

WYRE FOREST DISTRICT COUNCIL

**PLANNING (DEVELOPMENT CONTROL) COMMITTEE**  
**12<sup>TH</sup> FEBRUARY 2008**

**PART A**

**Application Reference:** 07/1215/FULL and      **Date Received:** 26/11/2007  
07/1216/LIST  
**Ord Sheet:** 378475.042714419      **Expiry Date:** 21/01/2008  
275292.910422488  
**Case Officer:** Stuart Allum      **Ward:** Bewdley and Arley

**Proposal:** Change of use to 4no apartments.

**Site Address:** 89-90 WELCH GATE, BEWDLEY, DY122AX

**Applicant:** Mr G Cross

<b>Summary of Policy</b>	H2, D1, D3, D,17, LB1, LB2, LB3, CA1, CA3, AR2, AR3, NR11, TR17 (AWFDLP) SD2, CTC19, CTC20 (AWCSP) QE1, QE3, QE5 (RPG11)
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 Nos. 89 and 90 Welch Gate are located in a terrace of historic buildings in this narrow thoroughfare winding its way out of Bewdley Town Centre in a westerly direction.
- 1.2 Both properties are Grade II Listed, being originally from the early 18<sup>th</sup> Century with mid 19<sup>th</sup> Century and some mid 20<sup>th</sup> Century alterations. They are constructed from brick with tiled roofs.
- 1.3 This location is within the Bewdley Conservation Area and also within an area allocated in the Local Plan for residential development.
- 1.4 The proposal is for a change of use to 4 x apartments.

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- 1.5 The properties are presently composed of two separate shop units on the ground floor, with a single flat above, on the first and second floors. There is no off street parking available. To the rear, there is a yard accessed by way of a pedestrian entry from the street. Beyond the rear boundary, at a higher level is located the long rear garden in the ownership of No. 40 Load Street. It is in the area of the yard where the steps are proposed, in order to gain access from ground level to the second floor self contained flat. The existing doors and shop windows on the front elevation will be retained.

## **2.0 Planning History**

- 2.1 WF/0142/02 – Change of use from retail to offices : Approved 12/3/02
- 2.2 WF.0230/04 – Change of use from retail (Class A1) to Financial and Professional Services (Class A3) : Approved 15/4/04

## **3.0 Consultations and Representations**

- 3.1 Bewdley Town Council – No objections to the proposals and recommend Approval
- 3.2 Highway Authority – It is noted that the existing property has no off street parking facilities. It would be reasonable to assume therefore that the proposal will have no Highway implications. No objections to planning permission being granted.
- 3.3 Conservation Officer – No objections subject to conditions
- 3.4 Access Officer – Resolve access issues before determination
- 3.5 Neighbour/Site Notice/Press Notice – 2 letters of objection received, raising the following concerns:
- The external staircase and balcony is overlooking directly across my wall, and is in full view of my garden.
  - I shall suffer complete and absolute loss of privacy in the whole of my garden, top, middle and bottom, that my family and I have enjoyed, uninterrupted, for the past twenty six and a half years. This would apply not only when the occupants access the building via the staircase, but, more particularly, they would be able to sit on the balcony at the top. The present small window, which the door would replace, does not provide such an opportunity.

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- The proposed staircase, as drawn, would appear to be out of sympathy with a Grade 2 listed building.
- Multi occupancy, particularly as regards the sharing of the courtyard and steps, will lead inevitably to noise and disturbance.
- Over the last year or so we have both had a number of occasions where we have had to complain to the Environmental Health Division about the amount of noise coming from the flat at number 90 at first floor level. This has been extremely loud music very late at night until early in the morning.
- My concern would be that this noise disturbance could increase at unsociable hours if the ground floor and second floor are also made into flats.
- Would it be possible for the development to include some kind of sound proofing in the walls between the properties, ground, first and second floor?
- Please note, that also some of the overflows pipes (from toilets?) at number 89/90 currently discharge into my garden. Clearly these should be rerouted when redevelopment takes place.

#### **4.0 Officer Comments**

- 4.1 Although the ground floor of these premises are currently two shops along the street frontage, their change of use to residential use is acceptable in principle.
- 4.2 There is space and scope within the units to create 4 x 1 bed flats, without adversely affecting the historic fabric and character of these Grade II Listed Buildings. The character and appearance of the Bewdley Conservation Area would also be preserved.
- 4.3 Regarding the construction of the rear steps and landing to gain access to the second floor flat, careful consideration has been given to the extent that this feature may affect the amenity and privacy of the garden area linked to 40 Load Street.
- 4.4 The 'landing' cannot be described as a balcony. It is designed merely to facilitate access and is not intended as a 'sitting out' area. There is already a rear facing window in this elevation (to be converted into the access door) and the proposal would not significantly worsen the prevailing situation with regards to overlooking.

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- 4.5 Soundproofing will be addressed by the Building Regulations at the appropriate time, subject to Planning Permission and Listed Building Consent being granted. The degree of soundproofing possible without compromising the historic fabric will be a matter for further negotiation between the Building Inspector and the Conservation Officer. Notwithstanding what may be possible in this regard, neighbours have the option to refer any future noise complaints to the Environmental Health Section.
- 4.6 Some access issues still have to be resolved. These would not in themselves prevent a recommendation for approval, and will be a balance between the effect on historic fabric and the needs of disabled persons living in or visiting the apartments.

## 5.0 Conclusions and Recommendations

- 5.1 This proposal meets the requirements of the appropriate policies and other guidance. It is recommended therefore that both applications 07/1215/FULL and 07/1216/LIST be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters) [07/01215/FULL] /  
A7 (Listed Building/Conservation Area Consent) [07/1216/LIST]
  2. A11 (Approved plans)
  3. Approval of all facing materials
  4. 1.20 Section of staircase to be approved
  5. Approval of new door to front entrance to upper floor flat
  6. Details of making good around door for new entrance
  7. Programme of Archaeological work

### Reason for Approval (07/1215/FULL)

The principle of residential development in this location is acceptable and the proposal can otherwise be implemented without creating a significant adverse effect on the neighbour amenity/privacy. The character and appearance of Bewdley Conservation Area would be preserved. For these reasons the proposal is considered to be in compliance with the policies listed above.

### Reason for Approval (07/1216/LIST)

The principle of residential development in this location is acceptable and the proposal can otherwise be implemented without creating a significant adverse effect on the character/appearance of the Grade II Listed Building. The character and appearance of Bewdley Conservation Area would be preserved. For these reasons the proposal is considered to be in compliance with the policies listed above.

**Application Reference:** 07/1260/FULL      **Date Received:** 11/12/2007  
**Ord Sheet:** 388097 278582      **Expiry Date:** 05/02/2008  
**Case Officer:** Paul Wrigglesworth      **Ward:** Blakedown and Chaddesley

**Proposal:** Erection of 2no 5 bedroom houses with vehicular accesses;demolition of Little Champson.

**Site Address:** 1 ROXALL CLOSE, BLAKEDOWN, KIDDERMINSTER, DY103JX

**Applicant:** Heritage Oak Developments

<b>Summary of Policy</b>	H.2, D.1, D.3, D.4, D.10, D.13, TR.9, TR.17, CA.6 (AWFDLP) SD.3, D.9 (WCSP) QE.3, QE.5 (RPG11) PPS1, PPS3 Design Quality SPG
<b>Reason for Referral to Committee</b>	Statutory or non-statutory consultee has objected and the application is recommended for approval Third party has registered to speak at Committee
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 No. 1 Roxall Close also known as Little Champson is a large detached Victorian property fronting Birmingham Road in Blakedown.
- 1.2 On one side is a detached house and the other is a detached bungalow. Opposite, on the other side of Roxall Close, are houses backing onto this street.
- 1.3 It is proposed to demolish this Victorian property and replace it with two detached dwellings. These dwellings are proposed to front Roxall Close, with two separate driveways, one of which is a new access. Pedestrian access only to the Birmingham Road is proposed to be provided to both properties, by utilising an existing gateway for one dwelling and creating a break in the boundary wall for the other. The boundary wall to Birmingham Road is proposed to be built up in the vicinity of the frontage of the existing house.

## 2.0 Planning History

- 2.1 WF.1171/03 – Erection of three houses : Withdrawn

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- 2.2 WF.141/04 – Erection of three four-bedroom houses with vehicular access to Roxall Close : Refused 9/3/04

### 3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – Objection to the proposal and recommend refusal. The Parish Council considers that:

- First, the scale of the proposed houses is out of keeping with adjoining properties and would be detrimental to the streetscene;
- Second, the design of the proposed houses is not in keeping with nearby properties, also affecting detrimentally the streetscene;
- Third, the private amenity and parking space is less than the standard to be expected for these five bedroom houses;
- Fourth, it is undesirable for these large houses to have their rear gardens fronting the A456, this being the main, visual thoroughfare through the village.

The Parish Council regrets that this proposal involves the demolition of one of the oldest houses in Blakedown (why has it not been listed?). It is felt that a scheme should be devised which refurbishes the original building and, either is more appropriately extended and then converted into flats, or a small separate dwelling akin to a coach house is built in the grounds, with the original building refurbished. This would create smaller units for accommodation, which are needed in the village, and which could contribute to the affordable housing need of the area, controlled by a Section 106 Agreement.

The Parish Council wish to speak at the Planning (Development Control) Committee in connection with this application.

- 3.2 Highway Authority – No objection subject to conditions and notes
- 3.3 Highways Agency – This development will be a replacement of an existing large residential private house. Vehicular access to this development will be from Roxall Close, therefore there will be no direct impact on the A456. Though pedestrian accesses will be formed off the A456 Birmingham Road, this will not have any adverse effect to the operations of the A456 as there is an existing footway on this section of the road. The Highways Agency therefore does not object to the proposal
- 3.4 Arboricultural Officer – The site has a small number of small ornamental trees and a Western Red Cedar that is the only tree that has a high amenity value and is worthy of retention.

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The Cedar will not be directly affected by the construction of the new dwellings; however it will be by the demolition of the existing garage next to it. I feel the tree should be retained as it adds to the streetscene as high amenity value. The tree has a diameter at breast height of 350mm and therefore requires a root protection area of 55 square metres or a circle with a 4.2 metre radius from the trunk of the tree.

The existing garage is around 2 metres from the trunk of the tree, which means that it is within the root protection area, therefore for the tree to be retained care should be taken when removing the garage.

Construction of the parking area close to the Cedar is also a concern.

There was a large dead tree at the site which I inspected, however it has recently fallen down in the bad weather. This tree was covered by a Tree Preservation Order, therefore I would like to see it replaced.

Recommendation: I have no objection to the development; however I need to know the method proposed for the removal of the garage and the construction of the parking area and I am concerned that the tree may be affected during the development, therefore I would like to suggest the following conditions:

1. Proposed method for removing the garage and the construction of the driveway
2. The tree be protected by a circle of chestnut pale fencing at a distance of 4.2 metres from the trunk of the tree
3. The replacement of the fallen tree shall be a standard with a girth of at least 14-16 cm. The choice of species is negotiable; however it will need to be approved before it is planted. If the development is approved, the replacement shall be planted in the first growing season following the development completion.

3.5 Severn Trent Water Ltd. – No objection subject to condition

3.6 Access Officer – Views awaited

3.7 Neighbour/Site Notice : one letter of 'no overall objection' received. Letters from seven properties objecting to the development on the following grounds:

- Plot 2 appears to be the one nearest to us, plot 1 has a distance of 1200mm from the boundary wall closest to 5 Lynwood Drive but no such dimension from the boundary wall adjoining our property is given for Plot 2, can you confirm the distance please?

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- Is this a convenient oversight and is the distance going to be less than 4 ft.
- The boundary walls that run along the boundaries of 2 Lynwood Drive and 3 Roxall Close will be maintained, can you confirm please that no alterations of any kind will be made to these two boundary walls
- Plot 2 of the side elevation shows garage roof closest to our property and no windows overlooking our property as shown on this elevation; please confirm that no alterations will be made to this elevation at any future date
- Should there be any modifications, additions or amendments to the proposed plans or any variation at all, we should be notified to confirm our view
- The property has been empty too long.
- The property itself can be kept, and I think we would all prefer the dwellings to be bungalows rather than detached houses. Roxall Close consists of bungalows and is a very attractive road and it would be consistent with the development for bungalows to be built
- We think that it is a tragedy that the oldest dwelling in Blakedown is to be demolished and replaced with two high priced five-bedroom houses.
- In our view it would be preferable to return the house to its original state by demolishing the hideous extensions to the rear of the building and perhaps adding a much more sympathetic extension to the house. This would be better for the environment as there would be far less dust and debris created and would also ease the potential pressure and problems of landfill if a total demolition went ahead. The newly extended house would then be eminently suitable for conversion to possibly three or four apartments at more affordable prices with adequate provision for off street parking within the grounds. This would then reduce the likelihood of additional parking on the road – this is already a problem due to the close proximity of the railway station
- Little Champson has been a significant landmark on the main road for well over a century. Demolition of history strikes me as wrong, as Blakedown is already full of bland housing dating from 1970 onwards
- The village needs to maintain some diversity
- I appreciate the need to create more housing and the conversion of Little Champson into apartments could fulfil that requirement whilst maintaining the original structure to the house
- Little Champson is one of Blakedown's oldest properties. We believe built in the 1800; externally at least has many fine architectural features including terrace and balustrade in spite of an admittedly disastrous extension in the 1960s. We cannot countenance the destruction of such a lovely old building that is very much part of the heritage of this village
- I have written to English Heritage proposing that Little Champson be considered for inclusion on the Listed Buildings Register.

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- I feel it would be a real shame for part of the villages history to be demolished, so I do hope that the application is successful, for Little Champson to become a listed building. At the auction of the property all prospective purchasers were made aware of the following two options; Option 1 - One four or possibly five bed house with integral garage and a three/four bed bungalow. Option 2 - Remove extensions, restore-sub divide as required and form a minimum of four two bed flats.
- Little Champson is positioned at the gateway to the village - it should be retained. It's one of the oldest buildings in Blakedown dating from the early 19<sup>th</sup> century and as such far from being demolished should be listed
- Its demolition is contrary to Policy CA.6 and states that development should preserve or enhance the character appearance of the older parts of towns and villages outside Conservation Areas, particularly those with buildings dating from the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Demolition of buildings and structures that contribute positive to the character or appearance of these areas will be resisted
- This development contravenes both aspects of this policy in that the development is not sympathetic and certainly does not enhance the village, and the demolition is detrimental to the streetscene at the gateway to the village
- Quite apart from being the first building in Blakedown from the Birmingham direction, it is in fact the first in Wyre Forest district
- The reason that it is in poor repair, is because it has been unoccupied for a number of years because the previous owners were awaiting the outcome of various previous development proposals, all of which have been rejected. This one should be treated not differently
- Blakedown is formulating a Parish Plan at present, and one of the areas to be concentrated on is the appearance of the village. Already lost a number of significant and attractive properties on Birmingham Road, and lights have been replaced with modern boxes facing the other way, which means that residents now have a series of back fences and walls to live with, rather than frontages. This trend is damaging the community spirit
- The person has no regard for the community, to the extent that his proposals for the Birmingham Road boundaries merely to patch up the gap in the existing modern (1950s?) high wall left by demolishing the house, which disregards completely the streetscene and demonstrates how inappropriate the proposal is. This is because the wall itself can be regarded as something of an eyesore compared with the elegance of the building, so to retain it and use it as a cheap fix is more akin to a boundary facing a back alley than the main village street
- I favour, as other residents do, conversion of the property into flats, possibly as affordable housing, demolition of existing unsightly modern wall, replacement with iron railings to expose the elegant main building, more to view from the road at the entrance to the village and layout the garden for parking

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- A small new house or bungalow on the plot and extension by replacement of the modern flat roof extension in keeping with the main house from Birmingham Road would give the developer an additional profit they may be looking for in addition to the sale of the flats. This would be a way to constructionally re-use the building on site and respect residents wish to prevent further loss of our heritage
- The proposed replacement buildings would add nothing to the character of the village being purely standard boxes. They are too big for the size of the plot – 0.252 acres – and would dwarf the properties surrounding
- The Parish Plan will feature heavily the character of the entrances to the village, and Little Champson is an integral part of the streetscene at the entrance from Birmingham and motorway
- Houses would look right down at close range into my garden and those of 7 and 11 and I imagine this would also apply to No. 3 Lynwood Drive and the first of the bungalows on the left at Roxall Close
- The front bedrooms of one of the houses would look directly into our back bedroom and garden. The front of our house is already very close proximity to the houses opposite, so to have the same proximity occurring at the rear of the property would clearly be detrimental to our privacy
- The privacy of No. 7 Lynwood Drive will also be negatively impacted by the decrease in space between their property and the proposed development
- For the bungalow I would imagine that it would be quite overpowering and there would also be loss of privacy
- Whatever development goes ahead there would need to be some restrictions laid down. Because of the intensely residential area we would need to be assured that any building work would be done sympathetically – with the demolition of the existing house and hours of work I would ask that the road is left clear during building; that all vehicles can get through without having to drive over the pavement at the back of our properties, especially with regard to the bin and recycling lorries which takes up most of the width of road
- Disruption during build – our street simply cannot cope with heavy construction traffic - both our cul de sacs with restricted turning space
- The entrance to Roxall is quite narrow and 9 and 5 of our water meters in the pavement of the road
- We are not objecting to the development – it has to be done, but would like it to be done in a sympathetic manner as possible with regard to what is a very pleasant environment
- The frontage of the proposed houses would be substantially closer than the new current house; it would be very intrusive for us and of course the same would be true in reverse for the new occupants should the scheme go ahead
- The two properties proposed in place are far larger than the current property so density of housing in Roxall Close will increase

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- The properties proposed are not in keeping with its surroundings, being significantly larger than the bungalows in Roxall Close and even the four-bedroom detached properties in nearby Lynwood Drive
- The building line proposed for the two new properties will impact negatively on the properties on either side by significantly reducing the space between the properties
- A previous application was refused by the planning committee and a subsequent appeal dismissed by the inspector, which centred around, 1-Over development, 2-Failure to respect the street scene(transition from houses to bungalows) 3-The effect on the side elevation of 5 Lynwood Drive and the subsequent loss of amenity.4-Uninspired design. I also feel strongly that any new build should be kept in line with existing properties (front and back) NOT some 33 percent greater in depth as proposed in the current plans. I feel that points 1-4 are being overlooked and to satisfy the local residents I feel they should be adhered to.
- The heavy traffic on the Birmingham Road going through Blakedown all day and all night is enough of an imposition, and all possible should be done to retain attractive frontages to keep what is left of the village atmosphere and appearance

3.8 Comments from the applicant's Agent - We need to answer the Parish Council's objection officially for the Planning Committee, because there seems to be issues which are not correct, i.e. the car parking and the amenity is less than standard requirements. This is not the case because we have a double garage and at least an additional 2-3 car park spaces to each house.

All the neighbouring properties have their gardens backing on to the A456.

From reading the Planning Inspectorate statement that 'The design is uninspired and the development cramped, the over development adjacent to Number 5 Lynwood Close is too close.' The new development has been designed to take these comments into account and both properties i.e. on the boundary sides have lowered roof heights as per your request and the Planning Inspectorate comment regarding over-development and harm caused to the residents. The over-development has also been addressed by only building two properties which was a concern with the neighbours' objection letters in the Planning file in your office.

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#### 4.0 Officer Comments

- 4.1 This site lies within a residential area and constitutes previously developed land. As such, the principle of residential development on this site is acceptable.
- 4.2 The previous application for three dwellings on this site was refused for the following reasons:
1. The proposed dwellings, by reason of their size and positioning, in relation to the overall size of the site, would constitute overdevelopment of the site. Thus the proposal would be contrary to Policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan.
  2. Due to the close proximity of dwellings a) and c) to the boundaries of the adjoining residential properties, the proposed development would result in an unacceptable loss of amenity to those neighbouring properties. The proposed development would therefore be contrary to Policy D.1 of the Adopted Wyre Forest District Local Plan
- 4.3 This decision was Appealed against and Dismissed. In doing so the Inspector stated
- “Due to its location in the settlement, I consider that the redevelopment of this site for housing is acceptable in principle” and “Three dwellings of the type and design proposed, and in the layout put forward, pays scant heed for the need to reflect and respect the streetscene. A development on this site should act in a transitory role in visual terms between the detached house on one side and the bungalows on the other. The scheme put forward does not achieve this aim. The design is uninspired and the development cramped. The overdevelopment has resulted in the house on Plot C being so close to the side of No. 5 Lynwood Drive that I consider unacceptable harm would be caused to the amenity of this property.”*
- 4.4 It should be noted that no mention was made in these decisions with regard to the retention of the existing building or of the Birmingham Road streetscene which at the time proposed dwellings backing onto it with the boundary wall retained and built up in the vicinity of the existing house.
- 4.5 After considering the refusal reasons, the Inspector’s decision, and the objections from the Parish Council and neighbours, the main considerations in determining this application are:
- Design issues relating to the streetscenes and whether the development amounts to over-development/cramped development of the site

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- Impact on neighbouring property
- Loss of the existing building
- Other issues

#### DESIGN CONSIDERATIONS

- 4.6 The number of dwellings has been reduced from three to two. Although the dwellings are large, in that they are both five bedroom properties, they are separated by a 2 metre gap; they employ hip roofs which reduce the ridge lines and improve the space between them and they both have single storey wings on either side. This latter element results in over a 6 metre gap between the two storey elements of the proposed and the existing house on the one side and a gap of 9.4 metres between the two storey elements of Plot 2 and the existing adjoining bungalow on the other. The garage roof on Plot 2 has a half hipped roof and this provides a transitory element referred to by the Inspector between the height of the dwelling and the neighbouring bungalow.
- 4.7 In terms of design, unlike the previous scheme where all three dwellings were identical, the two properties have different designs which will add interest to the street scenes.
- 4.8 The Parish Council has suggested that it is undesirable for the properties to have their rear gardens fronting the Birmingham Road. Whilst in most circumstances I would be sympathetic with this view, there are problems associated with this in this instance. If new dwellings are to be permitted and they front the Birmingham Road it would not be in character with the streetscene since the three dwellings on either side back onto Birmingham Road. Furthermore, the rear gardens would also be disproportionately short for properties of this size unless the dwellings were to be brought forward which would then impact adversely on neighbouring properties. It would also result in vehicles having to emerge onto the Birmingham Road which is less desirable from a highway safety point of view and finally the previous scheme was not refused for this reason and to do so now would be difficult to justify against the same policy background.
- 4.9 The scheme proposed will not appear cramped and the visual relationship with neighbouring properties and the streetscene, if not 'inspired', is at least acceptable.

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**IMPACT ON NEIGHBOURING PROPERTY**

- 4.10 The main impact is on the dwelling house at 5 Lynwood Drive, adjacent to Plot 1. The dwelling proposed at Plot 1 is 1 metre from the boundary but unlike the previous application a single storey element is proposed adjacent to this boundary with a lean-to roof. The adjacent neighbouring property has a veranda at the side which gives light to other rooms. However, these rooms are either non-habitable or gain light from a larger source. The veranda itself has a translucent roof and like conservatories is judged to gain sufficient light from this source. Above the veranda is a landing window which is not a habitable room. The proposed development does step back beyond the rear of the neighbouring property, but the 45 Degree line is not invaded. The proposed dwelling is therefore considered to be compatible with the 45 Degree Code and would not in my view have such an impact on the rear aspect of the neighbouring property that would warrant a refusal of permission.
- 4.11 Plot 2 has very little impact on the neighbouring bungalow due to the separation distance and because the bungalow has no windows with habitable rooms on this side.
- 4.12 Overlooking to the opposite side of the road is no different from many other situations and in any event is considerably more than the standard requirement of 10 metres.

**LOSS OF THE EXISTING BUILDING**

- 4.13 When viewed from the Birmingham Road the dwelling to be removed is a handsome looking Victorian house. However, when viewed from the rear it has been seriously harmed by an ugly two storey and a single storey flat roofed extension. It is not Listed or on a Local List. One of the neighbours has applied to English Heritage for it to be Listed, however the Council's Conservation Officer is of the view that it is not worthy of Listing.
- 4.14 It may be preferable to extend and convert the existing dwelling (after taking down the existing extensions) and convert the resulting building to flats but this is not the application that is required to be determined. The applicants have been asked about this and have responded:

*"The building would need considerable alteration and/or extension. There were objections from neighbours and the Planning Inspectorate concerning the number of vehicles on the application for 3 houses. Flats would generate even more traffic than two houses and, at present, flats are not selling due to the proliferation of existing properties".*

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- 4.15 As one of the objectors to the current application has pointed out, Policy CA.6 of the Adopted Wyre Forest District Local Plan does try to protect the appearance of older parts of towns and villages outside of Conservation Areas and where buildings constitute positively to these areas, demolition will be resisted. It is however debatable whether this policy can be applied as this is no longer one of the older parts of the village in that there are three modern houses on either side, modern houses to the rear and a modern school opposite.
- 4.16 However, and notwithstanding the above comments, it is recognised that the Parish Council and local residents feel strongly about this building. In view of the fact that there has been an application to English Heritage to List this building, it is recommended that the response from English Heritage be obtained before the application is finally determined.

#### OTHER ISSUES

- 4.17 There is ample car parking for the dwellings of this size and the Highway Authority has raised no objection to the scheme.
- 4.18 A dead tree protected by a Tree Preservation Order has recently fallen down. The Arboricultural Officer is of the view that this should be replaced, which can be achieved by a way of a condition.

### 5.0 Conclusions and Recommendations

- 5.1 In the event that English Heritage do not List this building, I recommend that **delegated** authority be given to **APPROVE** the application subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B3 (Finishing materials to match)
  4. B11 (Details of enclosure)
  5. B13 (levels details)
  6. C3 (Tree protection during construction)
  7. Replacement tree
  8. Tree protection measures
  9. Landscaping
  10. Retention of boundary walls
  11. J1 (removal of permitted development – residential)
  12. Severn Trent Water conditions
  13. Highway Authority conditions
  14. Submission of a protected species mitigation strategy
  15. Site levels and finished floor levels to be agreed
  16. F5 (Construction site noise/vibration)

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## Notes

- A SN12 (Neighbours' rights)
- B HN1 (mud on highway)
- C HN4 (No laying of private apparatus)
- D HN5 (No highway works permitted)

Reason for Approval

The site is allocated for residential development in the Adopted Wyre Forest District Local Plan and constitutes previously developed land. The proposed layout and design of the properties is appropriate to the character of the area. The impact on neighbouring properties has been assessed and the scheme is considered to be acceptable in this regard. The properties have sufficient car parking facilities and the access road is capable of accommodating the additional traffic. In these circumstances the development is considered to be compatible with the above mentioned policies of the Development Plan.

5.2 In the event that English Heritage List the existing building, I also recommend that **delegated** authority to **REFUSE** the application for the following reason:

1. The development would result in the loss of a listed Building which makes a positive contribution to the village of Blakedown and no justification has been provided to demonstrate that the development outweighs the individual importance of the Listed Building or that there are no alternatives to demolition. To approve the development in these circumstances would be contrary to the aims and provisions of Policy LB.1 of the Adopted Wyre Forest District Local Plan, Policy CTC.19 of the Worcestershire County Structure Plan and Policy QE.1 of the Regional Spatial Strategy (RPG11)

**Application Reference:** 07/1291/FULL      **Date Received:** 19/12/2007  
**Ord Sheet:** 378320 275586      **Expiry Date:** 13/02/2008  
**Case Officer:** Emma Anning      **Ward:** Bewdley and Arley

**Proposal:** Demolition of existing dwelling & construction of 4 No. four bedroom dwellings with associated access & parking (re-submission of 07/0734/Full)

**Site Address:** KENDAL LODGE, DOWLES ROAD, BEWDLEY, DY122RD

**Applicant:** James Dickens

<b>Summary of Policy</b>	H.2 H.5 D.1 D.3 D.10 D.11 D.13 D.16 NR.4 NR.9 TR.9 TR.17 (AWFDLP) CTC.1 D.1 D.5 (WCSP) CF.3 CF.4 CF.6 QE.1 QE.3 T.7 (RPG 11) PPS1, PPS3; PPG14 Design Quality SPG
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The application site lies adjacent to Dowles Road, Bewdley. The site is very steep, with a rise of 15m across a distance of 60m from the road to the rear of the site. The central area however is relatively flat, the rear and front of the site contain the most abrupt gradients.
- 1.2 Currently one detached split level bungalow of 1970s styling occupies the site. Immediately to the north-west of the site other detached dwellings sit within large plots, to the north-east is Lands End Way a much denser development of detached dwellings on smaller plots. Further along Dowles road to the north-east two other sites which were formerly occupied by large houses have been developed to accommodate additional dwellings.
- 1.3 The site is allocated as being suitable for residential development in the Adopted Local Plan.
- 1.4 It is proposed to demolish the existing bungalow and to erect four four-bed detached dwellings with garaging.

07/1291/FULL

## **2.0 Planning History**

- 2.1 07/0734/FULL - Demolition of existing bungalow and construction of four detached houses, associated access and parking areas: Withdrawn

## **3.0 Consultations and Representations**

- 3.1 Bewdley Town Council – Objection to the proposal and recommend Refusal:

1. on highway grounds - this will add more traffic to a very busy part of Dowles Road creating additional dangers on this road.
2. on environmental grounds - as such a development will increase the risk of flooding to properties below this development. The area is known to have natural springs.

- 3.2 Highway Authority – No objections subject to conditions.

- 3.3 Environment Agency – No comments received

- 3.4 Environmental Health – The site is within 250m of a former domestic landfill site at Lyttleton Road. Add D2 condition.

- 3.5 Access Officer – Initially highlighted concerns with the width of car parking spaces, the stepped access and an incongruence in the drawings. The drawings have since been revised in light of the Access Officer's comments. Access Officer's final comments: Issues resolved. Determine as appropriate.

- 3.6 Severn Trent Water Ltd. No objection subject to conditions.

- 3.7 Ramblers Association Bewdley footpath 519 passes adjacent to the site for the proposed application but we cannot see that it is materially affected and hence we have no objection.

- 3.8 Neighbour/Site Notice - 15 Letters of objection received. The main issues raised were:

### LAND DRAINAGE/STABILITY

- Foul and surface water drainage. Soakaways would worsen the flooding problems which occur in this area, as would the outflow from foul septic tanks.
- There is a complicated drainage system under Sabrina Drive to handle the heavy run off from Patchetts Hill, if this is exacerbated by the development it could present serious problems for the residents of Sabrina Drive.

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- Subsidence. The application site is in an area of natural subsidence hazard and it is recommended that a surveyor is consulted.
- The proposed development could destabilise the property known as 'The Pippins' and the septic tank. Should this application be approved then the following conditions should apply; adequate retaining walls to be constructed wherever necessary and the owners of 'The Pippins' , 'Braeside' and 'Witchthorn' be indemnified against consequential damage by subsidence.
- The site has a great deal of run off that causes flooding on Dowles Road.

#### HIGHWAY ISSUES, ACCESS AND PARKING

- Access to the proposed site is on a blind corner, the majority of cars leaving Bewdley accelerate along this stretch of road, exiting the proposed site would be extremely hazardous.
- Site parking is inadequate for four bedroom houses. No provision for the turning of vehicles has been allowed.
- It is surprising that there is no provision in the layout for the proposed access road to be potentially extendable for further development of land below 'The Pippins, it is recommended that the layout be modified to allow this possibility albeit with the usual ransom strip.
- The proposed layout and access pose serious risk of accidents in which cars could drop from the access road onto Dowles Road or more likely onto houses in Sabrina Drive.

#### AMENITY

- Should the development be granted then disruption and damage to the road by the site will occur. Construction traffic to and from the site would cause mayhem. It is recommended that should the application be approved a condition is included to ensure that the construction period is not strung out but completed by July 2009.

#### DESIGN AND LAYOUT

- The erection of four detached houses on this site is over development. There are currently seven properties for sale within three hundred metres of the site and they have been for sale for varying lengths of time.
- The application ensures that views of properties on Patchetts Lane above the site are not obstructed. However, little regard appears to have been given to properties below the site which will be directly overlooked by the new development. Adequate tree screening at roadside level should be provided.

#### OTHER

- There is a lack of affordable housing provision in Bewdley.

07/1291/FULL

#### **4.0 Officer Comments**

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

- Policy and Allocation
- Design and Layout
- Highway Access and Parking
- Landscaping
- Other Issues

##### **POLICY AND ALLOCATION**

4.2 The site is comprised of one detached house and its residential curtilage. I am satisfied that the site constitutes Previously Developed Land as defined in Planning Policy Statement 3: Housing. The site is allocated as being suitable for residential development in the Adopted Local Plan and as such, the principle of residential development on this site is acceptable.

4.3 The proposed density of development would equate to 13 dwellings per hectare. This level falls below the requirement of 30 dwellings per hectare as set out in Policy H.5 of the Wyre Forest District Adopted Local Plan, however in light of the physical constraints of the site and the character of the surrounding area I consider the level of provision to be acceptable and in accordance with Policy D.5 in this instance.

##### **DESIGN AND LAYOUT**

4.4 The proposed dwellings are of good design with attractive architectural detailing and would relate well to the character of the area and to other dwellings in the locality.

4.5 The layout of the proposed development would reflect the local pattern of development which is largely detached properties in large individual plots. The parking and access area to the front is characteristic of dwelling which front onto Dowles Road and it would therefore blend well with the immediate locality. The proposal therefore complies with Policy D.1 and Policy D.3 of the Adopted Local Plan.

4.6 The proposed site plan shows adequate levels of private amenity space for each dwelling, with average garden lengths of 20m. The layout of the dwellings would not result in loss of privacy or overlooking of neighbouring properties by virtue of the large separation distances between dwellings and the levels of screening and landscaping proposed. Similarly the relationship between the proposed dwellings would not give rise to an undue impact on the amenity of occupiers as there is sufficient separation distance and the orientation of windows and doors would not allow overlooking or a loss of privacy.

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#### HIGHWAY, ACCESS AND PARKING

- 4.7 The scheme proposes to utilise the existing access from Dowles Road to serve the four dwellings. The original site plan showing the proposed access and turning/parking areas has been revised following consultation with the Highway Authority to show a 1m wide service strip around the access drive for pedestrian users. No adverse comments from the Highways Officer have been received and it is therefore considered that the proposal accords with Policy TR.9 of the Adopted Local Plan and that the scheme would not give rise to a situation which is detrimental to highway safety.
- 4.8 The adopted car parking standards require that for the four dwellings a total of 8 car parking spaces would be required. The proposed site plan shows eight spaces with adequate turning facilities. The proposal therefore accords with Policy TR.17 of the Adopted Local Plan.
- 4.9 A number of objection letters have been received from neighbours regarding the potential highway impact of the proposal. Concerns regarding the suitability of the access and level of parking provision proposed have been addressed above. There are also concerns that the proposed layout may lead to cars 'dropping off' the proposed access onto Dowles Road or Sabrina Drive, given that the proposed parking provision would be 'in-garage' it is considered that this is highly unlikely to occur if cars are parked in the garages. Any vehicles not parked in the garages would present no greater risk to highway safety than currently exist, the Highways Officer did not raise any concerns regarding the parking arrangements. Lastly, regarding access, it was suggested that the access road be extended to allow for the future development of land to the rear of 'The Pippins', this area however does not form part of the application site.
- 4.10 The District Council's Access Officer initially highlighted concerns with the width of car parking spaces, the stepped access and incongruence in the drawings. The drawings have since been revised in light of the Access Officer's comments and no adverse comments have been received. The proposal is therefore considered to comply with Policies D.1 and D.9 of the Adopted Plan.

#### LANDSCAPING

- 4.11 The indicative landscaping on the site plan shows a high degree of proposed landscaping largely achieved through the retention of existing trees on site. There appears to be adequate soft landscaping to the boundaries and within the elements of built form which will help to soften the visual appearance of the development within this wooded landscape. It is proposed to add a condition to any permission requiring a full landscape plan to be submitted and approved prior to works commencing on site. Issues of drainage and stability will be covered at the Building Regulation stage of the development.

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#### OTHER ISSUES

- 4.12 A number of neighbour objections raise concerns with land drainage and land stability on this site. Whilst it is acknowledged that the steepness of the site may lead to a tendency towards rapid run off to Dowles Road, the scheme proposes a drainage system as a means of preventing this and having carefully considered the lie of the land it is unlikely that the development would result in land instability, however as a precautionary measure it is proposed that a condition requiring a land stability survey to be carried out be included on any permission and details of any retaining walls be submitted prior to the commencement of works.
- 4.13 The lack of affordable housing provision in Bewdley is not a material consideration in this instance as the number of proposed dwellings together with the area of land involved falls short of that which would require a contribution be made to the District's affordable housing provision. Given the characteristics of the site and the surrounding area it is not considered that residential development on the site which would lead to a requirement for some element of affordable housing would be achievable.
- 4.14 It is acknowledged that during the construction process some disturbance to neighbours may occur, however given that this would be of a temporary nature it is considered that it would not have a serious adverse impact on their amenity. A condition requiring the development to be completed within a given period is not considered to be reasonable in this instance, however hours of operation is something that can be controlled by condition and this is recommended below.

#### **5.0 Conclusions and Recommendations**

- 5.1 The development by virtue of its design and layout would relate well to the character of the area and would have an acceptable appearance in the streetscene. Careful consideration has been given to the impact of the proposal on the amenity of neighbours and it is considered that they would not be unduly affected. The proposal would not give rise to a situation which is detrimental to highway safety.

07/1291/FULL

5.2 In consideration of Articles 1 and 8 of the Human Rights Act 1998, I recommend **APPROVAL** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved Plans)
3. B1 (Samples/Details of material)
4. B11 (Details of enclosure)
5. C2 (Retention of existing trees)
6. C5 (Hand digging near trees)
7. C6 (Landscaping)
8. C8 (Landscape implementation)
9. D3 (Slope stability)
10. D2 (Landfill gas investigation)
11. E2 (Foul and surface water drainage)
12. F5 (Hours of operation)
13. H13 (Access, turning and parking)
14. J1 (removal of permitted development rights)
15. Details of retaining walls to be submitted

Reason for Approval

The development by virtue of its design and layout would relate well to the character of the area and would have an acceptable appearance in the streetscene. Careful consideration has been given to the impact of the proposal on the amenity of neighbours and it is considered that they would not be unduly affected. The proposal would not give rise to a situation which is detrimental to highway safety. The proposal therefore complies with the relevant policies as listed.

<b>Application Reference:</b>	07/1299/FULL	<b>Date Received:</b>	20/12/2007
<b>Ord Sheet:</b>	381392 276066	<b>Expiry Date:</b>	14/02/2008
<b>Case Officer:</b>	James Houghton	<b>Ward:</b>	Sutton Park

**Proposal:** Single storey extension to front.

**Site Address:** 121 SUTTON PARK ROAD, KIDDERMINSTER, DY116JG

**Applicant:** Mr & Mrs Neri

<b>Summary of Policy</b>	D.1, D.3, D.17 (AWFDLP)
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 No. 121 Sutton Park Road is a brick built, hipped roofed bungalow set back from the road behind a front drive and garden. The property benefits from a loft conversion and a small toilet extension.
- 1.2 The proposal is for a single storey extension to the front of the property.

## 2.0 Planning History

- 2.1 07/1182/FULL – Ground floor front and rear extensions : Withdrawn 05/12/07

## 3.0 Consultations and Representations

- 3.1 Neighbour/Site Notice – One letter of objection and subsequent emails have been received from the neighbouring property raising the following concerns:
- All existing side elevations shown on the scale drawing are inaccurate as they show a rear extension that does not exist and for which no planning application has been previously approved.
  - The structure shown is similar to that on planning application 07/1182/FULL of 23rd November 2007, which was withdrawn in Dec 2007 due to the rear extension being proved to be in non-compliance with the 45 degree code.
  - There has been no commencement of any work in relation to this rear extension as at 2nd January 2008.

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- Both the ground floor proposed and existing plans are cut off and show no detail of the non-existent rear extension.
- There is no rear elevation shown which illustrates the non-existent rear extension, its calculable volume or its roof design.
- There has been previous development of the site by virtue of a dormer extension of approximately 8 cubic metres.
- The site plan submitted with the application is at least 20 years out of date and does not even show the existence of 119 Sutton Park Road or extensions on other properties in the vicinity.

#### **4.0 Officer Comments**

- 4.1 The applicant seeks approval for a front extension. The proposed extension will project no closer to the highway than the existing garage and, by virtue of its location and design, would have no impact on the amenity enjoyed by neighbouring properties.
- 4.2 The proposed extension is considered to be of an appropriate scale and design in relation to the original dwelling and will present an acceptable appearance to the street scene. It therefore complies with Policy D.17 of the Local Plan.
- 4.3 With regard to the objection received from the neighbour, the plans as originally submitted show a rear extension which has not been built and for which planning permission has not been obtained. Amended plans have since been submitted showing an accurate representation of the existing property. The neighbour has been notified of the revised plans.

#### **5.0 Conclusions and Recommendations**

- 5.1 The impact of the extension upon the neighbouring properties has been carefully assessed and it is considered that no undue loss of amenity or privacy would occur as a result of the development.

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5.2 In consideration of Articles 1 & 8 of the Human Rights Act 1998, I recommend that the application be **APPROVED** subject to the following conditions:

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

Reason for Approval.

The proposed extensions are considered to be of an appropriate scale and design in relation to the original dwelling and will present an acceptable appearance to the street scene. The impact of the extensions upon the neighbouring properties has been carefully assessed and it is considered that no undue loss of amenity or privacy would occur as a result of the development.



08/0015/FULL

### **3.0 Consultations and Representations**

3.1 Highway Authority – Views awaited

3.2 Environment Agency – Views awaited

3.3 Severn Trent Water – No objection. Recommend conditions.

3.4 Environmental Health – Views awaited

3.5 Access Officer – Standard of access is acceptable. Handrails should be provided on both sides of external staircases.

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

- I was not informed of application 07/0670/FULL for two town houses and was surprised when building commenced. I would have strongly objected if I had known.  
*(Officer Comment – a neighbour notification letter was sent to the objector's address on 3<sup>rd</sup> July 2007).*
- The proximity of the building to our border would greatly affect daylight on our property as the building will be at a higher level.
- There is not enough parking at one space per house and visitors will park in front of my property.
- The side windows overlooking our property will greatly reduce our privacy.
- The proposed dormer windows would greatly increase the height and profile of the building reducing the daylight into our property even more.
- I have noticed that the new building which has started is within one foot of our property and it should be three feet away.
- I would like to speak on the matter at Committee.

### **4.0 Officer Comments**

4.1 The principle of a pair of two storey semi-detached town houses with parking has already been established at this site by the approval of application 07/0670/FULL. The current application under consideration differs only by the insertion of two dormer windows in the front roof slope and two in the rear roof slope. All other details are identical to those already approved under reference 07/0670/FULL. The previously approved application included a bedroom in each roof space and there was a subsequent minor amended approved to provide a rooflight in each of the rear roofslopes.

08/0015/FULL

- 4.2 As all other details are identical the only issue to be considered here is the impact of the dormer windows.
- 4.3 Formal written approval is required for the dormer windows because permitted development rights have been removed by Condition No. 10 of approval 07/0670/FULL. If these rights had not been removed then the insertion of dormer windows in the rear roof slopes would not have required any further consent but those in the front roof slopes would have needed specific approval. Hence the resubmission of the application.
- 4.4 The proposed dormer windows are narrow and centred in each roof slope. They would have no additional impact in respect of the 45 Degree Code and cause no loss of light to the occupiers of neighbouring dwellings. As the proposed dormer windows would have little volume they would not in my view appear unduly dominant or intrusive in the street scene on which there would be no significant additional impact.
- 4.5 Most of the neighbour's comments refer to matters already dealt with under the previous approved application 07/0670/FULL.
- a) That application was amended during its consideration so that the siting of the pair of semis did not fail the 45 Degree Code to avoid any light loss to neighbours.
  - b) The parking provision is to the County Council's Car Parking Standards and there was no objection from the Highway Authority.
  - c) The side windows on the approved dwellings are to a toilet and landing and there would be little opportunity for overlooking. However, in view of the objection received, it is possible to add a condition to control the material and opening of the windows in the side elevations and to prevent any further openings in them.
  - d) The proposed change to the profile of the building will not cause any light loss to neighbouring occupiers.
  - e) The matter of possible incorrect siting of the footings already under construction has been referred to the Enforcement Unit.

08/0015/FULL

## 5.0 Conclusions and Recommendations

- 5.1 The insertion of two dormer windows in the front and rear roofslopes of the previously approved pair of semi-detached town houses would not cause any harm to interests of material importance and therefore would accord with the relevant policies of the Adopted Wyre Forest District Local Plan.
- 5.2 In consideration of Articles 1 & 8 of the Human Rights Act 1998, I recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B1 (Samples/details of materials)
  4. B11 (Details of enclosure)
  5. B13 (Levels details)
  6. C6 (Landscaping - small scheme)
  7. C8 (Landscape implementation)
  8. Drainage details
  9. Public sewer
  10. J1 (Removal of permitted development – residential)
  11. H13 (Access, turning and parking)
  12. E2 (Foul and surface water)
  13. Handrail shall be fixed to any external steps
  14. J7 (Windows obscure glazing <side elevations>)

### Notes

HN5 (Highway)

SN1 (Removal of Permitted Development Rights)

SN10 (Disabled Persons Act 1981)

### Reason for Approval

The proposed dwellings are considered to be of an appropriate scale and design and will have an acceptable appearance in the streetscene. The impact of the proposed development including the dormer window on the amenity of neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on their amenity. For these reasons the proposal is considered to comply with the policies listed above.

WYRE FOREST DISTRICT COUNCIL

**PLANNING (DEVELOPMENT CONTROL) COMMITTEE**  
**12<sup>TH</sup> FEBRUARY 2008**

**PART B**

**Application Reference:** 07/1240/FULL      **Date Received:** 05/12/2007  
**Ord Sheet:** 381211.20819575      **Expiry Date:** 05/03/2008  
272581.637287275  
**Case Officer:** Paul Round      **Ward:** Lickhill

**Proposal:** Erection of enclosure to cover two netball courts

**Site Address:** STOURPORT SPORTS CLUB LTD, KINGSWAY,  
STOURPORT-ON-SEVERN, DY138BQ

**Applicant:** Stourport Sports Club Ltd

<b>Summary of Policy</b>	D1, D3, D5, D9, D10, D11, D19, NR3, GB1, GB2, GB6, TR9, TR17, LR9, LR11, LR17 (AWFDLP) CTC6, D39 (WCSP) PA10, QE3, QE6 (RPG11) PPS1, PPG2, PPS7, PPG17
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The site is an existing sports area utilised for all weather sports. It is located off the Kingsway being located adjacent to Stourport-on-Severn High School and opposite Stourport Sports Club. The pitches are utilised by the sports club and the school for various activities.
- 1.2 The proposal seeks to erect a building on the site to enclose two netball courts. The building will measure 39.5m x 41.5m and will extend to 11.4m in height.
- 1.3 The site is located within the West Midlands Green Belt.

**2.0 Planning History**

- 2.1 Various sports related applications.

07/1240/FULL

### **3.0 Consultations and Representations**

- 3.1 Stourport-on-Severn Town Council – Views awaited
- 3.2 Highway Authority – No objection
- 3.3 Environment Agency – Views awaited
- 3.4 Worcestershire County Council - It is considered that very special circumstances exist that would justify an exception to Green Belt policy and the erection of a structure in this location to serve the high school which would inter alia serve the sports club and wider community. In terms of the design and appearance, at 12 metres in height the building would be visible from the wider Green Belt and therefore whilst not objecting to the application that County Council request that the District Council ensure that the building's colour and use of materials minimise its visibility in this sensitive Green Belt location and incorporates the use of sustainable materials.
- 3.5 Cultural Services Manager – Very valuable facility in sports development terms. Totally supportive of development
- 3.6 Countryside Officer - Little if any loss in respect of Biodiversity, no apparent gains to be achieved. Suggestion of bird boxes.
- 3.7 Crime Risk Manager – Various Crime Reduction initiatives that have been passed on to the Applicant's Agent.
- 3.8 Environmental Health – Site is with 250m of landfill site. However on the basis of the submitted plans no adverse comments. Note suggested on Planning Permission
- 3.9 Forward Planning – The application site is zoned as Green Belt on the Adopted Local Plan proposals map; policy GB1 therefore applies. Policy LA2 regarding the Landscape Protection Area (LPA) does not as the application site falls just outside the LPA boundary. Development will not be permitted in the Green Belt except in very special circumstances. This application is being made under the premise of very special circumstances.

As the application is for the construction of an enclosure the second criteria of policy GB1, regarding the development of essential facilities for outdoor sport or recreation, does not apply. Similarly, the application is seen to contravene policy LR10, regarding the safeguarding of the Minster Road sports area for *outdoor* sports use.

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Due to the application site being in the Green Belt design is an important consideration for any potential development. In terms of its site the application would not contravene policy D5 part iii) or policy GB6 due to its location adjacent to Stourport High School on the edge of the town of Stourport-on-Severn.

If only planning policy is considered this application is likely to be unsuccessful. However, the case presented in the application in terms of providing an improved and more appealing sporting facility is a strong one. An indoor facility would be preferable for the playing of netball, as well as basketball, and is therefore likely to encourage more people to participate in the sport locally on an amateur basis. The proposed application will also benefit the school for similar reasons; pupils are likely to be more enthused in physical education lessons if they can remain indoors in the dry and warm. This in turn could lead to more youngsters becoming active in sport outside of school, something that is very important to achieve in today's health-conscious society.

3.10 Sport England – The proposal does not impact on the planning fields. Therefore Sport England has no comments to make.

3.11 Neighbour/Site Notice – No representations received

#### **4.0 Officer Comments**

4.1 The consideration of this application falls into the following headings:

- Appropriateness of Development in the Green Belt
- Impact on the Countryside
- Design and Layout
- Highway Access and Parking
- Consideration of Very Special Circumstances

#### **APPROPRIATENESS OF DEVELOPMENT IN THE GREEN BELT**

4.2 Policy GB1 and advice in PPG2 is that outdoor sport and recreational uses are appropriate within the Green Belt. In respect of essential buildings in connection with these uses policy GB3 is quite specific:

*Where in very special circumstances, ancillary buildings are necessary, they must be directly related to the needs of the use of the land, and be restricted to the minimum size necessary. New buildings will not be permitted where the re-use of existing buildings is feasible.*

07/1240/FULL

- 4.3 There are therefore two specific considerations that the proposal must satisfy:
- a) be directly related to the needs of the use of the land; and
  - b) be restricted to the minimum size necessary.

4.4 It is clear that the proposed building is directly related to the use of the land. In respect of the size, the footprint of the building is kept within reasonable boundaries of the courts and the height is governed by the requirements of English Netball.

4.5 Notwithstanding the compliance with these criteria, I do not consider that the provision of this building is either essential or can be classed as being ancillary. PPG2 advises that this provision relates to *"small changing rooms or unobtrusive spectator accommodation for outdoor sport"*. As such I take the view that the development constitutes inappropriate development in the Green Belt which, as stated, in PPG2 is harmful by definition. The applicant must therefore demonstrate very special circumstances to outweigh the harm by reason of inappropriateness. The circumstances put forward by the applicant are set out later in this report.

#### IMPACT ON THE COUNTRYSIDE AND GREEN BELT

4.6 Whilst this site is not in a protected landscape area, although close to the urban area of Stourport on Severn, I take the view that it is in the open countryside. Policy D5 governs design of development in the Countryside, and Policy GB6 deals with the visual amenity and openness of the Green Belt

4.7 As stated above I consider that the building is of a size that can be viewed as being of a minimal size that is required for a building of this nature. The design of the building, roof construction, and siting can be considered as being as unobtrusive *"as possible"* in the landscape. I consider that the proposal will have a minimal impact on the Countryside.

4.8 Due to the height of the building and its bulk I consider that openness of the Green Belt will be harmed by this proposal, however in visual terms due to its siting I feel that only limited harm will be caused to the visual amenities of the Green Belt.

#### DESIGN AND LAYOUT

4.9 The building is to be constructed in lightweight materials and utilises a curved roof. The design provides a building that appears visually as being unobtrusive, whilst maintaining a modern feel to this utilitarian style of building. The use of coloured cladding and metal framework help to emphasise the lightweight visual appearance of the development.

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- 4.10 The building has been positioned to the rear of the site and visually relates to the school buildings beyond when viewed from afar. I consider that the applicants have chosen the optimum position in respect of functionality and reducing its visual impact.

#### HIGHWAY ACCESS AND PARKING

- 4.11 Access to the site will be purely pedestrian. The site will continue to utilise the access and parking facilities that exist at the sports club. The Highway Authority are satisfied that there are no highway implications in this case

#### CONSIDERATIONS OF VERY SPECIAL CIRCUMSTANCES

- 4.12 The Applicants have assembled a supporting statement for the Local Planning Authority to consider as very special circumstances. It has been established by case law that each circumstances should be indeed Very Special and can provide weight individually or cumulatively. PPG2 advises that Very Special Circumstances will only exist if the harm by inappropriateness and other harm is clearly outweighed by this considerations. The following paragraphs will briefly outline the circumstances in this case.
- 4.13 The development has been brought about through extensive negotiations with England Netball and Sport England. The Netball Facilities Strategy for England (1999) highlighted the need to identify a location for a regional Netball Centre in two regional locations, the West Midlands being one of these locations. Stourport Sports Club has been successful in the West Midlands region in being earmarked for funding to establish this facility which will be one of four throughout England. As such the Applicants feel that this provides a regional sequential test for the choice of site.
- 4.14 The proposed building will be utilised by the School, Local Community and Stourport Sports Club, providing an exceptional standard of facility that will help provide opportunities for all throughout the year.
- 4.15 The design and materials proposed will not be visually intrusive but also the carbon footprint of the building is considerably less than of other buildings.
- 4.16 Whilst I acknowledge that the circumstances put forward are material I do not consider that they are Very Special in their own right as required by case law. The circumstance for which I attach the greatest weight is the regional context of the development.

07/1240/FULL

- 4.17 In view of the regional context in which this application sits and the Regional Spatial Strategy policy PA10 which actively encourages the creation of indoor stadia across the region I feel that substantial weight should be given to this particular circumstance. PPG17 also provides support for the creation of facilities as proposed in this application. In view of the substantial weight that can be given to this and the support for the proposal at Government and Regional level, I consider that on this occasion that this material circumstance is Very Special and is of sufficient weight to outweigh the harm by way of inappropriateness and the loss of openness of the Green Belt.

## 5.0 Conclusions and Recommendations

- 5.1 Whilst the proposal represents inappropriate development in the Green Belt and results in loss of openness, it is considered that Very Special Circumstances exist that would outweigh the harm that would be caused. The design and siting of the building is considered to be acceptable in context of the open countryside. The proposal is therefore considered to be compliant with the policy framework as set out above.
- 5.2 In view of the above, I recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B1 (Samples/details of materials)
  4. B13 (Levels details)
  5. Restriction on use for Sports only

### Reason for Approval

Whilst the proposal represents inappropriate development in the Green Belt and results in loss of openness, it is considered that Very Special Circumstances exist that would outweigh the harm that would be caused, namely the regional context of the development. The design and siting of the building is considered to be acceptable in context of the open countryside. The proposal is considered to be compliant with the policy framework as set out above.

**Application Reference:** 07/1245/FULL      **Date Received:** 06/12/2007  
**Ord Sheet:** 381231 277670      **Expiry Date:** 06/03/2008  
**Case Officer:** Emma Anning      **Ward:** Franche

**Proposal:** Demolition of existing pub and erection of 4no 3 bedroom houses and 10no 2 bedroom flats with associated access and parking.

**Site Address:** THE EAGLES NEST, CONINGSBY DRIVE, KIDDERMINSTER, DY115LY

**Applicant:** Christopher Compton Goddard

<b>Summary of Policy</b>	H.2 H.5 D.1 D.3 D.10 D.11 D.13 D.16 LR1, LR2, NR.9 IMP.1 (AWFDLP) CTC.1 D.1 D.5 D.43 (WCSP) CF.3 CF.4 CF.6 QE.1 QE.3 QE.6 T.7 (RPG 11) PPS1, PPS3 Design Quality SPG Planning Obligations SPD
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>DELEGATED APPROVAL subject to Section 106 Agreement</b>

## 1.0 Site Location and Description

- 1.1 The Eagles Nest site is a public house located within a residential area of Kidderminster. The site measure approximately 0.22 hectares and is bound to the east by Green Belt, to the west by the highway of Coningsby Drive and to the north and south by residential properties. Numbers 2, 4 and 6 Beechcroft Road boarder the south of the site and a detached bungalow (1 Rangeways Road) borders the northern site edge.
- 1.2 The proposal is to demolish the existing public house and to erect 14 residential units comprising 4 x houses and 10 x flats.
- 1.3 There is an extant permission on the site of the adjacent bungalow for its demolition and the erection of two detached houses (07/0704/FULL).

## 2.0 Planning History

- 2.1 None

### 3.0 Consultations and Representations

3.1 Highway Authority – No objections subject to conditions

3.3 Environmental Health – No adverse comments

3.4 Access Officer

- Reference to Part M of the Building Regulations does not address the need for, or meet the requirements, of Policy D.1.
- What is the philosophy and design approach to the provision of lifetime and accessible homes on this site?
- All external doors must have level thresholds.
- What provision is made for disabled user car parking?
- How do wheelchair users manage refuse disposal? There is inadequate footpath access clear of parked cars.
- Blister paving is required at the dropped kerb access to the site.
- A level surface path, minimum 900mm wide is required from the highway footpath to the front door of each property and to any surface likely to be used for car parking.
- Additional pedestrian access is required from the highway footpath to the entrance to units 1-6 in order to avoid the use of the vehicular access by pedestrians.

3.5 Countryside Officer – Has verbally advised that a bat survey of the existing building and a survey of badger and reptile presence along the westerly bank will be required prior to any development. In order to ensure that there is no biodiversity loss on this site the Countryside Officer is happy that the planting of a large specimen tree which is allowed to grow to maturity will contribute towards a biodiversity gain in this instance in accordance with the Planning Obligations SPD requirements.

3.6 Crime Risk Manager - Recommendations:

- Landscaping – shrubs should be selected which have a maximum growth height of no higher than 1m and trees should have no foliage below 2m.
- Boundary Treatment – Boundary treatments to the front of plots 1-4 should be visually permeable. To the rear boundary treatment should be to a minimum height of 1.8m and should be supported with additional deterrent factors such as trellising or defensible planting.
- Doors and Windows – Should comply with BS 7950.
- Car Park Lighting – Should be designed to cover high risk areas and should comply with BS 5489.

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- Surveillance of Car Park from Units 7-10 – The location of car parking in relation with these units affords no natural line of sight or surveillance. This will reduce the residents' defensible space. Parking areas should be close to and visible from the owners' property.

3.7 Severn Trent Water – No objection subject to conditions.

3.8 Residents Association - No comments received

3.9 Neighbour/Site Notice – 1 letter of support, 24 Letters of objection and one petition received collectively containing a total of 202 individual signatures. The main issues raised are as follows:

- The loss of a popular community facility.
- The introduction of flats and houses to the estate will spoil the views of the neighbouring countryside and will bring unwanted trouble and ruin the local community by demolishing our local public house.
- The Eagles Nest is the only place we have to meet friends and neighbours on the estate.
- Without a public house I will be forced to travel into the town centre to socialise that is not convenient without a vehicle.
- The Eagles Nest has recently come under new management and is currently undergoing a programme of refurbishment with the intention of catering for a more family based clientele. It would be a travesty to deny the local community the opportunity to benefit from this.
- The preservation of recreational provision is paramount for community cohesion both now and in the future.
- When the Ferndale Estate was planned one of the conditions was that it should have a pub.
- The only remaining pub would be The Three Crowns which is a considerable walk away.
- The premises should not be allowed to close as the present licensee has just moved in and has a four year contract and has spent lots of money on redecorating.
- There are plenty of unsold houses in Kidderminster.
- The proposal for ten flats is over-development of a small site.
- The parking facilities will be insufficient for the number of proposed flats. Cars already park in the bus stop, the proposed development will only exacerbate the situation.
- The proposed block of flats will be right opposite my house and as the building will be 30ft high it will stand considerably higher than my house which is 4ft below road level (85 Coningsby Drive).

#### **4.0 Officer Comments**

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

- Policy & Allocation
- Design and Layout
- Highway and Access Parking
- Landscaping
- Planning Obligation Contributions
- Other issues

#### **POLICY & ALLOCATION**

4.2 The site currently contains a public house and its associated car park. I am satisfied that the site constitutes Previously Developed Land as defined in Planning Policy Statement 3: Housing. The site is allocated as being suitable for residential development in the Adopted Local Plan and as such, the principle of residential development on this site is acceptable.

4.3 The proposed density of development would equate to 63 dwelling per hectare. This level adequately meets the requirement as set out in Policy H.5 of the Wyre Forest District Adopted Local Plan.

#### **DESIGN AND LAYOUT**

4.4 In terms of design I consider the proposal to be of good design which will harmonise well with the locality. The style of the proposed dwellings and apartment blocks borrows architectural characteristics from properties in the immediate locality, including front facing gables, integral garages, driveway parking and front gardens. A condition on any permission could ensure that all materials are appropriate to local distinctiveness. I therefore consider the proposal will harmonise well with the character of the locality and will not result in the creation of an incongruous feature in this streetscene, in accordance with Policies D.1 and D.3 of the Local Plan.

4.5 The site is bounded by Green Belt and as such due regard must be given to Policy GB.6 of the Adopted Local Plan which is concerned with the protection of visual amenity from within the Green Belt. In light of the comments above and that the development will 'infill' an area of existing residential development I do not consider it would be detrimental to the visual amenity of the Green Belt. The proposal therefore also accords with Policy GB.6. Concern was raised that the development would restrict residents' views of the countryside however this is not a material planning consideration and cannot be taken into account when determining this application.

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- 4.6 The proposed site layout indicates that the two pairs of semi-detached 3-bed homes would be sited to the western end of the site roughly where the Eagles Nest public house currently stands. The semi detached dwellings would occupy similar size plots to adjacent properties having front gardens with off street parking and rear gardens of roughly 10m in length. Given that there are no properties to the rear of the proposed dwellings there will be no impact of overlooking as a result of the proposed development and I feel that 10m garden lengths constitutes a sufficient amount of private amenity space for each dwelling.
- 4.7 Garden lengths of properties on Beechcroft Road are roughly 15m and as such I consider this to be sufficient separation distance to ensure that the proposed development does not have an overbearing impact on the neighbouring properties. The layout of the four dwellings would also form a footprint of buildings which mirrors adjacent development and as such would integrate well with the area.
- 4.8 The two apartment blocks would be positioned towards the eastern extreme of the application site. Amenity space for the residents of the apartment block would include a small area to the north of the site and a larger area to the eastern extreme behind Units 7-10. I consider this would afford sufficient communal amenity space for residents in accordance with Policy D.13 of the Wyre Forest District Adopted Local Plan.
- 4.9 An area of communal parking is proposed between the houses and the apartment blocks utilising the existing access from Coningsby Drive. I am satisfied that the layout is acceptable in design terms. The Crime Risk Manager raised concerns that there would be insufficient natural surveillance afforded to the parked vehicles by virtue of the proposed layout and that vehicles should be close to and visible from the owners' property. Given the layout of the development I am satisfied that there will be adequate surveillance from Units 1-6 across the car parking area. Whilst locating the car park between the two apartment blocks may be more appropriate I consider this would compromise the existing bus stop by virtue that the existing access would need to be relocated across it.
- 4.10 The distance between the most easterly apartment block and the boundary with 1 Rangeways Road would be 10m, I consider this would be acceptable in terms of overlooking and the impact of the proposal on the amenity of occupiers. Similarly, and in considering the extant permission for two detached dwellings on the site of 1 Rangeways Road, I feel that should the properties be erected the impact on occupiers of those properties would be acceptable in terms of overlooking. Given that the window to the side elevation of the proposed detached dwelling would not serve a habitable room there would also be no undue impact on privacy.

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- 4.11 The site layout shows provision for a secure cycle store and two separate bin stores to serve the apartment blocks. The cycle store would be sited along the rear boundary of the car parking area. One bin store would be positioned to the front of the parking area and the second bin store would sit between the two apartment blocks near to the front of the site. Given that all three stores are to be of timber construction and are to be well screened by landscaping I am satisfied that the proposed locations are acceptable. I consider this to be a suitable footprint of buildings which would respond well to local character in accordance with Policy D.1 of the Adopted Local Plan.

#### HIGHWAY ACCESS AND PARKING

- 4.12 Concerns have been raised regarding the level of car parking provision proposed and that the proposed development would exacerbate the problem of insufficient parking that already exists. In terms of car parking provision the four dwellings would have two parking spaces, one an integral garage space, the other a driveway space. This level of provision satisfies the Worcestershire County Council car parking standards as set out in the Adopted Local Plan.
- 4.13 Twelve spaces have been identified for the ten two-bed apartments. The car parking requirement is one space per two-bed apartment, and as such the provision is considered adequate. I therefore consider that in terms of parking provision the proposal accords with policy TR.17 of the Adopted Local Plan.
- 4.14 The existing vehicular access to the site is to be retained in order to serve the car parking area for residents of the apartment blocks. The four semi detached dwellings would have individual access points to private drives within curtilage. I am satisfied that the proposed access arrangements are adequate to serve the numbers of units proposed and that there would be no detriment to highway safety as a result of this proposal. The bus stop lay-by on Coningsby Drive would be retained. No adverse comments from the Highways Authority were received. The proposal therefore accords with Policy TR.9 of the Adopted Local Plan.
- 4.15 The District Council's Access Officer has raised concerns that the pedestrian route ways and entrances to the proposed dwellings are not sufficient. The Design and Access Statement has been revised along with several of the proposed plans in order to address the issues raised. I am satisfied that the applicant has addressed all of the issues raised and no further adverse comments from the Access Officer have been received. The proposal therefore accords with Policies D.1 and D.9 of the Adopted Local Plan.

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**LANDSCAPING**

- 4.16 The proposed site plan shows an acceptable degree of indicative landscaping to provide adequate screening and will also provide a positive contribution to the visual amenity of the development. It is proposed to include a condition requiring the submission of a detailed landscaping scheme and management plan prior to development commencing. The landscaping scheme should also include the planting of a large specimen tree in accordance with the recommendations of the Countryside Officer and the requirements of the Adopted 'Planning Obligations' Supplementary Planning Document which requires a contribution towards biodiversity.
- 4.17 Through the requirement of a landscaping scheme it would also be possible to address the issues raised by the Crime Risk Manager with regards to the reduction of crime and principles of 'secured by design. I am satisfied therefore that the proposal accords with Policies D.10 and D.11 of the Adopted Local Plan.
- 4.18 Issues raised by the Crime Risk Manager regarding window and door fitting will be covered at the Building Regulations stage and are therefore not material considerations to this planning application.

**PLANNING OBLIGATION CONTRIBUTIONS**

- 4.19 In February 2007 the District Council adopted a Supplementary Planning Document on Planning Obligations. This sets out the Council's stance on the type and level of contributions that would be required for certain types of development. The following table sets out the requirements as identified in that document, to which the applicant is willing to contribute:

<b>S106 Requirement</b>	<b>Offered Provision</b>	<b>Required By SPD</b>
<b>Open Space</b>	£7,192 off site contribution	✓
<b>Education Contribution</b>	£16,164 towards educational facilities	✓
<b>Public Realm</b>	It is considered that the visual improvement which will occur as a result of the development are sufficient in themselves to provide a contribution to the public realm. £10,000 towards a bus shelter opposite has been offered in addition.	✓
<b>Biodiversity Contribution</b>	On site provision of the planting of a specimen tree which should be allowed to grow to maturity.	✓

- 4.20 The Education, Public Realm and Open Space contributions will need to be secured through a Section 106 Agreement, however the Biodiversity contribution can be dealt with adequately by condition.

#### OTHER ISSUES

- 4.21 The majority of neighbour objections received raise concerns over the loss of this popular public house facility. However the Design and Access Statement submitted with the application states that the public house is struggling financially and is no longer economically viable in this location. It is probable therefore that business here would cease in time due to economic pressures. There are 6 other public houses within 1 mile of the application site and I am therefore satisfied that the needs of the local community can be met at other nearby sites.
- 4.22 One neighbour has raised concerns with regards to the height and proximity of the apartment block to 85 Coningsby Drive, which is opposite. However given that there is a distance of 26m between the two I am satisfied that there will be no undue impact on the privacy of occupiers.

#### 5.0 Conclusions and Recommendations

- 5.1 The development by virtue of its design and layout would contribute positively to improving the visual amenity of the streetscene and the area as a whole and would not harm the visual amenity of the adjacent Green Belt. Careful consideration has been given to the impact of the proposal on the amenity of neighbours and it is considered that they would not be unduly affected. The proposal would not give rise to a situation which is detrimental to highway safety.
- 5.2 In consideration of Articles 1 and 8 of the Human Rights Act 1998, I recommend **delegated APPROVAL** subject to:
- a) the signing of a **Section 106 Agreement** to secure the following:
    - £16,164 Education contribution
    - £7,192 Open Space contribution
    - £10,000 Public Realm contribution
  - b) and subject to the following conditions
    1. A6 (Standard time)
    2. A11 (Approved plans)
    3. B1 (Samples/Details of materials)
    4. B9 (Details of windows/doors)
    5. B11 (Details of Enclosure)
    6. Bat, badger and reptile survey to be carried out prior to development commencing.
    7. C6 <The planting scheme to include a large specimen tree which should be allowed to grow to maturity>

8. C8 (Landscape Implementation)
9. C14 (Landscape Maintenance)
10. E2 (Foul and Surface Water)
11. H6 (Vehicular Access Construction)
12. H9 (Driveway Gradient)
13. H10b (Parking – Single House)
14. H13 (Access, Turning and Parking)
15. H21 (Wheel Washing)
16. H27 (Parking of Site Operatives)
17. J7 (Windows: Obscure Glazing)
18. J8 (No further Windows)
19. J9 (Open Plan Frontages)

#### Notes

- A SN2 (Section 106 Agreement)
- B SN5 (No Advertisements)
- C SN12 (Neighbours' rights)
- D SN13 (Landscaping/Planting Works) HN1 (Mud on Highway)
- E HN5 (No Highway Works Permitted)
- F HN22 (Removal of Structures)

#### Reason for Approval

The development by virtue of its design would contribute positively to improving the visual amenity of the streetscene and the area as a whole and would not harm the visual amenity of the adjacent Green Belt. Careful consideration has been given to the impact of the proposal on the amenity of neighbours and it is considered that they would not be unduly affected. The proposal would not give rise to a situation which is detrimental to highway safety. The proposal therefore accords with the policies listed above.

- 5.3 In the event that the Section 106 Agreement is not completed by 28<sup>th</sup> February 2008, I also recommend that **delegated** authority be given to **REFUSE** for the following reason:

1. The applicants have failed to enter in to an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure contributions for Public Open space, Education Contributions and Public Realm. In the absence of this agreement the proposed scheme fails to comply with Policies LR.1, LR.2, D.12, CY.4 and IMP.1 of the Adopted Wyre Forest District Local Plan and the adopted Supplementary Planning Document on Planning Obligations.

**Application Reference:** 07/1249/FULL      **Date Received:** 10/12/2007  
**Ord Sheet:** 381634.351960037      **Expiry Date:** 10/03/2008  
271594.479129625  
**Case Officer:** Paul Round      **Ward:** Mitton

**Proposal:** Demolition of existing industrial units; erection of 5No office units and 14 apartments; new access and parking areas (resubmission of 07/0524/FULL)

**Site Address:** UNITS 1-4 BALDWIN ROAD, STOURPORT-ON-SEVERN, DY139AZ

**Applicant:** Key Homes (Midlands)Ltd

<b>Summary of Policy</b>	H.2, H.4, H.5, H.8, E.6, D.1, D.3, D.4, D.9, D.10, D.11, D.13, NR.2, NR.5, NR.9, NR.11, NC.6, TR.9, TR.17, LR.1, IMP.1 (AWFDLP) SD.2, SD.3, CTC.8, D.25, D.26, T.1, T.4, IMP.1 (AWCSP) CF.2, CF.3, CF.4, CF.6, PA.1, PA.14, QE.1, QE.2, QE.3, QE.6 (RPG.11) PPS1, PPS3, PPG4, PPG24, PPS25
<b>Reason for Referral to Committee</b>	'Major' Planning Application
<b>Recommendation</b>	<b>REFUSAL</b>

## 1.0 Site Location and Description

- 1.1 This irregular shaped site of 0.27 hectares in area (0.056 acres) fronts Baldwin Road in Stourport. The site currently accommodates four single storey vacant office/industrial units.
- 1.2 The site lies in an area where there is a mix of uses. To the west lie residential properties, together with a vehicle workshop/garage. Urban Open Space borders the site to the north leading up to the Staffordshire and Worcestershire Canal. To the north east is land allocated for residential purposes where there is an extant permission together with a current application for residential development. Finally, directly to the east fronting Baldwin Road lies another single storey vehicle workshop/garage.
- 1.3 The proposed scheme comprises three blocks of development:
- (i) Block A (3 storey)  
Two offices at ground floor and 4 x 2 bed residential units above (8.2m to eaves, 11.2m to ridge)

07/1249/FULL

(ii) Block B (3½ storeys)

One office and undercroft parking at ground floor  
 4 x 2 bed units at first floor and second floor  
 1 x 2 bed unit at third floor  
 (8.7m to eaves, 11.8m to ridge)

(iii) Block C (3½ storeys)

Two offices at ground floor  
 4 x 2 bed units at first floor and second floor  
 1 x 2 bed unit at third floor  
 (8.7m to eaves, 11.8m to ridge)

- 1.4 The site would be accessed by a single point of access adjacent to the existing access off Baldwin Road. A total of 28 parking spaces would be provided, including two disabled spaces.
- 1.5 The application has been submitted together with a Design and Access Statement, a Transport Assessment, a Noise Assessment and a Flood Risk Assessment.
- 1.6 This is a re-submission following the withdrawal of the same scheme in August 2007 (07/0542/FULL)

## **2.0 Planning History**

- 2.1 WF.862/78 - Extension to workshop: Approved 12.9.78
- 2.2 WF.853/79 - Extension to industrial workshop: Approved 2.10.79
- 2.3 07/0542/FULL - Demolition of existing industrial units, erection of 5No. office units & 14No 2 bedroom apartments; new access road & parking areas: Withdrawn 08.08.07

## **3.0 Consultations and Representations**

- 3.1 Stourport-on-Severn Town Council – Objection and recommend refusal on the grounds of adverse impact on potential occupiers from adjacent garage uses, siting of the frontage block being out of keeping with the streetscene and loss of privacy to adjacent, existing residential occupiers.
- 3.2 Highway Authority – Recommend refusal (see Officer Comments)
- 3.3 Environment Agency - Views Awaited

07/1249/FULL

3.4 Environment Health - No adverse comments

3.5 Crime Risk Manager - No further comments than were made previously.  
(these are replicated below)

Vehicle crime is the most likely to occur overnight and lighting is essential to assist in the prevention of this and also to make the residents feel safe when parking their cars:

The lighting should be designed to cover potential high risk areas including all parking and communal areas and footpaths. The fittings should be vandal resistant and located to minimise vulnerability to vandalism. It is vital that features such as trees and foliage do not restrict surveillance opportunity.

I am unsure of the boundary treatment in general and what measures will be in place to restrict access to the rear of the residential blocks. Unrestricted access to the rear of the properties reduces residents' territoriality and creates increased opportunity and vulnerability for both crime and antisocial behaviour to occur. Rear access gates should be secured with a key operated lock and not be easy to climb or remove from the hinges. The gates should be to the same height as adjoining fencing.

I suggest that the boundary treatment at the front elevations should be visually permeable to support natural surveillance and reduce areas for offenders to hide. It is important that clear demarcation between public and private areas is made. Low walls, fences or hedges (maximum height 1m) would be appropriate boundary treatment. Doors and windows should comply with British Standards.

3.6 Cultural Services Manager - Off site contribution for play at Stourport Riverside required.

3.7 British Waterways - No objection

3.8 Access Officer -

1. Compliance with Building Regulations is not the basis for access considerations under planning and there should be a part of the Access Statement explaining how the proposed development accords with planning policies relating to access.
2. What is the percentage provision of lifetime homes?
3. Flood level requirements must be resolved before any determination to ensure a scheme that is properly accessible.

07/1249/FULL

4. There should be one disabled user parking space for each office unit.
5. Full justification is required in the light of the above as to why a lift Access cannot be provided to the upper floors.

Refuse as the proposed development creates inaccessible residential accommodation contrary to Policy D1a, and insufficient evidence is submitted in the design and access statement. The disabled user parking spaces for the office units are inappropriately sited.

3.9 Severn Trent Water - No objections subject to condition.

3.10 Forward Planning - Awaiting comment

3.11 Neighbour/Site Notice - 1 letter of representation has been received by the agent on behalf of the applicants of the adjacent site (rear of 33/34 Baldwin Road):

*As owners of the adjacent site where permission has been granted for residential development we are concerned that the three storey massing of the unit C so close to the proposed dwelling would have an overbearing effect on the approved scheme. It is suggested that part of Unit C should only be two storeys which would match with the height of the adjacent approved scheme and help alleviate this problem. Also due to the orientation of the building it would cast a shadow over a large part of the rear amenity area of the house particularly in the afternoon when prospective occupiers are most likely to use their garden area.*

#### **4.0 Officer Comments**

4.1 The site is located within an area allocated for mixed uses under Policies E.6 and CY.1 of the Adopted Local Plan. Policy E.6 permits uses within Class B.1 (office) and residential development in conjunction with other uses. Furthermore Policy CY.1 also entitled Mixed Uses advises that development proposals should maintain and enhance the existing mix of uses. The current scheme provides a total of five offices and 14 residential units.

07/1249/FULL

- 4.2 In the submitted Design and Access Statement its states that, '*whilst there is a reasonable supply of office accommodation within Stourport on Severn town centre rents are high and vehicular access and parking is generally restricted. Accordingly, the proposed development will provide 5 No. individual office units, each less than 60 sq.m (650 sq ft). The offices will be ideal for smaller businesses requiring only limited floor space and for start up businesses on a limited budget.*' The statement does however also advise that '*the cost of redevelopment purely for B1 usage could not be justified when set against the level of rental income such a development would realise in this area*'.
- 4.3 It is considered that the mix of uses is consistent with local plan policy.
- 4.4 The proposed site layout indicates Block A to the frontage with Baldwin Road, Block B in the middle of the site and Block C to the rear. Officers agree with the Design and Access Statement in so far as it states that the site in its existing form and appearance presents an unattractive proposition to the majority of potential users. There are however serious concerns with respect to the proposed layout as follows:
- 4.5 The first concern is with respect to the impact upon the streetscene. Block A, which is three storeys in height, would be set back only 2m from the back of pavement. The existing garage at its closest point is 5.4m back whilst the development to the west, also a garage/workshop, is set 3m back. It is considered that due to its height, siting and massing together with a blank gable end facing eastwards, the proposed design would create a prominent block within the streetscene which poorly relates to the adjacent single storey developments. In addition, I consider that the streetscene will be further harmed through the relationship between the 'Magal' buildings opposite the site with the proposed Block A. Due to the size and bulk of these blocks within close proximity, I feel that a 'canyon' effect will be created to the severe detriment of the visual amenities of Baldwin Road.
- 4.6 The agent advises that, '*the proposed development seeks to establish its own sense of place as a stand-alone project and to reflect the scale and massing of the future Baldwin Road residential development...*'
- 4.7 Whilst it is accepted that a new development would potentially improve the frontage to Baldwin Road, it is also considered that it needs to sit well within the context of the existing street scene and the adjacent development. For the reasons given above it is not considered that the design as submitted relates well to the existing streetscene adjacent or opposite the site.

07/1249/FULL

- 4.8 The second issue is with respect to Block B, which at its closest point measures approximately 18m to the common boundary with the rear private amenity space associated with No. 9 Bewdley Road. Block B has a habitable living room/dining room window to the front elevation at third storey level. It is considered that the separation distance between the private amenity space and the third floor habitable window is insufficient to adequately protect the privacy of the existing neighbouring residential occupiers. Whilst an offer of landscaping the boundary with No.9 has been submitted, it is not considered that this is sufficient to remove the overlooking concern in this case.
- 4.9 Thirdly, the layout and elevations indicate rear windows to habitable rooms to Blocks A and B which lie at close proximity to the common boundary. Furthermore the main private amenity space to these two Blocks lies adjacent to the edge of the site. A noise assessment has been submitted with the application. This concludes that subject to mitigation measures the blocks can exist adjacent to the existing uses. The Principal Environmental Health Officer agrees with these conclusions. If the recommendation of the application were for approval I would recommend that full mitigation measures should be incorporated into the design, this could effectively be accomplished through conditions.
- 4.10 The letter of objection received raises concern with respect to the current layout and design of development and its impact upon the proposed private amenity space to dwellings shown on the adjacent site which has outline approval (Reference 07/0619/OUTL – proposed development of 4 x 3 bed semi-detached houses and 2 x 2 bed bungalows after demolition of 33 Baldwin Road). The approved layout shows a two storey dwelling within 5.5m of Block C. Due to the height of this block (8.8m to eaves, 11.8m to ridge) at 3 ½ storeys and its close proximity, it would have a significant effect on this proposed dwelling and future occupiers, in respect of domination and shadowing of their rear amenity space.
- 4.11 In terms of the general layout, I consider that the number of residential plots and office accommodation proposed to be excessive for this limited site. This is particularly evident through the position of parking areas, insufficient provision of car parking spaces, the significant lack of amenity provision for the number of residential units, small degree of landscaping and relationship of blocks to the boundaries and streetscene. As such I consider that the proposal represents an overdevelopment of the site, resulting in a cramped visual appearance.

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- 4.12 The Highway Authority has carefully considered the scheme in respect of highway safety. Whilst they recognise that sufficient number of spaces has been provided, it is considered that the use of tandem spaces for the office accommodation cannot be classed as meeting the parking requirement as set out in the Local Plan. In addition the Highway Authority also considers that the visibility requirements for the junction with Baldwin Road have not been demonstrated that they can be provided with land under the Applicants control. Thus it is considered that the use of the junction for the development proposed will result in a deterioration in Highway Safety due to lack of visibility in both directions.
- 4.13 With respect to the comments from the Access Officer the drawings submitted with the Flood Risk Assessment indicate a graded exit should flood issues arise. Access to the upper floors is a matter for building regulations whilst the siting of the disabled parking spaces could be resolved via a suitably worded condition.
- 4.14 As a major planning application and in accordance with the adopted Planning Obligations Supplementary Planning Document the development would be expected to make contributions via a Section 106 agreement towards:
- off-site open space provision,
  - on or off-site enhancement to bio-diversity, and
  - the public realm
  - education provision

Whilst the Applicants have agreed to open space, biodiversity and public realm contributions, they have not agreed to contribute towards education provision. This is largely due to contribution only being required following re-organisation in September 2007. The previously withdrawn application did not require such contributions. Although I appreciate the Applicants position, the Local Plan policy and guidance in the Supplementary Planning Document on Planning Obligations is clear, and to neglect to pay contributions that are reasonably required by the County Council would be conflict with the policy framework.

- 4.15 In addition a proportion of the site, including the access to Block A, falls within Flood Zone 3. The submitted Flood Risk Assessment submitted shows the provision of a private right of way over land outside the adjacent site to provide a dry access. This access route will also have to be secured through a Section 106 agreement, should the development be found to be acceptable. This agreement has not been pursued with the applicant in view of the recommendation in this case.

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## 5.0 Conclusions and Recommendations

- 5.1 Whilst the proposed mix of uses is considered acceptable there is serious concern with respect to the layout and design of the site and the potential implications for not only the existing residential occupiers on the adjacent site but also to the potential residential occupiers of the development itself.
- 5.2 In view of the above and in consideration of Articles 1 & 8 of the Human Rights Act 1998 I recommend **REFUSAL** for the following reasons:
1. The proposal is considered to represent an overdevelopment of the site resulting in a cramped visual appearance and poor design quality. This is particularly evident through the position of parking areas, insufficient provision of car parking spaces, the significant lack of amenity provision for the number of residential units, small degree of landscaping and relationship of blocks to the boundaries and existing streetscene. As such the development is considered contrary to Policies D.1, D.3 and TR.17 of the Adopted Wyre Forest District Local Plan, Policy QE.3 of the Regional Spatial Strategy (RPG.11), the aims of the Adopted Design Quality Supplementary Planning Guidance (2004) and Government Policy in PPS.1 and PPS.3.
  2. By virtue of its siting, massing and design. It is considered that Block A would poorly relate to the existing developments fronting Baldwin Road, particularly the 'Magal' buildings that lie opposite the site, and that the development would dominate this part of Baldwin Road. The design of the development does not reflect or positively contribute to the existing streetscene. As such the development is considered 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), the aims of the Adopted Design Quality Supplementary Planning Guidance (2004) and Government Policy in PPS.1 and PPS.3.
  3. It is considered that the separation distance between the habitable window to the third floor of Block B and the private amenity space to the rear of No. 9 Baldwin Road is inadequate and therefore there would be a significant loss of privacy to the neighbouring residential occupiers by virtue of overlooking. As such the development is contrary to Policy D.1 of the Adopted Wyre Forest District Local Plan and the aims of the Adopted Design Quality Supplementary Planning Guidance (2004).

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4. By virtue of the position, scale and massing of Block C in relation to the amenity area of Plot 1 of the layout approved under Planning Permission 07/0619/OUTL, for the site to the rear 33 Baldwin Road, the proposed development would have a significant adverse impact on the residential amenity of this plot and its future occupiers. As such the proposal is considered to be contrary to Policy D.1 of the Adopted Wyre Forest District Local Plan, and the Adopted Design Quality Supplementary Planning Guidance (2004).
5. The failure of the Applicants to agree to enter into a Section 106 Agreement to secure contributions towards Educational Provision as set out in the Council's Supplementary Planning Document on Planning Obligations. The Local Education Authority has demonstrated that there is a need for such contributions and to neglect to pay the required contributions would be in direct conflict with Policies CY.4 and IMP.1 of the Adopted Wyre Forest District Local Plan and the Supplementary Planning Document on Planning Obligations (2007).
6. The Applicant has failed to demonstrate that the required visibility splay of 2.4m x 70m can be achieved in both directions within land under their ownership. Without such evidence it is considered that the proposed access cannot safely accommodate the traffic generation associated with the development and to allow the development in these circumstances would be contrary to the interests of highway safety and Policy TR.9 of the Adopted Wyre Forest District Local Plan.
7. The submitted layout drawing shows tandem parking spaces. Although the total number of spaces complies with the parking standards set out in the Adopted Wyre Forest District Local Plan, it is considered that the use of tandem spaces in the locations proposed would reduce the available number of spaces and as such would result in the number of spaces being below the required parking standards. The proposal is thus contrary to Policy TR.17 of the Adopted Wyre Forest District Local Plan.



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### **3.0 Consultations and Representations**

3.1 Highway Authority – No objection subject to conditions

3.2 Severn Trent Water Ltd. – Views awaited

3.3 Access Officer – No objection subject to condition

3.4 Countryside Conservation Officer - Biodiversity gain could be achieved through planting of Broom on the bund and a few scattered Silver birch trees planted fairly large on the slope beyond the bund.

3.5 Neighbour/Site Notice - Two letters of objection received raising the following comments:

- This new warehouse and associated car parking will be extremely close to my quiet residential property, bought six years ago because of the wood backing onto to my garden.
- Due to the excessive size of the current warehousing being built on the opposite side of the Worcester Road (these have been compared to airport hangers), I am increasingly concerned that this application will have a similar effect and devalue the residential housing, particularly in Kenilworth Drive and associated Closes.
- Every road leading into the first island of the Ring Road has an industrial estate leading into it and the traffic already can be unbearable. Please reject this application.
- We were not in favour of the last application due to the encroachment on our privacy, to the rear of our property, as this ground is elevated therefore overlooking us.
- Fear of soil erosion because of the steep incline from the perimeter of our land, with the weight of another unit plus a car park being built on this sandy soil – could be a landslide as we have already had one when the land was flattened in preparation for the first warehouse extension. Strongly object to the building of yet another extension of Briten Ltd.

### **4.0 Officer Comments**

4.1 Outline planning permission was granted for a warehouse building on this land in November 2004 (WF.605/04). The current application proposes a warehouse in the same position but 3 metres wider in the direction of the escarpment than previously approved. The main considerations in the determination of this application are as follows:

- Land use issues
- Impact on neighbouring property

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- Impact on the wider environment
- Highway issues
- Planning Obligations Supplementary Planning Document and other issues

#### LAND USE ISSUES

- 4.2 The land is allocated for B1, B2 and B8 purposes (industrial, office, warehouse uses) in the Local Plan. The principle of allowing the proposed B8 development is therefore acceptable. Furthermore, the previous application was approved under the policies of the current adopted Local Plan and there have been no significant change to the relevant policies or to on-site circumstances which would justify departing now from the previous stance.

#### IMPACT ON NEIGHBOURING PROPERTY

- 4.3 Neighbouring residential properties are located at a much lower level in Kenilworth Drive, Chirk Close and Flint Close. The building proposed has been designed with a low roof profile with two ridge lines in order to keep the overall height as low as possible (7 metres). The walls of the building are approximately 5.3 metres high and the building is situated approximately 13 metres away from the base of an earth bund which stands at the top of the slope leading down towards the residential properties mentioned.
- 4.4 I am satisfied that the development from a physical point of view will hardly be visible, if at all, from these properties. However, residential properties situated further away on this estate may well be able to see parts of the building.
- 4.5 In terms of lorry/vehicle noise, this is not anticipated to be a problem; indeed no objections were received from the Environmental Health Section on the previous application which was very similar in nature to the current one.

#### IMPACT ON THE WIDER ENVIRONMENT

- 4.6 The development will be very visible on the skyline when viewed from certain locations notably from parts of the Worcester Road, Hoo Road and Chester Road South. However, the building will 'read' against other buildings which are already very prominent. When compared with the previous application, the additional 3 metres in width will not make a significant difference to the overall impact.
- 4.7 It should also be noted that landscaping is a reserved matter and this provides an opportunity to try to ensure that a landscaping scheme is put in place to improve part of this skyline in the long term.

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#### HIGHWAY ISSUES

- 4.8 The Highway Authority has no objection to the development subject to conditions. This recommendation is as expected given the fact that the highway arrangements are very similar to the previous approval.

#### PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT AND OTHER ISSUES

- 4.9 There is a requirement under the terms of the adopted Planning Obligations Supplementary Planning Document for a contribution towards biodiversity enhancement. However, the Council's Countryside Conservation Officer is satisfied that this can be achieved on site as part of the landscaping scheme and consequently an off site contribution by means of a Section 106 Agreement is not required in this instance.
- 4.10 Finally, it has been suggested that a site survey should be undertaken due to land slippage. This was considered at the time of the previous application and it was felt that this could be satisfactorily dealt with by way of a 'grampian condition' attached to the planning permission. The additional 3 metres closer to the escarpment does not in my view change this approach and a similar condition is recommended.

### 5.0 Conclusions and Recommendations

- 5.1 In consideration of Articles 1 & 8 of the Human Rights Act 1998, I recommend that the application be **APPROVED** subject to the following conditions:
1. A1 (Standard outline)
  2. A2 (Standard outline – reserved matters : landscaping of the site)
  3. A3 (Submission of reserved matters)
  4. A11 (Approved plans)
  5. B1 (Samples/details of materials)
  6. C8 (Landscape implementation)
  7. Define use
  8. Control of lighting
  9. Severn Trent Water condition
  10. H13 (Access, turning and parking)
  11. Protection of neighbouring property from construction work
  12. No development shall take place until an investigation of the site has been undertaken to ascertain whether the site is affected by slope instability etc.
  13. Provision of biodiversity measures

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Notes

- A HN1 (Mud on highway)
- B HN4 (No laying of private apparatus)
- C HN5 (No highway works permitted)
- D Landscaping scheme

Reason for Approval

The proposed development is considered to be acceptable in terms of land use designation, impact on neighbouring property, visual amenity and with respect to car parking and highway related issues. For these reasons the proposal is considered to be in accordance with the above mentioned policies of the Development Plan.



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### **3.0 Consultations and Representations**

#### **3.1 Rushock Parish Council – Objects to the proposal and recommends refusal.**

“Our objection is on the basis that night time and weekend working on this site is not appropriate for the rural location. The use for storage and warehousing is likely to result in 24 hours a day, 7 days a week, working. In addition, we do not understand why the original restrictions to limit working between the hours of 7.00 p.m. and 7.00 a.m. were dropped in 1983. If the Planning Committee decides to grant permission, then we would strongly urge they put restricts on the working hours”

#### **3.2 Highway Authority – No objections**

#### **3.3 Environmental Health – Views awaited**

#### **3.4 Severn Trent Water Ltd – Views awaited**

#### **3.5 Access Officer – A more comprehensive access statement, in compliance with Practice Note 18, is required before full consideration can be given to this application. (Further negotiations are ongoing).**

#### **3.6 Neighbour/Site Notice – No representations received**

### **4.0 Officer Comments**

4.1 In accordance with Government advice in Annex C of PPG2, Policy GB.4 of the Local Plan recognises Rushock Trading Estate as being suitable for the full range of employment uses applied for in this application.

4.2 Planning Permission is only required in this case because of a previous, personal permission on the site which limited the use to Class B2 (General Industrial) for the benefit of Felt Paper Products (Midlands) Ltd only.

4.3 The previous Planning Permission (WF.664/83) was not subject to working hours restrictions, but earlier in the life of the unit, such controls had been in operation effectively preventing work overnight between the hours of 7.00 pm and 7.00 am, to ‘safeguard the amenities of the surrounding area’.

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- 4.4 No objections have been forthcoming from the Highways Authority. Although the Environmental Health Section have not commented at the time of writing, there does not appear to be any justification for restricting the hours of operation on this site, notwithstanding the historical approach to such issues. To illustrate a recent precedent, Members agreed to approve a similar application at the much larger Unit 341 opposite in September 2007, again with no operating hours restrictions.
- 4.5 It is considered at this point that a common approach to operating hours should be taken on this estate, rather than the ad-hoc approach of previous years.
- 4.6 The views of the Parish Council are noted, but previous working hours restrictions appear to have been associated with machinery noise, rather than deliveries. As such, and in the knowledge that the estate is relatively isolated from adjacent residential properties, it would be unreasonable to impose such controls at this time in relation to this single unit.

## **5.0 Conclusions and Recommendations**

- 5.1 This proposal meets the requirements set out in Policy GB.4 of the Adopted Wyre Forest District Local Plan and Government Guidance in PPG.2.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)

### Reason for Approval

As an identified Major Development Site in the Green Belt, the building is capable of being used for the full range of employment uses as applied for. The effect of this would be such that the amenity of the area would be safeguarded, and highway safety would not be compromised. The proposal is therefore considered to be in compliance with the policies listed above.

**Application Reference:** 07/1303/FULL      **Date Received:** 20/12/2007  
**Ord Sheet:** 382875 279564      **Expiry Date:** 14/02/2008  
**Case Officer:** Stuart Allum      **Ward:** Wolverley

**Proposal:** Erection of a two storey side extension.

**Site Address:** FROGMORE COTTAGE, WOLVERLEY VILLAGE,  
WOLVERLEY, KIDDERMINSTER, DY115XE

**Applicant:** Mr & Mrs T Costello

<b>Summary of Policy</b>	GB.1, GB.2, GB.6, D.1, D.3, D.5, D.17, CA.1, LA.1, LA.2, LA.6, TR.9 (AWFDLP) SD.2, D.38, D.38, D.39, CTC.1, CTC.19, CTC.20 (AWCSP) QE.1, QE.2, QE.5, QE.6 (RPG11)
<b>Reason for Referral to Committee</b>	Development Control Manager considers that application should be considered by Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 Frogmore Cottage is a detached dwelling located in the Green Belt, within Wolverley Conservation Area. The elevated site is accessed via a driveway from Drakelow Lane to the north of the village core, and is also subject to Landscape Protection policies.
- 1.2 The proposal is for a two storey extension, comprising a study at ground floor and a bedroom above.

## 2.0 Planning History

- 2.1 39/71/O - Detached Garage: Refused
- 2.2 374/73/A - Erection of a dwelling: Refused
- 2.3 WF.419/80 - Demolition of out-buildings and construction of living room, kitchen and garage: Approved
- 2.4 WF.904/96 - Alterations to Roof Pitch and 2 Dormers to form a new bedroom: Approved

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### 3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council - Views awaited
- 3.2 Highway Authority - No objections
- 3.3 Conservation Officer - Views awaited
- 3.4 Neighbour/Site Notice -1 letter of objection received, raising the following concerns:

#### LEGAL ISSUES

- This property has a tightly worded restrictive covenant on any development without the previous consent in writing of the owners of Frogmore House (a copy of this has already been sent to the planning office). Such consent has not been sought by the owners of Frogmore Cottage.

#### CONSERVATION ISSUES

- This property lies in Wolverley Village which is a conservation area. It has an elegant late 18<sup>th</sup> Century façade which is visible on the skyline in a prominent position as one drives east through the village. Any extension would be visible from the road and would upset the perfect symmetry of the building and upset detrimentally the appearance of the conservation area.
- My part timber-framed house which lies to the rear of the property is possibly one of the oldest houses in Wolverley Village (dating back 400+ years) and feel that, to have a modern extension built just yards away would detract from the visual impact of my property.

#### AMENITY ISSUES

- a) Privacy
  - The proposed two storey development with a ground floor window is situated within full view of my kitchen, lounge and bedroom windows. I feel that this situation has a very major impact on the privacy of my property since all of the main living areas overlook the proposed extension.
- b) Noise and Nuisance
  - The expansion of the house by the addition of two rooms to 10 rooms (ie. a 20% increase in rooms shown from the plans) would enable the property to be suitable for larger family groups and thus traffic flow along the drive that adjoins my property may be increase - again this affects the amenity value of my property.

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- The plans propose a change in entrances to the property which will result in the main family entrance being on the elevation facing Frogmore House, whereas previously the main entrance was the front door on the south face of the property. It is now clear that the main entrance will increase noise travelling to my house and affect the amenity value of my property.

#### **4.0 Officer Comments**

4.1 This proposal is required to satisfy a number of specific Development Plan policies, including those concerned with:

- Green Belt
- Design
- Wolverley Conservation Area
- Landscape Protection
- Amenity and Privacy
- Other Matters

##### GREEN BELT

4.2 Extensions to dwellings in the Green Belt can be regarded as appropriate provided that they do not result in disproportionate additions over and above the size of the original building. In this case, the property has been extended in the past. As a consequence, a proportion of the volume of that original part of the building was re-apportioned to the first approved extension, which was further enlarged following approval in 1996. A small porch was also added during this period.

4.3 The critical question on this occasion is whether the cumulative effect of the previously approved and constructed extensions, together with the proposed two storey extension shown in this application, is proportionate to the original building. On the balance of evidence, it is considered that the proposal meets this criteria.

##### DESIGN

4.4 Extensions to dwellings are required to be in scale and keeping with the original building and designed to be visually subservient, thereby allowing the original building to retain its visual dominance. This proposal fulfils such requirements. The extension is of modest footprint and volume and its visual effect on the elegant front elevation is negligible.

##### WOLVERLEY CONSERVATION AREA

4.5 The proposal must demonstrate that it preserves or enhances the character and appearance of the Conservation Area. The views of the Council's Conservation Officer will be reported to the meeting via the Addenda and Corrections sheet.

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#### LANDSCAPE PROTECTION

- 4.6 Although this property occupies an elevated position relative to the surrounding area, particularly to the south of the site, the effect on the local landscape quality would be insignificant. The extension, subject to correct choice of materials, would be read against the existing building, thereby avoiding visual incongruity.

#### AMENITY AND PRIVACY

- 4.7 The extension has been specifically designed to avoid the introduction of windows overlooking adjacent neighbouring properties or garden space. The extension would be visible from the closest neighbouring property but again, given the distances involved, the effect on amenity would be so slight that a refusal reason could not be sustained. The dwelling is clearly a family home as it stands and any increase in activity or additional vehicle trips resulting from this extension alone would not be likely to harm amenity or privacy to any great degree.

#### OTHER MATTERS

- 4.8 Legal agreements made between the parties are not material planning considerations and must be the subject of negotiations between the affected parties outside the planning process.

### 5.0 Conclusions and Recommendations

- 5.1 This proposal meets the requirements of the appropriate development plans, policies and other guidance. In consideration of the provisions of Articles 1 and 8 of the Human Rights Act 1998, it is therefore recommended that this application be **APPROVED** subject to conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1 (Samples/Details of Materials)
4. J8 (No Further Windows)

#### Reason for Approval

The proposal is considered to be appropriate development in the Green Belt because the cumulative impact of the previous and proposed extensions is proportionate to the size and scale of the original building. The proposed design is also visually subservient relative to the original building and is otherwise satisfactory in terms of acknowledged interests such as neighbour amenity/privacy, protection of the landscape and the preservation/enhancement of the Wolverley Conservation Area. The development is therefore in conformity with the policies listed above.

<b>Application Reference:</b>	07/1312/FULL	<b>Date Received:</b>	21/12/2007
<b>Ord Sheet:</b>	384498 276259	<b>Expiry Date:</b>	15/02/2008
<b>Case Officer:</b>	Quita Morgan	<b>Ward:</b>	Offmore and Comberton

**Proposal:** Extensions & alterations to exiting bungalow to create two storey dwelling

**Site Address:** 42 SOMERLEYTON AVENUE, KIDDERMINSTER, DY103AS

**Applicant:** Clive Fletcher Developments

<b>Summary of Policy</b>	H.2, D.1, D.3, D.17, TR.9, TR.17 (AWFDLP) QE.3 (RPG11) Design Quality SPG
<b>Reason for Referral to Committee</b>	Planning application represents departure from the Development Plan
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 Somerleyton Avenue joins Comberton Road opposite the east end of the King Charles School site. It is a fairly narrow road of older, mainly detached two storey dwellings and is lined on both sides by mature trees creating a pleasant avenue. There are only two bungalows in the road, including the one subject of this application.
- 1.2 The proposed alterations to No. 42 would create a two storey dwelling by adding an upper floor, with its new roof over, to the existing building. The dwelling has an approved rear extension. The only alteration to the footprint would be a 1 metre forward extension to the existing bedroom no.1 to enable its conversion to an integral garage, and addition of a bay window to bedroom no.2 which would become a dining room. The footprint of the dwelling would therefore remain essentially the same.
- 1.3 The new upper floor would accommodate 4 no. bedrooms and 2 no. bathrooms. The front elevation shows a catslide roof with a small dormer window and a gable where the ridge is lower than the proposed principal ridge of the dwelling. The overall floor area of the upper floor would be less than that of the ground floor giving the appearance of a dwelling with three small ground floor extensions to front side and rear.

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## **2.0 Planning History**

- 2.1 WF.976/03 - Lounge, kitchen and utility extension to the rear : Approved 29/10/03
- 2.2 WF.508/04 - Erection of single storey extension to the rear (resubmission of WF 976/03) : Approved 15/1/04

## **3.0 Consultations and Representations**

- 3.1 Highway Authority – Views awaited
- 3.2 Neighbour/Site Notice - Two letters received raising the following concerns:
- No objection in principle but concerns about pedestrian and vehicular traffic as Somerleyton Avenue has become a rat run due to traffic calming in Borrington Road.
  - Buses and HGV delivery vehicles already have problems in this narrow road.
  - Also problems during construction with contractor's vehicles.
  - How can you create a two storey dwelling from an existing bungalow without demolishing the existing structure?

## **4.0 Officer Comments**

- 4.1 The site is in an area allocated in the Wyre Forest District Local Plan for residential development where new dwellings would normally be permitted subject to other relevant policy considerations.
- 4.2 Policy D.17 requires extensions to dwellings to be in scale and keeping with and to remain subservient to the original building, to harmonise with the existing townscape and to not have a serious adverse effect on the amenity of neighbouring residents.
- 4.3 There is a variety of ages and styles of dwellings in the street. All except two are of two storeys. To create a two storey dwelling at this site would actually bring it into harmony with the other properties in the street (leaving the remaining bungalow as an idiosyncrasy).
- 4.4 This proposal clearly does not remain subservient to the original building and the design is not in scale with the original building. However it would not in my view sit uncomfortably between the neighbouring buildings on either side.

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- 4.5 The agent has submitted drawings to show that even though the building would be two storeys high it would not infringe the 45 Degree Code in terms of reducing natural light to any of the windows of the neighbouring dwellings.

## **5.0 Conclusions and Recommendations**

- 5.1 There is conflict with Policy D.17 but this has to be weighed against the benefits of approving the scheme.
- 5.2 If the site had been undeveloped, as it lies within an area allocated for residential development, a two storey dwelling could have been approved subject to compliance with all the other relevant policies. The fact that it is proposed to be created by altering an existing bungalow, the end result of which would be tantamount to a new dwelling, does not in my view make it any less valid. The resultant dwelling would harmonise with the existing townscape whereas the existing one does not. There would be no adverse impact on the amenity of occupiers of neighbouring dwellings.
- 5.3 On balance I find the proposal acceptable and in consideration of Articles 1 & 8 of the Human Rights Act 1998, I recommend that it be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B3 (Finishing materials to match)
  4. B1 (Samples/details of materials)
  5. J7 (Windows: obscure glazing)
  6. Highway conditions

### Reason for Approval

The alterations and extensions are considered to accord with criteria set out in Policies D.1, D.3 and D.17 iv) of the Adopted Wyre Forest District Local Plan in that the proposal would clearly complement and respect adjacent development, relate to the appearance and character of the surrounding townscape and not have a serious adverse effect on the amenity of neighbouring residents.