

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE
12TH DECEMBER 2006

PART A

Application Reference:	06/0963/LIST	Date Received:	13/09/2006
Ord Sheet:	378590 275280	Expiry Date:	08/11/2006
Case Officer:	Emma Anning	Ward:	Bewdley and Arley

Proposal: Three internal partition walls; minor changes to toilets; fitting of additional wash basins; signage to front elevation

Site Address: 25 LOAD STREET, BEWDLEY, DY122AE

Applicant: Mark Perrigo

Summary of Policy	AD.2, LB.1, LB.2, CA.1, CA.3 (AWFDLP) CTC.19, CTC.20 (WCSP) QE.5 (RPG11)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 25 Load Street is a three-storey terraced building, it is Grade II Listed and is within Bewdley Conservation Area. It sits amongst the main retail offer of the town.
- 1.2 The application seeks for Listed Building Consent for various internal works comprising partition walls and wash basins a new non illuminated timber sign above the front door and below the shop window.

2.0 Planning History

- 2.1 WF.717/92 (LBC) – Shop sign : Refused 26th January 1992

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objection to the proposal and recommend refusal. There is inadequate information on the new signage.

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- 3.2 Conservation Officer - I do not feel that there are any contentious issues within this application, and am happy to support the proposals. I do not feel that there are any conditions that would be applicable in terms of the Listed Building. Recommend approval
- 3.3 Access Officer – Require access statement to resolve issues including level access and accessible WC.
- 3.4 Neighbour/Site Notice – One letter of objection has been received - concerns regarding the use of a mains stop cock which affects the water supply to the neighbouring property. Issues with the utility supply to number 24 Load Street as when the properties were divided into two the utility services were not separated.

4.0 Officer Comments

- 4.1 As the application is for Listed Building Consent, the consideration of the application is confined to its impact upon the special and historic character of the Listed Building. In this regard I concur with the views expressed by the Conservation Officer. The proposed internal alterations would be compatible with the historic fabric and would not cause undue harm to the character of the Listed Building.
- 4.2 With regards to the proposed signage to the exterior of the building I feel that it is of traditional design using traditional materials, the proportions are appropriate for the building and as such will minimise the impact upon the historic fabric of the building. I note the comments of the Town Council; however the drawing submitted clearly details the nature of the signage, its size and position. Furthermore additional information submitted by the applicant explains the proposed lettering sizes clearly. I feel that there is sufficient detail regarding the proposed signage to determine whether it is appropriate for the Listed Building.
- 4.3 Issues raised by the neighbour relating to the utility services to the property are not material planning considerations and as such cannot be taken into account when determining this application.
- 4.4 Although the Council's Access Officer has requested that a Access Statement be submitted, in this instance, because the application is for Listed Building Consent and only involves internal alterations with no alterations in respect of the access to the building, it is felt that this request cannot be justified.

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5.0 Conclusions and Recommendations

5.1 I do not consider that the proposed scheme will cause harm to the Listed Building or to the Bewdley Conservation Area.

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

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved Plans)
3. B6 (External Details – Approved Plan)
4. L8 (Non-illuminated sign only)

Reason for Approval

The proposed alterations are considered to be acceptable in terms of their impact on the character and appearance of the Grade II Listed Building. For these reasons the proposal is considered to be in accordance with the policies listed above.

06/1062/FULL continued

06/0515/FULL – Creation of 2 vehicular accesses (Access No 2 and Access No. 3) and closure of existing access (Access No.1) : Approved July 2006

06/0738/FULL – Change of use to the keeping of horses; erection of 2 stables and hay store at Plots 1 and 2 : Approved August 2006

06/1089/FULL – Construction of hardstanding area at Plots 1 and 2 :
Withdrawn

06/1161/FULL Change of use of land to the keeping of horses and erection of a stable building and food store shed, laying of chippings around stable and by access Plot 3 : Pending decision

3.0 Consultations and Representations

3.2 Stone Parish Council – Recommend refusal on the following grounds:

- Green Belt
- Would alter and be detrimental to the character of the landscape
- A possible Landscape Protection Area and needs the protection
- Concerns on the access off this very narrow lane
- Concerned over the possible enlargement of this site and other plots in the vicinity

3.2 Highway Authority - Comments awaiting

3.3 Severn Trent Water - Comments awaiting

3.4 Environmental Health – concern is raised over the size of the unit and that it does not provide sufficient space for a family with 3 children over time. Clarification and testing of the water supply is also requested. Detailed comments are also provided within the main report.

3.6 Neighbour/Site Notice – 16 letters of objection have been raised, one of which is from the villagers of Shenstone. The reasons for objection are summarised as follows:

LANDSCAPE/GREEN BELT ISSUES

- Inappropriate development in the Green Belt
- No regard to local distinctiveness of the locality
- Countryside in this area needs to be protected
- No justification or special circumstances for application to be approved in the Green Belt (contrary to policy GB1)

06/1062/FULL continued

- Appearance of the development is totally out of keeping with the surrounding area
- Development (including mobile home and fencing) is an eyesore and unsightly
- Design of mobile home is intrusive in the landscape and does not complement the surrounding buildings and spaces

HIGHWAY IMPACT

- Vehicular access is likely to be problematic in this narrow lane and will endanger other road users
- Proposal will attract more traffic in the form of deliveries
- Access is in a dangerous position on a bend of a very fast road which is often used as a rat run by many local people
- Concern was raised against change of use to grazing of horses due to extra vehicles accessing site
- Any delivery vehicles or operators would be at risk when attending the address

HOUSING/GYPSY ACCOMMODATION ISSUES

- Site is not within an area identified for housing in Policy H2
- The proposed mobile home may obtain the security of the Mobile Homes Act 1983 (Officer comment – this Act only applies where the owner and occupier are not the same people)
- Council has many established sites which provide for families in this situation. These sites have facilities which the applicant would need to raise a family
- The Local Authority is under a duty to provide social housing and other suitable accommodation – other suitable accommodation no doubt could be offered to the applicant. Has the applicant made an application for local authority housing?
- Land was sold as grazing paddocks for animals and not for use of residential homes
- There is no evidence to substantiate that the applicant falls within the legal definition of a gypsy.
- If it is held that the applicant is a gypsy this is not the sole determining issue
- No evidence that inhabitant habitually resides in the area (contrary to H15)

06/1062/FULL continued

OTHER ISSUES

- To allow the development would set a precedent for further applications of this nature
- Generator being used as a power source causes a noise nuisance
- Owner of Willow Marsh Fishery states that complaints have been received from fishermen about generator running constantly
- Ancient hedgerow was destroyed to enable mobile home to be brought onto site, without necessary permission and has harmed the visual amenity of the area
- Applicant states that mains water is available but there is no mains water pipes for connection to the property – it would be unhygienic to raise a family and a new baby without this basic requirement
- There is no electricity which brings its own problems of heating and welfare
- There is no septic tank or mains sewage which brings its own problems
- Any human rights have been broken by building and living there in knowledge that permission was not likely to be given
- Adverse effect on privacy for neighbouring properties
- Local authority should seek an injunction to stem any further unlawful development
- Site has no services available apart from a borehole for agricultural purposes. This is entirely the wrong environment in which to raise a family
- Site is in an isolated area without street lighting, nearest school and doctors surgery are more than 2 miles away – there is no nearby bus route
- Proposal is contrary to Policies H2, H9, H14, H15, H16, D1, D3, D5, D10, LA1 and GB1 of the Local Plan

4.0 Officer Comments

4.1 There are five main issues to consider in the determination of this application:

- i) Whether the mobile home to be occupied by a gypsy family is inappropriate development in the Green Belt and if there are any very special circumstances to outweigh any harm by way of inappropriateness;
- ii) Where the proposed development would harm the openness and visual amenity of the Green Belt;
- iii) Whether the proposal complies with the Housing policies of the Development Plan;
- iv) Policies and case law relating to accommodation for gypsies, including consideration of Human Rights

06/1062/FULL continued

- v) Whether there are any other material considerations which outweigh the relevant policy considerations

PRINCIPLE OF DEVELOPMENT IN GREEN BELT

- 4.2 The starting point for determining this application is the Green Belt policies of the Development Plan and government guidance in PPG2 which make it clear that there is a presumption against residential development within the Green Belt unless it meets certain criteria.
- 4.3 PPG2 and Policy GB.1 of the Adopted Local Plan both set out the types of development which are considered appropriate within the Green Belt.
- 4.4 Policy GB.1 (iii) states that residential development will not be permitted, except in very special circumstances, unless one of the following applies:
- a) it is required for the purposes of agriculture or forestry
 - b) it is for small-scale, low cost housing,
 - c) it is infilling only, in a small gap in an otherwise built up frontage within an existing village; or
 - d) it is for the extension of an existing dwelling, provided that it does not result in disproportionate additions over and above the size of the original dwelling”
- 4.5 The proposed mobile home clearly does not meet that criteria and as such would constitute ‘inappropriate’ development in the Green Belt.
- 4.6 PPG2 advises that inappropriate development is by definition harmful to the Green Belt and that when considering inappropriate development in the Green Belt the main issue to consider is whether there are any **very special circumstances** to justify why the development should be permitted.
- 4.7 In addition Policy H15 which relates to future provision of gypsy sites does not permit proposals for the establishment of gypsy caravan sites within the Green Belt, except in very special circumstances and subject to the other criteria in that policy.
- 4.8 A letter from the applicant was submitted with the application and this sets out why the applicant feels that the mobile home should be approved. The key points raised in the letter are listed as follows:
- The mobile home is for one gypsy family comprising Mrs Smith and her two daughters (age 2 and 6)
 - The proposal would create a much needed and better lifestyle as they have no other permanent address

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4.9 The applicant states that the advantages of a permanent address would include:

- enabling the oldest daughter to get a better education by attending school properly and not having to keep changing schools and falling way behind class mates
- permanent doctors surgery, child clinic, hospital and dentist surgery would prevent having to keep explaining past health treatments and illness
- It would also be a lot less stress, worrying and trying to find somewhere to stay.
- Mrs Smith is 8 months pregnant and does not feel up to moving from one place to another

4.10 The applicant also states that she has tried to use as little of the land as possible to live every day life.

4.11 In addition to the supporting letter which was submitted with the application, discussions between the applicant and Officers have revealed the following information:

- The applicant is the owner of the parcel of land.
- The applicant had been living on a site in Derbyshire which is understood to be a registered gypsy site
- Following disputes on that site the family left the site in Derbyshire (Officers are awaiting confirmation of this from the Derbyshire Gypsy Liaison Group)
- After leaving the site in Derbyshire the applicant stayed with her ex-husband in Brierley Hill but only as a temporary measure and has been living in a touring caravan on roadsides with other travellers before finally moving to the site on the Cursley Lane
- The eldest daughter previously attended Withymore School in Brierley Hill but since 18th October 2006 has been registered at Chaddesley Corbett First School
- The family is registered with the doctors at Chaddesley Corbett and the youngest daughter is to go to a local nursery school.
- While her ex-husband is helping her organise things and still visits regularly, he has confirmed that he will not be permanently living on the site
- The family are currently using bottled water as there is no mains water to the land. The borehole serving the 8 plots is operated by a generator. They are not using this water as its quality is unknown
- There is a portable toilet which is disposed of by Mr Smith. It is intended to provide a septic tank if permission is granted.

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- They have a silent generator for power and they wish to register with the Council regarding disposal of rubbish
- There are no employment reasons for the relocation. Mr Smith does not intend to live at the site and works as a landscaper but is now concerned about the safety of his ex wife and daughters. They feel that the site at Cursley Lane is safe even though it is isolated and there are no facilities.

4.12 The supporting information provided by the applicant as summarised above has been carefully considered, however it is not considered to constitute 'very special circumstances' to justify the proposed residential development in the Green Belt.

IMPACT ON OPENNESS AND VISUAL AMENITY OF GREEN BELT

4.13 PPG2 (paragraph 1.4) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Policy GB2 of the Adopted Local Plan states that where development is in accordance with Policy GB1, it must be capable of implementation without detriment to the openness of the Green Belt. Policy GB6 also requires proposals not to be detrimental to the visual amenity of the Green Belt.

4.14 By virtue of the position of the mobile home on the edge of a plot of land located within the middle of what was formerly an open agricultural field, together with the 2 metre high close boarded fencing which has been erected around the perimeter of the site, it is considered that the proposed development harms the visual amenity and erodes the openness of this part of the Green Belt. The area of hardstanding which has been created is also considered to harm the visual amenity of this area of Green Belt.

CONSIDERATION OF PROPOSAL AGAINST HOUSING POLICIES OF DEVELOPMENT PLAN

4.15 The site is within the open countryside where new residential development is only permitted under certain circumstances. Policy H2 of the Local Plan requires residential development outside the locations identified in that policy to be in accordance with Policy H9 or Policy GB1. Policy H9 states that outside the areas identified in Policy H2, residential development will not normally be allowed except in certain circumstances. These circumstances are essentially the same as those set out in respect of Policy GB1 previously in this report. The proposed mobile home therefore fails to meet the criteria for when new housing is permitted as set out in policy H2 and H9 of the Local Plan.

4.16 Policy H16 relates to residential caravans and mobile homes. It states that caravans and mobile homes as full time homes will only be permitted to meet specific short terms needs as follows:

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- i) temporary re-house households during redevelopment or major refurbishment
- ii) provide accommodation during construction, major alteration or repair of a dwelling,
- iii) to meet a temporary or seasonal, agricultural or forestry need

Again the proposed development does not meet any of the criteria listed in this policy.

- 4.17 It should also be noted that the proposal is for the permanent siting of a mobile home for residential purposes and a temporary consent has not been applied for.

POLICIES RELATING TO ACCOMMODATION FOR GYPSIES

- 4.18 Prior to the Criminal Justice and Public Order Act 1994, Local Authorities had a statutory duty to provide adequate accommodation for gypsies residing in, or resorting to their area. As a result of this requirement, 7 sites were provided within the District. These sites are also safeguarded under Policy H14 of the Local Plan.

- 4.19 As the proposed mobile home is not to be located within any of the safeguarded sites, Policy H15 on future provision of gypsy sites is considered relevant. This sets out the criteria for where the establishment of gypsy caravan sites will be allowed. Firstly it requires there to be a clearly identified, bona fide need for the provision of a site, additional to those identified in Policy H14. The proposed development must also meet the following criteria:

- a) meets the locational needs of gypsies
- b) close to facilities, especially schools, shops and health facilities
- c) has adequate access and services and can provide for parking, turning and servicing on site
- d) can be developed without prejudicing the implementation of other development proposals
- e) minimise adverse impact on and from neighbouring land or buildings
- f) is capable of being screened from roads and adjoining land
- g) except in very special circumstances is not within the Green Belt

- 4.20 The following section of the report shows how the criteria within Policy H15 are applied to the current application:

(a) Locational needs

- 4.21 In this regard, there is not a tradition of sites occupied for gypsies in the locality and a local need in the area has not been demonstrated. The applicant has also confirmed that there are no employment reasons for living at the site.

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(b) Proximity to schools, shops and health facilities

- 4.22 Although Chaddesley Corbett has an existing school, shops and a surgery, the application site is more than 2 miles from the village centre of Chaddesley Corbett. In particular the distance from the site to Chaddesley Corbett First School is 2.3 miles and the distance to the closest school in Kidderminster is 2.86 miles. The distance from the site to the school in Chaddesley Corbett is considered to be too far for a child to be expected to walk to school. In addition due to the narrow and busy nature of Cursley Lane it would not provide a safe route for walking to the facilities in Chaddesley Corbett.

(c) Access and Services

- 4.23 In terms of services there is no existing water supply to the site. There is also no sewerage connection to the site and the occupiers are currently using an outdoor portable toilet. Environmental Health have also raised concern over the quality of the water which can be obtained by the borehole.
- 4.24 With regards to access and parking/turning provision, it is proposed to use the existing access off Cursley Lane to serve the mobile home. This access is one of the two accesses approved earlier this year. Although there is ample space within the site for the parking and turning of at least two vehicles as required by the adopted parking standards, the Highways Authority have raised concern over the use of the existing access for a permanent residential use. At the time of report writing the detailed comments of the Highways Authority are awaiting and as such the full comments will be provided on the Addenda and Corrections sheet.

(d) Implementation of other development proposals

- 4.25 As the site is within the Green Belt, there are no plans for redevelopment of the site or the surrounding area. It is therefore considered that the proposal would not prejudice the implementation of other development proposals in the area.

(e) Impact on and from neighbouring land or buildings

- 4.26 The land immediately adjacent to the site is either used for agriculture or for the keeping of horses. To the south of the site are the existing fishing pools. It is not considered that the siting of the mobile home would conflict with or have an adverse impact on these neighbouring uses.

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(f) Visual impact from road and adjoining land

4.27 As stated previously in this report it is considered that due to the siting of the mobile home within what was formerly an open agricultural field, together with the erection of the fencing around the perimeter of the site and the extensive area of hardstanding, the proposal has an adverse visual impact. Due to the existing gap in the hedgerow the site is clearly visible from the road, although in the longer term this visual impact will reduce as the replanted hedge matures. The fencing, hardstanding and mobile home will however continue to be seen from the adjoining land.

(g) Very special circumstances

4.28 The supporting information submitted by the applicant has already been covered in this report and is not considered to constitute very special circumstances.

4.29 In view of the above the proposal fails to meet all of the criteria set out in Policy H15 of the Local Plan.

4.30 Government guidance on gypsies is also contained within Circular 01/06. It addresses in some detail how the Local Development Framework needs to take account of the needs of gypsies and travellers. It states that the local housing strategy will need, in particular, to identify accommodation needs and a strategy will need to be incorporated to show how accommodation needs will be met. It does however emphasise that site provision should be in "appropriate locations".

4.31 The Circular also provides a list of issues that the Local Planning Authority will be expected to demonstrate that they have considered before any decision to refuse a planning application for a gypsy and traveller site is made. These include:

- a continuous assessment of incidents of an authorised encampments both short and longer term,
- the numbers and outcomes of planning applications and appeals,
- levels of occupancy,
- plot turnover and
- waiting list for public authorised sites,
- the status of existing authorised private sites including those which are unoccupied and those subject to temporary or personal planning permissions and the twice yearly caravan count which will give a picture of numbers and historic trends.

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- 4.32 In view of the government advice within Circular 1/06 and the current review of the Regional Spatial Strategy, a full Gypsy and Traveller assessment is going to be carried out by the South Housing Market Area Partnership. It is anticipated that this will commence in January 2007 and reported in early summer where it will then be fed into both the Regional Spatial Strategy review and the Local Development Framework for Wyre Forest District.
- 4.33 In terms of existing gypsy sites, there are two Worcestershire County Council sites within the Wyre Forest District, both of which are situated in Stourport on Severn. The first, Broach Road has a pitch capacity of 9. The second, Lower Heath has a pitch capacity of 22. Pitches on both sites are mixed consisting of both single and double pitches.
- 4.34 The Gypsy and Traveller Caravan Count is undertaken every 6 months. Not only does the count take into account the County sites it also records details of areas of land which are owned by gypsy and or traveller families who do not have the relevant planning permissions to live on the land but choose to do so, they are deemed as being "tolerated sites". There are two 'tolerated sites' within the Wyre Forest District both of which are situated in Stourport on Severn. They are historically known as Nunns Corner, Sandy Lane and Marshalls Yard, Broach Road.
- 4.35 The Housing section has provided the following gypsy counts, within the District, for the last 1.5 years:

Tolerated Sites

July 06 Count - 2 sites, 6 units (units being caravans)

Jan 06 Count - 2 sites, 6 units

July 05 Count - 2 sites, 6 units

Lower Heath

July 06 Count - max No of units allowed 49 - units on site 49 (full capacity)

Jan 06 Count - max No of units allowed 40 - units on site 39 (near full capacity)

July 05 Count - max No of units allowed 40 - units on site 40 (max capacity)

Broach Road

July 06 Count - max No of units allowed 18 - units on site 11

Jan 06 Count - max No of units allowed 18 - units on site 16

July 05 Count - max No of units allowed 18 - units on site 13

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- 4.36 Officers have also contacted the County Gypsy Service Manager who has advised that all the County sites (including those within and outside this District) are at capacity and that if there were any vacancies at the tolerated sites they would not be suitable for a family. It is therefore evident that there are no approved or tolerated gypsy sites available for the applicant within the District or even with the County. Unmet need is a factor that must be given weight by Members in considering the application.
- 4.37 It is considered that the policy considerations outlined above outweigh the fact that there are no suitable sites for gypsy accommodation available within the District or County.

CONSIDERATION OF HUMAN RIGHTS

- 4.38 Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms provides:
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.39 As described previously, the harm to the Green Belt must be balanced against any very special circumstances sufficient to outweigh the presumption against inappropriate development in the Green Belt. The balancing act requires a conclusion, as a matter of fact, as to the impact that the development has on the Green Belt. Once that conclusion has been made other factors that could be described as Article 8 rights must be put into the balance. Under Article 8, the applicant has a right to respect for her home and family life. Due to the short amount of time that the applicant has been in occupation of the site, it could be argued that it has not been established as a "home" that would benefit from Article 8 protection. If Members accept that it is a "home" a decision must be taken as to whether interference with the applicant's Article 8 rights is proportionate
- 4.40 The applicant moved on to the site in the full knowledge that planning permission was needed and may not be forthcoming. In a case considered by the European Court of Human Rights (Chapman v UK) the court established that when considering whether in any given case an interference with someone's home is 'proportionate' it is relevant that they established their home unlawfully. It is not relevant to the planning merits of the application but is relevant in respect of Article 8.

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- 4.41 In addition, the applicant's supporting letter gives no details of what efforts she has made to find any other accommodation and why it is necessary for them to live at this location rather than another. There is no indication as to why it is necessary for the children's education that they attend this particular school or that the family register with this particular doctors surgery. The letter indicates that the family is looking for stability but not that it is necessary for it to be at this particular site within the Green Belt.
- 4.42 In the case of R (on the application of Jeeves and Baker) v Gravesham BC May 10th 2006 Collins J said the following: "The mere fact that it is desirable that the children's education be maintained, the mere fact that there are difficulties in finding other accommodation because of the failure to provide sufficient sites, do not necessarily of themselves produce the exceptional circumstances that are needed to override the Green Belt policy which militates against any development of this sort."
- 4.43 The circumstances of the applicant are not unusual, the educational needs of children are a common factor for gypsy and traveller families. As such it needs to be questioned whether the applicant's circumstances are 'very special'.
- 4.44 Article 8 rights are not just available to the applicant. Article 8.2 provides for protection of the environment and for the protection of the "rights and freedoms of others" The Local Planning Authority has an obligation to protect the environmental rights of other people in the community.
- 4.45 Whilst Members must bear in mind Circular 01/06, that circular itself provides that "The obligation on public authorities to act compatibly with Convention rights does not give gypsies and travellers a right to establish sites in contravention of planning control." It also specifically states that "National planning policy on Green Belts applies equally to applications for planning permission from gypsies and travellers and the settled population."

OTHER ISSUES

- 4.46 In addition to the policy issues set out above, neighbouring residents have also raised other concerns about the proposed development.
- 4.47 Firstly, the water supply to the mobile home has been queried. The application forms state that the water supply would be via the mains supply. However as stated previously there is no existing water supply to the site and as such a supply would need consent from Severn Trent Water. At the time of report writing the comments from Severn Trent Water on this application are awaited.

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- 4.48 Secondly, concern has been raised over the removal of a large section of the hedgerow along Cursley Lane as a result of bringing the mobile home on to the site. Officers are currently investigating this matter as it is unclear whether the hedge could be defined as 'important' under The Hedgerow Regulations 1997. The legislation does permit the removal of a section of hedge to obtain access to land where another means of access is not available or only available at disproportionate costs. In addition it is noted that the hedge was replanted immediately after removal without any involvement of the Local Authority.
- 4.49 Some of the objectors have raised concern over the noise from the generator on the site. However, due to the distance of the site from any residential properties any noise created by the generator would not be sufficient to justify refusal of planning permission.

5.0 Conclusions and Recommendations

- 5.1 The determination of this application requires an assessment of the needs of the gypsy family against the harm to the Green Belt and open countryside arising from the proposed siting of the mobile home for residential purposes.
- 5.2 The proposed mobile home is clearly inappropriate development in the Green Belt which is harmful by definition. By virtue of its siting and means of boundary treatment the proposed development also harms the visual amenity and openness of the Green Belt. The supporting information provided by the applicant has been carefully considered however it is not considered to constitute very special circumstances which would outweigh the harm to the Green Belt that would be caused by reason of inappropriateness.
- 5.3 The siting of a mobile home for residential purposes in this open countryside location also fails to comply with the relevant housing policies of the Development Plan.
- 5.4 The need for the proposed gypsy accommodation has been carefully considered, however as stated previously in this report the policy considerations in this case are considered to outweigh the fact that there are no suitable sites in the District or the County.

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- 5.5 In consideration of Article 1 of the First Protocol of the Human Rights Act 1998 and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms I recommend **REFUSAL** for the following reasons:
1. The site is within the West Midlands Green Belt. The proposed residential development in the form of a mobile home constitutes inappropriate development in the Green Belt. The applicant has failed to demonstrate any very special circumstances which outweigh the harm that would be caused by reason of inappropriateness. The proposal would thus be contrary to Policy GB.1 of the Adopted Wyre Forest District Local Plan, Policies D.12 and D.39 of the adopted Worcestershire County Structure Plan, and Government advice in PPG2.
 2. The proposed residential development within this isolated rural location fails to comply with the criteria set out within the relevant housing policies of the Development Plan, namely Policies H.2, H.9 and H.15 of the Adopted Wyre Forest District Local Plan and Policies CF2 and CF3 of the Regional Spatial Strategy (RPG11, 2004).
 3. The proposed development by virtue of the position of the mobile home and the enclosure of the site by close boarded fencing is considered to harm the visual amenity and openness of the Green Belt and the rural character of the area. The creation of the area of hardstanding also detracts from the visual amenity of the area. The proposal is therefore contrary to Policies GB.6 and LA1 of the Adopted Wyre Forest District Local Plan, Policy SD2 of the adopted Worcestershire County Structure Plan, Policy QE6 of the Regional Spatial Strategy (RPG11, 2004) and Government advice in PPG2.
 4. The permanent siting of a mobile home to be occupied for residential purposes fails to meet the criteria set out within Policy H.16 of the Adopted Wyre Forest District Council and conflicts with Policy D17 of the adopted Worcestershire County Structure Plan. To allow the development would be contrary to the aims of the housing policies which seek to discourage the use of caravans for full time homes.
 5. The establishment of permanent accommodation for a gypsy family on this site which is located within the open countryside and Green Belt fails to satisfy all the criteria set out within Policy H.15 of the Adopted Wyre Forest District Local Plan and also conflicts with Policy D18 of the adopted Worcestershire County Structure Plan.

06/1075/FULL continued

WF.1138/02 Variation of Condition 15 of app WF.472/98 - Approved
 WF.292/03 Variation of Condition 4 of app WF.472/98 in respect of the phasing of the development - Approved
 WF.373/03 Erection of 77 houses, garages, parking, roads etc - Approved
 WF.520/03 Substitution of house types, amendment to WF.861/02 - Approved
 WF.1248/03 Erection of 60 dwellings together with associated garages and parking (amend WF.861/02) - Approved
 WF.504/04 (phases 2) Substitution of house types (Plots 79,81,86,87)
 WF.1265/04 Variation of Condition 2 of WF.1248/03 (sub of house types 8, 13, 25, 28 & 69) - Approved
 06/0633 Variation of Condition 15 of WF.1138/02 (formerly Condition 15 of WF.472/98) to close Mill Road to vehicular traffic to the east of the Stour Bridge - Withdrawn

3.0 Consultations and Representations

- 3.3 Stourport-on-Severn Town Council – Recommend refusal to enable Mill Road to remain open to vehicular traffic.
- 3.2 Highway Authority – No objections. The Highways Authority would support the modification or removal of the condition as long as the Applicant agrees to fund any works associated with the closure.
- 3.3 Neighbour/Press Advertisement/Site Notice – 5 representations received (4 in support – 1 objection)

The following comments have been received in support of the application:

- used as a rat-run
- getting worse every day
- lorries damage hedges and walls
- road too narrow, use my drive to pass
- lorries should use new road
- no objection so long as method of closure is as detailed by Worcestershire County Council representative
- suggest approval conditional on prior implementation of waiting restrictions along Mill Road West
- Welcome closure
- limit traffic

06/1075/FULL continued

The reasons for objection are summarised as follows:

- always been an element of heavy traffic
- never an issue
- previous experience of road closure produced heavy fly-tipping
- burnt-out vehicles
- anti-social behaviour.

4.0 Officer Comments

- 4.1 When the original housing scheme was considered, the Highways Authority expressed concerns at the prospect of allowing unrestricted access along Mill Road from its junction with Hartlebury Road where 'short-cutting' is likely to occur. Condition 15 of the Outline Planning permission therefore carried a condition requiring that Mill Road be closed to the West of the Stour Bridge. The condition was subsequently amended by WF.1138/02 to allow some flexibility to this arrangement, but this was intended only to provide for certain vehicles to access the industrial estate to the east of the bridge.
- 4.2 This latest application seeks the closure of the road to the east of the bridge and would dispense with the need for third parties to have control of the barrier.
- 4.3 The method and position of the road closure has been the subject of discussions between the applicant, the Highways Authority and the principal objector to the previous application (06/0633/FULL) who commissioned an independent planning consultant and a Chartered Civil Engineer to investigate the issue.
- 4.4 The consultation process has resulted in the raising of concerns relating to traffic/parking problems in the wider area going as far as Baldwin Road/Gilgal to the west of the housing development and the need for parking restrictions in Mill Road West. Recommendations have been made by the Civil Engineer and these have been passed to the Highways Authority.
- 4.5 The proposed closure of Mill Road will still enable vehicular access to Mitton Mill Industrial Estate which is located on Mill Road.

06/1075/FULL continued

5.0 Conclusions and Recommendations

- 5.1 The closure of Mill Road is considered to be necessary to ensure effective traffic management. It will remove the 'through' usage of Mill Road by vehicles trying to bypass the Hartlebury Road, therefore maintaining a safer environment on this side road. The proposal will also benefit the general arrangements at the Wilden Lane junction as flows into Mill Road will be reduced, thus cutting out a lot of confusion brought by traffic turning off the Hartlebury Road.
- 5.2 With regards to the concerns raised about parking problems in the wider area, these issues cannot be considered as a part of this application which is merely to amend a condition. However, the Highways Authority is aware of these issues and will give them due consideration.
- 5.3 In view of the above I therefore recommend **APPROVAL** subject to the following conditions:-

Conditions 1-14 and 16-23 as planning permission WF1138/02

Condition 15. Detail of means enclosure of Mill Road to be submitted

Reason for Approval

The road closure is considered necessary to contribute to safe traffic management in the area. The proposal therefore complies with the Policies in the Development Plan as listed above.

Application Reference:	06/1080/FULL	Date Received:	20/10/2006
Ord Sheet:	381154 276143	Expiry Date:	15/12/2006
Case Officer:	Claire Bishop	Ward:	Habberley and Blakebook

Proposal: Single storey porch extension to flats 1 & 3

Site Address: PATIN HOUSE, 4 THE LEA, KIDDERMINSTER, DY116JY

Applicant: Mr R Ramcharn

Summary of Policy	D.1, D.3, D.4, LB.1, LB.2 (AWFDLP) QE3 (RPG11) Design Quality (SPG)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Patin House is a detached property located on The Lea approximately one mile west of Kidderminster Town Centre.
- 1.2 The property, which is currently being converted into 8 no. residential flats, was formerly a 15 bedroom nursing home, with an associated managers flat.
- 1.3 The building has historical connections to the locality and is included on the Local List of Buildings of Historic and Architectural value.
- 1.4 Trees on site are the subject of a Tree Preservation Order.
- 1.5 The application seeks full planning permission for porch extensions to flat No's.1 and 3.
- 1.6 Both porch extensions would be sited to the rear of the building and would be single storey with pitched roofs.

2.0 Planning History (most recent first)

- 2.1 06/0273/TREE – Pollard and re-shape hornbeam: Refused 27th April 2006.
- 2.2 WF.1086/04 - Change of use with extensions to form 7 additional flats (8 in total): Refused 20th December 2004 and allowed at appeal 5th January 2006.

06/1080/FULL continued

- 2.3 WF.787/04 – Change of use with extensions to 8 additional flats with associated car parking and access from front and rear: Withdrawn 26th August 2004.
- 2.4 WF.538/03 – Two storey and single storey extension (variation to previous planning permission WF.712/91): Refused 9th September 2003 and dismissed at appeal 25th June 2004.
- 2.5 WF.1241/02 – Erection of two storey and single storey extensions (variation to previous planning permission including first floor bedroom extension): Refused 11th February 2002.
- 2.6 WF.1036/02 – Extension to rear first floor bedroom (12) (increase in floor area over approval WF.712/95): Withdrawn 10th December 2002.
- 2.7 WF.712/95 – Two storey extensions, single storey extensions and re-positioning of rear fence to highways: Approved 19th December 1995.
- 2.8 WF.635/94 – Erection of single storey and two storey extensions and alterations: Refused 8th November 1994.
- 2.9 WF.581/81 – Extension: Approved 16th June 1981.
- 2.10 WF.341/79 – Extension: Approved 12th June 1979.
- 2.11 WF.473/77 – Change of use from house to rest home: Approved 26th July 1977.

3.0 Consultations and Representations

- 3.4 Arboricultural Officer – Comments awaiting.
- 3.2 Conservation Officer – No objections subject to conditions.
- 3.3 Neighbour/Site Notice – 3 letters from third parties received objecting to the proposal for the following reasons:

DESIGN/APPEARANCE OF EXTENSIONS

- The mono pitch roof to the entrance of flat three is out of character with the building;
- Proposal will set an undesirable lasting precedent at a locally listed building;
- Problem of matching the brickwork, the building currently presents brickwork in five different shades;

06/1080/FULL continued

HIGHWAY IMPACT

- The access to flat one was previously shown at the front. By moving this to the side it is more likely that occupiers will access their property and park from the rear loop of The Lea, so leading to parking issues;

PEDESTRIAN ACCESS

- Wyre Forest DC has held for more than a decade that pedestrian access to the main house should be restricted to the front face of the building;
- Planning application WF.712/95 which included a side extension and single door facing no. 6 had a condition (no. 13) specifying no day-to-day access at the side of the house;
- Proposal will set a precedent for further side extensions in the future;
- Application seeks to add to the potential for pedestrian movement and noise disturbance by switching from the approved front access to Flat 1 to the side facing us;

IMPACT ON AMENITY OF NEIGHBOURS

- Entrance door of flat no. 1 will directly face house at no. 6 The Lea leading to disturbance of amenities and will generally threaten peace and privacy.
- In the Inspectors appeal decision of application WF.1086/04 it is noted that *“the proposed change of use and extension would not increase the footprint of the house”* and *“the proposed extension would not bring built development any closer to No. 6”* and *“apart from the new extension, the only noticeable changes to the building and site would be the addition of ground floor windows... Consequently... I cannot see that living conditions or general amenity enjoyed by neighbouring residents would be unduly affected.”* It is unacceptable that the application should now go further and increase the footprint with no regard to the effect on neighbours;
- The Council’s appeal submission document forecast the potential occupancy of the building with 8 flats at 26 persons, possibly including children. All of these people will require the use of the side pathway of Patin House to access the rear flats and amenity and drying areas at the rear of the building, passing by our relaxing area by a noisy metal gate and beneath and near our main bedroom windows;
- It will effect neighbours 24 hours a day;
- It is assumed some form of illumination will be necessary to assist pedestrian passage along the front, side and rear walkways;
- Night lighting for residents is not dealt with in the Inspectors decision;
- I wish to emphasise the importance of the Council conditioning any lighting of the walkways to obtain low energy foot lighting if serious lighting pollution across to No. 6 is to be avoided;

06/1080/FULL continued

- A glazed porch throwing its light above the fence height towards no. 6 will exacerbate the situation;
- If the porch is constructed as applied for, 8 windows albeit at varying distance, plus the glazed door, will face our property, three in the original house structure and the rest new;

OTHERS

- I believe other restrictive conditions should guarantee the present positioning and security of the fencing at Patin House, which belongs to the applicant and is under his control;
- Some digging, apparently for the footings of the proposed side porch, has already started.

4.0 Officer Comments

- 4.1 Patin House is an established property which was formerly a 15 bedroom nursing home that was recently granted permission on appeal to be converted into five 2 bedroom flats and three 1 bedroom flats. The works to convert the building to flats are currently underway.
- 4.2 This application seeks permission for the provision of two porch entrances to flat No's.1 and 3. The porch entrances would cover a floor area of approximately 4.4 sq. m. and 5.25 sq. m., respectively and would be single storey with sloping roofs. The proposal also involves the re-positioning of the approved entrance to Flat No. 1 from the front of the building to the side elevation facing No. 6 The Lea.
- 4.3 Policy D.1 (h, i & j) of the Adopted Wyre Forest District Local Plan states that new development must form a suitable footprint of buildings and spaces that complements the characteristics of the site and its surrounds; be designed and sited so as to complement and respect any adjacent development and not give rise to a serious detrimental impact on the amenity of nearby residents.
- 4.4 The proposed porch entrances, which would be to the side and rear of the building, would involve only very minor increases in the footprint of the building as whole and would not impinge on the amount or quality of shared amenity space that is to be provided. The entrances are considered to be designed and sited so as to have an acceptable impact on the character and appearance of this locally listed building and the street scene.
- 4.5 The third party letters received raise concerns about the impact of the proposals on the amenities of the neighbouring property, character of the building and the car parking.

- 4.6 The entrance to flat no.1 as originally approved was to be located to the front of the building. This application involves re-locating the entrance to the side elevation with pedestrian access from the previously approved footpath which provides pedestrian access to flat nos. 3 & 4 and the shared outdoor amenity space. The third parties are concerned that the re-location of the flat entrance to the side will harm the amenities of the occupiers of no. 6 The Lea by way of noise disturbance and loss of privacy.
- 4.7 The porch entrance for Flat 1 would be approximately 4 metres from the boundary with the neighbouring property, no. 6 The Lea, and over 6 metres from the side elevation of this dwelling. The structure would not bring the building any closer to the side elevation of this neighbouring property. The proposed glazing would be obscured and this can be controlled by condition. Reference is made to a previous planning application reference WF.712/95 for a two storey side extension to the former nursing home that was approved subject to numerous conditions, including condition no. 13 that stated "All access to the premises (including areas by construction vehicles) shall be via the existing front entrance to the premises." The reason for this condition was in the interests of safeguarding residential and visual amenity. Whilst this condition may have been considered relevant at the time of this application, the circumstances of the application were very different. In considering the appeal for the conversion of the building to 8 no. flats the Inspector noted that the path alongside no. 6 The Lea would only be used by pedestrians and the existing boundary treatment would be retained and as such the living conditions or general amenity of the neighbouring residents would not be unduly affected. I do not consider that the re-positioning of the flat entrance to the side of the building would intensify the use of this footpath or create disturbance to a degree that would be harmful to the amenities of the neighbouring property.
- 4.8 In terms of the highway impact, the proposed alterations do not affect any of the parking spaces for the flats. I therefore do not see how the re-location of the flat entrances would effect the car parking.
- 4.9 In response to the comments raised that the proposals would be out of character with the building and set an undesirable precedent on a locally listed building, the proposed extensions are considered to be in keeping with the building and the Conservation Officer has no objections subject to conditions. (see below).
- 4.10 The concerns over matching brickwork would appear to be as a result of the different bricks that have previously been used when the property has been extended resulting in different shades over time. The external materials can be controlled by condition should the application be approved.

- 4.11 Other comments raised (e.g. lighting of pedestrian walkway; security of fencing along boundary; works already begun) are not material considerations that are relevant to this particular application. There are matters which relate to the principle of the flats which has already been accepted at appeal.
- 4.12 Trees on the site are afforded statutory protection, however, the proposed porch extensions would be sited a considerable distance from these trees and would not bring the building any closer to the protected trees. I am therefore satisfied that the proposed development will not result in the loss or any harm to these trees.

5.0 Conclusions and Recommendations

- 5.1 The neighbours' comments and the provisions of Articles 1 & 8 of the Human Rights Act 1998 have been taken into consideration, however, it is considered that the proposal meets the criteria of the relevant Development Plan Policies and therefore the application is recommended for **APPROVAL** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1 (Samples/Details of Materials)
4. G1 (Details of works to Listed Buildings)
5. J7 (Windows: Obscure Glazing)

Reason for Approval

The proposed porch extensions are considered to be of an appropriate scale and design to the main building and are considered to be acceptable in terms of their impact on the character and appearance of this locally listed building. The effects of the development on neighbouring properties have been carefully assessed and it is considered that there will be no undue loss of amenity. The proposal is thus in accordance with the policies listed above.

Application Reference: 06/1119/FULL
Ord Sheet: 381251 271838
Case Officer: Stuart Allum

Date Received: 02/11/2006
Expiry Date: 28/12/2006
Ward: Mitton

Proposal: 5 No 2 bed apartments

Site Address: BEAVER LODGE, ST. MICHAELS CLOSE, STOURPORT-ON-SEVERN, DY138EQ

Applicant: Mrs N J Light

Summary of Policy	H.2, H.5, D.1, D.3, D.4, D.10, D.13, D.15, TR.9, TR.17 (AWFDLP) D.3, D.5, SD.3, SD.6 (WCSP) QE.1, QE.3 (RPG11) Design Quality SPG, PPG3
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 Beaver Lodge is a detached office building located to the north of Stourport on Severn town centre at the head of St. Michael's Close, which is accessed from Worcester Street adjacent to the 'Forge Court' apartments scheme. The site is within an area allocated for residential development in the Adopted Wyre Forest District Local Plan.
- 1.2 The building is also located adjacent to the rear gardens of two dwellings situated in Dorsett Road to the north and west of the application site.
- 1.3 The proposal is to demolish the existing building and erect a new part two storey, part single storey structure, with a larger footprint than existing, to accommodate five two-bedroom apartments. The submitted plans show 7 parking spaces together with a communal area of amenity space for Flats 3-5 and individual private garden areas for Flats 1-2.
- 1.4 The staggered ridge heights of the proposed replacement building are shown to be at four levels, the highest of which is 7.8 metres from ground level, an increase of 2.1 metres from the uniform ridge height of the existing building.
- 1.5 This application is a resubmission of application 06/0745/FULL, which was withdrawn prior to it being considered by the Planning (Development Control) Committee.

06/1119/FULL continued

2.0 Planning History

2.1 WF.574/99 – Change of use of offices to office and treatment room for Chiropodist (Suite C) : Aproved 17.8.99

06/0745/FULL – Five, two bedroom apartments : Withdrawn 1.8.06

3.0 Consultations and Representations

3.5 Stourport-on-Severn Town Council – Views awaited

3.2 Highway Authority – Views awaited

3.3 British Waterways – No objections

3.4 Severn Trent Water Ltd. – No objections subject to conditions (drainage details and reference to public sewer which crosses the site)

3.5 Environmental Health – No objections subject to condition (contaminated land survey)

3.6 Access Officer – In order to comply with Policy D19 of the adopted Wyre Forest District Local Plan, which requires sustainability of design, a Lifetime Homes approach should be taken towards new residential development. This will require the units to have the floor space to accessible dimensions without the fixtures and fittings. Detailed comments are also made with respect to provision of disabled parking spaces, ambulant internal staircases and lobby doors.

3.7 Disability Action Wyre Forest – make the following comments:

- 1.No designated car parking spaces for residents or visitors.
2. 2 out of the 5 apartments will not be accessible. We would reiterate our concern generally in regard to the approval of schemes that increase rather than decrease the country's stock of inaccessible dwellings. We would ask the Planning Committee to be mindful of this issue and if possible to monitor the number of accessible and non-accessible new dwellings that are created through planning applications in Wyre Forest each year.
3. Shower rooms to have outward opening doors.
4. First floor apartment has a shower room that is very narrow with adequate space in front of the wc.
5. Communal amenity space appears to be turning area for car park.

06/1119/FULL continued

3.8 Neighbour/Site Notice : One letter of objection received raising the following concerns:

- The road is very small and not suitable at all.
- Plot is very small and not suitable for flats.
- Car park will be very near our garden, is that safe for health, considering fumes and noise. Are we not entitled to be able to sit and enjoy our garden at the ages of 79 and 81 years.
- Concerned about the blocking of our sunlight. A large block like that will completely change the amount of sunlight we will be able to get.
- Lastly we object to the doors and windows. Whole thing will affect our privacy completely. Idea of flats completely unsuitable for the area.

4.0 **Officer Comments**

4.1 As the site constitutes 'previously developed land', and is allocated in the Adopted Wyre Forest District Local Plan for residential development, the principle of the proposed flats is considered acceptable.

4.2 The density of development, following the requirements of Policy H.5 would be 40 dwellings per hectare. Based on a site area of approximately 0.06 ha this equates to 2.5 dwellings or possibly up to 3 for the site. The additional two dwellings at first floor level presents certain design challenges regarding the scale and massing of the building and its potential relationship with neighbouring properties and the character of the area generally.

4.3 The previous application for 5 flats was recommended for refusal for the following reasons:

1. The scale, design and massing of the proposed building, together with its proposed siting, would visually over-dominate the rear amenity space of the dwelling known as No. 30 Dorsett Road, Stourport on Severn, thereby significantly reducing the outlook and amenity that the occupiers currently enjoy.
2. The proposed siting and design of the fenestration to the front and east facing elevations would fail to provide an attractive façade to the development. As such, the proposed design is considered contrary to design policy.

4.4 This revised application attempts to overcome these two issues.

06/1119/FULL continued

IMPACT ON AMENITY OF NEIGHBOURS

- 4.5 The location and orientation of the building has been modified. The rear 'building line' is now 'staggered' to be further away from the boundary with No. 30 Dorsett Road than before, particularly the two storey elements of the design.
- 4.6 Also, there is now more variation in roof shape with varying ridge heights. Other changes have been made to the front and rear fenestration layout, and the original rear first floor windows have been replaced with high level non-overlooking roof lights.
- 4.7 There is existing vegetation screening along the rear boundary of the site. This is composed of fairly dense and tall tree cover along the boundary with No. 30 Dorsett Road. The applicant's supporting statement refers to this issue:
- "The boundary planting screen that partially exists between the Dorsett Road properties and the Beaver Lodge site is to be taken out and replaced. The existing conifer hedges have outgrown their location and will be replaced with mixed deciduous hedging which can be controlled to an appropriate size and will provide an interesting change in colour, texture and shade through the seasons."*
- 4.8 The revised scheme has therefore been re-oriented and redesigned so that the adverse impact on the neighbouring property has been substantially eliminated, including any light deprivation to the dwelling and garden.
- 4.9 In particular, the progressive 'stepped' distancing of the building from the boundary with the rear garden of No. 30 Dorsett Road is a major improvement in terms of the impact of the development on that neighbour. The formerly intrusive and overlooking first floor rear bedroom windows have been replaced with roof windows placed above the standing 'eye level' of future occupiers of those rooms.

VISUAL IMPACT OF DEVELOPMENT

- 4.10 In response to the previous concerns relating to the distribution and arrangement of fenestration on the front elevation facing St. Michael's Close, the revised scheme shows a much improved design, together with a more proportionate and understated forward 'feature' projection.

06/1119/FULL continued

OTHER ISSUES

- 4.11 As stated previously the submitted plans show a total of 7 parking spaces for the development. The adopted parking standards however only require 1 space per flat. Revised plans have therefore been requested showing the omission of space P.No1 at the front of the property which was not acceptable to the Access Officer and also the overall reduction of the parking area to 5 spaces which will enable some amenity space to be provided for Flats 4-5 which currently would only have what is effectively the shared parking and turning area.
- 4.12 Neighbours have raised concern regarding the impact of the proposed car parking area adjacent to the building. Although the parking area is shown to be sited adjacent to the boundary with No. 30 Dorsett Road, there is existing parking on this part of the site and therefore there would be no significantly greater impact upon residential amenity under the proposed arrangements. At the time of report writing the Highway Authority's comments are awaited.
- 4.13 With regards to the comments by the Access Officer and Disability Action Wyre Forest, some of these issues, particularly those relating to the internal arrangements can be addressed by the Building Regulations. The provision of disabled parking spaces will be addressed by the revised parking layout.
- 4.14 Finally as the proposal involves the creation of 5 x 2 bedroom residential units the development would be liable for an educational contribution of £8,985 in accordance with the adopted Supplementary Planning Guidance on education contributions. This will need to be secured by a Section 106 Agreement.

5.0 Conclusions and Recommendations

- 5.1 The views of the neighbour have been carefully considered, but the level of impact upon amenity and privacy have been reduced to a level which is now acceptable, and not sufficiently serious to warrant a recommendation for refusal. The design of the revised scheme is also considered acceptable and will not detract from visual amenity of the area.
- 5.2 Overall, this proposal is considered to have successfully addressed the concerns raised with the previous application. Although the density of development is greater than that required under Policy H5 the proposed development would not be an overdevelopment of the site.

06/1119/FULL continued

5.3 This proposal now satisfies the relevant policies of the Development Plan. In consideration of Articles 1 & 8 of the Human Rights Act 1998, I recommend **delegated APPROVAL** subject to :

- a) the receipt of satisfactory revised plans showing 5 parking spaces and improved amenity space for Flats 4-5; and
- b) the completion of the **Section 106 agreement** with respect to the Education Contribution;

and subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. J8 (No further windows)
5. C6 (Landscaping – small scheme)
6. C8 (Landscape implementation)
7. Severn Trent Water
8. Severn Trent Water
9. D1 (Contaminated land)
10. Full details of bin stores

Reason for Approval

The proposed residential development is situated in an area allocated for residential purposes and is considered to constitute previously developed land. The layout and design of the development is considered to be acceptable, not adversely affecting the character of the immediate area or the street scene. The effect on neighbouring properties has been carefully considered, however it is felt that no serious loss of amenity will occur. The proposal therefore conforms to the above policies of the Adopted Wyre Forest District Local Plan.

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE
12TH DECEMBER 2006

PART B

Application Reference:	06/0833/FULL	Date Received:	09/08/2006
Ord Sheet:	381056 275589	Expiry Date:	04/10/2006
Case Officer:	Stuart Allum	Ward:	Sutton Park

Proposal: Proposed erection of four 4 & 5 bedroom detached properties and associated works

Site Address: 26 WHITEHILL ROAD, KIDDERMINSTER, DY116JJ

Applicant: Hyperion Homes Ltd

Summary of Policy	H.2, H.6, D.1, D.3, D.4, D.7, D.10, D.11, D.13, NR.9, LA.1, LA.2, GB.6, LB.1, NC.1, TR.9, TR.17 (AWFDLP) SD.2, SD.3, SD.7, CTC.1, CTC.4, CTC.5, CTC.12, D.3, D.5, D.9 (WCSP) QE.1, QE.3, QE.5, QE.6 (RPG11)
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	REFUSAL

THIS APPLICATION IS BEING REPORTED TO THE PLANNING (DEVELOPMENT CONTROL) MEETING BECAUSE AN APPEAL HAS BEEN RECEIVED AGAINST NON-DETERMINATION OF THE APPLICATION

1.0 Site Location and Description

1.1 The site is located on the north side of Whitehill Road, a privately maintained road serving 34 dwellings with access off Sutton Park Road. The surrounding development is generally 'low density' characterised by detached dwellings in large plots. The 'building line' along the southern frontage of the road is quite well defined, whereas the dwellings on the northern side are generally set much further back from the road frontage in a more irregular pattern. The existing dwelling at No.26 (Chanters Hollow) is located in the rearmost part of the plot with a long front driveway.

1.2 This is an attractive local environment with many mature trees and well maintained domestic gardens. The trees on the site are the subject of a Tree Preservation Order.

06/0833/FULL continued

- 1.3 The site is on the edge of an escarpment to the rear, with long range views towards Habberley and beyond. The Green Belt is also located immediately to the rear of the site with the Rifle Range Nature Reserve located further west. The site is also adjacent to the Landscape Protection Area and Area of Great Landscape Value.
- 1.4 The proposal is to demolish the existing dwelling, Chanters Hollow, and replace it on the site with four detached dwellings, shown to be arranged around the head of a realigned and widened access drive from Whitehill Road.
- 1.5 The application was accompanied by a Supporting Planning Statement and a detailed Tree Survey.

2.0 Planning History

- 2.1 WF.401/86 – Felling of trees : Approved

06/0624/FULL – Erection of 4 four and five bedroom detached properties and associated works : Withdrawn

3.0 Consultations and Representations

- 3.1 Highway Authority – Recommends refusal (see reasons at end of report). Detailed comments are also within main body of report.
- 3.2 Severn Trent Water Ltd. – No objections subject to condition
- 3.3 Conservation Officer - Supports property to be Locally Listed.
- 3.4 Crime Risk Manager (West Mercia Constabulary) – No observations or concerns but suggest that the principles of ‘Secured by Design’ should be addressed and designed into the development.
- 3.5 Arboricultural Officer – Trees on site are afforded statutory protection by the Whitehill Road, Kidderminster Tree Preservation Order 1982. The application is supported by a comprehensive tree survey by Mr. B. J. Unwin (July 2006). The report is considered to adequately represent the arboricultural aspects of the existing site and the implication for trees. It is apparent that the development proposals require the removal of a number of trees. However, none are of outstanding quality or of high public amenity value.

06/0833/FULL continued

3.6 Kidderminster Civic Society – Would welcome the addition of this building to the Local List. We would welcome statutory listing also. Surely some development could be undertaken in the grounds whilst retaining the house itself. When waste is a major problem and conservation is vital to reducing global warming, the demolition of this perfectly good house would be an act of some folly.

3.7 Neighbour/Site Notice

Sixteen letters of objection received raising the following concerns:

- Density of traffic would not be suitable for construction of Whitehill Road. Extra traffic with Sutton Park Road – hazard – visibility below standard – 9% increase in traffic not acceptable in terms of safety. Narrow road a safety hazard for pedestrians
- Density of housing not compatible with housing layout in the road – mini development totally out of keeping with the existing environment – backland development. Houses would not ‘fit in’ – totally change nature of road – cul de sac – no others in road – an alien feature
- Distinguished, prestigious house – should be listed. Vandalism and sheer folly to demolish – connections to a renowned Kidderminster Carpet family – blends perfectly with environment
- Existing services, i.e. water/gas pressure just adequate to support existing buildings
- Poor record of same team who built No, 5 Whitehill Road, i.e. no organisational skills, swearing, damage to road, non-compliance with conditions, disruption over long period simply unacceptable.
- Possible damage to Site of Special Scientific Interest behind site. No evidence submitted to show that the proposed mini sewage treatment plant would not harm the SSSI. Human waste disposal an issue – houses in this area are on septic tanks - very unpleasant at times. Proximity to Rhydd Covert scout encampment a concern
- Houses each side would be ‘robbed’ of their privacy – part of development will infringe 45° Code – overlooking towards patios, rear gardens and a swimming pool
- Dwelling access problems will be exacerbated once widened as proposed – vehicles reverse down my drive to manoeuvre
- Demolition was not included in description of development
- Spoil scenic beauty of area – dominate – impact upon Green Belt/Landscape Protection Area. Trees must not be removed
- ‘Thin end of wedge’ – if approved other houses will be destroyed. Should be a Conservation area
- Prolific bat population in this area – seen flying in and out of trees. Natural habitat disturbance?
- Resubmission hoping objectors will grow weary of the fight.

06/0833/FULL continued

- 3.8 In addition to these individual objections, Whitehill Road Residents Association objects to the application and raises the following concerns:
- Over-emphasis in applicant's supporting statement in terms of 'groups of dwellings to the rear of frontage dwellings'.
 - Poor materials precedent set by previous development in Whitehill Road by Hyperion Homes.
 - Whitehill Road not up to highways standards – previous damage to road and adjacent driveways by Hyperion not repaired.
 - Added traffic at around 10% is not a slight increase
 - Side verges of road are private property
 - Only place where road surface is 6m wide is at the junction with Sutton Park Road. Whole road is generally too narrow for anything but smallest of vehicles to meet and pass without using driveways
 - Surprising that Hyperion Homes did not approach the Resident's Association
 - Implied increase in traffic in the road from additional dwellings will exacerbate the difficulties already apparent, i.e. narrowness of road and existing problems at Sutton Park Road junction
 - Provision of services, water gas, electricity and telecommunications not robust in Whitehill Road. Water pressure low – situation will not improve by adding to number of houses

4.0 Officer Comments

- 4.1 As stated at the beginning of this report, this application is being presented to Committee because the applicant has appealed to the Secretary of State against non-determination. The purpose of this report is to ask Members whether they would have been mindful to **REFUSE** the application for the reasons given at the end of this report.
- 4.2 The reason for the application not being determined within the statutory 8 week period was that requests were made by a third party for the existing dwelling to be statutorily listed and Officers also felt that the property should be added to the Local List for Kidderminster. Until these requests had been satisfactorily concluded Officers were not in a position to determine the planning application which had been submitted.
- 4.3 Since the third party request for the property to be statutorily listed, English Heritage have advised the Council that following inspection and due deliberation, the building is **not** to be added to the statutory list. The reason given, in brief was:

06/0833/FULL continued

“Evidence of considerable architectural quality and intactness is required of suburban houses of this relatively recent date. When compared with the Grade II Listed Oakhill in Kidderminster, it is clear that Chanters Hollow has undergone too much alteration and is lacking the architectural innovation or distinction to merit listing in a national context”.

- 4.4 However, the English Heritage inspector indicated that the building does contribute to the character of the area. In view of this Officers have proceeded with adding the property to the Local List for Kidderminster. The final decision as to whether the property should be Locally Listed will be considered by Cabinet on Thursday, 21st December 2006.
- 4.5 Although not statutorily listed, if Members agree for the property to be Locally Listed, the proposed demolition which forms part of this current application will need to be considered against Policy LB1 (iii) of the adopted Local Plan. Officers feel that the applicant has failed to meet the criteria within that policy.
- 4.6 Notwithstanding the issue of the local and statutorily listing processes described above, the proposed development has raised a number of other significant concerns. These concerns relate to:
- i) Compliance with Housing policy
 - ii) Impact on the adjoining Green Belt and Landscape Protection Area
 - iii) Impact on amenity of neighbours
 - iv) Impact on highway safety

I will go through each of these issues in turn.

COMPLIANCE WITH HOUSING POLICY

- 4.7 The site is within an area allocated for residential development and constitutes previously developed land. Notwithstanding the proposed demolition of a building which is proposed to be locally listed, the principle of residential development on this site is considered acceptable. Although the proposed dwellings are set far back into the site, the proposed development is not considered to constitute ‘backland development’ and as such Policy H6 is not applicable in this case.
- 4.8 The form and layout of the development, however, is a key issue and causes serious concern in this case. It is considered that the proposed layout, which essentially comprises an estate road cul de sac, would create an alien feature within the fabric of the existing residential environment. It would also fail to comply with advice within the adopted Supplementary Planning Guidance on Design Quality which gives specific advice on new residential development.

06/0833/FULL continued

IMPACT ON ADJACENT GREEN BELT/LANDSCAPE PROTECTION AREA

- 4.9 As stated previously the site is adjacent to the Green Belt and also an area designated as Landscape Protection Area and Area of Great Landscape Value. The site is elevated in the context of views from the north and west and as such the Green Belt and Landscape Protection policies are relevant in this case. These policies are as concerned with the effect of development 'adjacent' to such designated areas, as within them. Due to the proposed layout of the site and the design of the detached dwellings the proposed development is considered to be visually intrusive from that perspective.

NEIGHBOUR AMENITY/PRIVACY

- 4.10 With regards to the impact of the development on residential amenity, although Plots 1 and 2 are not considered to have an adverse impact, concern is raised over Plots 3 and 4. These two plots are shown to be directly adjacent to the house and garden of No. 24 Whitehill Road. Although the 45° code is not compromised certain windows would create an unacceptable level of overlooking of the neighbouring property. Whilst obscure glazing is possible in some situations, the windows serving bedroom 4 of Plot 4 would be difficult to condition as it is the sole means of illumination to that room.

IMPACT ON HIGHWAY SAFETY

- 4.11 In terms of highway impact the submitted layout plan shows the existing access to be used for the proposed dwellings. The existing driveway however is shown to be widened and a new turning head created at the end of the driveway with each property having its own driveway and parking.
- 4.12 The Highway Authority has been consulted and their comments are as follows:

The current situation is that Whitehill Road is a private road that serves 34 properties. The carriageway surface is metalled, but does not benefit from footways, and has grass verges either side of the carriageway fronting the properties. The carriageway width is 4.5 metres at its junction with the B4549, classified Sutton Park Road, but this reduces in width further along Whitehill Road.

As a private road, there is not a requirement to conform to the County Council's Highway Design Guide but as stated in the National Guidance 'Places, Street and Movement', 'Local Highway Standards DB32, and Local Design Guides are not statutory, however all these documents are vital in the design process because of the guidance they provide on the overall layout and design of residential roads and footpaths'.

06/0833/FULL continued

Within the Worcestershire County Council's Design Guide reference is made to any road serving in excess of 25 dwellings which should be designed to a certain standard. Whitehill Road in its current form does not achieve the basic minimum standards and requirements of that guidance, and furthermore, it has nine additional dwellings, plus the proposal now for a further three.

The Highway Authority's concern is that the current proposal looks to increase the net total of units by a further three at a location that is deficient in carriageway horizontal width outside the application site, in the lack of footway provision, junction visibility, and 'Y' stopping distance. The Highway Authority has been required in the past to consider applications for the addition of individual units on Whitehill Road, and each individual application must be considered in isolation and on its own merits.

The Highway Authority's position in the case of this particular application is that, it does not accord to Local or National Design Guidance, is not considered sustainable and the proposed percentage increase would not be acceptable and therefore would not wish to support the proposal and would look to recommend refusal.

- 4.13 In view of the nature of the existing private road and the proposal to create further dwellings I must concur with the views of the Highways Authority.

DRAINAGE/FOUL SEWAGE ARRANGEMENTS

- 4.14 Finally, the rear boundary of Chanters Hollow is located approximately 140 metres from the Rifle Range Nature Reserve which is a designated Site of Special Scientific Interest and located at a lower level than that of the site. Information submitted with the application shows a proposed mini sewage treatment plan or bio disc to serve the four new dwellings. Insufficient information and evidence has been submitted with the application to demonstrate that the proposed mini sewage treatment plant or 'bio disc' would not have an adverse impact, in terms of pollution, on the SSSI which is located at a lower level.

5.0 Conclusions and Recommendations

- 5.1 The proposed development is considered unacceptable for the reasons described above. As an appeal has been made against non-determination the Committee is not being asked to formally determine this application. However to assist with preparing the Council's case for the appeal, the Committee is asked to confirm whether it would have been mindful to **REFUSE** the application for the reasons set out below had it been asked to determine the application.

06/0833/FULL continued

- 5.2 As the Council's statement of case needs to be received by the Planning Inspectorate by 25th December 2006, the Planning Inspectorate will be advised in writing of the Cabinet's decision with respect to the Local List and how this affects reason No1.
1. Chanters Hollow is considered to contribute significantly to the character of the area. No compelling or convincing evidence has been produced by the applicant to explain how the proposed development would produce any greater benefit to the community than this locally significant building which it intends to replace on the site. The proposal is therefore contrary to Policies LB.1 and CA.6 of the Adopted Wyre Forest District Local Plan, Policy CTC.19 of the adopted Worcestershire County Structure Plan and Policy QE.5 of the Regional Spatial Strategy, (RPG11, 2004).
 2. The design and layout of the proposed development is considered to be out of keeping with the fabric and residential character of the area, where the presence of an estate road cul de sac with associated dwellings would be regarded as an alien and unprecedented feature. The proposed development is therefore contrary to Policies H.2, D.1 and D.3 of the Adopted Wyre Forest District Local Plan, Policy D.11 of the adopted Worcestershire County Structure Plan, Policies QE.1 and QE.3 of Regional Spatial Strategy (RPG11, 2004) together with advice in the adopted Design quality Supplementary Planning Guidance (July 2004) and PPS1.
 3. By virtue of the design, position and orientation of the proposed dwellings they would appear as visually incongruous and obtrusive features when viewed from the Green Belt, Landscape Protection Area and Area of Great Landscape Value to the north and west of the site. This is contrary to Policies LA.1, LA.2 and GB.6 of the Adopted Wyre Forest District Local Plan, Policies SD.2, CTC.1 and CTC.4 of the adopted Worcestershire County Structure Plan and Policy QE.6 of the Regional Spatial Strategy, (RPG11, 2004).
 4. The applicant has failed to demonstrate that the proposed sewerage system for the 4 dwellings would not have an adverse impact, in terms of pollution, on the nearby Rifle Range Nature Reserve which is a Site of Special Scientific Interest. The proposal is therefore contrary to Policy NC.1 of the Adopted Wyre Forest District Local Plan, Policy CTC.11 of the adopted Worcestershire County Structure Plan and Policy QE.7 of the Regional Spatial Strategy, (RPG11, 2004).

06/0833/FULL continued

5. The use of the existing junction to serve the proposed development involving additional vehicle turning movements from Whitehill Road onto the classified Sutton Park Road B4549 where the 'Y' stopping distance is deficient in both directions on the carriageway of the adjoining road and would be contrary to the interests of highway safety and Policy TR.9 of the Adopted Wyre Forest District Local Plan.
6. The use of the existing carriageway, to serve the proposed development on Whitehill Road where there is no footway provision, and the carriageway width is restrictive in its current form, and continues to decrease in horizontal width along its length in a south westerly direction would be likely to compromise the safe movement of traffic and the safe use of the road by others. This is contrary to Policy TR.9 of the Adopted Wyre Forest District Local Plan.

Application Reference: 06/0946/FULL **Date Received:** 13/09/2006
Ord Sheet: 379781 276139 **Expiry Date:** 08/11/2006
Case Officer: Claire Bishop **Ward:** Wribbenhall

Proposal: Two story side and rear extensions

Site Address: GLENCOE, TRIMPLEY LANE, BEWDLEY, DY121JJ

Applicant: Mr & Mrs R Leach

Summary of Policy	D.1, D.3, D.17 (AWFDLP) QE.3 (RPG11) Design Quality SPG PPS1
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site relates to a modern detached dwelling on the eastern side of Trimpley Lane directly opposite the road junction with Anton Close.
- 1.2 The application site is within a predominantly residential area and is allocated for residential purposes in the Adopted Wyre Forest District Local Plan.
- 1.3 The property benefits from a long rear garden which forms the boundary with the Green Belt, Area of Great Landscape Value and Landscape Protection Area as designated in the Adopted Wyre Forest District Local Plan.
- 1.4 The dwelling would appear to be in its original form except for a single storey garage to the side and a single storey lean-to extension to the rear.
- 1.5 The application seeks planning permission for a two storey and single storey extension to the side and rear of the property, to provide a total of five bedrooms with en-suite and dressing room at first floor and larger kitchen and lounge accommodation at ground floor.

2.0 Planning History

- 2.1 06/0186/FULL – Two storey side and rear extensions with balcony to front : Refused 12th April 2006
- 2.2 WF.489/05 – Two storey side and rear extensions and balcony to front : Withdrawn 26th May 2005

06/0946/FULL continued

3.0 Consultations and Representations

- 3.6 Bewdley Town Council – Object; proposal was considered to be too large and was thought to add +75% to the existing building.
- 3.2 Highway Authority – No representations received.
- 3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 Policy D.17 of the Adopted Wyre Forest District Local Plan states that extensions to residential properties must be in scale and in keeping with the form of the original building and be subservient to and not overwhelm the original building. This policy also states that unless it can be demonstrated that there is no alternative, the development of flat roofed extensions will not be allowed.
- 4.2 This application is a re-submission to two previous applications that were withdraw and refused following concerns that the proposals would be unacceptably bulky, out of scale with the original building and would adversely effect the amenities of the neighbouring properties.
- 4.3 The scheme, as originally submitted, only went part of the way to address the previous concerns. However, the scheme has been amended to omit an area of flat roof to the side which would have had an awkward relationship with the resulting building and an unacceptable appearance within the street scene. The conservatory to the rear has also been removed, which was considered to add unacceptable bulk to the size of the overall proposal.
- 4.4 The two storey extension to the side is considered to be in keeping with and be subservient to the original building which would retain its visual dominance. To the rear whilst it is accepted the proposed extension is relatively large, it would be set in from both side elevations and set down from the main ridge line. The extensions are therefore considered to be in scale with and subservient to the original building.
- 4.5 The scheme has fully addressed the previous concerns regarding the impact on neighbours' amenities and is now considered to be acceptable.
- 4.6 The proposals would not affect the visual amenities of the Green Belt or Landscape Protection Area which borders the application site.

06/0946/FULL continued

- 4.7 There would be ample off road car parking to satisfy the requirements of the Worcestershire County Car Parking Standards.

5.0 Conclusions and Recommendations

- 5.1 In conclusion the revised scheme is considered to overcome the initial problems of scale and poor design and the proposal is now considered to comply with the relevant Development Plan Policies.
- 5.2 I therefore recommend the application for **APPROVAL** subject to the following conditions.
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B3 (Finishing Materials to Match)
 4. J8 (No Further Windows)
 5. Notwithstanding Condition 3 and details as shown on the approved plan, no development shall commence until sample of coping stone has been agreed

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design to the main dwelling and will have an acceptable appearance within the street scene. The impact of the extension upon neighbouring properties has been carefully assessed and it is considered that 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: 06/1011/FULL
Ord Sheet: 382463 279153
Case Officer: Claire Bishop

Date Received: 02/10/2006
Expiry Date: 27/11/2006
Ward: Wolverley

Proposal: Proposed bungalow fronting Sebright Walk with access & parking off Sebright Road

Site Address: LAND TO REAR 9 & 11 SEBRIGHT ROAD, WOLVERLEY, KIDDERMINSTER, DY115TZ

Applicant: Mr H Antcliff & Mr S Antcliff

Summary of Policy	H.2, H.6, D.1, D.3, TR.9, TR.17 (AWFDLP) D.11 (WCSP) QE1, QE3 (RPG11) Design Quality SPG PPS1 PPG3
Reason for Referral to Committee	Parish Council request to speak on application The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site forms part of the rear gardens of 9 and 11 Sebright Road which lies within the Fairfield village inset.
- 1.2 The application site would have a frontage onto Sebright Walk which is a pedestrian thoroughfare that links Sebright Road with Franche Road.
- 1.3 The proposal seeks full planning permission for a detached dormer bungalow and associated car parking. The dormer bungalow would have 3 bedrooms and would be 7 metres in height to the top of the ridge.

2.0 Planning History

- 2.1 05/1206/OUTL – Proposed bungalow fronting Sebright Walk with access and parking off Sebright Road : Approved

06/1011/FULL continued

3.0 Consultations and Representations

- 3.7 Wolverley and Cookley Parish Council – No objection recommend approval
- 3.2 Highway Authority – No representations received
- 3.3 Severn Trent Water – No objection subject to conditions
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The application site is located within an area allocated for residential use in the Adopted Wyre Forest District Local Plan and is considered to constitute previously developed land.
- 4.2 Policy D.3 of the Adopted Local Plan states development proposals must clearly relate to the appearance and character of the surrounding townscape so as to complement the surrounding buildings and spaces. This is echoed in the Adopted Design Quality SPG which states that infill development should be designed to be sensitive and responsive to existing street patterns and characteristics of the surrounding area.
- 4.3 The principle of a new dwelling on this site has already been approved by planning application 05/1206/FULL which was for outline permission for the erection of a bungalow fronting Sebright Walk with access and parking off Sebright Road. A bungalow was considered to be in keeping with the general grain of development within the immediate vicinity without affecting the amenities of the adjoining neighbouring properties. Condition 5 of the outline permission stated that ‘the plans and particulars of the reserved matters shall show a bungalow with living accommodation on the ground floor only’.
- 4.4 This application, however, is for full permission for a dormer bungalow that would be 7 metres in height to the top of the ridge, and would have three bedrooms and two bathrooms on the first floor.
- 4.5 The application is accompanied by a Design Statement which states that by using a dormer bungalow, rather than a house or bungalow the proposal can be read against no’s. 9 and 11A Sebright Road. The Design Statement continues to argue that the roof pitch of the proposed dormer bungalow would marry in with the steeped roof pitch of the adjacent bungalow and the dormer windows would reflect the dormer windows on the houses in Sebright Road.

06/1011/FULL continued

- 4.6 By virtue of the location of the site and position of the dwelling, the proposal would have a much stronger visual relationship with the bungalows on Sebright Walk rather than the two storey dwellings on Sebright Road. By reason of the building's height and the use of dormer windows, the proposal would be extremely prominent within the street scene, particularly when travelling north along Sebright Walk, and would not be responsive to the existing pattern of development.
- 4.7 A detached dormer bungalow of the form proposed is not considered to reflect the established character of this street scene and would be incongruous.
- 4.8 Notwithstanding the above, the impact of the proposal on neighbouring properties has been carefully considered and I am satisfied that the development could be achieved without causing any undue loss of amenity to nearby residents.
- 4.9 Adequate private amenity space to the rear of no's. 9 & 11 Sebright Road would be retained and the proposed dwelling would have ample private garden space to the rear.
- 4.10 The development provides sufficient car parking spaces for the proposed and existing dwelling. The proposal therefore meets the parking standards of the Adopted Wyre Forest District Local Plan.

5.0 Conclusions and Recommendations

- 5.1 In light of the above, and in consideration of Articles 1 and 8 of the Human Rights Act 1998, it is recommended that the application be **REFUSED** for the following reason:
1. A dormer bungalow of the form proposed would not adhere to or contribute to the character or local distinctiveness of the area and would result in harm being caused to the visual amenities of the street scene and surrounding area. The proposal would, therefore, be contrary to Policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan, Policy QE.3 of the Regional Spatial Strategy (RPG 11, 2004), the Design Quality Supplementary Planning Guidance and guidance within Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Guidance Note 3 (Housing).

Application Reference: 06/1045/FULL
Ord Sheet: 379443 275898
Case Officer: Emma Anning

Date Received: 11/10/2006
Expiry Date: 06/12/2006
Ward: Wribbenhall

Proposal: Two storey extension to side of existing property.

Site Address: 58 MEADOW RISE, BEWDLEY, DY121JS

Applicant: Mr & Mrs R H Tolley

Summary of Policy	D1, D3, D17, TR9, TR17 (AWFDLP) QE3 (RPG11)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 58 Meadow Rise is a semi-detached property situated on the corner of Meadow Rise and Heathfield Road on the Wribbenhall side of Bewdley.
- 1.2 The application seeks for a two storey side extension and single storey extension on the property to enable five bedrooms.

2.0 Planning History

- 2.1 WF.48/74 – Extension : Approved 26/4/74

3.0 Consultations and Representations

- 3.1 Bewdley Town Council
(Original Plans) – Recommend Refusal : Considered to be too big a development.
(Revised Plans) – Views awaited
- 3.2 Highway Authority – No objection
- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The proposal is for a two storey extension to the side of the property, with a ground floor lean-to extension to the front.
- 4.2 The original plans, as submitted, sought consent for an extension measuring 4.7m in width to the side of the property. Officers considered that the size of the extension was too wide and would dominate both the dwelling and the streetscene contrary to Adopted Local Plan Policy D17. The Town Council also took this view.
- 4.3 Following discussions with the applicant's agent, the scheme has now been amended reducing the width of the extension by 1m to 3.7m. This now gives an extension that is proportionate to the main house and reduces the impact on the streetscene of both Meadow Rise and Heathfield Road.
- 4.4 The scheme is acceptable from a highway perspective, providing adequate parking facilities within the application site. The effect of the development on neighbouring properties has also been assessed and it is considered that no undue harm will be caused.
- 4.5 It is considered that the scheme is now acceptable and is compliant with the relevant policies of the development plan listed above.

5.0 Conclusions and Recommendations

- 5.1 The proposed extensions provide an acceptable design solution that is compliant with the relevant design policies. The scheme will not have a significant adverse impact on highway safety or neighbours' amenity.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B3 (Finishing Materials to Match)

NOTE SN12 (Neighbours' Rights)

Reason for Approval

The proposed extensions are considered to be of an appropriate scale and design to the main dwelling and will have an acceptable appearance in the street scene. The impact of the extension upon the neighbouring property has been carefully assessed and it is considered that 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.

06/1095/FULL continued

3.0 Consultations and Representations

3.2 Rock Parish Council – Awaiting comment

3.2 Highway Authority – Awaiting comment

3.3 Arboricultural Officer – Awaiting comment

3.4 Ramblers Association – Nothing to add further to our letter of January this year. (Previous comments) Neither the application nor the drawing of the proposed field entrance make any mention of Ribbesford footpath 514 which leaves Heightington Road at the point where the new field entrance is in the process of being built. Currently the existing fingerpost and stile are lying in the field adjacent to the work site. The Ramblers Association will have no objection to the proposal subject to the stile and fingerpost being reinstated as part of the development (preferably on the right hand side of the field entrance from the roads). Should approval be granted, then please make it clear in any consent letter that the granting of planning approval does not authorise the obstruction or diversion of a public right of way.

3.5 Worcestershire Wildlife Trust – Awaiting comment

3.6 County Council (Footpaths) – The proposal may affect a public right of way as recorded on the definitive map therefore the developer must be aware of their obligations.

3.7 Neighbour/Site Notice – Two letters of objection have been received raising the following concerns:

- There was no field gate where the widened access has been made.
- There was only a stile at this point for a footpath.
- The only track from the former stile was the footpath leading across the field in a south easterly direction. New very wide tracks have been installed leading across the field, initially in an easterly direction.
- These are more than tracks but of the dimensions of a lane and would appear to have been created with larger vehicles in mind than agricultural vehicles. This suggests that there may be an intention to develop this site for more intensive use, to which I object.
- This development detracts from the appearance of the site and has an adverse impact on the character of the landscape which is designated as part of the Landscape Protection Area and an Area of Great Landscape Value.

06/1095/FULL continued

- There is insufficient justification for the harm to the landscape and potentially to the nature conservation value of the hedge and therefore this development is contrary to several of the Adopted Local Plan policies.

In addition a letter of support has been submitted supporting the application to permanently close the existing farm entrance. The letter also states that the neighbours support the application to retain the widened access, to replace the existing field gate and raises no objection to the proposed field track.

4.0 Officer Comments

4.1 The application seeks consent for three different elements as follows:

4.2 **PROPOSED CLOSURE OF THE EXISTING ACCESS ADJACENT TO GLEBE COTTAGE**
At the north eastern point of the field there lies an existing agricultural field entrance. The agent on behalf of the applicant has advised that the applicant wishes to close this existing access as it is frequently blocked and obstructed by vehicles parking to visit Ribbesford wood which lies immediately to the east. The obstruction by vehicles denies access for farm machinery. The applicant has experienced these problems since 1991 and although signs have been put up they are often ignored by motorists. The applicant considers that it is inappropriate to widen the existing access as this will not resolve the parking issues. The plans indicate that this access will be closed by the planting of traditional hawthorn beach hedging. Photographs demonstrating how the access has been obstructed on different occasions have been submitted.

4.3 **RETENTION OF WIDENED ACCESS**
It is the applicant's intention to utilise the existing widened access onto Heightington Road as the primary access into the field. The access was widened from a field gate to a width of over 20m (including visibility splays) at the end of last year. The agent on behalf of the applicant has advised that previously the access did not allow a sufficient turning circle and standing necessary for agricultural equipment to access the field. The widened access has been demarcated by post and rail fencing with the gates set back approximately 10 metres from the edge of the highway. The widened access also provides improved visibility splays. The applicant has provided an indication of the agricultural machinery and equipment used to farm the land which includes mowers, fertiliser spinners, flute and rollers, flail toppers, trailers, mini diggers, a power harrow, a telehandler, and mounted chain harrow. The planting of hedges has recently taken place.

06/1095/FULL continued

RETENTION OF WIDENED TRACK

- 4.4 The final part of the application seeks consent for the retention of a 5m wide track which traverses the field with a length of approximately 240m. Whilst the length of the track has already been excavated only half has been filled with crushed concrete. Again the agent on behalf of the applicant has advised that a 5m wide track is required as many vehicles are up to 3m in width with the machinery wider still. The track is the most efficient way to cross the 8 hectare (20 acre) field. Furthermore, whilst it is acknowledged that the track effectively splits the existing field in two the applicant does not consider that this is a hindrance to the working of the field. Finally, the agent has advised that the material has been sourced from the farmyard at Brook Farm and it is not a tipping exercise.
- 4.5 The application site lies in the Landscape Protection Area and forms part of the Area of Great Landscape Value. The determination of the application requires that the needs of the farming enterprise be balanced against the impact upon the landscape. Previously, serious concern was raised regarding the need for the development, the depositing of hardcore and the impact of the development upon the landscape. This previous application was withdrawn. It is considered the information submitted with this resubmitted application demonstrates that there is a need for the development. Furthermore it is considered that the widened track and access have, over the last year blended into the landscape such that an objection on visual grounds could not be sustained.
- 4.6 With respect to the comments raised by the neighbours and the Ramblers Association, photographs previously taken in 1997 indicate that the previous access to Heightington Road comprised a stile and a gated vehicular access. The stile has been replaced to the Heightington Road access on the right hand side of the entrance as advised by the Ramblers Association.

5.0 Conclusions and Recommendations

- 5.1 The concerns raised previously have been overcome and therefore I recommend **APPROVAL** subject to the following conditions.
1. A11 (Approved Plans)
 2. In accordance with site levels
 3. The proposed hedging to the access adjacent to Glebe Cottage shall be undertaken within the current planting season unless otherwise agreed in writing.
 4. C8 – (Landscape Implementation) Existing and proposed planting
 5. Details of the means of enclosure of the existing access adjacent to Glebe Cottage and the associated timescale.

06/1095/FULL continued

Note to Applicant
Footpaths

Reason for Approval

The need for the development has been balanced against the impact upon the appearance of the landscape. In this case it is considered that the need has been sufficiently demonstrated whilst the visual impact is acceptable. Therefore approval is granted in accordance with the following policies.

Application Reference: 06/1134/FULL **Date Received:** 09/11/2006
Ord Sheet: 383121.904326475 **Expiry Date:** 04/01/2007
277524.14156295
Case Officer: Paul Wrigglesworth **Ward:** Broadwaters

Proposal: Installation of roller shutter door (retrospective application) {A more accurate elevation drawing}

Site Address: UNIT 1, RED SANDS ROAD, STONEY LANE INDUSTRIAL ESTATE, KIDDERMINSTER, DY102LG

Applicant: Kidderminster Property Investments Ltd

Summary of Policy	E.2, D.1, D.3, NR.11, TR.9 TR.17 (AWFDLP)
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Unit 1 is an end industrial unit on the Stoney Lane Industrial Estate with a frontage to both Red Sands Road and Stoney Lane.
- 1.2 The application is retrospective in nature and seeks planning permission to retain a roller shutter door that has been installed in the elevation of the building fronting onto a car parking area and Stoney Lane. Access to this car parking area, which is set at a raised level relative to Stoney Lane, is gained via Red Sands Road.
- 1.3 Residential properties on the opposite side of Stoney Lane front onto the elevation of the building containing the new roller shutter door. Residential properties located in Waterside Grange back onto the Red Sands Road elevation of the Unit which also has a roller shutter door arrangement.

2.0 Planning History (most recent and relevant)

- 2.1 WF.445/97 – Change of Use from B8 use to B2 use i.e. warehouse to general industrial use (Axminster Carpet Manufacture) at Unit 1 and 2 Stoney Lane Industrial Estate, Red Sands Road, Kidderminster : Approved 15/7/97
- 2.2 WF.531/01 – Erection of 2.4m high security fence along Stoney Lane frontage and part of Red Sands Road : Approved 8/8/01

06/1134/FULL continued

- 2.3 WF.1016/01 – Variation of condition 3 of planning permission WF.445/97 to allow for deliveries and collections to take place between the hours of 7.30 am and 9.00 pm Monday to Friday inclusive (Approved Monday to Friday times 8.30 am – 6.00 pm) Units 1 and 2 Red Sands Road, Kidderminster : Approved 11.12.01
- 2.4 06/0808/FULL – Reinstallation of roller shutter door to Stoney Lane elevation : Approved 15/9/06

3.0 Consultations and Representations

- 3.1 Highway Authority – Views awaited
- 3.2 Environment Health – No objections
- 3.3 British Waterways – No objections
- 3.4 Neighbours/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 Planning permission was granted for the installation of a roller shutter door earlier this year (06/0808/FULL). The approved roller shutter door was larger than the original doorway on this elevation and measured 3.6 metres x 4 metres high. It was to be positioned below an existing projecting canopy. However, a larger roller shutter door, measuring approximately 4m x 4.8 metres high, has been installed in a different location immediately adjacent but clear of the canopy. The current application seeks permission to retain this larger roller shutter door.

- 4.2 The applicant's Agent has justified the application as follows:

"The application is retrospective for a re-sited and larger roller shutter door to that approved by 06/0808/FULL.

The building is a portal framed steel clad industrial unit at the junction of Red Sands Road with Stoney Lane, Clensmore, Kidderminster. It has an established B1 usage having been occupied for several years by a printing company. The new occupiers are designers and manufacturers of timber roof trusses for the building industry.

06/1134/FULL continued

The building was originally built with a roller shutter door in the elevation facing Stoney Lane and was positioned under a cantilevered canopy approximately 1.5m below the eaves of the building. This doorway had been bricked up by the printing company and the roller shutter door fronting Red Sands Road was used for dispatch and deliveries.

The new occupiers required the door facing Stoney Lane to be used to make deliveries to and from the building as the Red Sands Road doorway did not provide sufficient operating space being close to the road. The Stoney Lane elevation has a large fenced area suited for lorry operation.

Following the planning approval the building was occupied only to discover that the proposed doorway was not high enough for a loaded lorry with trusses to access due to the low height of the cantilevered canopy. Action was taken to install the door into the adjacent portal bay and up to the eaves of the building.

The door is a conventional electrically operated roller shutter door 4.0m wide x 4.8m high. The threshold is level to permit the safe transit of loaded fork trucks and manually transported timber items in and out of the property. The roller shutter door will provide suitable sound protection to facing properties and weather and security protection for the building occupiers. Internal alterations to the building has rendered the roller shutter door facing Red Sands Road unusable by delivery vehicles.”

4.3 As stated previously a valid planning permission exists for a roller shutter door on the elevation facing Stoney Lane which would facilitate loading and unloading from the adjoining car parking area. Given this fact, the main issues to be considered in determining this application are judged to be, and in no particular order:

1. Whether or not the larger roller shutter door in its new location is acceptable in terms of its visual appearance.
2. Whether the larger doorway gives rise to additional noise and general disturbance or additional activity on the car parking area which could be detrimental to neighbouring residential amenity.
3. Whether the development results in the loss of car parking provision.
4. Whether or not the larger doorway is necessary for the proper operations of the business and whether this need outweighs any harm arising.

06/1134/FULL continued

4.4 I will deal with each of these issues in turn:

VISUAL APPEARANCE

4.5 This is a typical industrial building located within an area allocated for industrial/warehouse purposes. An argument that this opening spoils the appearance of the building or its setting in the street scene could not be sustained.

4.6 A larger opening reveals more of the inside of the building but this is not an unusually large doorway and the increase in the opening area over and above the previously approved doorway is not considered to be so significant as to form the basis for an argument to refuse the application.

IMPACT ON NEIGHBOURS

4.7 The operations within the building involve cutting wood and assembling it into the form of roof trusses, which is an activity which can clearly be heard on the opposite side of the road. A larger opening could give rise to an increase in noise and disturbance to residents opposite compared with the previously approved arrangement. The Council's Environmental Health Section have considered this possibility but do not raise any objection to the development on these grounds. I would nevertheless recommend the imposition of a condition which ensures the closure of the roller shutter door when deliveries are not taking place (see recommended condition number 3 below). It should also be noted in this context that an earlier planning permission (WF. 445/97) prevents any working on a Sunday or Bank Holiday. That condition still applies to the current operations at the site.

4.8 The company have stated verbally that there is only one delivery of wood per week to the site and that this wood is unloaded from the lorry into the Unit via a small truck as quickly as possible because the wood can be damaged from exposure to the elements. There are 3 or 4 deliveries of roof trusses from the Unit per week. This does not seem an excessive number of vehicle movements and no substantial harm should arise from these deliveries to neighbouring property. In addition delivery and collection times are also controlled by the following condition attached to an earlier planning permission (WF1016/01):

"Deliveries and collection to and from the premises shall only take place between the hours of 7.30 am and 6.00 pm Mondays to Friday inclusive and between the hours of 8.30 am and 1.00 pm on Saturdays with the exception that between the hours of 6.00 pm and 9.00 pm Mondays to Fridays inclusive deliveries to and collection from the premises and units 5, 6 or 7 Red Sands Road may also take place."

06/1134/FULL continued

- 4.9 There is no doubt however, that any use of the car parking area for the storage of roof trusses or any other product or raw material would be unsightly and detrimental to residential amenity. Such storage is prevented by a condition on an earlier planning permission (condition 8 of WF445/97) and in view of this the site is being monitored to ensure that no external storage takes place.

IMPACT ON PARKING PROVISION

- 4.10 It has been suggested that the car parking area at the front of the building was originally designed to serve the whole of this industrial estate. I can find no evidence to support this assertion and it seems likely that the car parking area was originally intended to serve the three closest units to Stoney Lane. The existing company however only employs 4 people and there is ample room for parking with spare capacity for other units to use it if they were permitted to do so. There does not appear to be an on-street car parking problem on this industrial estate and the use associated with the larger roller shutter doors doesn't impinge upon the car parking provision to any significant extent.
- 4.11 The Highway Authority did not recommend refusal on the last application for the smaller roller shutter door and they are not anticipated to raise an objection to the current proposal.

NEED FOR THE DEVELOPMENT

- 4.12 The company clearly needs the additional size of doorway in order to remove roof trusses that have been assembled within the building and it would be unreasonable to deny them this possibility. The alternative would be to unload/ load by the other doors fronting on to Red Sands Road. However, the other door is not high enough and the depth of forecourt in this location is very limited and insufficient to enable a large vehicle to unload clear of the highway. In addition the floor level of the building is higher than the forecourt on this side of the building and it therefore precludes a drive-in facility for a lorry/truck. Furthermore residential properties located in Waterside Grange are actually closer to this original door than properties situated in Stoney Lane.

5.0 Conclusions and Recommendations

- 5.1 The newly installed larger doors are considered acceptable in terms of their visual appearance and will not compromise the existing parking provision at the site. The impact on the amenity of neighbours has been carefully considered and it is felt that any harm can be satisfactorily overcome by a planning condition restricting when the door can be left open.

06/1134/FULL continued

5.2 In consideration of Articles 1 and 8 of the Human Rights Act 1998 the application is recommended for **APPROVAL** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved Plans) - Drawing 242/2 received and dated the 24th November 2006
3. Deliveries to and from the premises shall only take place between the hours of 8.30am and 6.00pm on each day Monday to Friday inclusive and between the hours of 8.30am and 1.00pm on Saturdays, and the roller shutter door hereby approved shall only be open during these deliveries. There shall be no deliveries, and the roller shutter door hereby approved shall not be opened, at any time on Sundays and Bank Holidays.

NOTE

Drawing attention to certain operative conditions on earlier planning permissions.

Reason for Approval

The proposed development has been considered against the background of an earlier planning permission for a smaller roller shutter door. After careful assessment of the issues involved it is considered that subject to the conditions attached and in the light of valid conditions on earlier applications which can be invoked, that there should be no significant loss to the amenity of adjacent residents. The appearance of the roller shutter doors is judged to be acceptable and it should not give rise to car parking or highway safety related problems. To approve the development in these circumstances would be in accordance with the policies contained in the Adopted Wyre Forest District Local Plan as identified above.