreciated that this stance differs from that which has previously been reported. Officers are satisfied that this position represents the most current legal position when considered under current Development Plan policies.
- 4.5 Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan seeks to limit new housing within the rural areas in order to safeguard the District's landscape character and to promote regeneration of the District's urban areas. It is a restrictive policy that only permits residential development in exceptional circumstances, such as sites: that have been identified by the relevant town/parish Council as an exceptions site to meet an identified local housing need; for a rural worker's dwelling; or when the development relates to a replacement dwellinghouse; or a site that is subject to a Community Right to Build Order.
- 4.6 As the site falls within the open countryside and fails to meet any of these exceptions, it is considered that the development would be in conflict with Policies SAL.DPL1 and SAL.DPL2, which seek, amongst other things, to safeguard the landscape character of the open countryside. The principle of development is therefore considered to be unacceptable.

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- 4.7 The previous application was refused as the proposal sought the provision of two storey dwellings rather than bungalows as required by the Parish Housing Needs Survey. This application addresses this concern.

CHARACTER AND APPEARANCE

- 4.8 The proposed dwellings would assimilate with the character of the area which comprises a mix of one and two storey dwellings. The proposed spacing around each dwelling would follow the form of development within this part of Chapel Lane and to the south on Callow Hill. The proposal is therefore considered acceptable in this regard

AMENITY

- 4.9 The proposals provides sufficient private rear amenity space to a minimum depth of 10.5m and area of 65 sq.m for each property.
- 4.10 The internal layout of the proposed properties are such that habitable rooms are served by windows that are front and rear facing only. This addresses previous concerns regarding a proposed side facing kitchen window. No opportunity for overlooking or loss of privacy to occupiers would therefore arise. In terms of amenity, the development is considered acceptable in all other aspects.

HIGHWAYS AND ACCESS

- 4.11 The Highway Authority has considered the scheme and there is no objection in principle. The parking standards require the provision of 2 parking spaces.
- 4.12 The submitted plan shows that sufficient space exists for 2 no. parking spaces and circulations space to facilitate vehicles exiting the site in a forward gear. The provision of garden sheds for 2 cycles is welcomed.
- 4.13 Subject to conditions, the development is considered acceptable in respect of highway and parking.

TREES

- 4.14 The site does not host any trees of a high amenity value. The hedges would also be retained in accordance with the proposed site plan. The Tree Officer considers that this is acceptable subject to a condition to secure their protection during construction and landscaping details.

BIODIVERISTY

- 4.15 The Countryside Manager has considered the submitted Ecological Walk-Over survey which concludes that there would be no serious harm to biodiversity.
- 4.16 Subject to a number of conditions to secure works outside of bird nesting season, a pre commencement search of the site, excavations to be covered over night, lighting for the development being appropriate in terms of preventing light spillage and a landscaping plan to include native planning and a log pile, the development is considered acceptable.

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5.0 Conclusions and Recommendations

5.1 The application site lies within a residential area of Callow Hill, which is considered a sustainable location for new housing development. It is considered that two properties can be accommodated on this site without resulting in an adverse impact on the local character or the amenities of occupiers of neighbouring properties. The parking layout ensures adequate parking provision can be provided within the site. There are no matters of detailed harm that have been identified and taking account of the benefits, it is considered that the dwelling can be supported notwithstanding the minor conflict with the Development Plan.

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. Site and Finished Floor Levels
5. Boundary treatments
6. Submission of Tree Protection Plan
7. Details of landscaping scheme
8. Works to clear the site implemented outside of the bird nesting season/site inspected immediately prior to any works by a qualified
9. A pre commencement ecology search of the site
10. All excavations covered overnight and the means for potentially trapped animals to escape provided
11. The lighting scheme for the new development to be agreed with the ecologist
12. The installation of 2 bird boxes, 2 bat boxes and 2 insect boxes
13. A landscaping plan produced that includes some native planting and a log pile
14. Installation of electric vehicle charging point
15. Scheme of surface water drainage
16. Access including visibility splays, turning area and parking facilities including cycle parking to be provided
17. Removal of permitted development rights (Class A)

Notes

- A. Severn Trent Water
- B. Waste and recycling collection

Application Reference: 19/0762/FULL **Date Received:** 25/11/2019
Ord Sheet: 375464 274107 **Expiry Date:** 20/01/2020
Case Officer: Helen Hawkes **Ward:** Bewdley & Rock

Proposal: Erection of 1No. detached dwellinghouse, including new vehicle access

Site Address: 2 ALTON NURSERIES, LONGBANK, BEWDLEY, DY12 2UL

Applicant: Mr R Vanstone

Summary of Policy	DS01, CP01, CP02, CP03, CP07, CP11, CP12, CP14 (CS) SAL.PFSD1, SAL.DPL1, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP5, SAL.UP7 and SAL.UP9 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site relates to an existing side garden belonging to a two-storey semi-detached dwelling, located on the north side of the A456 Long Bank. The site lies approximately 2.2 miles to the west of Bewdley and falls within the open countryside. Immediately adjoining the site to the east and north (rear) is the former Alton Nurseries, which has benefits from an extant planning permission for four detached houses. There are also residential properties beyond the former Alton Nursery site to the East and on the opposite side of the road.
- 1.2 The application seeks Full Planning Permission for the erection of one detached two-storey dwellinghouse, following the subdivision of the existing residential plot and the creation of a new access off the A456/Long Bank. The existing garage would be demolished and the trees/hedgerow would be removed in order to facilitate the development.

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- 1.3 The proposed dwelling would be set back 24 metres from the front boundary to be in line with the front elevation of the existing dwellinghouse (2 Alton Nurseries). It would also be sited 3.2 metres from the side of 2 Alton Nurseries and 0.9 metres from the side (east) boundary. Amended plans have been received to show that the height of the eaves of the proposed dwelling match the eaves height of 2 Alton Nurseries and the chimney breast has been increased to be above the ridge height to improve the overall appearance of the dwelling. The proposed dwelling would have a gable end roof with a forward projecting pitched roof gable, ground floor bay window and a lean-to front porch. Building materials would consist of facing brickwork (Ibstock Birtley Old Whittington Blend) with natural buff coloured lime mortar, painted timber windows and doors, dark grey coloured fascia boards and black UPVC gutters and downpipes.
- 1.4 A new access point and driveway is proposed with a new turning area provided to the front of 2 Alton Nurseries and the proposed dwellinghouse, together with 200% parking provision for the existing and proposed dwelling.
- 1.5 In support of this application, the applicant has submitted a Noise Impact Assessment.

2.0 Planning History

- 2.1 No planning history relating to the application site.
- 2.2 Planning history at adjoining site – 18/0413/FULL - Proposed development of four dwellings and creation of new vehicular access: Approved 2.10.18.

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection and recommend approval.
- 3.2 Highway Authority - No objection subject to conditions to require the access, parking and turning facilities to be provided and for the existing vehicular crossover to be made permanently closed off. Also, cycle parking is required by condition. It is advised that the submitted additional information relating to relating to the visibility splays at the proposed access (140 metres eastbound and 130 metres westbound) which are commensurate with actual speeds and therefore acceptable.
- 3.3 Arboricultural Officer – No objection as there are no trees with a high amenity value. It is recommended that a condition is attached to secure new hedgerow planting with native trees to infill the existing access point, which will be closed and to improve the local landscape.
- 3.4 Countyside Manager – No objection as the only existing building being affected is the garage and this appears to be sub optimal for bats. Also, the

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garden curtilage does not appear to have any features of ecological interest or is ecologically connected to the wider countryside.

- 3.5 Worcestershire Regulatory Services (Noise) – No objection subject to a condition to require the glazing and ventilation specifications and acoustic fencing as recommended in the noise impact assessment to be implemented. An informative is also recommended to make the applicant aware of the WRS ‘Demolition & Construction’ Guidance in order to minimise any nuisance from noise, vibration and dust emissions, during the demolition and construction phases.
- 3.6 Worcestershire Regulatory Services (Land and Air Quality) – No objection.
- 3.7 North Worcestershire Water Management – No objection subject to a condition to require a scheme for surface water drainage to be agreed. It is noted that a new connection for the disposal of foul water will require Severn Trent Water’s prior approval and the design and installation of the foul drainage will be adequately covered by a future Building Control application, as such, a foul drainage will not be required.
- 3.8 Severn Trent Water – No objection and do not require a drainage condition to be applied. An informative should be attached to any consent to make the applicant aware that a public sewer may be located within the application site.
- 3.9 Neighbour/Site Notice – 1 letter of comment has been received from a nearby occupier stating that they have noticed on the submitted plan that the foul water is shown as draining to what is referred to as MH3. However, on the plan MH3 is shown to be outside of the application site and that this man hole does not exist. Instead the foul water for No. 2 Alton Nurseries is piped from MH1/MH2 directly to the main sewer in the A456 road and does not at any point drain across the adjoining land. In addition, the proposed dwelling should be sited at least 1 metre from the side boundary in order to enhance the streetscene.

(Officer Comments – In response to these comments, the applicant has submitted an amended drawing to show the foul water drainage going to a sewer connection in the road [A456]).

4.0 Officer Comments

- 4.1 The main considerations are whether the development would be acceptable in principle in terms of site location and suitability for housing, and whether the proposal would have any detrimental impacts on the landscape character, residential amenity, highway safety, trees and drainage.

POLICY CONTEXT AND STATUS OF THE DEVELOPMENT PLAN

- 4.2 The National Planning Policy Framework (the Framework) advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the

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planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. Also, to ensure sustainable development is pursued in a positive way, the decision taking should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. As such, the starting point for all decision making is the Development Plan when the most important policies applicable to the proposed development are considered to be up-to-date.

- 4.3 In respect of the Development Plan, Policy DS01 'Development Locations' of the Adopted Core Strategy identified the assessed needs for the District when the current Development Plan was adopted in 2013 and at that time housing numbers were set based on data derived from the Regional Spatial Strategy, which has subsequently been withdrawn. This policy is therefore out of date.
- 4.4 Having taken account of recent case law, in particular *Wavendon Properties Ltd v SSHCLG* [2019] and *Peel Investments (North) Ltd v SSHCLG* [2019], it is clear that the out datedness of one policy does not cause the whole Plan to become out-of-date. It is considered that given the Council's position of housing delivery, the most 'important' policies is that of location, in this case Policies SAL.DPL1 and SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan. These policies are considered to be consistent with the Framework.
- 4.5 The Council have also now carried out a comprehensive assessment of housing need for its Local Plan Review which has taken in account the Government's Standardised Methodology and includes additional growth. Furthermore, the Council is able to demonstrate in excess of a 5 year housing land supply against its identified housing needs target. Therefore, when taken as a whole it is considered that the Council's Development Plan is not out-of-date.

PRINCIPLE OF DEVELOPMENT

- 4.6 The proposed development would result in a new house within the garden of an existing dwelling, located outside of any defined development boundary and within the open countryside.
- 4.7 The Framework considers residential gardens which are not in built up areas as previously developed land. The site therefore falls within the definition of previously developed land.
- 4.8 Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan sets out suitable locations for residential development which includes previously developed land within areas allocated for residential on the Proposals Map and other urban areas within Kidderminster, Stourport-on-Severn and small windfall sites within Bewdley. The policy also states that residential development outside of these locations will not be permitted unless in accordance with Policy SAL.DPL2: Rural Housing, or relevant Rural Development and Green Belt policies.

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- 4.9 Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan seeks to limit new housing within the rural areas in order to safeguard the District's landscape character and to promote regeneration of the District's urban areas. It is a restrictive policy that only permits residential development in exceptional circumstances, such as sites: that have been identified by the relevant town/parish Council as an exceptions site to meet an identified local housing need; for a rural worker's dwelling; or when the development relates to a replacement dwellinghouse; or a site that is subject to a Community Right to Build Order.
- 4.10 As the site falls within the open countryside and fails to meet any of these exceptions, it is considered that the development would be in conflict with Policies SAL.DPL1 and SAL.DPL2, which seek, amongst other things, to safeguard the landscape character of the open countryside. The principle of development is therefore considered to be unacceptable.

SUSTAINABILITY OF THE SITE LOCATION

- 4.11 Paragraph 79 of the Framework seeks to avoid isolated homes in the countryside. Paragraph 78 states that new housing should be located where it can enhance or maintain the vitality of rural communities and Paragraph 108 seeks to ensure new developments take up appropriate opportunities to promote sustainable transport modes subject to the type of development and its location.
- 4.12 Bewdley lies approximately 2.2 miles to the east of the site and contains schools, shops, services and employment opportunities and is accessible by a public footpath from the site. The small rural settlement of Callow Hill is approximately 0.54 miles from the site and is also accessible via a public footpath, although has limited shops and services.
- 4.13 The Highway Authority considers the site to be a sustainable location for housing. I concur with this view and consider that the site is accessibility to local shops and services, where future residents of the new house could occasionally walk or cycle into Bewdley Town. I consider that significant weight should be given to the fact that the site is in a sustainable location.

IMPACT ON LANDSCAPE CHARACTER

- 4.14 Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy CP12 of the Adopted Core Strategy recognises that the landscape character of the District is an important asset. It requires new developments to protect and where possible enhance the unique character of the landscape.
- 4.15 The site is situated between the existing semi-detached dwellinghouse and the former wholesale garden nursery (known as Alton Nursery), which contains a number of derelict glasshouses. Planning permission has been granted to demolish the glasshouses and redevelop the site for 4 detached dwellinghouses. The siting, scale and design of the proposed dwellinghouse would be in keeping with existing semi-detached house and approved houses

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on the adjoining site. The proposed development would not lead to an extension of the existing ribbon development along this side of the A456 road/Long Bank and instead would be an acceptable infill development. I therefore consider that the development would cause no undue adverse harm on the landscape character of this part of the countryside.

- 4.16 The development would therefore be in accordance with Policies CP11 and CP12 of the adopted Core Strategy, Policy SAL.UP7 of the adopted Site Allocations and Policies Local Plan and Paragraph 170 of the Framework.

RESIDENTIAL AMENITY

- 4.17 The proposed dwelling would follow the line of the front and rear elevations of the existing dwellinghouse to ensure no breach in the 45 degree code. As there are no residential properties to the rear of the site, I am satisfied that the development would not result in a detrimental impact on the amenities of existing occupiers of neighbouring properties.
- 4.18 A Noise Impact Assessment has been submitted to demonstrate that with appropriate glazing and ventilation to the front elevation of the building that it would not result in any noise nuisance for future occupiers in terms of traffic noise. Worcestershire Regulatory Services are satisfied that suitable noise mitigation can be provided. A condition is recommended to secure the noise mitigation. In addition, a condition is required to ensure remedial works are undertaken if any land contamination is found to be present on site, as suggested by Worcestershire Regulatory Services. Overall, I am satisfied that the proposed development would provide acceptable living standards for future occupiers.

IMPACT ON HIGHWAY SAFETY

- 4.19 Amended plans have been received to show a new shared access point to be provided for the existing and proposed dwellinghouse and appropriate visibility splays. The existing access point would be permanently closed off and new planting would be provided to enclose the gap along the road frontage. The Highway Authority has undertaken a robust assessment and concluded that there are no justifiable grounds on which an objection could be maintained.
- 4.20 I concur with this view and do not believe that the proposed development would have a severe impact on the local highway network, as per paragraph 109 of the Framework, which states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. As such, the development would accord with Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.CC2 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 108 of the Framework.

TREES AND DRAINAGE

- 4.21 There are trees located along the front boundary of the site, which would need to be felled in order to facilitate the development and create the new access. The Arboricultural Officer has undertaken a thorough assessment and has raised no objection to the loss of these trees. I concur with this view.

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A condition is also recommended to ensure the development provides soft landscaping including replacement tree planting as part of the proposals.

- 4.22 The site is not located within an area at risk of flooding and no objections have been offered by the North Worcestershire Water Management Officer subject to a condition to secure an acceptable drainage strategy for the site.

PLANNING BALANCE

- 4.23 Policy DS01 of the Adopted Core Strategy addresses the general location for new development and the development needs for the plan period (2013 – 2026). It has been concluded above that this policy is now out of date. Thus, Paragraph 11d) of the Framework is engaged which requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.24 The development would result in a new house within the garden of an existing dwelling, located outside of any settlement boundary and within the open countryside, contrary to Policies SAL.DPL1 and SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan. However, it is important not to apply these policies rigorously as this would constrain the delivery of needed housing on suitable windfall sites, including those outside development boundaries which help to boost the housing land supply. As the site relates to previously developed land in a sustainable location, I consider that it is a suitable location for housing and that the conflict with Policies SAL.DPL1 and SAL.DPL2 should be given only limited weight in this instance.
- 4.25 The development would also bring some limited economic benefits, in terms of the creation of employment from the construction of the dwelling and local spending by the future occupiers of the dwellinghouse.
- 4.26 I do not consider that the development would harm the landscape character of the countryside given that it would be in the form of an infill development between an existing dwelling and a site that has planning permission for four dwellings. It is also well screened to the rear by the existing Bewdley Business Park. No other adverse impacts have been identified in relation to highway safety, residential amenity or to biodiversity.
- 4.27 Therefore, when assessing the proposed development against the policies in the Framework taken as a whole the adverse impacts of allowing development that conflicts with Policies SAL.DPL1 and SAL.DPL2 would not significantly and demonstrably outweigh the benefits of the development, such as making effective use of previously developed land; focusing development in sustainable locations and helping to boost the housing land supply. Paragraph 11d of the Framework is an important material consideration which indicates in this case, that the proposed development should be granted planning permission despite the conflict with the Development Plan.

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5.0 Conclusions and Recommendations

5.1 Having assessed the application and identified no harm in the detail of the application that would significantly and demonstrably outweigh the benefits, it is considered that the application is acceptable and would amount to sustainable development. The additional dwellinghouse would, along with other similar windfall sites, boost the supply of housing, which is also considered to be a benefit in favour of the development. On this basis it is considered that there are sufficient grounds to support a departure from the Development Plan.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. To secure agreed building materials.
4. To secure agreed hard surfacing materials.
5. To require details on site and finished floor levels.
6. To require details on boundary treatment details including acoustic fencing.
7. To require details of soft landscaping to be submitted, including new hedgerow planting within gap of existing vehicular access point.
8. To require Landscaping establishment and management plan.
9. To secure agreed access point and visibility splays.
10. To require revised dimensions for parking spaces and circulation areas.
11. To require the existing access point to be made permanently closed.
12. To require details on cycle storage facilities.
13. To require a scheme for surface water drainage.
14. Removal of Permitted Development Rights for outbuildings and new boundary treatment.
15. To secure recommended glazing and ventilation product.

Notes

- A. Waste and recycling collection
- B. Severn Trent Water
- C. WRS 'Demolition & Construction' Guidance
- D. Highways Informative

Application Reference: 19/0808/FULL **Date Received:** 19/12/2019
Ord Sheet: 384862 277279 **Expiry Date:** 13/02/2020
Case Officer: Paul Round **Ward:** Offmore & Comberton

Proposal: Two storey side & single storey rear extension

Site Address: 93 BALDWIN ROAD, KIDDERMINSTER, DY102UD

Applicant: Mr & Mrs Davies

Summary of Policy	CP11 (CS) SAL.UP1, SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance SPD Section 12 - Achieving Well Designed Places (NPPF) Planning Practice Guidance - Design: Process and Tools
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a three bedroom 1930's detached property located on the east side of the Town of Kidderminster. It is a hipped roof designed property constructed of brick and tile. The property has been extended under permitted development rights, through a single storey rear kitchen extension in the 1970's and a conservatory at some subsequent stage. A detached garage lies to the rear. There is parking to the frontage for two vehicles.
- 1.2 The application site is bounded on each side by residential properties and open fields to the rear. The area is allocated within the proposals maps as being for residential purposes with land to the rear being Green Belt.
- 1.3 The application proposes a two storey extension to the side of the property and a single storey rear extension. The existing detached garage, kitchen extension and conservatory will be removed. The application is presented to Members as the applicant is an Officer of the Council.

2.0 Planning History

- 2.1 None. Existing extensions constructed under permitted development.

3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – No objection

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3.2 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The proposed extensions provide extensions to the side and rear of the property. The ground floor accommodation proposes a large dining kitchen, WC and store, with the first floor showing three bedrooms, one with ensuite and a home office.
- 4.2 The two storey extension will be situated to the side of the property and measures approximately 2.8m in width. It features a pitched tiled roof with a gable end. In order to match the pitch of existing property a small area of flat roof will be required. The extension will be set back by 0.6m from the front face of the existing property. The extension will be half brick and half render to match the existing property.
- 4.3 The side extension is clearly a subordinate addition to the original property that is allowed to maintain its dominance. The use of an area of flat roof is not ideal, although it is clear that there is no alternative if the existing roof pitch is to be matched. The extension will blend well into the streetscape and provide a positive design solution to additional accommodation for the property. Due to the distances involved between the property and the Green Belt boundary there will be no adverse impact on the visual amenity of the Green Belt.
- 4.4 It is acknowledged that the 0.6m set back is less than is suggested within the Council's Design Guidance SPD. However, this amount of set back is given as guidance and is not a definitive policy requirement in Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan. The purpose for requiring a set back of extensions is to avoid a 'terracing effect' of multiple extensions within a streetscene. On this occasion the position and design of the adjoining properties, although close together, allows for a lesser set back and I consider that 0.6m is appropriate in these circumstances.
- 4.5 The rear dining kitchen will extend 5m to the rear of the property. The extension will be constructed of brick and finished with a flat roof with a large central lantern window providing light to the room.
- 4.6 Both adjoining neighbouring properties have substantial extensions to the rear with No.92 to the north having a detached garage along the boundary. There are no side facing windows on the adjoining properties and there are none proposed. Neither of the adjoining properties will be adversely impacted by the proposals and it is considered that no undue loss of amenity will occur.
- 4.7 There will be no increase in bedrooms at the property and, as such, the current arrangement of two car parking spaces within the curtilage is appropriate and in line with car parking standards.

19/0808/FULL

5.0 Conclusions and Recommendations

5.1 The application proposes increases to the property that are well designed and will assimilate well within the streetscene. The extensions will not adversely impact on neighbouring properties. Overall the proposal is fully in accordance with the Development Plan policies and can be fully supported.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match with render to be finished prior to first occupation of the two storey element)

Note

SN12 (Neighbours' rights)

Application Reference: 20/0005/FULL	Date Received: 03/01/2020
Ord Sheet: 384595 277745	Expiry Date: 28/02/2020
Case Officer: Helen Hawkes	Ward: Broadwaters

Proposal: Proposed single storey rear and front extensions, new rear double door and roof lights

Site Address: 21 HARRIERS GREEN, KIDDERMINSTER, DY102UE

Applicant: Mr D Barnett

Summary of Policy	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Reason for Referral to Committee	Development Manager considers that the application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site relates to a detached bungalow with a gable-end roof design and includes an existing single storey pitched roof rear extension to one side. The application site is located on the west side of Harriers Green which comprises similar style bungalow properties and there are other single storey rear extensions and enclosed front porches visible in the road. The surrounding area is predominantly residential in character.
- 1.2 Planning permission is sought for the erection of a single storey rear extension and a front porch extension, following demolition of the existing porch.
- 1.3 The proposed rear extension would consist of a flat roof with a glazed lantern and would project 3.0 metres from the rear elevation and would be 3.55 metres wide and 2.7 metres in total height. The proposed front extension would replace an existing front porch and would have a pitched roof measuring 2.9 metres high. The front extension would project 1.1 metres and would be 1.8 metres wide and would include side facing windows and a new entrance door with a window above to the front. Both extensions would be finished in facing brickwork to match the existing house.
- 1.4 The proposed plans also show new double doors in the rear elevation and two new roof lights to be installed in the existing rear extension.

20/0005/FULL

2.0 Planning History

2.1 Not applicable.

3.0 Consultations and Representations

3.1 Kidderminster Town Council – No objections

3.2 Neighbour – No representations have been received.

4.0 Officer Comments

4.1 The main considerations are whether the proposed development would have a detrimental impact on the character of the existing bungalow, on the visual amenity of the local area and upon the amenities of existing residents.

4.2 Policy SAL.UP8 of Wyre Forest's Site Allocations and Policies Local Plan sets out the Council's expectations for the design of extensions. It is required that extensions are subservient to and do not overwhelm the original dwelling which should retain its visual dominance. It also requires extensions to be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building.

4.3 The scale, mass and design of the proposed single storey rear extension and front porch extension are considered to be acceptable. The proposed extensions would be in proportion with the size of the existing building and would not appear overwhelming or incongruous in the streetscene. I therefore consider that the development would have no detrimental impact on the character of the existing bungalow or upon the visual amenity of the area.

4.4 The proposed rear extension would have a flat roof and would be sited away from the side and rear neighbouring boundaries. It would comply with the 45 Degree Code and would not result in any undue harm to the amenities of neighbouring residents in terms of loss of any light, outlook or privacy. The proposed double doors and roof lights in the existing rear extension is considered to be an acceptable alteration to the building and not result in any overlooking of neighbouring properties.

5.0 Conclusions and Recommendations

5.1 The proposed extensions to this existing bungalow are considered to be acceptable in terms of scale, mass and design and would not result in a detrimental impact on the character of the existing building, on visual amenity or upon the amenity of neighbouring residents. The proposed development is therefore considered to be acceptable and in accordance with relevant local and national planning policies.

20/0005/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)

WYRE FOREST DISTRICT COUNCIL

Planning Committee

18 February 2020

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
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)	LI 12/04/2019	17/05/2019	07/06/2019	07/01/2020	

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
WFA1527 19/0207/CERT	APP/R1845/X/19 3230693	MR FINNEGAN	HARBOROUGH FARM BARN BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER Proposed side extension, porch, detached garage and changes to external fenestrations	WR 24/07/2019	28/08/2019			
WFA1528 19/0056/CERT	APP/R1845/X/19 3227384	RLS ASSOCIATES (MR & MRS R SMITH)	HODGE HILL FARM BARN (BARN 3) BIRMINGHAM ROAD KIDDERMINSTER Certificate of Lawfulness Development for existing use: Domestic use of caravan	WR 26/07/2019	30/08/2019			
WFA1529 19/3030/AG	APP/R1845/W/1 9/3235133	MR R COLE	OLD HOUSE FARM HEIGHTINGTON BEWDLEY DY122XT Hay and storage building	WR 21/08/2019	25/09/2019			Allowed 23/12/2019

Agenda Item No. 6

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1530 19/0380/FULL	APP/R1845/W/1 9/3234813	Chloe Butler	CHAMPSON RISE 1 ROXALL CLOSE BLAKEDOWN KIDDERMINSTER DY10 Change of use of existing dwelling to a mixed use of residential dwelling and aesthetic clinic	WR 21/08/2019	25/09/2019			Dismissed 18/12/2019
WFA1531 19/3017/PNRE	APP/R1845/W/1 9/3234909	Miss and Mr Elizabeth and Nicholas Willetts	FRUIT FARM BARN BOURNES GREEN KIDDERMINSTER DY104PA Change of use of agricultural building to a dwellinghouse (Class C3)	WR 21/08/2019	25/09/2019			Allowed 20/01/2020

Agenda Item No. 6

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1533 19/0372/FULL	APP/R1845/W/1 9/3237792	MR D BILLINGSLEY	2 OLDNALL ROAD KIDDERMINSTER DY103HW Proposed new three bedroom dwellinghouse with associated parking and gardens	WR 07/10/2019	11/11/2019			Dismissed 13/01/2020
WFA1534 19/0414/FULL	APP/R1845/D/19 /3237030	MR AND MRS CHRISTOPHERLANE PAGE	THE RETREAT LOWE KIDDERMINSTER DY115QP Detached Garage/Store	WR 15/10/2019	19/11/2019			Dismissed 13/01/2020
WFA1536 19/0224/CERT	APP/R1845/X/19 /3230753	MRS GAYNOR GILLESPIE	CAPTAINS STONE HILL STONE KIDDERMINSTER DY104AJ Proposed storage of a maximum of thirty-nine (39) caravans on land within the red line shown on the site	WR 11/11/2019	16/12/2019			

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
WFA1537 19/0049/FULL	APP/R1845/W/1 9/3239423	MR & MRS F D'ANIELLO	UPPER NORCHARD FARM NETHERTON LANE DUNLEY STOURPORT-ON- SEVERN Erection of dwellinghouse and garages, together with new access and parking	WR 20/11/2019	08/01/2020			
WFA1538 19/0268/FULL	APP/R1845/W/1 9/3240865	L Bridges	55 HIGH CLERE BEWDLEY DY122EX Erection of one detached split level house with integral garage	WR 12/12/2019	16/01/2020			
WFA1539 19/0291/PIP	APP/R1845/W/1 9/3241012	Mr J McConnell	LAND AT CHURCH VIEW BEWDLEY DY122BZ Erection of 4no. Bungalows	WR 12/12/2019	16/01/2020			

Agenda Item No. 6

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence Required By	Public Inquiry, Hearing or Site Visit Date	Decision
WFA1540 19/0409/FULL	APP/R1845/D/19 /3242397	Mrs B Nichol	7 TEAL CRESCENT KIDDERMINSTER DY104ET	WR 17/12/2019	21/01/2020			Dismissed 04/02/2020
			Erection of single storey front extension including porch and extensions to existing side garage					
WFA1541 19/0096/FULL	APP/R1845/W/1 9/3242723	SHIPLEYS	25 VICAR STREET KIDDERMINSTER DY101DA	WR 16/01/2020	20/02/2020			
			Change of use from retail (Class A1) to amusement centre (adult gaming centre) and construction of a smoking shelter to the rear					

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
WFA1542 19/3047/PNRE	APP/R1845/W/1 9/3243405	Mr A Jordan	BARN AT HIGHFIELD FARM JENNINGS WOOD LANE HEIGHTINGTON Change of use of agricultural building to a dwellinghouse	WR 16/01/2020	20/02/2020			
WFA1543 20/0030/ENF	APP/R1845/C/19 /3221145	Mr Carpenter	BLACKSTONE MEADOWS STOURPORT ROAD BEWDLEY DY121PU Unauthorised Use of Land	HE 29/01/2020	04/03/2020		27/05/2020	

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
WFA1544 19/3053/PNRE	APP/R1845/W/1 9/3243004	MRS J ROSE	OAK TREE FARM POUND GREEN ARLEY BEWDLEY DY123LG Change of use of Agricultural Building to a Dwellinghouse (C3) (Resubmission of 19/3011/PNRES)	WR 29/01/2020	04/03/2020			
WFA1545 19/0452/FULL	APP/R1845/W/1 9/32422675	MR BRYAN TALBOT	CHAPEL PADDOCK CHAPEL LANE CALLOW HILL KIDDERMINSTER Erection of two detached dwelling houses, with new vehicular access and associated works	WR 29/01/2020	04/03/2020			

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
WFA1547 18/0331/FULL	APP/R1845/W/1 9/3219966	MR & MRS CARPENTER	LAND AT BLACKSTONE MEADOW STOURPORT ROAD Erection of a temporary rural workers dwelling and agricultural buildings, with associated	HE 29/01/2020	04/03/2020		27/05/2020	
WFA1546 20/0031/ENF	APP/R1845/C/19 /3224904	Mrs Carpenter	BLACKSTONE MEADOWS STOURPORT ROAD BEWDLEY DY121PU Unauthorised Use of Land	HE 29/01/2020	04/03/2020		27/05/2020	

Appeal Decision

Site visit made on 26 November 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Appeal Ref: APP/R1845/W/19/3234813

Champion Rise, 1 Roxall Close, Blakedown, Kidderminster DY10 3JX

- 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 Dr Chloe Butler against the decision of Wyre Forest District Council.
 - The application Ref 19/0380/FULL, dated 17 June 2019, was refused by notice dated 1 August 2019.
 - The development proposed is change of use of existing dwelling to a mixed use of residential dwelling and aesthetic clinic.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out. I have taken the description of the development in the banner heading above from the appeal form, as opposed to the application form, for the sake of clarity and completeness.

Main Issue

3. The main issue is the effect of the development on the character of the area, having regard to the number of visitors to the appeal property.

Reasons

4. The appeal property comprises a detached building located in a predominantly residential area. The development involves using the appeal property as both a dwelling house and an aesthetic clinic. The Council's contention is with the use of the property as an aesthetic clinic. Based on the submitted drawings, the clinic occupies part of the ground floor of the building and comprises rooms for consultation/treatment, waiting and storage, along with toilet facilities.
5. Despite assertions to the contrary from several third parties, the appellant has indicated that only a single client visits the clinic at any one time, and only one member of staff is employed. Apart from these anecdotal accounts from local residents and the statement from the appellant, there is nothing in the evidence before me to indicate the daily number or regularity of clients visiting the premises, or the associated number or pattern of vehicular movements occurring. However, the appellant has clarified that the clinic is open between the hours of 0900 and 1700 Monday to Friday, and between 0900 and 1400 on Saturdays.

6. It is unclear whether the cars parked on the street close to the appeal site, as depicted by photographic submissions from several local residents, were there in connection with the appeal property or for some other reason, particularly having regard to the likelihood of cars being parked on the streets in the area in connection with the nearby railway station. Nevertheless, despite the presence of only a few cars on the street near the appeal site on my site visit, the position of the appeal property on a cul-de-sac, and the lack of passing vehicles and pedestrians I observed, reinforced the quiet suburban character of the street.
7. Moreover, only a few cars were parked on the hardstanding in front of the appeal property on my site visit. A plan has been submitted by the appellant which shows that the hardstanding could accommodate 5 off-street car parking spaces as required by the Council in connection with the mixed use. However, the limited width of the entrance to the hardstanding means that, in order to accommodate 5 vehicles on the hardstanding, they would need to be parked in such a way that at least 3 vehicles were blocked in. Due to the likely regularity that vehicles would have to be manoeuvred on the hardstanding to allow clients/visitors to enter and leave the appeal premises, it leads me to the conclusion that the parking layout proposed is impractical and unworkable. Consequently, the development fails to provide adequate off-street car parking spaces. As a result, the arrival of clients/visitors to the appeal property will facilitate the need for some vehicles in to park outside the confines of the appeal site, and on the surrounding streets.
8. The surrounding streets are not restricted by a Traffic Regulation Order, and there is nothing in the evidence before me to suggest that the parking of vehicles on the highway in connection with the use leads to unacceptable highway safety impacts, an opinion I share following my site visit. Nevertheless, the fact that the business is open almost daily for prolonged periods throughout the day suggests that the movement of vehicles and people in connection with the use would be sustained throughout the hours of operation. Even if I was to accept the appellant's assertion that the business is currently operating in a manner so that daily movements of people and vehicles is not significant, there is no guarantee that current levels of activity would remain in the long term, with the potential for the business to grow, which could lead to additional daily visits from clients and staff along with additional parking stress.
9. To my mind and based on all that is in the evidence before me, the use generates a discernible level of activity over and above the activities associated with the predominantly residential uses on the street. The impact is exacerbated by the lack of parking provision within the appeal site and, in the absence of evidence to the contrary, the development will lead to the need for vehicles to park on streets nearby. The regular comings and goings associated with the business activities are out of step with the quiet residential character of the area.
10. For the foregoing reasons I conclude that the development unacceptably harms the character of the area. This is contrary to Policies SAL.CC2 and SAL.UP7 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 (adopted July 2013) (Local Plan) which seek, amongst other matters, to ensure that car parking is designed to fully integrate with developments, and that developments integrate well within the existing streetscene. The

development is also contrary to paragraph 127 of the National Planning Policy Framework which seeks to, amongst other things, protect local character.

11. Whilst the Council's reason for refusal also refers to Policies SAL.CC1 and SAL.GPB3 of the Local Plan, as I have not identified an unacceptable impact on highway safety, nor does the proposal involve the loss of a retail use, I do not find any conflict with these Policies. Nevertheless, this does not detract from the harm I have identified.

Other Matters

12. I am aware that the appellant is dissatisfied with the way in which the Council handled the planning application, having not been contacted by the Council before a decision was made. However, these are matters between the main parties which have had no bearing on my decision.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Matthew Woodward

INSPECTOR

Appeal Decision

Site visit made on 27 November 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/R1845/W/19/3234909

**Fruit Farm Barn, Barrow Hill Lane, Bournes Green, Kidderminster
DY10 4PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Miss and Mr Elizabeth and Nicholas Willetts against the decision of Wyre Forest District Council.
- The application Ref 19/3017/PNRES, dated 21 March 2019, was refused by notice dated 24 May 2019.
- The development proposed is described as 'change of use of one agricultural building to a larger dwelling house and associated operational development under the Town and Country Planning (GPDO) England Order 2015 (as amended)'.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of one agricultural building to a larger dwelling house and associated operational development at Fruit Farm Barn, Barrow Hill Lane, Bournes Green, Kidderminster DY10 4PA, in accordance with the terms of the application Ref: 19/3017/PNRES, dated 21 March 2019, and the plans submitted with it. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision, in accordance with Paragraph Q.2(3) of the GPDO, and subject to the following additional conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: FFB/02 Rev A, FFB/03 Rev B, FFB/04 Rev A, FFB/05.
 - 2) Before the commencement of works to the building, details of all wall finishing, roofing and fenestration materials for the dwelling, in terms of their type, colour and texture, along with hard-surfacing materials and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The materials and boundary treatments shall be applied in the construction of the development in accordance with the approved details.

Procedural Matters and Background

2. I have taken the description of development from the appeal form as the description contained in the Notification for Prior Approval form was incomplete. However, I have omitted part of the description which did not relate to the development proposed. This is reflected in my decision above.
3. The appellants names are taken from the appeal form as they have taken on the role of executor from the deceased person named on the Notification for Prior Approval form.
4. The Planning Practice Guidance (PPG) advises that the starting point for Class Q of the GPDO is that the permitted development rights are a grant of planning permission, subject to the prior approval requirements. Therefore, it is necessary in the first instance to determine whether the proposal falls within the scope of permitted development.
5. Class Q of the GPDO states that development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order¹; and Q(b) building operations reasonably necessary to convert the building, is permitted development.
6. Where development is proposed under Class Q(a) together with Class Q(b), and found to be permitted development, it is subject to the condition under paragraph Q.2(1) that before beginning the development, an application must be made to the local planning authority for a determination as to whether the prior approval will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination risks, (d) flooding risks, (e) location or siting, and (f) the design or external appearance of the building.
7. The Council contends that the information they have been provided with is inadequate in order for them to be satisfied that the appeal building is of sufficient structural soundness to support the works proposed, thus it has not been satisfactorily demonstrated that the works required to convert the building to a dwelling would be 'reasonably necessary', as additional works may be required to facilitate the conversion. The Council also contends that the cumulative total of the building works proposed would extend beyond the envelope of the existing building, thus the works would fail to comply with the limitations set out in paragraph Q.1(h) of the GPDO. Finally, the Council considers that the proposed design and external appearance would be unacceptable, contrary to paragraph Q.2(f) of the GPDO.

Main Issues

8. Having regard to the above, the main issues are:
 - Whether the proposal would be permitted development, having regard to whether the requirements of Schedule 2, Part 3, Class Q paragraph Q.1(h) of the GPDO would be met; and,
 - Whether the extent of the building operations proposed would be reasonably necessary to convert the building to a dwelling, having regard to the requirements of the GPDO.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

- If permitted development under Class Q(a) and (b), whether or not prior approval is required and the proposal would be acceptable in relation to the design and external appearance of the building.

Reasons

Permitted development

9. There is no dispute between the main parties that the appeal site is occupied by an agricultural building and was solely in agricultural use as part of an established agricultural unit on, or before 20 March 2013, without any intervening non-agricultural uses having taken place in between, in accordance with Q.1(a) of the GPDO.
10. The appeal site is occupied by a steel portal framed building. The walls of the building are partially made up of blockwork which extend up from the ground level, above which steel cladding is attached to the portal frame making up the remainder of the walls. The roof consists of corrugated sheeting. The proposal would involve the conversion of the building, and an area of land which surrounds it, for use as a single dwelling with associated external amenity space.
11. Despite the Council's assertion to the contrary, the submitted drawings, along with the evidence submitted by the appellants, demonstrates that the eaves height of the building would not be altered by the proposal, nor would the roof or walls of the building extend beyond the existing building limits. There is nothing else apparent on the submitted drawings or in the evidence before me to suggest that the building would extend beyond the envelope of the original building. Therefore, I am satisfied that, despite the changes proposed in order to enclose the building, the completed building would not project beyond the envelope of the existing building, in compliance with paragraph Q.1(h) of the GPDO.

Building operations

12. The PPG states that 'it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right'.
13. In this regard, the Council questions the suitability of the steel frame, floor and foundations of the existing building to accommodate the additional loads arising from the cladding, roofing, windows and door openings, which are proposed as part of the conversion. However, the appellants' structural report and rebuttal to the Council's evidence clarifies that the internal walls and floor was in good condition at the time of the survey. Furthermore, there was no evidence on my site visit to suggest that the building was dilapidated or significantly neglected. Far from it. The walls, roof and concrete floor appeared robust and on the face of it, the building did not appear 'lightweight', and had no obvious signs of defects.
14. In light of the structural evidence before me submitted by the appellants, which has been prepared by an independent Registered Valuer, I have seen nothing in the Council's evidence of sufficient pertinence to question the veracity of the appellants reports and conclusions concerning the overall structural integrity of

the steel frame, the floor and the foundations supporting the existing building, and the overall conclusion that the building would be sufficiently robust to support the cladding and other works necessary to create a new dwelling.

15. Therefore, I conclude that the building is structurally sound and capable of conversion and the proposed works would not amount to a substantial re-building, to the extent that they would be reasonably necessary for the building to function as a dwellinghouse, in compliance with Q.1(i) of the GPDO.
16. The Council considers that the totality of the other works proposed would be reasonably necessary. I also agree that the extent of the works proposed, including the replacement of the existing building cladding and roofing, would not amount to a substantial re-building.

Design and external appearance

17. Paragraph Q.2(1)(f) of the GPDO requires consideration to be given to the design or external appearance of the proposed dwelling. The existing building comprises a relatively modern, large rectangular building, clad in steel with corrugated roof sheeting. It is a prominent free standing building, with a utilitarian appearance and not one which is of particular note in terms of its appearance or the contribution it makes to the character and appearance of the area.
18. The proposed works would significantly alter the appearance of the building. However, the extensive areas of wooden cladding which would be placed around the building and above the existing blockwork would give it a rustic appearance, in keeping with its location in the countryside. I appreciate that a significant number of additional window and door openings are proposed, which would give the building an overtly domestic appearance. However, in this case I find that the replacement cladding would be an improvement over the existing building fabric, and this would offset the less subtle nature of the fenestration pattern proposed.
19. Even though the appeal site is relatively open and there would be obtainable views of the dwelling from the track and footpaths close to it, the dwelling would be positioned away from the nearest roads, including Barrow Hill Lane, which would reduce obtainable views of it from the nearest roads. In any event, any increase in the prominence of the building arising from the domestication of the appeal site would be countered by the improvements to its external appearance through the use of traditional cladding materials. Furthermore, there are a variety of building types in the area, including those with a traditional design and appearance, along with larger, more modern agricultural type buildings. Consequently, the visual impact of the changes proposed to the appeal building and land which immediately surrounds it would not be out of character with their surroundings. The development would not be unacceptably prominent in the landscape or harmful to the character and appearance of the area.
20. Therefore, and having regard to the design and appearance of the existing building, I conclude that the development would be acceptable in terms of its design and external appearance. It would comply with paragraph 127 of the National Planning Policy Framework which requires, amongst other matters, that developments are visually attractive as a result of good architecture and are sympathetic to local character and history.

Other Matters

21. Paragraphs Q.2(1)(a-e) require that a range of prior approval matters are considered in deciding whether or not to grant permission. There is no dispute between the main parties that the proposal is acceptable when assessed against transport and highways impacts, noise impacts, contamination, flooding, or location and siting, and based on the evidence before me and my site visit, I have no reason to take a contrary view.

Conditions

22. The Council have not suggested any conditions in this case. However, I find it necessary to attach a condition specifying the approved drawings to ensure precision, along with a condition relating to materials to safeguard the visual appearance of the area. I have considered these conditions and find they meet the '6 tests' set out in the PPG.

Conclusion

23. For the reasons given, I conclude the appeal should be allowed.

Matthew Woodward

INSPECTOR

Appeal Decision

Site visit made on 26 November 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/R1845/W/19/3235133

Moorfield Barn Farm, Heightington, Bewdley DY12 2XX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr R Cole against the decision of Wyre Forest District Council.
 - The application Ref 19/3030/AG, dated 3 June 2019, was refused by notice dated 1 July 2019.
 - The development proposed is described as a hay and storage building.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for a hay and storage building at Moorfield Barn Farm, Heightington, Bewdley DY12 2XX in accordance with the terms of the application Ref 19/3030/AG, dated 3 June 2019.

Procedural Matters

2. The application form did not contain a description of the proposed development, so I have used the description on the appeal form which matches that on the Council's decision notice.
3. The prior approval procedure as set out under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) makes no provision for any determination to be made as to whether the proposal would be permitted development. My decision in this appeal, therefore, does not purport to confirm whether or not the proposal would constitute development of a description falling within Part 6 of the GPDO.
4. Paragraph A.2(2) of the GPDO requires, *inter alia*, a determination to be made as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the proposed building.

Main Issue

5. As a result of the foregoing, the main issue in this case is the effect of the proposal on the character and appearance of the area, with regard to siting, design and external appearance.

Reasons

6. The submitted plans show that the proposed building would be approximately 4.5m high to the ridge and 3.6m to eaves. It would have a length of approximately 18m and a width of 9m. The walls would be clad in cedar wood and the roof would comprise dark green roof sheeting.
7. I saw on my site visit that some ground levelling works had taken place close to the appeal site, which appeared to be in connection with another agricultural building recently permitted by the Council¹ (the permitted building). The appellant has provided me with a copy of the plans relating to this approval and they demonstrate that the permitted building would have a considerably greater overall footprint than the appeal proposal. As a result of its extant nature, the permitted building is a significant material consideration in this case.
8. Despite its position within expansive, undulating countryside which has a pleasant appearance and ambience, the appeal site is located partially downslope and away from higher ground which is generally to the north and east. Furthermore, the proposed building would be located generally to the north west of the permitted building, but it would be much smaller and less conspicuous in comparison. On my site visit I was able to ascertain that the proposed building would, in many instances, be seen against the backdrop of the larger permitted building, and its downslope position would limit instances where it would be visible against the skyline.
9. Even if I was to assume that the permitted building will not be erected, I saw several containers and structures close to the appeal site, and whilst I do not know the planning status of these, the Council does not suggest that they are unauthorised. The location of the appeal building amidst these structures and downslope of other buildings which lie further along the existing track would ensure that the proposed building would not appear isolated. Moreover, the proposal, which would incorporate rustic materials and have an 'agricultural' design, would not be overly prominent in the landscape. Consequently, I find that the siting, design and external appearance of the proposal would be acceptable.
10. I appreciate that the Council are concerned that no consideration has been given to alternative locations which, according to them, may be less intrusive. They also contend that the building would be excessive for the size of the holding and no agricultural justification for it has been provided. Furthermore, I note that there is no evidence before me to suggest that the site has the benefit of a Lawful Development Certificate² confirming an agricultural use. Be that as it may, I have assessed the appeal on its own planning merits and concerns as to whether the proposal would be permitted development, would, as set out above, be outside the remit of my decision.

Conditions

11. Any planning permission granted under the GPDO is subject to the condition at paragraph A.2(2) that development shall be carried out in accordance with the details approved and be carried out within a period of 5 years from the date on which the application was submitted to the local planning authority.

¹ Wyre District Council planning reference - 19/3014/AG

² See sections 191 and 192 of the Town and Country Planning Act 1990

12. Based on the details submitted, which clearly show the materials and dimensions of the building proposed, there is no reason for me to attach any planning conditions relating to this or any other matter.

Conclusion

13. For the reasons given above I conclude that the appeal is allowed.

Matthew Woodward

INSPECTOR

Appeal Decision

Site visit made on 10 December 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/R1845/W/19/3237792

2 Oldnall Road, Kidderminster DY10 3HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Billingsley against the decision of Wyre Forest District Council.
 - The application Ref: 19/0372/FULL, dated 14 June 2019, was refused by notice dated 1 August 2019.
 - The development proposed is new three-bedroom dwelling house with associated parking and gardens.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The site is located within a predominantly residential area and is currently a vacant plot of land situated between existing dwellings. There is a linear arrangement to the development along the northern side of Oldnall Road, which climbs up steeply from its junction with Chester Road South. Whilst there is variety in the size and design of the dwellings, their heights generally follow the level change in the road, providing a stepped appearance.
4. The existing dwellings in the vicinity of the site are also set well back from their frontages and in an elevated position. A number have driveway access to the site and their front boundaries are generally defined by low level boundary walls with soft landscaping to the frontages.
5. The appeal site provides a gap between existing dwellings and the site therefore has a spacious and open character, providing relief from the built form, and contributing positively to the character of the surrounding area.
6. The appeal scheme comprises a two-storey dwelling that would be noticeably narrower than existing development along Oldnall Road. The proposal includes a pitched roof which would have a bulky appearance and be at odds with the prevailing character of development in the surrounding area. The eaves and ridge height of the proposed dwelling would also be lower than adjacent

- development and so would not follow the scale and stepped arrangement of development along Oldnall Road.
7. Although the proposal would retain gaps between the built development these would be substantially less than others in the vicinity. As a result, the development would not retain the established open character of the site or reflect the character of development in the surrounding area. The appellant states the gaps to the side boundaries would be similar to those permitted on new residential schemes. Nevertheless, I must consider the appeal scheme on the basis of the existing character and appearance of the site and surrounding area, and each site is to be determined on its own merits.
 8. The proposed dwelling would be significantly different in appearance to the adjacent dwelling at No 2 Oldnall Road, which is a wider semi-detached property with a hipped roof. The proposed dwelling by contrast is a narrower, detached dwelling with a pitched roof, and lower eaves and ridge height. Whilst some aspects of the design would reflect that of No 2, such as the canopy and proposed materials, these would not be sufficient to mitigate the overall incongruity of the proposed dwelling.
 9. The proposal includes works to the site frontage to create parking spaces. It is noted that there is some existing paving to the site frontage and there are properties in the vicinity which also have parking to the side and frontage. However, those parking areas are not dominant features within the street scene, being visually screened by substantial areas of soft landscaping. This would not be the case with the appeal scheme.
 10. The proposal would result in the removal of the existing landscaping to the front of No 2, and whilst some new planting is proposed, this would be minimal and have limited visual impact. The parking areas would dominate the site frontage, resulting in a harsh appearance that would be at odds with the established character and appearance of development in the surrounding area.
 11. As such the development would fail to respond to the adjacent properties in terms of size, design and layout. It would visually be separate and stand out as an incongruous addition within the street scene, at odds with the established pattern of development.
 12. I consider it would result in unacceptable harm to the character and appearance of the surrounding area. The proposal would therefore be contrary to Policy CP11 of the Wyre Forest District Council Core Strategy, 2010 and Policy SAL.UP7 of the Site Allocations and Policies Local Plan, 2013 which seek to ensure that all developments achieve the highest quality design, integrating well with the street scene and, reflecting and demonstrating a thorough understanding of site context.
 13. For the same reasons, the proposal would also fail to achieve the high-quality design requirements of the Council's Supplementary Planning Document: Design Guidance, 2015 which is relevant to all proposed development and Section 12: Achieving well-designed places, of the National Planning Policy Framework, 2019 (the Framework)
 14. That the proposal could provide for adequate drainage, pedestrian visibility, cycle storage, an active frontage and secure private outdoor areas would have

a neutral effect and these matters do not, therefore, weigh in favour of the appeal.

Other Matters

15. The appellant has stated that the Council were unwilling to enter into negotiations during the application process, though the appellant would be willing to consider amendments to the appeal scheme. It is not the role of the appeal process to evolve a scheme. If the appellant considers that amending their application proposals would overcome the Council's reason for refusal, then they should make a fresh planning application. This is therefore not a matter which I can consider as part of this appeal.
16. It is noted that the site is not covered by any special designations such as conservation area or listed building, and the Council have not made any reference to such in the determination of the application. As detailed above Section 12 of the Framework relates to achieving well-designed places, which is relevant to the appeal proposal.
17. Whilst the appellant has attempted to address the Council's objections to a previous scheme on the site, having considered the proposal on its own merits, this does not alter the harmful effects I have found. Therefore, having considered the appeal on its merits these other matters do not, therefore, lead me to a different conclusion.

Planning Balance

18. The Council acknowledges that it cannot demonstrate a 5-year housing land supply which means that the approach set out in paragraph 11 d) of the Framework is engaged.
19. There is no detailed information before me with regards to the scale of the Council's housing land supply shortfall, though the provision of only one dwelling could only have a limited benefit in relation to boosting the supply of housing.
20. The proposals would result in significant harm to the character and appearance of the surrounding area. Although I recognise the important contribution small sites can make to meeting the housing requirement of an area, the harm I have identified means that adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits, when assessed against the Framework as a whole. Other considerations do not indicate that a decision should be taken other than in accordance with the development plan.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR



Appeal Decision

Site visit made on 19 November 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/R1845/D/19/3237030

The Retreat, Lowe Lane, Wolverley, Worcestershire DY11 5QP

- 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 Christopher Page against the decision of Wyre Forest District Council.
- The application Ref: 19/0414/FULL, dated 24 June 2019, was refused by notice dated 7 August 2019.
- The development proposed is described on the application form as detached garage/store.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are:
 - 1) Whether or not the proposal would be inappropriate development in the Green Belt;
 - 2) The effect on the openness of the Green Belt;
 - 3) The effect of the proposed development on the character and appearance of the host dwelling; and
 - 4) If the proposal amounts to inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

4. The National Planning Policy Framework (The Framework) states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. Paragraph 145 indicates that the construction of new buildings should be regarded as inappropriate in the

Green Belt subject to a number of exceptions. Paragraph 146 identifies other forms of development that would not be inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy SAL.UP1 of the Site Allocations and Policies Local Plan 2006 – 2026 (SAP) is a similar Green Belt exceptions policy.

5. The proposed development is for a detached outbuilding and as such does not sit within any of the exceptions set out in paragraph 145 or 146 of the NPPF. Under paragraph 145(c) extensions to buildings should not be considered as inappropriate provided that it does not result in disproportionate additions to the size of the original building. The Council note that, in certain circumstances, outbuildings can be considered as an extension as long as they are of an ancillary scale and located near to the dwelling. Whether that is the case will be a matter of fact and degree based on the circumstances of the case. However, in this case, the proposed building is sited a considerable distance from the existing building such that could not be considered as an extension. Moreover, unlike a purpose built dwelling where a garage could be considered as a normal domestic adjunct the property in question is itself a converted building with permission to be occupied for holiday let purposes. I am not satisfied that a garage is a natural 'extension' of a holiday let use in the same manner as a garage to an unrestricted residential property.
6. In any event, the existing building has been extended following a previous planning consent. It would be necessary to take into account the cumulative impact of that previous extension and the proposed new addition when considering whether the development would result in a disproportionate addition to the original building. Having regard to the small scale of the original structure, the size of the existing extension and the size of the proposed garage, I find that the proposal would amount to a disproportionate addition, if it was to be considered as an extension to the existing building.
7. Therefore, for all of those reasons, the proposal would constitute inappropriate development in the Green Belt, having regard to the Framework and policy SAL.UP1 of the SAP.

Openness

8. As identified at paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent sprawl and keep land permanently open. Caselaw has identified that the impact on openness can have a visual and spatial dimension.
9. The proposed outbuilding would be located away from the main holiday let dwelling between a row leylandii trees and hedgerows and would not be visible from the public domain. A house is located behind the proposed garage but is on a lower ground level and as such the garage would not be particularly visible from that house. Consequently, the proposed garage would have a very limited effect on the openness of the Green Belt from a visual aspect.
10. The land where the garage is proposed is presently undeveloped and free from permanent structures. Whilst there may have been a building on the site at one point in time, it has now been demolished. Therefore, the proposed development would introduce new built form into the Green Belt. The proposal would be a relatively small, single storey building and as such it would have a moderate effect on the spatial aspect of the Green Belt. Therefore, whilst the

impact would be limited the proposal would reduce the openness of the Green Belt, contrary to one of the fundamental objectives of Green Belt policy.

Character and appearance

11. The existing building is a relatively small, single storey brick built dwelling set within an open area of land with little development around it. The proposed garage would be a similar size to the host building and matching materials would be used in its construction and as such the two buildings would have a similar appearance. Whereas the current building appears as a modest structure in a rural setting, the proposal would result in two similar sized buildings disconnected from one another with neither appearing ancillary to the other. Whilst that would result in an awkward visual relationship the site is not visible from the public domain and the effect on the wider character and appearance of the area would be minimal.
12. Therefore, I am satisfied that the proposed development would be in broad compliance with the aims of policy SAL.UP7 of the Wyre Forest Site Allocations and Policies Local Plan 2006 - 2026 (2013) (SAP).

Other considerations

13. The appellant notes that a similar outbuilding was approved at a neighbouring property. Whilst I do not have the details of that application before me, I understand that the property had retained its permitted development rights and the garage in that case was 'permitted development'. In other words, it was not development that required planning permission. I note that The Retreat has had its permitted development rights removed, as is often the case in relation to converted properties, such that planning permission is required in this instance. Whilst there may be similarities between the proposed garage and the outbuilding at the neighbouring property, development that is 'permitted development' is not assessed against the policies of the development plan or the Framework in respect of Green Belt policy. The proposal before me was for a full planning application and as such must be assessed in relation to those national and local policies, including its effect upon the openness of the Green Belt.
14. Policy SAL.UP11 of the SAP requires converted buildings to be able to function without the need for additional buildings within the curtilage. The policy relates to the re-use and adaptation of a building, whilst the proposal before me is for a detached garage/store. This property was granted planning permission to convert to a holiday let in around 2008 and this policy was adopted in 2013. Therefore, it would be unreasonable to retrospectively apply this policy to a building that was granted planning permission and converted before this policy was adopted. Consequently, I do not consider the policy is relevant to the determination of this appeal.
15. It is accepted that the host dwelling is relatively small and that there is likely to be a need to store equipment associated with the maintenance of the associated land, and that there is limited space within the dwelling to store it. The provision of additional storage space would be a benefit of the proposed development and that is a matter that attracts some weight in favour of the development, albeit that many properties function without a detached outbuilding.

Conclusion and Recommendation

16. Paragraph 143 of the Framework identifies that substantial weight must be given to any harm to the Green Belt. The proposed development would cause harm to the Green Belt by reason of inappropriateness and would result in a small reduction in the of openness of the Green Belt, which would conflict with one of the key purposes of designating land within the Green Belt and the relevant policies of the development plan. I attach substantial weight to those matters.
17. Whilst I have found no harm to the character and appearance of the area that would be an expectation of any development and does not amount to a positive effect in favour of the proposal. On the other side, the existing dwelling is relatively small and there is a need to store equipment associated with the maintenance of the land around the dwelling. To this factor I attach limited weight.
18. The advanced considerations in support of the appeal do not, on balance, clearly outweigh the harm to the Green Belt that I have identified and the very special circumstances necessary to justify the development do not exist.
19. Having regard to the above, the identified conflict with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR

Appeal Decision

Site visit made on 22 January 2020

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/R1845/D/19/3242397
7 Teal Crescent, Kidderminster DY10 4ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs B Nichol against the decision of Wyre Forest District Council.
 - The application Ref: 19/0409/FULL, dated 1 July 2019, was refused by notice dated 31 October 2019.
 - The development proposed is single storey front and side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a two-storey detached house constructed of red brick with a tiled, pitched roof. A single storey flat-roofed double garage is attached to the side of the house. The property is located at the end of a short cul-de-sac within a predominantly residential area, comprising mainly two storey detached dwellings and bungalows.
4. There are five houses within the cul-de-sac, including the appeal property, which are of similar two-storey design and appearance. All have projecting canopies above the main entrance which stretch across two ground floor windows. The canopies occupy roughly half the total width of the front elevations.
5. In contrast, the proposed single storey front extension would span the full width of the façade of the appeal dwelling, about 8.85 metres. It would also bring the front elevation at ground floor level forward by some 1.5 metres, at its deepest point. The lean-to roof element would extend a similar depth across the span and rise to some 3.4 metres to its ridge, finishing not far below the sills of the first-floor windows. Those measurements provided by the Council have not been disputed by the appellant.
6. Compared with the relatively modest existing canopy, the proposed front extension would significantly alter the original design of the façade. Its form, spanning the full width of the house, and its height would dominate the front elevation. The current symmetry between ground and first floor windows, a

- common feature of this and neighbouring houses, would also be partially lost, with a new pattern and design in fenestration. The existing first floor projecting window mirroring the similar window below, a pleasing and novel feature of the design of the houses in the cul-de-sac, would be removed and replaced with a more prosaic window flush to the wall. Those changes would, in my view, cumulatively detract from the character and appearance of the dwelling.
7. Moreover, given the similarities between the houses in the cul-de-sac, including their projecting canopy and window features, the proposed front extension would appear incongruous and compromise the existing unity of design, which contributes positively to the character and appearance of the street scene.
 8. In addition to the front extension, a side extension is proposed. While the existing flat-roofed double garage is sizeable and functional in appearance, it is low level and set to the side, well back from the front elevation of the house. Those factors help to make it subservient to the main house and mean that it is not prominent in most views. There is a similar sized, flat-roofed garage opposite which is also set back from the adjacent house, albeit that garage is detached.
 9. The proposed side extension would bring the garage forward some 3 metres, to allow the rear section of the new extension to be converted into a dining room. Therefore, its current setback from the front of the house would be significantly reduced. The existing low-level flat roof would be replaced by a large pitched roof covering the whole of the new garage/dining room structure. The roof would rise some 5.2 metres, bringing it up to the eaves of the main house.
 10. The reduced setback from the front of the house, combined with the size and height, would result in a sizeable, dominant side addition that would compete visually with the original house to its detriment. While matching materials are proposed and the pitch of the roof would replicate that of the main house, those aspects would not sufficiently mitigate the harm.
 11. Furthermore, the more prominent garage and its design would, particularly in combination with the proposed front extension, create further disparity between the appeal property and the other houses within the cul-de-sac, none of which have similar front extensions or pitched roofed garages. Although No 5 has a single storey side element, it is relatively small in scale and remains subservient to the host dwelling.
 12. The appellant submits that the appeal property *'is tucked away in a secluded location and consequently only publicly visible from limited vantage points within the cul-de-sac itself.'* However, while No 7 is towards the end of the cul-de-sac and the land slopes down to it, there are clear public views of its front elevation from the road adjoining the entrance to the cul-de-sac. Indeed, a photograph within the appellant's appeal statement illustrates such a view.¹
 13. While the existing set back garage is not visible from that vantage point, bringing it forward, and increasing its height with a pitched roof would be likely to make it partially visible. It is accepted that most people entering the cul-de-sac itself would be doing so to access their homes, but there would be closer-

¹ Figure 2

- range views of both proposed extensions from within the cul-de-sac and from several of the immediately adjacent properties nestled around it.
14. As I saw on my site visit, the sizeable roof of the side extension would also be likely to be visible in public views from the rear, further west along Teal Crescent, notwithstanding the presence of a tree obscuring some views. Overall therefore, the proposed development would be seen from both public and private vantage points.
 15. The appellant submits that the introduction of variety in the street scene should not be treated as '*inherently negative or harmful*'. However, in this case, the original design and layout of the properties in the cul-de-sac appears to have been undertaken with some deliberation and care, so that the houses are sympathetic in appearance to each other and create a sense of harmony. Therefore, while changes may be accommodated, the design needs to be sympathetic to both the host property and the existing street scene. The appeal proposal fails in those respects.
 16. The above factors lead me to conclude that the proposed development would have an adverse effect on the character and appearance of the existing house and the area. Consequently, it would be contrary to policy CP11 of the Council's Core Strategy (2006-2026) (CS)² and policies SAL.UP7 and SAL.UP8 of its Site Allocations and Policies Local Plan 2006-2026 (SAPLP)³ and supporting advice within the Council's Design Guidance Supplementary Planning Document (DG).⁴ It would also conflict with similar policies contained in the National Planning Policy Framework (the Framework),⁵ such as paragraph 127(c) which requires development to be sympathetic to local character, including the surrounding built environment.
 17. CS Policy CP11 seeks to ensure, amongst other things, that new development is well-designed and demonstrates an appropriate use of scale, mass and proportion and shows an understanding of site context. Similarly, SAPLP policy SAL.UP7 says that all proposals must integrate with the existing street scene. Policy SAL.UP8, which relates to extensions, indicates that they should be in scale and keeping with the form of the original building, allowing it to retain its visual dominance. They should also harmonise with the existing townscape and not create incongruous features. Accordingly, the supporting DG also refers to the requirement for extensions to be sympathetic to the original building and the existing character and appearance of the street scene.
 18. While it is acknowledged that SAPLP policy SAL.UP8 and its supporting text indicate that pitched roofs are favoured on extensions rather than flat roofs, the overall scale, design and context of the extension remain relevant factors in assessing the acceptability of a scheme.

Other Matters

19. The appellant refers to various parts of the Framework, including what is often referred to as the 'tilted balance' in paragraph 11d) ii. However, as the wording of paragraph 11d) makes clear, that only comes into play where there are no relevant development plan policies, or the policies most important for

² Adopted December 2010

³ Adopted July 2013

⁴ Adopted June 2015

⁵ February 2019

determining the application are out-of-date. While the CS and SAPLP date from 2010 and 2013, respectively, they form part of the development plan and the relevant policies appear to be broadly consistent with the Framework. Consequently, on the basis of the evidence before me, paragraph 11d) ii would not be engaged. More germane are paragraphs 2 and 12 of the Framework which indicate that permission should not normally be granted for proposals which conflict with an up-to-date development plan, which is the case here.

Conclusions

20. Amongst other things, the appellant refers to the Framework's support for the efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.⁶
21. However, the different types of housing and other forms of development, referred to in the Framework, are generally those where a public need has been objectively identified. The extensions would essentially be for the private benefit of the appellant rather than meeting some identified public need. The planning system is more generally focussed on the wider public interest rather than on private benefits, unless exceptional personal need has been evidenced, which is not the case here.
22. Therefore, while I am not unsympathetic to the wishes of the appellant, the harm to the character and appearance of the host dwelling and the immediate area is decisive. Moreover, additional living space may be achievable via an alternative scheme which does not cause the harm identified.
23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR.

⁶ Paragraph 122