

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE
14TH NOVEMBER 2006

PART A

Application Reference:	06/0974/FULL	Date Received:	30/08/2006
Ord Sheet:	383549 276528	Expiry Date:	25/10/2006
Case Officer:	Julia McKenzie- Watts	Ward:	Greenhill

Proposal: Change of use to two one-bedroom flats with car parking area

Site Address: 15 ANCHORFIELDS, KIDDERMINSTER, DY101PZ

Applicant: Mr D Vaughan

Summary of Policy	D.1, D.3, D,17, H.7, TR.9, TR.17 (AWFDLP) QE.3 (RPG11)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 Number 15 Anchorfields is a mid terraced dwelling within Kidderminster. The properties on this section of Anchorfields have large front gardens sloping down towards the road and small rear gardens/yards. There is a shared access to the side of number 17, which allows access to the rear of the properties.
- 1.2 The proposal is for the change of use of number 15 into two x one bedroom flats, one at ground floor accessed from the rear and a first floor flat accessed through the existing front door. The only proposed alterations are internal and the external façade will remain the same and appear as existing.
- 1.3 It is proposed to create a parking area for two cars to the front of the dwelling with a retaining wall to the rear and a new stepped access up to the front of the property (to the first floor flat) and a separate stepped access to the ground floor flat.

2.0 Planning History

- 2.1 None

3.0 Consultations and Representations

3.1 Highway Authority – No objections, subject to revised plans showing required visibility.

3.2 Neighbour/Site Notice – 3 letters of objection have been received. To summarise the concerns:

- Rear entrance to flat would affect privacy
- Passage is less than 0.9 metres, our laundry and outside areas would become un-manageable.
- Car parking spaces - affect on apple tree to front
- Flat development totally out of character with this group of houses.
- Conversion of the houses is not appropriate as they are quite small already
- We do not consider the site at all suitable for disabled persons. Any improvement along front of Number 16 and the back yard to facilitate wheelchair access to the ground floor flat would require agreement from the other two houses which may not be forthcoming.
- Present access is not a public footpath as mentioned in the 'Design and Access Statement' but a shared access for the three houses only of no 15,16 and 17. Although the access is shared and available in practice the shared access has never been used as a main entrance.
- The proposed use of the rear of the property as a front entrance by a flat owner / tenant will by nature of its regular use affect the privacy of the occupants of 16 Anchorfields and when passing round the back walking past the kitchen window through the small yard.

4.0 Officer Comments

4.1 Policy H.7 of the Adopted Wyre Forest District Local Plan relates to the subdivision of existing dwellings. It states that proposals for the conversion of existing dwellings, to two or more dwellings including flats, will only be permitted if the proposal complies with certain criteria. These are:

- i) no detrimental impact on the character of the area and the building itself
- ii) any alterations are appropriate in scale, form and extent, to the site and its surroundings
- ii) provision of amenity space and enclosed storage of refuse is made
- iv) access is acceptable and parking provision is in accordance with Policy TR.17.
- v) The internal layout of the rooms within the proposed development will not cause undue disturbance to adjoining dwellings or other units of accommodation in the building.

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- 4.2 The proposed conversion would not have an adverse impact on the character of the area or the building itself as no external works are to take place and therefore the building will appear the same as at present when viewed externally.
- 4.3 Provision has been made for the amenity space within the site, together with suitable refuse storage.
- 4.4 Vehicular access would be off Anchorfields and lead directly onto the proposed parking area at the front of the property. The proposal shows parking for two cars to the front of the property. It is felt that parking provision will be improved, as at present the owners have to park on the road.
- 4.5 The internal layout of the rooms within the development have been designed so as to cause minimal disturbance to the adjoining dwellings. The subdivision will create no further loss of privacy to the neighbour than the existing use as a dwelling. Therefore the proposal is considered acceptable in terms of the impact on neighbours.
- 4.6 Although the Access Officer has requested a lift to be installed to the front of the property, it is my opinion that visually this will have a detrimental impact on the character of the area. Discussions with Building Control have revealed that an alternative option could be the provision of an ambulance style staircase and the provision of handrails. This could be secured by a condition.
- 4.7 A neighbour has raised the issue of the shared access and a covenant between the three houses. Unfortunately this is not a material planning consideration and is a private issue between the residents themselves.
- 4.8 There are no objections in principle from the Highway Authority providing that a visibility splay can be created either side of the boundary of the property and that the parking spaces can be shown on a scale plan at 2.4 x 4.8 metres. Revised plans have been received and the Highway Authority comments are anticipated prior to the meeting.

5.0 Conclusions and Recommendations

- 5.1 The proposed change of use is considered to be compatible to the general character of the residential area and will not cause a significant loss of amenity to nearby residential properties. The conversion into flats also meets the criteria set out in Policy H7 of the Local Plan.

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- 5.2 Therefore taking into account Articles 1 and 8 of the Human Rights Act the application is recommend for **delegated APPROVAL** subject to no objections to the revised plans from the Highways Authority, and subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Materials in accordance with approved plan
 4. Details of staircase and handrails.

Reason for Approval

The proposed change of use is considered to be compatible to the general character of the residential area and will not cause a significant loss of amenity to nearby residential properties. The proposal is thus considered to comply with the policies listed above

Application Reference: 06/0982/FULL **Date Received:** 25/09/2006
Ord Sheet: 380198 270395 **Expiry Date:** 20/11/2006
Case Officer: Julia Mellor **Ward:** Areley Kings

Proposal: Demolition of existing bungalow & erection of five dwellings with associated garages, access & parking facilities

Site Address: THREE GABLES, 4 ARELEY COMMON, STOURPORT-ON-SEVERN, DY130LB

Applicant: John Martyn Developments

Summary of Policy	H.2, D.1, D.3, D.9, D.10, D.11, NR.9, NR.11, LA.9, TR.9, LR.8 (AWFDLP) SD.3, CTC.5, RST.3 (WCSP) QE.1, QE.3, QE.8 (RGP11)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site accommodates an existing bungalow and faces Areley Common with a frontage measuring approximately 38 metres with a depth of approximately 65 metres at its longest point. The veterinary surgery lies to the south and residential properties lie to the west and north. The site lies opposite Severn Manor Gardens. Immediately to the north of the application site is a public footpath which links Areley Common to Wenlock Way and Heightington Place.
- 1.2 The site accommodates Tree Preservation Order No. 236 encompassing four trees to the frontage, two corsican pine and two false acacia trees.
- 1.3 The application seeks consent for 5 x four bedroom detached dwellings utilising the existing access. Two dwellings would be positioned to the front of the site with the other three sited to the rear.

2.0 Planning History

- 2.1 WF.577/98 – Outline (all matters reserved except siting and access) Erection of 2 x four bedroom houses and 3 x three bedroom dormer bungalows with one detached double garage and construction of private driveway, demolition of existing bungalow and garage : Approved 20/10/98

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3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Awaiting comments
- 3.2 Highway Authority – Awaiting comments
- 3.3 Severn Trent Water Ltd. – No objection subject to conditions
- 3.4 Access Officer – Cross section drawings are required to show how the gradients affect access to the site and properties; what provision is there to access the site; what provision is there for public transport? Does the footpath extend beyond the site boundary onto Areley Common? Details of ramped access for the level threshold front doors required.
- 3.5 The Ramblers' Association – No objection
- 3.6 West Mercia Constabulary – Do not have any observation / concerns with this application having an impact on the likelihood of crime and disorder occurring / increasing in the area. Suggest that the principles of Secured by Design should be addressed and designed into this development. I would welcome an SBD application for this proposed development.
- 3.7 Arboricultural Officer – Trees on site are not afforded statutory protection, as a Tree Preservation Orders does not affect trees on site, neither is the site situated within a Conservation Area.

Along Areley Common, there are mature trees consisting of 2 False Acacias and 2 Corsican pines trees and other small trees. The Acacia and pines are the most significant trees on the site and are visible to the surrounding area. The Acacia trees may require remedial tree surgery works to remove weak and dead limbs from within the crown. There are no other trees on site worth considering for retention due to the scale of the application.

Recommendation - Retain the Pine and Acacia trees marked on the plan provided and ensure that these trees are fully protected during the development process.

- 3.8 Worcestershire County Council (Countryside Service) – No objection subject to notes about public right of way.
- 3.9 Disability Action Wyre Forest – Design and Access Statement included with application welcomed. Plot 2 dwelling : door swing to ground floor toilet would be better if handed to improve approach by wheelchair user.

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3.10 Neighbour/Site Notice : seven letters of objection have been received raising the following concerns:

- The development would definitely have an adverse effect on our privacy which we have enjoyed since 1979, even more so because this latest application has been revised with the substitution of three houses instead of dormer bungalows (38 Heightington Place)
- Access to the site will be a highway hazard, further aggravated by the Severn Manor Road redevelopment
- Nice to know trees and hedges bordering our properties are to remain – I trust that this will be so
- Trees at front of property need to be inspected by a tree surgeon as they pose a danger to passing public and neighbouring property
- When the ground is being bulldozed, care needs to be taken concerning drainage and excess fluids as the ground is sloping
- Plot 5 upstairs windows to side and rear elevations will look directly into the main bedroom, dining room and garden of my bungalow (36 Heightington Place)
- The side elevation of Plot 5 will be approximately 3 metres from the boundary of my bungalow – this is too close (38 Heightington Place)
- The existing property would benefit from repair and refurbishment rather than unnecessary demolition – I am not convinced that refurbishment opportunities have been explored sufficiently
- This pursuit of planning is a sad reflection on current development trends where demolition appears the most profitable option
- Concern that Plot 3 will look directly into my conservatory and rear bedrooms (14 Wenlock Way)
- Loss of light to 14 Wenlock Way garden due to height, proximity of the proposed house and the application site being 4 ft. higher than our own ground
- Concerned at surface water drainage
- Significant noise and disruption during and after the build
- My property at 40 Heightington Place will be overlooked
- The value of my property will be adversely affected
- Plans do not show the layout for street lighting, concerned that ill-thought through street lighting will shine into our window, can the Planning Committee ask for clarification prior to the final consideration?
- Difficulty in reading plans to show the boundary treatment to the footpath within the application site, when will this be made clear?
- The site does not show the site levels, concerned that the houses will be raised in order to counter the existing slope
- Very concerned that there will be a third application increasing the size and density of housing. Can the Planning Committee place a constraint on site to prevent this?

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4.0 Officer Comments

- 4.1 The application site is within an area allocated under Policy H.2 of the Adopted Local Plan for residential development and comprises previously developed land. It is therefore considered that the principle of residential development is acceptable.
- 4.2 The proposed layout shows two properties to the front. Whilst the siting of these two properties is shown some 10 metres forward of the existing bungalow, their position will align with the existing properties to the north and south fronting Areley Common. It is therefore considered that the development will improve the appearance of the site within the streetscene.
- 4.3 The plans show that the existing four protected trees would be retained, as requested by the Arboricultural Officer.
- 4.4 With respect to the layout, specific objections have been received regarding Plots 3 and 5 at the rear of the site. The position of 14 Wenlock Way is set back from, or closer to, the application site than the other properties which lie to the rear of the application site. It is considered that by virtue of the position of 14 Wenlock Way and its relationship to the rear bedroom window of Plot 3, that there would be a significant loss of privacy to the existing property.
- 4.5 Referring to the properties at Heightington Place to the north, it is acknowledged that the proposed Plot 5 lies close to their existing rear boundaries. However, it should also be recognised that Plot 5 would face side on to the Heightington Place properties, and therefore only a landing window is proposed to the side elevation. A landing window is not a habitable window.
- 4.6 A distance of approximately 13 metres would be maintained between the rear of 38 Heightington Place and the side elevation to Plot 5 with the public footpath running between the two sites. Furthermore, revised plans are anticipated to reduce the massing of Plot 5. On this basis it is considered that an objection referring to the loss of outlook for the neighbouring property could not be sustained. In addition, due to the orientation of Plot 5 together with the exclusion of habitable windows to the side elevation, it is considered that an objection regarding the loss of privacy to the Heightington Place properties could not be sustained.
- 4.7 At the time of report preparation, landscaping and sectional plans through the site are anticipated.

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- 4.8 No objections have been raised by Severn Trent Water with respect to surface water drainage. Comments regarding potential noise disruption and the proposed access are awaited from the respective consultees. The Highway Authority has verbally advised that it would not require additional street lighting columns within the site. With regards to the other issues raised by residents, each planning application is considered on its merits and there is no legal procedure to prevent a further planning application being submitted. The devaluation of property is not a material planning consideration.

5.0 Conclusions and Recommendations

- 5.1 The principle of residential development is acceptable, however the detailed siting of the plots raises concerns. In particular, the siting of Plot 3 with respect to the relationship with 14 Wenlock Way is not considered to be acceptable and therefore the recommendation is to **REFUSE** for the following reason:
1. The siting of Plot 3 and its proximity and relationship to 14 Wenlock Way would cause an unacceptable loss of privacy to the existing property due to overlooking which would be contrary to Policy D.1 of the Adopted Wyre Forest District Local Plan.

Application Reference: 06/0998/FULL **Date Received:** 27/09/2006
Ord Sheet: 382189 275147 **Expiry Date:** 22/11/2006
Case Officer: Emma Anning **Ward:** Oldington and Foley Park

Proposal: Erection of three bedroom house with car parking.

Site Address: 16 SUMMER ROAD, KIDDERMINSTER, DY117JS

Applicant: Mr & Mrs Bates

Summary of Policy	H.2 D.1 D.3 D.10 D.11 NR.11 TR.9 TR.17 (AWFDLP) D3, D11, T1 (WCSP) QE3 (RPG11) Design Quality SPG PPS1, PPG3
Reason for Referral to Committee	Third party has registered to speak.
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 16 Summer Road is a semi-detached dwelling situated within a residential area of Kidderminster. The existing property occupies an elevated position in the streetscene and there is stepped access up to the main entrance.
- 1.2 There is currently a piece of land to the side of the property (between No 15 and 16) which sits slightly lower than the main dwelling due to the incline of Summer Road.
- 1.3 This application seeks consent to erect a three bedroom house with associated car parking on this piece of land adjacent to 16 Summer Road.

2.0 Planning History

- 2.1 WF/455/03 : Erection of a replacement garage, hardstanding and two-storey side extension - Withdrawn
- 2.2 WF/782/03 : Erection of a replacement garage, hardstanding and two-storey side extension – Approved
- 2.3 WF/73/04 : Erection of a replacement garage, hardstanding and two-storey side extension (revised scheme) – Approved
- 2.4 06/841/FULL - Erection of a three bedroom house with car parking - Withdrawn

06/0998/FULL continued

3.0 Consultations and Representations

- 3.1 Highway Authority - No objections
- 3.2 Environment Agency - No objections subject to conditions
- 3.3 Access Officer - The access fails to consider alternate means of access to the premises, e.g. platform lift, which could be provided. Level access required to all external doors. Handrails required to external steps.
- 3.4 Severn Trent Water – No objection to the proposal subject to conditions
- 3.5 Health & Safety Executive – standing advice – no objections
- 3.6 Disability Action Wyre Forest – new dwelling should be designed and capable of being designed to meeting Part M requirements
- 3.7 Environmental Health - No adverse comments
- 3.8 Neighbour/Site Notice – One letter of objection received raising the following concerns:
- The new plans will still block a lot of light to our property due to the height of the proposed building.
 - The position of the proposed building is too far back and close to the boundary, the front of the building is roughly in line with the back of our property and most of the property will be in view from the rear of the property. With the building being that close to the boundary it will be very imposing. No other buildings are so close to the boundary as that proposed.
 - The sense of open space to the rear of our property will be lost.
 - When numbers 16 and 17 Summer Road were built the original intention was to have a set of 3 terrace houses, with nearest building being approx. 5.5m from our boundary. If the planned building was 5.5m from our boundary we would have no complaints.

4.0 Officer Comments

- 4.1 The site is allocated within the Local Plan for residential purposes and constitutes previously developed land. As such the principle of development is acceptable via policy H2 of the Adopted Local Plan

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- 4.2 This application is a result of negotiations with the applicant following the withdrawal of a previous scheme (06/841/FULL) where design concerns were raised.
- 4.3 The proposed dwelling maintains the existing building line along Summer Road and as such respects the adjacent development. Compared to the previous scheme which was withdrawn, the ridge height has been lowered to create a better transition between the existing two storey dwelling at No.15 and the existing terraced pair of properties at No's.16-17 which are at a higher level and have a staggered ridge line. The reduction in overall height also reduces the impact on the neighbouring property, No.15.
- 4.4 The design of the dwelling itself has also been amended by omitting the two dormer windows at the front which were considered to be alien features in the streetscene. The design is now considered to be more in keeping with the existing pair of properties (No's 16 and 17) and will sit well in the existing streetscene.
- 4.5 The detailed design of the proposed dwelling borrows architectural styles from both adjacent properties including a stepped entrance and window styles. I consider that the proposed dwelling respects the adjacent development and has due regard to the local distinctiveness of the area and as such is in accordance with Policies D1 and Policy D.3 of the Adopted Local Plan.
- 4.6 With regards to the impact on the neighbour, No.15 is situated at an angle to the proposed dwelling and is separated from the site by a single storey garage. The gable end of No. 15 is 5 metres away from the boundary of the site at its closest point and over 8.5 metres where the gap widens. The shortest distance between the main dwelling at No.15, and the side elevation of the proposed dwelling is 6.5 metres, as the proposal leaves a 1.5m gap along the boundary of the site. This separation distance is considered to be acceptable and will not result in any undue impact on the amenity of No.15 Summer Road.
- 4.7 Two windows are proposed on the side elevation but these are shown to be obscure glazed and this could be secured by a planning condition.
- 4.8 With regards to the issues raised by the Access Officer, the handrail can be dealt with by condition. I feel that it would be unreasonable to insist on the installation of a platform lift as I consider this would be to the detriment of the streetscene. An alternative option would be for an 'ambulance style' staircase which could be considered at the Building Regulations stage.
- 4.9 In terms of parking the submitted plans show two parking spaces at the front of the property which meets the adopted standards in the Local Plan. The Highways Authority have also confirmed that they have no objection.

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5.0 Conclusions and Recommendations

- 5.1 The proposed dwelling is considered to be well designed and will have an acceptable appearance in the street scene. The impact of the dwelling upon the neighbouring property and highway safety has been carefully assessed and it is considered that there will be no undue impact upon their amenity.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B1 (Samples of materials) <samples> <D.1>
 4. B11 (Details of Enclosure) <D.10>
 5. B13 (Levels Details) <D.1>
 6. C6 (Landscaping – small scheme) <D.11>
 7. C8 (Landscape Implementation) <D.11>
 8. J1 (Removal of Permitted Development – Residential) <Part 1 A B C E> <D.1>
 9. H13 (Access and Parking) <TR.9>
 10. H9 (Driveway Gradient) <TR.9>
 11. E2 (Foul and Surface Water) <D.6 NR.7 NR.11>
 12. Notwithstanding the details shown on the approved plan, prior to the first occupation, a handrail shall be fixed to any external steps.
Reason - to ensure that the development is accessible and useable by all and to accord with Policy D.1 of the Adopted Local Plan.
 13. EA condition - the storage of oil, fuels or chemicals
 14. STW condition relating to access to the public sewer being maintained being included in the permission.

NOTES

- a) HN5 (No highway works permitted)
- b) SN1 (Removal of Permitted Development Rights) <8>
- c) SN10 (Disabled Persons Act 1981)

Reason for Approval

The proposed dwelling is considered to be of an appropriate scale and design and will have an acceptable appearance in the street scene. The impact of the dwelling upon neighbouring properties has been carefully assessed and it is considered there there will be no undue impact upon their amenity. For these reasons the proposal is considered to be in accordance with the policies listed above.

Application Reference: 06/1000/FULL **Date Received:** 28/09/2006
Ord Sheet: 380522 271564 **Expiry Date:** 23/11/2006
Case Officer: Stuart Allum **Ward:** Mitton

Proposal: Wildlife pool on land to rear of Hafren Way and erection of garden room to rear elevation

Site Address: 7 HAFREN WAY, STOURPORT-ON-SEVERN, DY13 8SJ

Applicant: Mr M G Storey

Summary of Policy	GB.1, GB.2, GB.6, LA.1, LA.2, LA.3, NC.3, NC.4, NC.5, NC.6, NC.7, D.1, D.3, D.5, D.11, D17 (AWFDLP) SD.2. CTC.1, CTC.4, CTC.6, CTC.8, CTC.13, CTC.15, D.39 (WCSP) QE.1, QE.4, QE.6, QE.7, QE.9 (RPG11) PPG2, PPS7, PPS9
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 7 Hafren Way is a detached dwelling, the domestic curtilage of which is located within a residentially allocated area to the west of Stourport on Severn town centre.
- 1.2 The application is twofold in that it proposes the erection of an extension to the rear elevation of the dwelling, and the creation of a wildlife pool on land outside the domestic curtilage but within the applicants ownership. The application is a result of discussions with the applicant following the withdrawal of a previous application for the same development.
- 1.3 The land sloping down beyond the domestic curtilage, further towards the River Severn, is in the Green Belt and the Landscape Protection Area. Within this area it is proposed to create the wildlife pool (area 641 square metres). The site is neither located within or adjacent to any Site of Special Scientific Interest or national/local wildlife interest although the presence of badgers as a protected species has been identified.
- 1.4 The applicant has provided a supporting statement for the proposed pool, which makes the following points:

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- Pool would not only be a visual focus, but would offer a haven for wildlife and, in particular, a nesting ground for water birds. It is difficult for water birds to nest on the banks of the River Severn due to boat swell. The proposed island in the pool would provide a nesting habitat.
- Advice taken from the Environment Agency, the Ponds Conservation Trust and English Nature (now called Natural England).
- Badger survey has been submitted with this application prepared by Mr. M. Weaver, a badger consultant recommended by both DEFRA and Natural England. If my application is successful Mr. Weaver will apply for the appropriate licence from Natural England to work close to the badgers' sett and will also supervise the work including the distribution of the spoil excavated from the pond.
- In connection with the likely designation of the adjacent land in Wyre Forest District Council ownership, as a nature reserve, I believe that my proposed wildlife pool would be an added bonus to the area concerned, not only for birds and other wildlife but also for badgers who I am reliably informed, do use pools to swim in.

1.5 The application was also accompanied by a Badger Survey.

2.0 Planning History

2.1 06/0720/FULL – Wildlife pool on land to rear of 7 Hafren Way and erection of garden room to rear elevation : Withdrawn 24th August 2006

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Views awaited

3.2 Highway Authority – Views awaited

3.3 Environment Agency – No objections in principle subject to condition

3.4 Severn Trent Water Ltd. – No responses

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- 3.5 Worcestershire Wildlife Trust – Whilst I understand the concerns raised by Members it is important to recognise that Mike Weaver is a well respected badger ecologist and member of the Worcestershire Badger Society. I have no doubt that he will have carried out an adequate survey and that the information supplied by him will accurately reflect the situation on site. The mitigation suggested ought to be sufficient to meet the requirements of the Badgers Act and is therefore all we can reasonably require of the applicant.
- 3.6 On a more general note I think it worth pointing out that almost all ecological surveys associated with planning applications are paid for by the developer. Whilst this gives rise to concerns about the accuracy and independence of the results it is also appropriate that the developer pays for information that is required as part of an application. If this were not the case the bill would be left either with the Local Planning Authority or the Wildlife Trust. Obviously we have to scrutinise reports closely but we must also work on the basis that the information is factual and presented honestly. Ecological Consultants base their business on their reputation and 'massaging' reports for the benefit of a developer would seriously erode their standing.
- 3.7 Cultural, Leisure and Commercial Services (Conservation and Countryside Officer) – Access shown on map is across Wyre Forest District Council land. He has a right of access but it is not for an improved surface track on a regular basis use. I have discussed this with the applicant and occasional access was agreed. Not route shown. The access as it is at the moment would be to his next door property. This needs clarifying.
- 3.8 Neighbour/Site Notice : Five letters of objection received raising the following points:
- More of a lake than a pool – not necessary – less than 100 yards from the river, adequate habitat there for nesting water birds – miles of valuable nesting grounds above navigable limit of river and in pools at Lickhill Caravan Site. Disturbance of this area unnecessary next to SSSI – good land animal habitats at a premium and being eroded at an alarming rate with such projects. Habitat for water birds quite laudable but surely the badgers are entitled to remain in their long established territory. Two badger setts at least
 - Perplexed to know how a pedestrian access can turn into an access for earth moving equipment
 - Pool is roughly size of three normal swimming pools – will it be stocked with fish?
 - Area already full of wildlife, apart from water birds. Site for pool has been completely undeveloped for well over 200 years and part of Old Moorhall Estate. Extensive complex of badger setts with many entrances has developed

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- Surprised that badger consultant is looking favourably on this project as badgers are protected species.
- Threat of bird flue – mosquitoes and other biting insects
- Concern with flooding – setts will fill with water – badgers will drown
- DEFRA interference licences seen to be issued far too easily
- Most serious concern relates to the placement of soil from the excavation of the pool. I would ask the Planning Committee to consider a clause designed to ensure that any soil placement work be carried out in accordance with a licence obtained from English Nature and monitored by Mr. Weaver, the badger consultant – should ensure that badger population suffers as little disturbance as possible
- Right of way – our use of our right of way across applicant's land further impeded by soil distribution and not acknowledged by him. Request second clause to protect the right of way from further interference.

4.0 Officer Comments

4.1 As stated previously this application comprised two distinct elements: firstly the proposed garden room and secondly the creation of a wildlife pool. These two elements require separate consideration under the relevant policies of the Development Plan.

THE ERECTION OF A GARDEN ROOM TO THE REAR ELEVATION

4.2 This pitched roof ground floor rear extension is well designed and is a proportionate addition to the original building which appears not to have been extended in the past. The location and orientation of the extension would not harm the privacy or amenity of the neighbouring properties, and the Council's 45 degree code is satisfied.

4.3 The proposed garden room is therefore considered to meet Policy D.17 of the Local Plan which relates to residential extensions.

THE WILDLIFE POOL

4.4 It is proposed to create a wildlife within an area of land to the rear of the domestic curtilage of No.7 Hafren Way. The area of the proposed pond would be 641sqm. The proposal involves excavation of 470 cubic metres of material which would then be deposited over an area of surrounding land at no more than 0.5 metres above the existing ground level. It is not proposed to move any of the excavated material off the land.

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- 4.5 As the site for the pool lies within the Green Belt the first issue to consider is whether the proposal constitutes appropriate development in the Green Belt. As the pool is for wildlife purposes and would preserve the openness of the Green Belt it is considered to constitute appropriate development. It is also not proposed to change the use of this piece of land to domestic curtilage. The creation of the pool will also not compromise the visual amenity of the Green Belt as required under PPG2 and Policy GB1 and GB6 of the Local Plan'.
- 4.6 The location is clearly potentially sensitive, being in the Severn Valley and a Landscape Protection Area. However, the relatively inconspicuous setting between existing trees would not impinge visually on the landscape quality of the area or the special character of the Severn Valley as an environmental asset.
- 4.7 The pool is to be located some distance from the neighbouring properties (over 40 metres). Accordingly, there are no serious issues relating to loss of amenity or privacy from this perspective.
- 4.8 Turning now to the issues of biodiversity and protected species, these are material considerations in the determination of this application for the wildlife pool.
- 4.9 The site is not individually identified in the Local Plan as being of national or local interest for wildlife, but the presence of badgers (as a protected species) in close proximity to the site has prompted Officers to request a badger survey, undertaken by a local specialist. The badger survey concludes that, subject to the implementation of mitigation measures on site, there should be no detrimental effect on the group of badgers resident on site.
- 4.10 Neighbours have raised concern over the validity of the badger survey which has been submitted. In this regard, I can only echo the comments made by the Worcestershire Wildlife Trust in response to the survey. Officers have taken all reasonable steps to ensure that the impact of the development on the presence of protected species has been taken into during the consideration of the application. It should also be noted that the recommendations set out in the badge survey would need to be linked to an appropriate licence application to Natural England (formerly English Nature) should planning permission be granted. This will ensure that the applicant complies with the Protection of Badgers Act 1992, particularly with regard to spoil distribution within the site.

06/1000/FULL continued

- 4.11 The need and size of the pool has been questioned by some of the objectors. Generally, ponds and pools are welcomed by the statutory and local wildlife conservation interest bodies. For example, Natural England, in their leaflet 'Garden ponds and boggy areas' state that "*garden ponds provide beauty and interest and if well designed will make a real difference for wildlife. They can provide a refuge for many species of freshwater plants and animals. Birds drink and bathe in the shallow margins, or eat the autumn seed head of reeds. Insects feed on exposed mud and at night bats hunt for flying insects over the water.*"
- 4.12 It is accepted that the application represents a pool rather than a pond, but the size of the site is capable of accommodating a pool of this size. In addition no objections have been raised by the Council's Countryside Officer or the Worcestershire Wildlife Trust.
- 4.13 Finally, the proposal has stimulated various comments from colleagues in Cultural, Leisure and Commercial Services and neighbours regarding private rights of access and how the applicant intends to secure access for earth moving equipment to excavate the pool if planning permission is granted. These concerns are not material planning considerations but rather a private matter between those interested parties. Notwithstanding this a condition is proposed requiring a detailed method statement for the excavation of the pool and the associated spoil distribution. A condition is also proposed to ensure that no material is removed from the site.

5.0 Conclusions and Recommendations

- 5.1 The proposed extension to the dwelling is considered to be well designed and visually subservient feature in relation to the original building, and would not harm the privacy or amenity of neighbouring properties. The impact of the proposed wildlife pool on the landscape and protected species has been carefully considered and it is concluded that the development can be carried out without creating an adverse impact. Both elements of the application are therefore considered to comply with the relevant policies of the Development Plan.
- 5.2 In consideration of Articles 1 and 8 of the Human Rights Act 1998, I recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. C6 (Landscaping – small scheme)
 4. C8 (Landscaping implementation)

06/1000/FULL continued

5. The mitigation measures shall be carried out strictly in accordance with the recommendations set out in the Badger Survey dated September 2006 unless otherwise approved in writing by the LPA, in consultation with Natural England
6. No commercial use of the pool hereby permitted
7. Before development commences detailed method statement to be submitted for the excavation of the pool and the associated spoil distribution. The development to be carried out strictly in accordance with the Method statement unless otherwise approved in writing by the LPA, in consultation with Natural England

Notes

- A SN12 (Neighbours' rights)
- B Permission does not authorise change of use of land to 'domestic curtilage'
- C. No development to commence until Natural England licence in place – with mitigation measures as recommended by the consultant

Reason for Approval

The proposed extension is considered to be a well designed and visually subservient feature in relation to the original building, and would not harm the privacy or amenity of neighbouring properties. The proposed wildlife pool is appropriate development within the Green Belt and will not harm the openness or the special landscape quality of this part of the Severn Valley. The proposal is also satisfactory in relation to nature conservation/biodiversity and residential amenity. For these reasons, the above policies are considered to be satisfied.

Application Reference: 06/1021/FULL **Date Received:** 05/10/2006
Ord Sheet: 381345 271841 **Expiry Date:** 30/11/2006
Case Officer: Julia Mellor **Ward:** Mitton

Proposal: Three detached dwellings

Site Address: BRINDLEY ARMS, 105 MINSTER ROAD, STOURPORT-ON-SEVERN, DY138AB

Applicant: George Wimpey Midland Ltd

Summary of Policy	H.2, H.5, D.1, D.3, D.4, D.10, D.11, LR.1, LR.7, NR.8, NR.9, NR.10, NR.12, TR.9, TR.17 (AWFDLP) SD.3, CTC.5, (WCSP) QE.8 (RSS – RPG11) PPS1; PPG3; PPS3
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site is rectangular in shape and comprises an area of woodland. The site lies to the east of Minster Road and existing houses are found to the north fronting Longboat Lane, south fronting Church Drive and west comprising a recent redevelopment of the public house site comprising 28 flats. St. Michael's and All Angels Church and the cemetery lie to the east.
- 1.2 The application site comprising 0.128 hectares is proposed to accommodate 3 x 4 bedroom detached houses. Access to the proposed dwellings would be via a private drive off Minster Road through the recent redevelopment of 28 flats.
- 1.3 The planning application has been accompanied by a Design and Access Statement, a Landscaping Scheme, Soft Landscape Specification and 3D sketches of the site. A further letter in support of the application has also been received from the applicant, the details of which are summarised within the Officer Comments.

2.0 Planning History

- 2.1 The application site is on land to the rear of the former public house known as 'The Brindley Arms', which has since been demolished and redeveloped for a total of 28 houses which were approved in 2005. Prior to this, the former public house was known as 'The Station Hotel'.

06/1021/FULL continued

SU.242/61	Caravan site for five caravans and lavatory block : Refused 02/02/62
SU.243/61	Car park and bowls : Approved 15/02/62
SU.244/61	Ten lock up garages : Approved 15/02/62
SU.52/69	Extension to existing licensed premises : Approved 04/07/69
SU.8/71	Alterations and extensions to existing licensed premises : Approved 09/02/71
WF.847/03	Redevelopment to provide 39 x 1 bedroom and 14 x 2 bedroom apartments : Refused 14/10/03
WF.988/04	Twenty eight dwellings : Approved 18/10/05
05/1171/FULL	Erection of 8 x 2 bedroom flats : Refused 11/01/06 (Appeal yet to be determined)
06/1023/FULL	Erection of 8 x 2 bedroom flats : Awaiting determination

3.0 Consultations and Representations

- 3.2 Stourport-on-Severn Town Council – Awaiting comments
- 3.2 Highway Authority – No objections subject to revised plans showing turning head
- 3.3 British Waterways – No objections
- 3.4 Severn Trent Water Ltd. – No objection subject to conditions
- 3.5 Stourport on Severn Civic Society – Awaiting comments
- 3.6 Environmental Health – No adverse comments
- 3.7 Arboricultural Officer – Requests revised landscaping scheme
- 3.8 Access Officer – Requests Access Statement
- 3.9 Disability Action Wyre Forest – Scheme welcomed as Part M requirements appear to be satisfied in design proposals.
- 3.10 Worcestershire County Council (Education Services) – Request education contribution

06/1021/FULL continued

3.11 Neighbour/Site Notice – Four letters of objection received. The same objections are raised as those received for application 06/1023/FULL, namely:

- a significant number of mature, healthy trees would need to be removed, contrary to Policy D.4;
- site is quiet oasis area and natural habitat;
- due to difference in ground levels on Longboat Lane, the proposed development would effectively represent a three storey building and overlook garden and properties
- increased traffic generation will lead to serious congestion;
- flats are more visually intrusive than dwellings and would invade privacy
- proposal will create more noise
- have lived next to site for 26 years and dispute claims that brownfield site
- height of buildings are not to scale and impose significantly higher from Loagboat Lane ground level
- reasons why previous application was refused still hold ground
- land should be considered as Greenfield site not brown field site
- no evidence that constitutes previously developed land – contrary to Policy H2
- in terms of scale, height and massing the design statement presents a false impression of the impact on Longboat Lane
- proposal will increase massing of development
- proposal presents a wholly inappropriate structure that would present an unbearable imposition on residents of Longboat Lane
- Brindley Arms site has been developed to its fullest potential
- proposal will result in loss of light

One letter states that the three dwellings would be more in keeping with the surrounding developments.

06/1021/FULL continued

4.0 Officer Comments

- 4.1 The application site is the same as that where planning permission was refused in January 2006 for residential development (reference 05/1171/FULL) and the same as application 06/1023/FULL which is also on this Agenda. The previous application for eight flats on the same site was refused for three reasons. In short these reasons were:
- i the development of land which is not previously developed;
 - ii significant tree loss and inadequate suitable replacement planting; and
 - iii inadequate aisle width to the rear of the proposed parking spaces to allow the safe manoeuvring of vehicles within the site
- 4.2 An appeal has been submitted with respect to the previous application for eight flats and according to the Planning Inspectorate a decision is due at the end of November 2006.
- 4.3 With respect to the first issue, I would remind Members that whilst this site is allocated as a residential location according in the Adopted Local Plan, part (i) of Policy H.2 advises that residential development will generally be allowed providing that the site comprises previously developed land.
- 4.4 Prior to the construction of the 28 apartments just west of the site, the site was known as 'The Brindley Arms Public House'. It had an associated car park and beer garden. When first visiting this site in August 2003 it was noted however that the application site was separate from the beer garden. This conclusion was drawn from the fact that there was a physical separation by virtue of fencing between the beer garden and the application site and it was totally separate in terms of its character. The beer garden was maintained as lawn with tables for people to sit outside. However the application site comprised of woodland area, the identity of which is such that walking through the site is difficult.
- 4.5 It also considered that this dis-association of the site from the previous public house is also evidenced by the planning history of the site dating back to 1961 when planning applications were submitted for five caravans, a lavatory block, a car park and bowling green, and ten lock up garages. It is considered that the application site encompasses the area proposed as a caravan site and notably on the application forms for this application the existing use of land was described as 'waste land'.

06/1021/FULL continued

- 4.6 In addition, with respect to the current appeal, comments from neighbours have suggested that this site has not been in use for a lengthy period of time. With this period of time ranging from 'since 1997' to the last 12, 15, 25 and 50 years. Neighbours have also commented that this land was used as an orchard.
- 4.7 Comments in the appeal statement accompanying the current appeal acknowledge that the site was at one time an orchard with a picket fence separating it from the public house garden. It however goes on to remark that this arrangement was not uncommon within the curtilages of properties and does not change the status of the land. The applicant reinforces his opinion that the site falls within the curtilage of the original use and is in accordance with Annex C of PPG3.
- 4.8 In contrast, whilst there is little doubt that the application site was in the same ownership as the hotel and former public house uses, this does not equate to curtilage. Furthermore, Annex C of PPG3 replicated by Annex A of draft PPS3 advised that "*also excluded is land that was previously developed where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of a natural surroundings).*" In this instance any former use has blended into the landscape and therefore it is still maintained that this site does not comprise of previously developed land and is therefore contrary to Policy H.2 of the Adopted Wyre Forest District Local Plan.
- 4.9 A letter has been received from the applicant in respect of the proposed reason for refusal relating to previously developed land. The applicant requests that attention be made to the submissions made in respect of the extant appeal.

At paragraph 6.5 of our submission reference is made to your authority's position in which it remains clear that the appeal site (now the application site) was within the ownership and thus the curtilage of the Brindley Arms Public House. As is stated in our submission the fact that there was a picket fence which led to an orchard is quite irrelevant to the issue of ownership and curtilage having regard to both its function and Annex C of PPG3. It is a common arrangement in public houses throughout the country to have a garden area such as an orchard surrounded by a picket fence this, nevertheless, does not mean that it is separated in any way from the garden or curtilage of the premises. That is the position which prevails in respect of the application site.

06/1021/FULL continued

- 4.10 The applicant states that there is no evidence whatsoever to justify the assertion that the site fell outside the curtilage of the former Brindley Arms and that it would be wholly unacceptable in the absence of such evidence to refuse planning permission on the grounds suggested.
- 4.11 The applicant also states that should permission be refused upon policy H2 grounds it will be their intention to appeal any such decision.
- 4.12 Turning to the second reason for refusal, a dense copse of trees currently covers the site. The existing trees on site comprise a variety of young trees including sycamore, beech, cherry, apple, the majority of which are self sown, although some of the fruit trees appear to have been planted as an orchard. The applicant has stated that work will be carried out to improve the sustainability of the existing trees which would be reinforced with additional planting and underplanted with bulbs. The submitted tree survey schedule indicates four individual trees and four groups of trees, however the document submitted with the appeal suggested a total of sixty-three trees and bushes on site. The current plans indicate that the individual trees and the smaller groups of trees would all be felled. The proposed replacement planting comprises screen hedges to the southern, northern and eastern boundaries together with shrub planting and eighteen individual trees.
- 4.13 The Arboricultural Officer has been consulted and has advised that whilst the landscaping plans submitted provide a sufficient number of trees to mitigate against the loss of existing trees, the size of stock does not accurately reflect the existing size of trees to be lost. It is therefore considered that the second reason for refusal has not been satisfactorily addressed in this revised scheme. At the time of writing, the applicant has been invited to submit a revised landscaping scheme.
- 4.14 The final reason for refusal was due to an aisle width of approximately 5.6 metres to the rear of the proposed parking spaces.
- 4.15 In contrast to the previous and the other current applications for 8 flats, this proposal for three dwellings indicates that the units would all have their own garages with parking in front. It is considered that this previous highway reason for refusal cannot be sustained. The Highway Authority has confirmed that it would have no objections to the 3 dwellings subject to revised plans showing a turning head.

06/1021/FULL continued

- 4.16 The siting of the three plots show that they would be evenly spaced within the site. At its closest point Plot 1 would be positioned approximately 2.6m from the common boundary with No. 44 Longboat Lane, whilst Plot 3 would be sited approximately 2m from the turning head in front of Church Drive. All three plots would be two storeys in height. In addition, Plot 1 shows a hipped roof to the roofslope facing Longboat Lane.
- 4.17 The proposed layouts to the dwellings indicates that they have been designed to overcome any loss of privacy to the neighbouring dwellings. Firstly, Plot 1 only has one side facing window fronting the gardens to Longboat Lane, and the window is to an ensuite bathroom. Secondly, the rear elevation to Plot 3 only has an ensuite bathroom window at first floor.
- 4.18 It is considered that the siting together with the design of the dwellings would not result in any significant adverse impact upon neighbours by virtue of loss of privacy or outlook.

5.0 Conclusions and Recommendations

- 5.1 Whilst the design and siting of the three dwellings is considered acceptable, the principle of the development still raises objection. At this moment in time, without knowing the outcome of the current appeal, the previous reason for refusal regarding the principle of the development on land which is not considered to be previously developed remains. In addition, the proposed landscaping scheme submitted is not considered acceptable to compensate for the loss of the existing group of trees.
- 5.2 The application is therefore recommended for **REFUSAL** for the following reasons:
1. Insufficient evidence has been provided to demonstrate that the site comprises previously developed land. Therefore to approve this development would be contrary to Policy H.2 (i) of the Adopted Wyre Forest District Local Plan and Policy SD.3 of the Worcestershire County Structure Plan.
 2. The proposed development would cause significant tree loss and provides inadequate provision for suitable replacement tree planting. In terms of size of stock to be planted and unsuitable hedge planting, the proposal is therefore contrary to Policy D.4 of the Adopted Wyre Forest District Local Plan, Policy CTC.5 of the Worcestershire County Structure Plan and Policy QE.8 of the Regional Spatial Strategy (RPG11)

Application Reference: 06/1023/FULL **Date Received:** 06/10/2006
Ord Sheet: 381345 271841 **Expiry Date:** 01/12/2006
Case Officer: Julia Mellor **Ward:** Mitton

Proposal: Erection of No8 two bedroomed flats (re-submission of 05/1171)

Site Address: BRINDLEY ARMS, 105 MINSTER ROAD, STOURPORT-ON-SEVERN, DY138AB

Applicant: George Wimpey Midland Ltd

Summary of Policy	H.2, H.5, D.1, D.3, D.4, D.10, D.11, LR.1, LR.7, NR.8, NR.9, NR.10, NR.12, TR.9, TR.17 (AWFDLP) SD.3, CTC.5, (WCSP) QE.8 (RSS – RPG11) PPS1; PPG3; PPS3
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

1.2 The application site is rectangular in shape and comprises an area of woodland. The site lies to the east of Minster Road and existing houses are found to the north fronting Longboat Lane, south fronting Church Drive and west comprising a recent redevelopment of the public house site comprising 28 flats. St. Michael's and All Angels Church and the cemetery lie to the east.

1.2 The application site comprising 0.128 hectares is proposed to accommodate 8 x 2 bedroom flats within one block. Access to the proposed two-storey apartment block would be via a private drive off Minster Road through the recent redevelopment of 28 flats.

1.3 The planning application has been accompanied by a Design and Access Statement, a Landscaping Scheme, Soft Landscape Specification and 3D sketches of the site. A further letter in support of the application has also been received from the applicant, the details of which are summarised within the Officer's Comments.

2.0 Planning History

2.1 The application site is on land to the rear of the former public house known as 'The Brindley Arms', which has since been demolished and redeveloped for a total of 28 houses which were approved in 2005. Prior to this, the former public house was known as 'The Station Hotel'.

06/1023/FULL continued

SU.242/61	Caravan site for five caravans and lavatory block : Refused 02/02/62
SU.243/61	Car park and bowls : Approved 15/02/62
SU.244/61	Ten lock up garages : Approved 15/02/62
SU.52/69	Extension to existing licensed premises : Approved 04/07/69
SU.8/71	Alterations and extensions to existing licensed premises : Approved 09/02/71
WF.847/03	Redevelopment to provide 39 x 1 bedroom and 14 x 2 bedroom apartments : Refused 14/10/03
WF.988/04	Twenty eight dwellings : Approved 18/10/05
05/1171/FULL	Erection of 8 x 2 bedroom flats : Refused 11/01/06 (Appeal yet to be determined)
06/1021/FULL	Three detached dwellings : Awaiting determination

3.0 Consultations and Representations

3.3 Stourport-on-Severn Town Council – Awaiting comments

3.2 Highway Authority – Awaiting comments

3.3 British Waterways – No objections

3.5 Severn Trent Water Ltd. – No objections

3.5 Stourport on Severn Civic Society – Awaiting comments

3.6 Environmental Health – No adverse comments

3.7 Arboricultural Officer – Requests revised landscaping scheme

3.8 Access Officer – Requests Access Statement

3.9 Worcestershire County Council (Education Services) – Request education contribution

3.10 Neighbour/Site Notice : Six letters of objections received raising the following concerns

- a significant number of mature, healthy trees would need to be removed, contrary to Policy D.4;

06/1023/FULL continued

- site is quiet oasis area and natural habitat;
- due to difference in ground levels on Longboat Lane, the proposed development would effectively represent a three storey building and overlook garden and properties
- increased traffic generation will lead to serious congestion;
- flats are more visually intrusive than dwellings and would invade privacy
- proposal will create more noise
- have lived next to site for 26 years and dispute claims that brownfield site
- height of buildings are not to scale and impose significantly higher from Longboat Lane ground level
- reasons why previous application was refused still hold ground
- land should be considered as Greenfield site not brown field site
- No evidence that constitutes previously developed land – contrary to Policy H2
- In terms of scale, height and massing the design statement presents a false impression of the impact on Longboat Lane
- Proposal will increase massing of development
- Proposal presents a wholly inappropriate structure that would present an unbearable imposition on residents of Longboat Lane
- Brindley Arms site has been developed to its fullest potential
- Proposal will result in loss of light
- Insufficient parking for number of flats

4.0 Officer Comments

4.1 This is a very similar application to that refused in January 2006 (reference 05/1171/FULL). The previous application for eight flats on the same site was refused for three reasons. In short these reasons were:

- i the development of land which is not previously developed;
- ii significant tree loss and inadequate suitable replacement planting; and
- iii inadequate aisle width to the rear of the proposed parking spaces to allow the safe manoeuvring of vehicles within the site

06/1023/FULL continued

- 4.2 An appeal has been submitted with respect to the previous application for eight flats and according to the Planning Inspectorate a decision is due at the end of November 2006.
- 4.3 With respect to the first issue, I would remind Members that whilst this site is allocated as a residential location according in the Adopted Local Plan, part (i) of Policy H.2 advises that residential development will generally be allowed providing that the site comprises previously developed land.
- 4.4 Prior to the construction of the 28 apartments just west of the site, the site was known as 'The Brindley Arms Public House'. It had an associated car park and beer garden. When first visiting this site in August 2003 it was noted however that the application site was separate from the beer garden. This conclusion was drawn from the fact that there was a physical separation by virtue of fencing between the beer garden and the application site and it was totally separate in terms of its character. The beer garden was maintained as lawn with tables for people to sit outside. However the application site comprised of woodland area, the identity of which is such that walking through the site is difficult.
- 4.5 It also considered that this dis-association of the site from the previous public house is also evidenced by the planning history of the site dating back to 1961 when planning applications were submitted for five caravans, a lavatory block, a car park and bowling green, and ten lock up garages. It is considered that the application site encompasses the area proposed as a caravan site and notably on the application forms for this application the existing use of land was described as 'waste land'.
- 4.6 In addition, with respect to the current appeal, comments from neighbours have suggested that this site has not been in use for a lengthy period of time. With this period of time ranging from 'since 1997' to the last 12, 15, 25 and 50 years. Neighbours have also commented that this land was used as an orchard.
- 4.7 Comments in the appeal statement accompanying the current appeal acknowledge that the site was at one time an orchard with a picket fence separating it from the public house garden. It however goes on to remark that this arrangement was not uncommon within the curtilages of properties and does not change the status of the land. The applicant reinforces his opinion that the site falls within the curtilage of the original use and is in accordance with Annex C of PPG3.

06/1023/FULL continued

4.8 In contrast, whilst there is little doubt that the application site was in the same ownership as the hotel and former public house uses, this does not equate to curtilage. Furthermore, Annex C of PPG3 replicated by Annex A of PPS3 advised that “*also excluded is land that was previously developed where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of a natural surroundings).*” In this instance any former use has blended into the landscape and therefore it is still maintained that this site does not comprise of previously developed land and is therefore contrary to Policy H.2 of the Adopted Wyre Forest District Local Plan.

4.9 A letter has been received from the applicant in respect of the proposed reason for refusal relating to previously developed land. The applicant requests that attention be made to the submissions made in respect of the extant appeal.

At paragraph 6.5 of our submission reference is made to your authority's position in which it remains clear that the appeal site (now the application site) was within the ownership and thus the curtilage of the Brindley Arms Public House. As is stated in our submission the fact that there was a picket fence which led to an orchard is quite irrelevant to the issue of ownership and curtilage having regard to both its function and Annex C of PPG3. It is a common arrangement in public houses throughout the country to have a garden area such as an orchard surrounded by a picket fence this, nevertheless, does not mean that it is separated in any way from the garden or curtilage of the premises. That is the position which prevails in respect of the application site.

4.10 The applicant states that there is no evidence whatsoever to justify the assertion that the site fell outside the curtilage of the former Brindley Arms and that it would be wholly unacceptable in the absence of such evidence to refuse planning permission on the grounds suggested.

4.11 The applicant also states that should permission be refused upon policy H2 grounds it will be their intention to appeal any such decision.

06/1023/FULL continued

- 4.12 Turning to the second reason for refusal, a dense copse of trees currently covers the site. The existing trees on site comprise a variety of young trees including sycamore, beech, cherry, apple, the majority of which are self sown, although some of the fruit trees appear to have been planted as any orchard. The applicant has stated that work will be carried out to improve the sustainability of the existing trees which would be reinforced with additional planting and underplanted with bulbs. The submitted tree survey schedule indicates four individual trees and four groups of trees, however the document submitted with the appeal suggested a total of sixty-three trees and bushes on site. The current plans indicate that the individual trees and the smaller groups of trees would all be felled. The proposed replacement planting comprises screen hedges to the southern, northern and eastern boundaries together with shrub planting and eighteen individual trees.
- 4.13 The Arboricultural Officer has been consulted and has advised that whilst the landscaping plans submitted provide a sufficient number of trees to mitigate against the loss of existing trees, the size of stock does not accurately reflect the existing size of trees to be lost. It is therefore considered that the second reason for refusal has not been satisfactorily addressed in this revised scheme. At the time of writing, the applicant has been invited to submit a revised landscaping scheme.
- 4.14 The final reason for refusal was due to an aisle width of approximately 5.6 metres to the rear of the proposed parking spaces. This is less than the County Council Design Guide of 6 metres. The current scheme which shows a total of nine parking spaces on a different part of the site shows that they would be served by an aisle width of approximately 5.8 metres. The Highway Authority has confirmed verbally that the previous refusal reason has been addressed but detailed comments on the layout are still awaited.
- 4.15 With respect to the design of the proposed flats, it is recognised that they are similar in style to the detached three-storey block within the existing redevelopment. In comparison to the previous refused scheme, the ridge of the roof has been reduced from approximately 8.45 metres to 8.0 metres whilst the eaves height has been reduced from approximately 5.1 metres to 4.8 metres.
- 4.16 In addition, the position of the block within the site has been rotated slightly so that the front corner is closer to the properties of Church Drive.

06/1023/FULL continued

- 4.17 It is considered that the scale and massing of the development with the block orientated west – east is consistent with the existing residential properties to the north and south. Furthermore, it is not considered that there would be overlooking of the adjacent gardens or a significant reduction in amenity due to loss of outlook.

5.0 Conclusions and Recommendations

- 5.3 Whilst the design, siting and appearance of the development is considered acceptable, the principle of the development still raises objection. At this moment in time, without knowing the outcome of the current appeal, the previous reason for refusal regarding the principle of the development on land which is not considered to be previously developed remains. In addition, the proposed landscaping scheme submitted is not considered acceptable to compensate for the loss of the existing group of trees.

- 5.4 The application is therefore recommended for **REFUSAL** for the following reasons:

1. Insufficient evidence has been provided to demonstrate that the site comprises previously developed land. Therefore to approve this development would be contrary to Policy H.2 (i) of the Adopted Wyre Forest District Local Plan and Policy SD.3 of the Worcestershire County Structure Plan.
2. The proposed development would cause significant tree loss and provides inadequate provision for suitable replacement tree planting. The proposal, in terms of size of stock to be planted and unsuitable hedge planting, is therefore contrary to Policy D.4 of the Adopted Wyre Forest District Local Plan, Policy CTC.5 of the Worcestershire County Structure Plan and Policy QE.8 of the Regional Spatial Strategy (RPG11)

Application Reference: 06/1067/FULL **Date Received:** 17/10/2006
Ord Sheet: 381987 282195 **Expiry Date:** 12/12/2006
Case Officer: Paul Round **Ward:** Wolverley

Proposal: Proposed roof enlargement for dormer bungalow.

Site Address: MAYCROFT, SHEEPWASH LANE, WOLVERLEY,
KIDDERMINSTER, DY115SE

Applicant: Mr & Mrs J Cuminskey

Summary of Policy	D1, D3, D5, D17, LA1, LA2, GB1, GB2, GB6, CH1, TR9, TR17 (AWFDLP) D39, CTC4 (WCSP) QE3, QE6 (RPG11) PPS1, PPG2, PPS7
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 Maycroft, is a bungalow style structure located 190 metres west of Sheepwash Lane, approximately 3km to the north west of Wolverley Village. The property is identified within the Council's 1979 Shack Sites Survey as a Chalet property. It has been improved over the last 11 years to its existing condition.
- 1.2 The application effectively seeks the removal of the existing roof structure and the construction of a new single roof pitch, which would increase the overall height of the dwelling by 1.1 metres. The alterations will create two additional bedrooms and an ensuite bathroom in the roof space.
- 1.3 The site is within the West Midlands Green Belt and also within the designated Landscape Protection Area and Area of Great Landscape Value.

2.0 Planning History

- 2.1 WF.0567/95 – Single Storey Extension and Alterations – Approved
- 2.2 WF.0006/00 – Single Storey Extension & Conservatory – Refused
- 2.3 WF.0234/00 – Single Storey Extension – Approved

06/1067/FULL continued

- 2.4 WF.0725/02 – Single storey extension and Porch – Refused : Appeal Dismissed

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Views Awaited

- 3.2 Highway Authority – Views Awaited

- 3.3 Site Notice/Neighbours – No representations received.

4.0 Officer Comments

- 4.1 The main issues to consider in the determination of this application are as follows:

- i. historical context and background
- ii. policy context
- iii. other material considerations

HISTORICAL CONTEXT & BACKGROUND

- 4.2 In the 1979 Shack Sites Survey the property was described as

“...a single storey building, constructed from wood and having a felt roof. It is in a reasonable condition and is used as a permanent residence. It is screened from the lane but is visible from farther afield”.

- 4.3 As described above in section 2.0 the property has received two extensions, extending the built form by 85% in volume and 82% in floorspace.

- 4.4 In 2002 an application for a 18 sq.m dining room extension was submitted to the Council (WF 725/02). This was considered by the Planning (Development Control) Committee on 10th September 2002, where it was resolved to refuse the application for the following reasons:

1. *The proposal would represent an over-development that the building was originally a chalet structure which has previously been extended over and above the maximums permissible under approved policy. The proposal is thus contrary to Policy CH.3 of the Adopted Wyre Forest District Local Plan and policy CH.1 of the Revised Deposit Wyre Forest District Local Plan.*

06/1067/FULL

2. *The application site lies within an area designated as part of the West Midlands Green belt; the development proposed is considered inappropriate in this location as it would harm the Green Belt by virtue of the size and location of the proposed extensions would stretch the building further into the Green Belt adversely affecting the openness of the Green belt and would result in a dwelling that was out of scale and character with the surrounding area and is thus considered contrary to policies GB1,LA2,D1,D3,H7,CH3 of the Adopted Wyre Forest District Local Plan and policies GB1,LA1,CH1,D1,D17 of the Revised Deposit Wyre Forest District Local Plan.*

3. *The proposed extensions in conjunction with previous extensions would be out of character and scale with the original dwelling and would overwhelm the original structure. It would be therefore contrary to Policy D1,D3,D17 of the Adopted Wyre Forest District Local Plan and D1,D17 of the Revised Deposit Wyre Forest District Local Plan.*

- 4.5 Following this refusal the Applicants appealed the Council's decision. In July 2003 the Inspector dismissed the Appeal. The Inspector concluded that due to the cumulative effect of the existing and proposed extensions over and above the original chalet structure, that the proposal constituted inappropriate development with no 'very special circumstance' to outweigh the harm created. In addition he felt that to allow a further extension "*would further increase the size and nature of the building beyond its original form, changing the character, appearance and function of this part of the Green Belt. The present Arcadian feeling in the area would be diminished. A precedent would be created which, if further applications of a similar nature were allowed, would have an unacceptable cumulative and deleterious effect on the Green Belt.*"
- 4.6 The current proposal, although not increasing the footprint of the dwelling, would result in an increase in volume of 68 cubic metres and a 50.5 sq. metres increase in floorspace. This would result in an overall increase over and above the original dwelling of 123% in volume and 183% in floorspace.
- 4.7 The proposal seeks to remove the existing roof of the dwelling that currently consists of two gables. The new roof would create a single pitch over the whole of the dwelling. The original height of the chalet was 4 metres to the ridge, but was increased to 4.5 metres in 1995 (WF 0567/95). The current proposal seeks to add a further 1.1 metres to the height of the ridge, resulting in an overall increase of the height of the original chalet by 1.6 metres.

06/1067/FULL continued

POLICY CONTEXT

- 4.8 The key policies of the adopted Local Plan which are considered relevant to this application are policies CH1, GB1, GB6, D17 and LA2.
- 4.9 Policy CH1 - This policy restricts extensions to Chalet properties to 70 cubic metres unless they would result in an enhancement of the surrounding landscape. It further states that many chalets will have no further capacity for extensions. The existing property has already been extended by 151 cubic metres, and the proposal would add a further 68 cubic metres (a total of 219 cubic metres). The extension is clearly contrary to this policy.
- 4.10 Policy GB1 – This policy sets out the type of development that is appropriate in the Green Belt. In respect of extensions to dwellings, these are limited to those that are proportionate to the original dwelling. The proposal would result in an extension that more than doubles the size of the original property, which is clearly disproportionate and as such constitutes inappropriate development. PPG2 advises that inappropriate development causes harm by definition. For inappropriate development to be considered acceptable in policy terms the applicant must demonstrate ‘very special circumstances’.
- 4.11 In this case the applicants have advised that the proposal is to enable one of Applicant’s to work from home. From previous correspondence, forwarded from Councillors, the following information has also been obtained:
- They have inherited the property.
 - The family business has recently re-located to other premises in Tipton,
 - they have two children of school age and working from home sometimes would be helpful.
 - They are not in a position to move, and need the extra space due to a growing family.
 - Family live in close proximity and they would not wish to leave this area due to their love of the countryside.
- 4.12 Further details in respect of the business activity have been requested. In response the Agents advise that:
- “Our Client runs a wholesale flowers and sundries business and what is being considered is undertaking the internet sales and marketing, administration and book keeping activities form home.
- They do not anticipate any visitors or deliveries to the site.”

06/1067/FULL continued

- 4.13 I have considered the circumstances put forward by the Applicant very carefully. However, I feel that the proposal cannot be justified on the basis of a need to work from home. The scheme involves the creation of an additional 30sq.m of bedroom space and only 7sq.m of office/study space. Clearly based on the floor plans submitted the need behind the proposal and indeed the increase in ridge height is that of bedroom accommodation. In any event I do not consider that the need to sometimes work from home or even a permanent office is sufficient to justify this proposal within the Green Belt. Neither is the personal situation of the applicant or their love of the area adequate to overcome the harm that would be created.
- 4.14 It is my opinion that the circumstances expressed by the Applicant do not constitute very special circumstances, and as such there is nothing to outweigh the harm that would be caused by allowing this development.
- 4.15 Policy GB6 – This policy is in line with government advice in PPG2 and requires development proposals not to have an adverse impact on the visual amenity of the Green Belt. It is felt that the increase of the ridge height will cause harm to the visual amenities and openness of the Green Belt by increasing the prominence of the dwelling and destroying its simple character.
- 4.16 Policy D17 - This policy does not permit extensions to domestic residences that are out of scale with or overwhelm the original property. Again, by virtue of the amount of extensions proposed and previously approved the original dwelling would be subsumed by extensions. As such the proposal would be contrary to this policy.
- 4.17 Policy LA2 - The site is also within the Landscape Protection Area and as such Policy LA2 is considered relevant. This requires proposals to safeguard, restore or enhance the character of the surrounding landscape. Although the property may be screened from the Sheepwash Lane, views can be gained from other vantage points. The lifting of the ridge height of this property would increase its prominence in the landscape resulting in harm being caused.
- 4.18 The Inspector in 2003 thought that a single storey addition would cause harm to the simple rural character of the area. I feel that the proposed alterations are of such a scale to cause more harm than the scheme considered by the Inspector for the previous application. As such I consider that the proposed alterations will cause significant harm to the character of the landscape and the surrounding area.

06/1067/FULL continued

OTHER MATERIAL CONSIDERATIONS

- 4.19 The Inspector's decision in 2003 is a material consideration in the determination of this application. At that time the Inspector considered that a proposal which created less volume and floorspace than currently being proposed, was inappropriate development and caused harm to the property and the surrounding area. I consider that this proposal would be more harmful than that previously considered by the Inspector. In addition I find nothing in the appeal decision to promote any further additions to this property.
- 4.20 As noted previously, the Inspector in reaching his decision in 2003 expressed concern over the small extension setting a precedent that "*would have an unacceptable cumulative and deleterious effect on the Green Belt.*" The proposal now being considered would create a greater precedent, due to the nature of the works and their prominence, particularly when taking into account the previous extensions.

5.0 Conclusions and Recommendations

- 5.1 The proposed alterations constitute inappropriate development in the Green Belt, due to the disproportionate additions over and above the original dwelling/chalet. Although the property has received significant alterations in the past, it still retains some of its rustic scale and character. The proposed roof alteration would destroy this entirely, changing the character and appearance of this rural property. The cumulative effect of the proposal and previous extensions would subsume the original dwelling and result in significant harm being caused to its scale and character. It is also considered that the proposed alterations will cause harm to the surrounding landscape, as well as the visual amenity and openness of the Green Belt.
- 5.2 The circumstances and justification put forward by the Applicant and Agent have been fully considered. However it is felt that these circumstances do not constitute very special circumstances which outweigh the harm that would result from this proposal by reason of its inappropriateness.
- 5.3 In view of the above it is felt that to allow the development would set an unacceptable precedent for other similar development within the Green Belt or other sensitive rural locations.

06/1067/FULL continued

5.4 For the above reasons and having due regard to Articles 1 and 8 of the Human Rights Act 1998 I recommend **REFUSAL** for the following reasons:

1. The dwelling is located within the West Midlands Green Belt. The proposed roof enlargement when considered with previous extensions would result in a disproportionate addition over and above the original dwelling, and as such would constitute inappropriate development. No very special circumstances have been demonstrated which outweigh the harm by reason of inappropriateness. In addition due to the nature and scale of the roof alterations the proposal would harm the openness and visual amenity of this part of the Green Belt. The proposal would therefore be contrary to policies GB1 and GB6 of the AWFDLP, policy D39 of the WCCSP and Government Advice in PPG2.
2. The proposed roof alterations, when considered in conjunction with previous extensions, by virtue of their size, position, design and massing, would dominate and overwhelm the original structure, causing significant harm to the character and appearance of this original Chalet property. Such harm would be contrary to policies D17 and CH1 of the AWFDLP.
3. The site is located within an Area of Great Landscape Value and a Landscape Protection Area. Due to the nature and scale of the proposed roof alterations, significant harm would be caused to the rural character of this sensitive landscape and the surrounding area. As such the proposal would be contrary to policies LA1, LA2, D1, D3, and D5 of the WFDLP, policy CTC4 of the WCSP, policies QE3 and QE6 of the RSS (RPG11, 2004) and Government advice in PPS1 and PPS7.
4. Due to the design, nature and prominence of the proposed alterations its approval would create an unacceptable precedent, which if replicated would have an unacceptable cumulative and deleterious effect on the Green Belt, the character of Chalet structures and the rural character of the landscape and surrounding area,. The creation of such a precedent would be in direct conflict with policies D1, D3, D5, LA1, LA2, GB1, GB6, D17, and CH1 of the AWFDLP, policies D39 and CTC4 of the WCCSP, policies QE3 and QE6 of the RSS (RPG11, 2004) and Government advice in PPS1, PPG2 and PPS7.

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE

14TH NOVEMBER 2006

PART B

Application Reference: 06/0893/RESE **Date Received:** 30/08/06
Ord Sheet: 383903.691982051 **Expiry Date:** 29/11/06
274096.97485395
Case Officer: Clare Eynon **Ward:** Aggborough and Spennells

Proposal: Removal of unit 10, revised layout for units 6-9, together with increase in size of unit 9 (previously approved under 06/0065/RESE)

Site Address: LAND SITUATED BETWEEN THE RAILWAY LINE AND THE A449, HOO FARM, WORCESTER ROAD, KIDDERMINSTER, DY117RA

Applicant: The Easter Group

Summary of Policy	E1, E.2, D1, D3, D.10, D.11, D15, NR4, NR10, NR11, NR12, GB6. LA7, TR.9, TR17 (ADWFDLP) CTC1, CTC5, CTC13, D.19 D.20, D40 (WCSP) UR2, PA6, QE3 (RPG11)
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 This application relates to an area of open flat grassland lying between the A449 Trunk Road (Worcester Road) and the railway line, opposite the Hoo Farm Industrial Estate. The Spennells estate lies to the east beyond the railway line. The site is allocated for employment use within the Adopted Local Plan.
- 1.2 Outline planning permission was granted in July 2000, for the erection of industrial units (Classes B1 (light industrial), B2 (general industrial) and B8 (storage and distribution)), including a new vehicular access onto the A449 – Worcester Road. A further application to renew that outline permission was approved in September 2003 (WF. 722/03).
- 1.3 An application for reserved matters under the original outline permission was approved in March 2004 (WF. 720/03). A revised reserved matters application was approved in March 2006 which included the provision of acoustic fencing and changes to the hours of operation (06/0065/RESE).

06/0893/RESE continued

- 1.4 Since the approval of the revised reserved matters the owner has decided from a buildability point of view, and to reduce the impact on the neighbouring property (Crowther Crossing Cottage), that it would be beneficial to remove Unit 10 from the layout. To compensate for the loss of this unit, the applicant seeks to increase the size of Unit 9. These changes to the layout could not be considered as a minor amendment to the extant permission and as such a fresh reserved matters application has been submitted.
- 1.5 This current application is therefore for reserved matters in respect of outline permission WF720/03 and only relates to Unit 6-9 and Unit 10 which is now shown to be omitted from the scheme.
- 1.6 In view of the changes to the hours of operation which were approved for the last reserved matters application, this application was accompanied by an update to the Noise Impact Assessment previously submitted under application 06/0065/RESE. A Design and Access statement has also been submitted.

2.0 Planning History

- 2.1 WF.819/86 – Residential development : Refused
- 2.2 WF.212/96 – Erection of industrial units (Use Classes B1, B2 and B8) including new access onto A449 at Hoo Farm (Outline) : Approved August 1997
- 2.3 WF.520/00 – Erection of industrial units (Use Classes B1, B2 and B8) including new access onto A449 at Hoo Farm (Outline) : Approved July 2000
- 2.4 WF.722/03 - Renewal of outline permission for erection of industrial units (Use Classes B1, B2 and B8) including new access onto A449 at Hoo Farm : Approved September 2003
- 2.5 WF.720/03 – Reserved Matters – Erection of industrial units (Use Classes B1, B2 and B8) including new access onto A449 at Hoo Farm : Approved March 2004
- 2.6 WF. 604/04 - Modification of condition 4 of permission WF.720/03 to extend the time period for deliveries and despatch to and from the site up to 23.00 hours Mondays to Fridays; for loading/unloading/ activities and related operations to take place within the service yards of Units 1-9 and 13-15 to be permitted 24 hours (Mondays to Fridays); and for operations within the buildings to take place on a 24 hour basis : Withdrawn

06/0893/RESE continued

- 2.7 06/0065/RESE – Reserved Matters: Erection of 10 industrial units (Class B1,B2 & B8) including new vehicular access : Approved March 2006

3.0 Consultations and Representations

- 3.1 Highway Authority – Refer to Highways Agency for comment
- 3.2 Highways Agency – The application is not expected to have a material impact on the trunk road network. No objections.
- 3.3 Severn Trent Water – No objection subject to condition
- 3.4 Network Rail – I have no additional observations to make regarding the application bearing in mind the nature of the changes of the development proposed, when compared to that which has been previously approved. The conditions imposed on the previous approval should be imposed on any further permission.
- 3.5 Environmental Health – No objections. I have reviewed the proposed amendment, and I confirm that the application does not justify any changes to the existing conditions as previously agreed with the applicant, in relation to noise control.
- 3.6 Arboricultural Officer - Trees on site are not afforded statutory protection, as Tree Preservation Orders do not affect trees on site, neither is the site situated within a Conservation Area. The Hoo Farm, Kidderminster Tree Preservation Order No. 48 (1973) protected a number of Elms trees, formally present on site, which have now been removed. No requirements to replace the trees in view of the time period since the trees were removed.

The site is an open field with a Elm hedge, fronting onto the Worcester Road, and a number of Oak and Birch trees to the rear (east), situated within the railway verge.

The revised proposals remove unit 10 from the corner of the site and will have less impact on existing vegetation than the approved scheme. The proposed landscaping is considered acceptable.

No objections subject to suitable conditions to require landscaping and protection of trees adjacent the railway verge during construction.

- 3.7 Access Officer – In response to the Access Statement submitted, requests the following information: existing/proposed bus stops and protected level pedestrian routes; disabled parking spaces and pedestrian access between parking spaces and entrance to building.

06/0893/RESE continued

In response to revised Access Statement – No objections.

3.8 Neighbour/Site Notice - Two letters of objection received raising the following concerns:

NOISE & LIGHT POLLUTION

- Noise will impact directly and adversely, especially during the summer when windows are open for ventilation
- Application requests unrestricted working hours but with deliveries between 7am and 11 pm. It does not state frequency, size of lorry or the length of time that deliveries will take place.
- There will probably be significant light pollution, especially in Autumn and winter months if deliveries are allowed to be made as late as 11pm and as early as 7am.
- Train noise has been significantly reduced since track maintenance has taken place, since the last proposal and noise evaluation. The study previously undertaken is presumably now out of date
- Physical barriers have been considered but due to height of articulated lorries and the position of exhausts it would seem to be an inadequate height.
- We do not know what activities will take place within these very large units and whether the fabric of the building will be sufficient to cut out internal noise being transferred externally
- The placing of the roundabout means that all vehicles will be turning left or right along the railway track directly in front of my property which will impact on my quality of life due to noise and exhaust pollution
- There is still no indication of the use that the units will be put to – how can a complete noise survey be produced
- If there are to be specific provisions quoting the allowable uses and amount of noise which can be made – can residents have a copy
- What action will be taken if the developer fails to stand by the constraints
- Who will monitor the site and communicate findings to residents affected
- The height of the very large buildings will inevitably cut out light in the afternoons
- Worries from previous application have not been answered
- Train noise is 4 per hour and 1 during the night and only lasts a few seconds. The length of time it takes lorries to manoeuvre and unload will be substantially longer. This does not seem to have been taken into account in the noise assessment
- Unit 9 is sideways on the residential property
- Loading bays are in close proximity to residential property with associated noise, light and industrial pollution
- Height, position, lack of screening, storage areas will have a detrimental impact on health and quality of life
- Lack of acoustic fencing

06/0893/RESE continued

TRAFFIC CONGESTION & INCREASED POLLUTION

- Due to increase in size of units the development will result in a far larger volume of traffic resulting in even more noise and air pollution
- Traffic congestion and pollution will increase as traffic stops and starts around the roundabout and traffic manoeuvres round the site
- Trade traffic, refuse collection & employees will bring pollution closer to families
- Site has been used by motorbiking on occasions. The proposed industrial estate may encourage further use of the roads on the site for unauthorised usage
- Nothing has been mentioned about the security of the site

SMELL AND RUBBISH

- There is no restriction on any negative effects of rubbish disposal
- The frequency of access to the site from vehicles related to site upkeep has not been mentioned

SIZE OF UNITS

- The size of Units 6-9 has substantially increased but correspondence only refers to increase in Unit 9

In addition one resident has sent a list of questions relating to the size of Unit 9 and queries whether a Traffic Impact Survey is required.

4.0 Officer Comments

- 4.1 The application site was identified as an area allocated for employment use (Class B1, B2 and B8) within the 1996 Adopted Wyre Forest District Local Plan [Policy E.2 (i)] and is currently shown as a proposed site for Class B1, B2 and B8 uses [Policy E.2 (ii)] in the current adopted Wyre Forest District Local Plan (2004). The planning history also shows that there is an extant outline planning permission and also a reserved matters scheme which could be implemented. The principle of the use is therefore entirely in accordance with employment policy and well established.
- 4.2 This application for reserved matters only relates to Units 6-10. The key changes resulting from the proposed scheme are as follows:
- Unit 10 to be omitted
 - Increase in size of Unit 9 from 593.6 sqm to 700.81sqm (measured externally)
 - Alterations to the layout of the parking and servicing for Unit 9
 - Revised landscaping scheme for the northern part of the site

06/0893/RESE continued

- 4.3 As this scheme only affects Unit 6-10, the acoustic fencing approved as part of the last reserved matters would still need to be provided as part of the development of the remaining part of the site. The hours of operation including deliveries of the remaining units would also be controlled by condition 4 of permission 06/0065/RESE.
- 4.4 The main issues to consider in the determination of this application are whether the proposed changes to the layout and landscaping are considered acceptable in terms of visual amenity, residential amenity and highway safety.
- 4.5 Although objectors have raised concerns relating to air pollution and light pollution these issues were all considered as part of determining the outline planning permission and also the last reserved matters application. The proposed changes to the scheme do not materially have an impact on these matters.

VISUAL IMPACT OF CHANGES TO LAYOUT

- 4.6 As stated previously Unit 10 is no longer proposed to form part of the development. Instead it is proposed to increase the size of Unit 9 from 593 sqm to 700.81 sqm. Although the floor area of the building will increase, the height of the building will be the same as that approved under permission 06/0065/RESE, namely 6 metres at the rear and 8.1m at the front of the building. The design of the building and the materials to be used for its construction will also be of the same style as that previously proposed. The elevational changes to Unit 9 are therefore considered acceptable.
- 4.7 In view of the increased floorspace of Unit 9 it is also proposed to reconfigure the parking and servicing areas for Units 6-9. The changes are minor but they do result in the parking area for Unit 9 being closer to Crowther Crossing Cottage but separated by an area of woodland planting.
- 4.8 In the northern corner of the site where Unit 10 was shown to be erected, it is now proposed to create a larger landscaped area between the site and the neighbouring property, Crowther Crossing Cottage. In visual terms the additional landscaping will enhance the scheme. The revised landscaping scheme will need to be secured by a planning condition.

06/0893/RESE continued

IMPACT OF CHANGES TO THE LAYOUT ON TRAFFIC GENERATION AND HIGHWAY SAFETY

- 4.9 The highway impact of the development was considered in detail during the consideration of the outline application. The revised layout does not involve any changes to the access arrangements off the A449 (Worcester Road) or the internal access road. Although Unit 10 (which measured 72 sqm) is no longer proposed, due to the increase in the size of Unit 9 there will be a net increase of 35.21 sqm (measured externally). The Highways Agency have advised that this increase in floorspace is negligible and have confirmed that a new Transport Assessment is not required for this application. The Highways Agency has raised no objection to the proposed development and as such the proposal is considered acceptable in terms of highway safety.

IMPACT OF CHANGES TO LAYOUT ON AMENITY OF NEIGHBOURS

- 4.10 In considering the impact of the development on residential amenity, the nearest dwelling is Crowther Crossing Cottage immediately to the north. The omission of Unit 10 together with the provision of additional planting in the northern corner which actually reduce the impact of the proposed development on this property.
- 4.11 There are residential properties directly to the east within the Spennells estate. The railway track however separates the existing dwellings on the Spennells estate from the application site and is approximately 3-4 metres below the level of the site. The ground level of the application site and the residential properties is almost the same. Although the footprint of Unit 9 will increase, as the resulting building will not be any taller than already approved it will not result in an adverse impact on the neighbours in terms of amenity or loss of light.
- 4.12 With regards to the objectors concerns about increased noise resulting from the development, this matter was considered at length during the determination of the last reserved matters application. In order to prevent any adverse impact in terms of noise disturbance the same conditions are proposed for hours of operation and deliveries to that approved in the last reserved matters application. The hours would be restricted as follows:

Monday-Friday

B1 – No restriction on hours of use within building, but no deliveries, loading/unloading or other external activities between 11.00 pm and 7.00 am

B2 – No B2 use of premises (including deliveries, loading/unloading and other external activities) between 7.00 pm and 7.00 am

B8 – No restriction on hours of use within buildings, but no deliveries, loading/unloading or other external activities between 11.00 pm and 7.00 am

06/0893/RESE continued

Saturdays

B1 – No restriction on hours of use within buildings, but deliveries, loading/unloading and other external activities shall only take place between 8.00 am and 5.00pm

B2 – No B2 use of premises (including deliveries, loading/unloading and other external activities) outside 8.00am and 5.00pm

B8 – No restriction on hours of use within buildings, but deliveries, loading/unloading and other external activities shall only take place between 8.00 am and 5.00pm

Sundays/Bank Holidays

B1 – No restriction on hours of use within buildings, but no deliveries, loading/unloading or other external activities on Sundays

B2 – No B2 use (including deliveries, loading/unloading and other external activities) on Sundays

B8 – No restriction on hours of use within buildings, but no deliveries, loading/unloading or other external activities on Sundays

(N.B. The hours proposed for Sundays would also apply to Bank Holidays).

- 4.13 Although it is acknowledged that the servicing and parking area for Unit 9 is 'side – on' to the residential properties on the Spennells estate, this was the same for the previously approved scheme and no objections have been received from Environmental Health on this aspect. Unlike the section of access road where the acoustic fencing is required to be installed, this area of the site will only attract vehicles for Unit 9 and as such acoustic fencing is not necessary along the boundary with the railway line.
- 4.14 This application was also accompanied by an update to the Noise Impact Assessment previously submitted. This considers the potential for disturbance arising from the revised layout and concludes that the amenity of residential properties will not be adversely affected.
- 4.15 It is considered that the proposed changes to the layout, together with the imposition of a condition to restrict the operating hours to that set out above, will not harm the amenity of neighbours.

06/0893/RESE continued

OTHER ISSUES

- 4.16 With respect to concerns over light pollution, lighting details were submitted with the previous application. These details showed wall mounted lighting units for the buildings themselves and low level lighting bollards (height 1200mm-1500mm) for the main internal access road. The agent acting on behalf of the applicant has provided a plan which shows the position of the wall mounted lighting for Units 6-9 and also the free standing bollards. Due to the retention of existing trees along the boundary with the railway, the provision of a landscaped buffer strip and also woodland planting in the northern corner of the site, it is not considered that there will be an unacceptable impact on neighbouring residents in terms of lighting.
- 4.17 The Access Officer has raised a number of issues in terms of the layout and a revised Access Statement and revised plans have been received which satisfactorily respond to those issues raised.

5.0 Conclusions and Recommendations

- 5.1 The principle of industrial development on this site has already been established through the planning history and the land allocation in the Local Plan. The revised layout and size of Unit 9 together with the associated landscaping is not considered to have an adverse visual impact. The proposed development is also considered acceptable in terms of highway safety and traffic generation.
- 5.2 Through the imposition of a condition to restrict the hours of working and deliveries the proposal will not harm the amenity of neighbours.
- 5.3 In view of the above and in consideration of Articles 1 and 8 of the Human Rights Act 1998, I recommend **APPROVAL** subject to the following conditions:-
1. A4 (Reserved matters)
 2. A11
 3. B1 (Materials)
 4. Hours of operation for B1, B2 and B8 uses
 5. Hours of construction
 6. Acoustic barrier and sound insulation works approved under 06/0065/RESE to be implemented prior to occupation of the units 6-9 hereby permitted

06/0893/RESE continued

7. Revised Landscaping scheme
8. C3 – protection of existing trees
9. No lighting other than shown on approved plans
10. Highway Agency condition
11. Severn Trent Water condition regarding drainage

NOTE

Protected species

Reason for Approval

The proposed changes to the layout and the increase in size of Unit 9 have been carefully assessed and it is considered that the proposed development is acceptable in terms of highway safety, residential amenity and visual amenity. The proposal therefore accords with the policies listed above.

Application Reference: 06/1019/S106 **Date Received:** 04/10/06
Ord Sheet: 381470.453983575 **Expiry Date:** 29/11/06
270418.104224875
Case Officer: Clare Eynon **Ward:** Mitton

Proposal: Variation of Section 106 agreement attached to permission WF 156/98 to enable public open space to be transferred to and maintained by the Council upon completion of the specified works

Site Address: AREA OF OPEN SPACE AT BRITANNIA GARDENS,
STOURPORT ON SEVERN,

Applicant: George Wimpey West Midlands

Summary of Policy	LR1, LR3, NC6 (AWFDLP)
Reason for Referral to Committee	Application involving proposed S106 obligation
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 This application relates to the residential development known as Britannia Gardens which is located off Watery Lane, Power Station Road in Stourport on Severn and lies adjacent to the River Severn.
- 1.2 Planning permission was granted in December 1998 for the erection of 63 dwellings, 3 pools together with associated highway works (WF156/98). That permission was subject to a section 106 agreement which amongst other things secured the provision of a play area and an area of public open space.
- 1.3 There were obligations in the agreement which required the public open space and play area to be laid out to the satisfaction of the Council and then maintained by the developer for a period of 12 months prior to being transferred to the Council. This is an application under Section 106A of the Town and Country Planning Act to vary the Section 106 agreement to enable to public open space (and children's play area) to be transferred to the Council prior to the expiry of that 12 month maintenance period.

2.0 Planning History

Of relevance:

- 2.1 WF 156/98: Full – erection of 63 dwellings and associated works – Approved December 1998

06/1019/S106 continued

- 2.2 WF 47/99: Full – substitution of house types and minor amendment to approved layout

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Comments awaiting
- 3.2 Cultural, Leisure and Commercial Services – No objections. Detailed specification within Officer Comments.
- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 As stated previously the permission for the residential development of Britannia Gardens included the provision of a play area and an area of public open space. The play area and open space are both located on land to the west of the houses which have now been constructed. The public open space also includes a large pool which formed part of the development of the site.
- 4.2 The Section 106 agreement required the public open space and the children's play area to be laid out to the reasonable satisfaction of the Council within the sooner of 24 months of the occupation of the first house or within one month of the completion of the sale of the 30th house. The agreement also required the play area and public open space to be maintained to the Council's reasonable satisfaction for a period of 12 months, prior to being transferred to the Council.
- 4.3 Since the occupation of the dwellings on the site, there have been ongoing discussions between the developer and Officers within Cultural, Leisure and Commercial Services (CLACS) about the laying out of the public open space and play area and also their maintenance. There have also been many complaints about the condition of the open space and play area from local residents.
- 4.4 Rather than the developer maintaining the public open space and childrens play area for a period of 12 months it was considered more preferable for the land to be transferred to the Council upon completion of certain, specified works to ensure that the land is taken on in a reasonable condition. It was also felt that the Developers do not have enough presence on the site to maintain the public open space and play area for a period of 12 months.

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- 4.5 Officers in CLACS have advised that works necessary to bring the land up to an acceptable condition include:

PLAY AREA

- Grass mats installed to the grass area within the play area.
- Prior to transfer of play area to Wyre Forest DC, a post installation inspection needs to be undertaken by ROSPA. Any defects need to be rectified by the contractor prior to adoption by WFDC
- Protruding bolts in the existing fence need to be made safe.
- Repair hoop top fencing around play area
- Previous gaps in the wetpour due to insufficient binder needs rectifying.
- Painting of elephant
- Repair childproof gate and infill gap at side of gate
- Play area and access path needs to meet DDA regs
- Play area needs at least 2 self closing gates meeting EN1176 as recommended by ROSPA
- Weed infestation in tarmac path needs attention, remedial work therefore required on paths
- Fencing panels need securing

PUBLIC OPEN SPACE

- Regrade tarmac access to meet DDA access requirements
- Improve main highway gate to meet DDA and child safety criteria whilst meeting highways specification and allowing maintenance vehicle access to the public open space
- Upgrade and repair woodwork around entrance
- Repair and maintain circular path including dealing with drainage issues
- Replacement of wooden kissing gate entrance structures
- Repair and make safe concrete access steps
- Remove tipped material
- Implement agreed landscaping plan
- Kill Japanese knotweed infestation. Will require works guarantee if site is to be adopted early
- Ensure area is vacant possession
- Access to the open space needs to be DDA compliant and child friendly.

- 4.6 Subject to the developer agreeing to carry out these specified works and those works being carried within an agreed timetable and to the satisfaction of the Council, the proposed variation in the Section 106 agreement is considered to be a sensible way forward to ensure that the public open space and play area are provided for the amenity of local residents and the wider community.

06/1019/S106 continued

- 4.7 In order for the Council to take on the area of public open space and play area 12 months early, it is necessary for the Developer to pay an enhanced commuted sum towards the maintenance costs. The commuted sum for the additional 12 months has been calculated to be £9670.

5.0 Conclusions and Recommendations

- 5.1 The proposal to vary the Section 106 agreement to enable the public open space and play area to be transferred to the Council, prior to the expiry of the 12 month maintenance period is considered acceptable.
- 5.2 I therefore recommend that **delegated authority** be given to the Head of Legal and Democratic Services in consultation with the Head of Planning, Health and Environment **to vary the Section 106 agreement** to enable the transfer of the land to the Council upon completion of remedial works to the satisfaction of the Council's Head of Cultural Leisure and Commercial Services and the payment by the Developer of an enhanced commuted sum.