

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE

10TH JUNE 2008

PART A

Application Reference:	08/0193/FULL	Date Received:	26/02/2008
Ord Sheet:	384504 280733	Expiry Date:	22/04/2008
Case Officer:	James Houghton	Ward:	Cookley

Proposal: Retention of two storage containers (for 3 years).

Site Address: BLUE BALL BUSINESS CENTRE, CAUNSALL ROAD,
CAUNSALL, KIDDERMINSTER, DY115YB

Applicant: Mr R Argent

Summary of Policy	E.9, D.1, D.5, GB.1, GB.2, LA.2 (AWFDLP) Planning Policy Guidance Note 2: Green Belt
Reason for Referral to Committee	Parish Council request to speak on application
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 15 MAY 2008 PLANNING (DEVELOPMENT CONTROL) COMMITTEE FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

1.1 The Blue Ball Industrial Estate is located off Caunsall Road and is washed over by the Green Belt and is part of the designated Landscape Protection Area.

1.2 The applicant seeks approval for the retention of two storage containers for a period of three years. The containers would be utilised to store resins and equipment, in relation to the business operating out of Unit 3 (previously referred to as Unit C), which itself is located adjacent to the main entrance to the site.

2.0 Planning History

2.1 WF.662/84 – Use of Buildings C and D as Electrical repair shop, office and storage (specific and personal use conditions imposed) : Approved

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- 2.2 WF.1243/04 - Outline: Erection of ten dwellings with associated parking and amenity space following demolition of existing buildings (Affordable Housing Scheme) : Refused 12/01/05
- 2.3 08/0382/FULL - Variation of Condition No 2 attached to planning permission WF.662/84 to allow use of Unit 3 for storage, distribution & office purposes : Approved
- 2.3 08/0383/FULL - Variation of Condition No 2 attached to planning permission WF.664/84 to allow the storage & distribution of building materials; retention of 3 steel containers for storage of materials & equipment : Approved

3.0 Consultations and Representations

- 3.3 Wolverley and Cookley Parish Council – Recommend refusal primarily over concerns about fire risk, they state that containers storing flammable resins would be stored within close proximity of trees and hedgerows and also state that no fire certificate has obtained, no fire hydrant provided. It is also considered that there are concerns over the safety of site and that the development is inappropriate for village environment.
- 3.2 Access Officer – No objections.
- 3.3 Environmental Health – Views awaited.
- 3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The containers are already evident on site and are utilised for the storage of resins and associated equipment ancillary to the use of Unit 3 of the Blue Ball Business Centre. The containers are 2.4m by 6.0m, set back 20m from the entrance to the site and are painted blue. The containers appear to be extremely robust and secure, thereby ensuring that the materials stored therein are both safe and secure. The application has been submitted seeking consent for a three year period.

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- 4.2 Given that the containers are located within an established industrial area and set back from the entrance it is considered that the containers have little impact on the street scene, this visual impact is lessened considerably by the galvanised palisade fence which fronts the site. The containers have a negligible impact on the openness and character of the Green Belt, the temporary permission would lessen this impact. Whilst it may be viewed that these containers constitute inappropriate development it is considered that due to the circumstances of the need to store the substances in a safe way and, due to the temporary nature, that these provide Very Special Circumstances to outweigh any principal harm.
- 4.3 It should be noted that the concerns expressed by the Parish Council over the possible storage of flammable substances and status of fire certificates and fire hydrants can not be addressed through the planning system.

5.0 Conclusions and Recommendations

- 5.1 The retention of the storage containers for a period of three years is considered acceptable. Although the containers would be within the Green Belt they would be within an established industrial area. Given the temporary nature of any permission granted it is considered that the containers would have no detrimental impact on the character and openness of the Green Belt and would have no detrimental impact on the amenity enjoyed by neighbouring properties.
- 5.2 It is recommended that the application be **APPROVED** subject to conditions.
1. A8 (Temporary permission – buildings)
 2. A11 (Approved plans)
 3. To be used only for Unit 3

Reason for Approval

By virtue of the temporary nature of the permission it is considered that the proposals would have no detrimental impact on the amenity of the site or that of neighbouring properties, as such the proposal complies with all relevant planning policies and guidelines.

Application Reference: 08/0324/FULL **Date Received:** 31/03/2008
Ord Sheet: 379097 275465 **Expiry Date:** 26/05/2008
Case Officer: Stuart Allum **Ward:** Wribbenhall

Proposal: Extension to rear to create viewing area over existing flat roof with canopy over & balustrading to sides

Site Address: GREAT WESTERN HOTEL, 42 KIDDERMINSTER ROAD, BEWDLEY, DY12 1BY

Applicant: Mr M Webb

Summary of Policy	D.1, D.3, D.18, NR.11, CA.1 (AWFDLP) CTC.19, CTC.20 (WCSP) QE.1, QE.3. QE.5 (RPG11)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 42 Kidderminster Road, Bewdley, also known as the 'Great Western Hotel' is a public house located between Kidderminster Road and Castle Lane, to the west of Bewdley Town Centre.
- 1.2 This is predominantly a residential area, with neighbouring dwellings in close proximity to the site. In the case of the neighbours in Kidderminster Road to the north of the site, these form part of the terrace of buildings which incorporates the public house at its southern end.
- 1.3 The site, with its rear car park, also lies in close proximity to the Grade II Listed viaduct serving the Severn Valley Railway, all of which lies within the Bewdley Conservation Area.
- 1.4 The proposal is to utilise an existing flat roofed area to the rear of the building to form an external partly covered area for customers to view the adjacent preserved railway scene. The design also incorporates balustrade fencing.

2.0 Planning History

- 2.1 WF.448/86 - Alterations to existing pub : Approved
- 2.2 WF.548/87 - Seating area in existing car park : Approved

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3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objects to the proposal and recommends Refusal, due to insufficient information, and we understand that revised plans are pending.
- 3.2 Environmental Health – Separate correspondence to be sent – balustrading – minimum guard rail at top to be at least 1.1 metres. Potential for an increase in noise complaints. Already have a number of complaints of noise from these premises recently, relating to people outside pub smoking. Too close to residential properties.
- 3.3 Conservation Officer – No objections subject to a condition controlling all facing materials.
- 3.4 Access Officer – Without full floor plans it is difficult to assess whether there is any opportunity to improve access for disabled people. The access statement does not provide any justification for the limited access. The precise location of the incorporation of “level floors and disabled steps”, as provided in the access statement, must be identified.
- 3.5 Neighbour/Site Notice – 13 letters of objection received. Main points summarised:-
- Access – Castle Lane provides access to 12 houses. Large vehicles (delivery vans, fire engines and ambulances) may be prevented access by balustrade support overhang.
 - Dangerous (Health and Safety) - Objects may be dropped over the edge. Area directly underneath is proper road, not a footpath. Narrow access into Castle Lane and the dangerous blind corner. ‘Near misses’ as the entrance door to the pub opens directly onto Castle Lane – situation will worsen as number of visitors increases. Main pub entrance should be moved to front of building. An enclosed area behind double glazing would be more in keeping.
 - Noise (loud music) – would make situation worse. History of noise complaints over last 2 years. Non-compliance with instructions to close windows and doors during live music sessions – doors to terrace would be open. Bad language until early hours. Noise could be minimised by end enclosures. Local people wish to enjoy the right to peace and quiet in their own homes.
 - Litter – especially cigarette ends (could be fire hazard).
 - Eyesore – glazed roof will adversely alter the appearance of this building which has remained unaltered for decades. Saddening that the integrity of the Conservation Area may be damaged. Existing beer garden untidy

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- Need – Trains can be viewed already from the seated area that the public house already has. Railway does not operate in the evenings – nothing to see – view of station extremely limited. Extension just for customer smoking – would also be used for dining but no working kitchen, recently removed.
- Loss of privacy – to living room and bedroom windows and whole garden area.
- Tourism – Inappropriate as new visitor attraction and negligible benefit to Bewdley tourism. Previous attempts to introduce restaurant style food have failed – pool table re-installed to attract youngsters.
- Disabled Access – What provisions for disabled people?
- Publicity – Site Notice not in a visible area. 2 neighbours consulted are just 2 of a possible 40+ who would object to this proposal.
- Does Mr Webb have the necessary length of tenancy to be granted planning permission?

Two letters of support received, commenting as follows:

- Great idea
- Will create a lovely spot for myself and fellow SVR volunteers to relax and unwind after a day's work
- In keeping with Great Western Railway period features
- Will look fantastic from trains on bridge
- Will prevent people from congregating on the access road immediately to the rear of the building, which is currently dangerous
- Excellent conversion of currently unused space

4.0 Officer Comments

4.1 This application stands to be judged against a number of different policy criteria as follows:

- Noise
- Loss of privacy/overlooking
- Design in Conservation Areas
- Other matters

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NOISE

- 4.2 The response from Environmental Health confirms that recent complaints have been received relating to noise, particularly that allegedly created by persons smoking outside the rear entrance door to the public house.
- 4.3 The description of development as publicised refers to the extension as a 'viewing area' but it could reasonably be expected to be used for smoking purposes if it satisfies the relevant regulations.
- 4.4 In terms of the way that public houses relate to adjacent and nearby dwellings in residential areas, the most pertinent question to be asked is whether the development would be likely to exacerbate noise nuisance, beyond the capability of the Council by way of statutory nuisance legislation to exercise control.
- 4.5 Government guidance in the form of PPG24 'Planning and Noise' states that the impact of noise can be a material consideration in the determination of planning applications. However, to some extent, the introduction of the proposed covered outdoor area would merely be formalising a situation which already exists to the rear of these premises. However, such a situation would not preclude the Environmental Health Section from investigating noise complaints again in the normal way, and taking such action as they see fit on the basis of the evidence presented.

LOSS OF PRIVACY/OVERLOOKING

- 4.6 Objections relating to overlooking have been received from the occupiers of 2 dwellings to the rear of the site in Station Road.
- 4.7 At its closest point, the domestic curtilage of the closest of these dwellings lies some 38 metres from the rear wall of the public house, and the windows referred to are at least 60 metres distant from the same point. Although this represents a significant separation distance, a revised plan is anticipated which provides a greater degree of visual screening, both for the benefit of the adjoining neighbour and those who have provided written objections to the rear.

DESIGN IN CONSERVATION AREAS

- 4.8 The building in question is not Listed, either at Statutory or Local Level. However, the setting is significant in the context of the Bewdley Conservation Area and the adjacent Grade II Listed railway viaduct.

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- 4.9 The design of the translucent roof and balustrade/screening is angled towards 'railway style'. This is debatable in terms of historical accuracy but the design as a whole, taking into account the increased height of the balustrading on the revised plan along part of the platform, would be complimentary to the appearance of the building and the setting of the viaduct. The character and appearance of the Conservation Area would be preserved by the development.

OTHER MATTERS

- 4.10 Many of the issues raised by the submitted letters of objection, such as alleged vehicular/pedestrian conflict, related to the situation as it exists and are not strictly connected to the application as submitted.
- 4.11 Other topics, such as the suggestion that a minimum tenancy period must be served in order to receive planning permission, even if they are grounded in fact, are outside the remit of this application and are not material planning considerations.

5.0 Conclusions and Recommendations

- 5.1 This proposal is considered to meet the provisions of the appropriate policies and other guidance.
- 5.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples/details of materials)

Reason for Approval

The proposal would not introduce an element of serious or unacceptable loss of privacy or amenity in relation to the adjoining and adjacent residential properties, and would appear as a complementary addition to the existing building in terms of its design and materials. The setting of the adjacent Grade II Listed Viaduct would not be harmed, and the character/appearance of the Bewdley Conservation Area would be preserved. For these reasons the proposal is considered to be in compliance with the policies listed above.

Application Reference: 08/0364/FULL **Date Received:** 04/04/2008
Ord Sheet: 384493 280722 **Expiry Date:** 30/05/2008
Case Officer: Emma Anning **Ward:** Cookley

Proposal: Removal of condition 1 of planning permission WF663/84 & variation of condition 2 of that permission to remove reference to unit B

Site Address: UNIT 2 BLUE BALL BUSINESS CENTRE, CAUNSALL ROAD, CAUNSALL, KIDDERMINSTER, DY115YB

Applicant: Mr B Crowther

Summary of Policy	GB.1 GB.2 GB.5 GB.6 E.9 E.10 (AWFDLP)
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 15 MAY 2008 PLANNING (DEVELOPMENT CONTROL) COMMITTEE FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

1.1 The application site forms part of the Blue Ball Business /Industrial Estate located on Caunsall Road, Cookley. The site is washed over by Green Belt and is within the Landscape Protection Area.

2.0 Planning History

2.1 WF.663.84 - Manufacture of timber fencing, storage and timber treatment (known as Timber 73) at land and premises at Blue Ball Buildings, Caunsall Road, Cookley, Parts referred to as A and B (land hatched) : Approved

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Request Committee Site Visit.

3.2 Access Officer - Details of the location of the disabled user car parking space are required in order to ensure that it is usable in relation to the movement of site traffic and access points to the buildings.

1. Details are required of the internal layout of functions within the buildings to assess the potential “no-go” areas for disabled people on health and safety grounds.

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2. What action is proposed to be taken to rectify the lack of a wc suitable for use by disabled people? The wc identified on the submitted plans is not within the site boundary and therefore uncontrolled by the applicant.

4.0 Officer Comments

4.1 Consent is sought to remove condition 1 from planning permission WF.663/84 which grants the permission solely for the benefit of Timber 73 Ltd and to vary condition 2 of the same permission which restricts the use of unit B to a timber workshop.

4.2 Unit A is presently used in connection with the tenants existing timber joinery workshop, manufacturing all sorts of timber joinery mainly for the construction industry. It is understood that Unit B is currently used as a steel workshop with storage.

REMOVAL OF CONDITION 1

4.3 The first consideration is the removal of condition 1 of the above permission. The applicant has sited the reason for wanting to remove this condition is to prevent the need to apply for planning permission each time a new tenant takes over this unit. The condition was originally imposed as the original applicant was able to demonstrate very special circumstances which justified approval of the application in an area where otherwise an application of this kind would have been refused as there was no policy provision at the time to allow such development. The proposal is considered to be acceptable as the current Adopted Plan makes provision under Policy GB.5 for the reuse of existing industrial premises in the Green Belt, therefore there would be no requirement for the applicant to demonstrate very special circumstances under the current policy context. I therefore consider that it would be unreasonable to retain this condition when the proposal complies with current Local Plan policy and such a condition would not be imposed on this site today.

4.4 Furthermore, Government Guidance as set out in Circular 11/95 'The Use of Conditions in Planning Permissions' states that it is "seldom desirable" to impose personal conditions as 'planning permission runs with the land'.

4.5 The removal of Condition 1 would result in the units A and B being useable by any company as a timber workshop, this is considered to be acceptable and in accordance with the guidance set out in Circular 11/95.

08/0364/FULL

4.6 Circular 11/95 also states that:

“Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated, and where the alternative would normally be refusal of permission.”

REMOVAL OF REFERENCE TO UNIT 'B' FROM CONDITION 2

- 4.7 The second issue for consideration is the removal of reference to unit 'B' from Condition 2 of the above permission. To alter the condition in this way would allow Unit B to be used for purposes other than a timber workshop. It is worth noting at this point that only part of the unit identified as Unit B on the proposed plan is covered by conditions attached to permission WF.663/84 as only a small section of the current Unit B was present on site at the time of this application. The remainder of the current Unit B has been erected since without the benefit of planning permission. A planning application is currently being considered for the regularisation of this unit which has been used for welding and steel storage purposes for a number of years (Planning Application 08/0365/FULL).
- 4.8 In light of the above and in consideration of Policies E.9, GB.1 and GB.5 of the Wyre Forest District Adopted Local Plan I consider the proposal to remove reference to unit 'B' from Condition 2 of planning permission WF.663/84 to be acceptable as the unit has been used for purposes other than as a timber workshop for a number of years. Due to the length of time involved, it is clear that this would be a lawful use in this unit. I therefore consider it reasonable to remove the reference to Unit B as applied for. In addition I am of the opinion that the proposal would comply with the relevant policy as it would satisfy the requirements of Policy GB.5 in that it would have no greater impact on openness than as existing and the building is capable of containing that use.
- 4.9 With regards to the use of this unit it is considered necessary, in the interests of amenity and highway safety, to impose a condition which specifies that Unit B should be used solely for welding and the storage of raw steel.

08/0364/FULL

5.0 Conclusions and Recommendations

5.1 The proposal accords with the relevant policies of the Wyre Forest District Adopted Local Plan and I therefore recommend the application be **APPROVED** subject to the following conditions;

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Unit to be used for welding and associated steel storage only.
4. Hours of operation

Reason for Approval

The proposed removal and modification of conditions 1 and 2 respectively of WF.663/84 is considered to be acceptable and would not give rise to a situation which would be detrimental to the amenity neighbours, the visual amenity of the Green Belt or highway safety. The proposal accords with the policies of the Adopted Wyre Forest District Local Plan as listed.

Application Reference: 08/0365/FULL **Date Received:** 04/04/2008
Ord Sheet: 384493 280722 **Expiry Date:** 30/05/2008
Case Officer: Emma Anning **Ward:** Cookley

Proposal: Retention of existing industrial building

Site Address: UNIT 2 BLUE BALL BUSINESS CENTRE, CAUNSALL ROAD,
CAUNSALL, KIDDERMINSTER, DY115YB

Applicant: Mr B Crowther

Summary of Policy	GB.1 GB.2 GB.6 E.9 TR.9 (AWFDLP)
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 15 MAY 2008 PLANNING (DEVELOPMENT CONTROL) COMMITTEE FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

1.1 The application site forms part of the Blue Ball Business Centre located on Caunsall Road, Cookley. The site is washed over by Green Belt and is within the Landscape Protection Area.

2.0 Planning History

2.1 This particular area of the Blue Ball site has a sparse planning history. The site has never had formal planning consent as an industrial area, however there has been industrial activity on the site for in excess of 35 years and this use is therefore immune from enforcement action. A number of permissions do exist on this site the most relevant of which is WF.663/84 which granted consent for the use of units A and B for the manufacture of timber fencing storage and timber treatment for a company called Timber 73. Conditions attached to this permission specified that these units were to be used solely as a timber workshop and should not be used between the hours of 7pm to 7am on weekdays (including Saturdays) or at any time on Sundays.

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Request Committee Site Visit.

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- 3.2 Access Officer - Details of the location of the disabled user car parking space are required in order to ensure that it is usable in relation to the movement of site traffic and access points to the buildings.

Details are required of the internal layout of functions within the buildings to assess the potential “no-go” areas for disabled people on health and safety grounds.

What action is proposed to be taken to rectify the lack of a WC suitable for use by disabled people? The WC identified on the submitted plans is not within the site boundary and therefore uncontrolled by the applicant.

What action is proposed to be taken to rectify the poor access into and within the building?

- 3.3 Environmental Health – Awaiting comments
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Consent is sought for the retention of an existing industrial building located on the western boundary of the application site between two existing units.
- 4.2 Records show that the two adjacent units have historically been used as timber workshops, there is a condition requiring this to be their sole use, however an application has recently been submitted to allow Unit B to be used for other purposes (Planning Application 08/0364/FULL). The detail contained within the applicants Design and Access Statement states that the building to be retained is currently used for the storage of steel in connection with the applicant’s steel fabrication/welding business which appears to operate from Units B and the unit which is the subject of this application.
- 4.3 To summarise and for clarity, the subject unit has been erected adjacent to an existing unit (Unit B), Unit B has the benefit of planning permission for a timber workshop by virtue of planning permission WF.663/84. Both Unit B and the subject unit are currently in use as a welders/steel fabrication workshop. This application seeks consent for the retention of the subject building only, however it is worth noting that a subsequent application is being considered which requests that Unit B not be restricted to a timber workshop. The ultimate aim here is to regularise the structure and its use.

08/0365/FULL

4.4 The main considerations in the determination of this application are as follows:

- Policy
- Impact on visual amenity and Green Belt
- Highway impacts and access
- Impacts on neighbours' amenity

POLICY

4.5 The principal policy considerations are listed above. In consideration of the Green Belt policies of the Adopted Wyre Forest District Local Plan the proposal is considered to be appropriate development within the Green Belt by virtue that the proposal accords with Policy GB.5 of the Adopted Plan which allows for the redevelopment of existing lawful premises within the Green Belt. Although this application is for the retention of the industrial unit the District Council's own records show that it has been present on this site for at least four years, therefore the unit is lawful and would be immune from enforcement action. For these reasons the unit is considered appropriate to consider the units as an existing building, which by virtue of Policy GB.5 and Policy E.9 is suitable for use as an industrial unit provided that it would not adversely affect visual amenity or have a materially greater impact on the Green Belt than existing; it is ecologically and environmentally acceptable; adequate services are available; it would not adversely affect the amenities of nearby residential properties; the buildings are of sufficient scale to accommodate the use; traffic generated would be kept to a minimum; and the proposal can be accommodated within the existing operational curtilage of the site.

IMPACT ON VISUAL AMENITY AND GREEN BELT

4.6 The building is contained within the existing industrial area and would not be visible from outside of the site and therefore would not be detrimental to the visual amenity of the Green Belt in accordance with Policy GB.6. The proposal is considered to be appropriate development in the Green Belt by virtue that it complies with Policies GB.5 and E.9 and that given that the building is currently being used for the purpose intended it is of sufficient scale to accommodate the development.

HIGHWAY IMPACTS AND ACCESS

4.7 The Design and Access Statement confirms that deliveries to this unit are taken at a rate of one part-load per quarter; this is considered to be acceptable and would not give rise to a situation which would be detrimental to highway safety in accordance with Policy TR.9 of the Adopted Plan.

08/0365/FULL

- 4.8 The District Council's Access officer has raised a number of concerns as listed above. Access to the building and single site wc are acknowledged to be poor in the applicant's Design and Access Statement. Given that the wc is outside the application site I do not consider it reasonable to seek any clarification on issues relating to this. This applies equally with regards to access to the building across existing operational space which is also outside of the application area. The provision of a disabled car parking space will be provided on site, given that the unit has been present on site for a number of years and access to it is severely limited by the constraints of the site, it is not considered reasonable in this instance to insist on such detail in determining this application.

IMPACT ON NEIGHBOURS' AMENITY

- 4.9 With regards to the impact of the proposal on neighbour amenity I am satisfied that there would be no adverse impact. The building has been present on site for a number of years and I have not been made aware of any noise complaints reported to the Environmental Health section. Similarly the neighbour notification letters and site notice did not lead to any adverse representations from neighbours being made.

5.0 Conclusions and Recommendations

- 5.1 The proposal is considered to comply with all relevant policies of the Adopted Wyre Forest District Local Plan and I therefore recommend that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Unit to be used for welding and associated steel storage purposes only.
4. Hours of operation (as of Unit A)

Reason for Approval

The retention of the industrial building is considered to be acceptable by virtue that the building represents a lawful industrial premise within the Green Belt. The proposal would not cause harm to the openness or visual amenity of the Green Belt and would not give rise to a situation which is detrimental to highway safety or neighbour amenity. The proposal therefore accords with the Wyre Forest District Adopted Local Plan policies listed below.

Application Reference: 08/0382/FULL **Date Received:** 15/04/2008
Ord Sheet: 384493 280722 **Expiry Date:** 10/06/2008
Case Officer: Stuart Allum **Ward:** Cookley

Proposal: Variation of Condition No 2 attached to planning permission WF/0662/84 to allow use of Unit 3 for storage, distribution & office purposes

Site Address: UNIT 3 BLUE BALL BUSINESS CENTRE, CAUNSALL ROAD, CAUNSALL, KIDDERMINSTER, DY115YB

Applicant: Mrs R Argent

Summary of Policy	GB1, GB2, GB6, E9, LA1, LA2, D1, TR9, TR17 (AWFDLP)
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 15 MAY 2008 PLANNING (DEVELOPMENT CONTROL) COMMITTEE FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

- 1.1 The Blue Bell Industrial Estate is located off Caunsall Road in an area 'washed over' by the Green Belt, and is part of the designated Landscape Protection Area.
- 1.2 Unit 3 of the Estate is located adjacent to the main site access. The building contains both storage and office facilities.
- 1.3 The applicant seeks the variation of condition No. 2 from planning permission WF/0662/84 which stated that:-

"The buildings indicated C & D on the submitted plan shall be used exclusively for an electrical repairs shop, office and storage facilities and for no other purpose whatsoever, and the provisions of the Town and Country Planning Use Classes Order 1972 shall not apply in this case.

Reason – In order to safeguard the amenities and character of the area."

2.0 Planning History

- 2.1 WF/0662/84 – Repair and storage of video, TV and Hi-Fi storage : Approved

08/0382/FULL

- 2.2 WF/1234/04 – Outline: Erection of ten dwellings with associated parking and amenity space following demolition of existing buildings (Affordable Housing Scheme) : Approved

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Request Committee Site Visit.
- 3.2 Highway Authority – No objections
- 3.3 Access Officer – Views awaited
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Policy E9 allows the re-use of existing buildings for small scale industrial or commenced development in the Green Belt provided that such uses comply with environmental, highways and amenity criteria.
- 4.2 In this case, it is considered that the proposed uses would have no greater impact on the local environment than those approved in 1984.
- 4.3 National Guidance, in the form of Circular 11/95 'The Use of Conditions in Planning Permissions' states that "planning permission runs with the land" and that personal permissions are 'seldom desirable'.
- 4.4 Circular 11/95 also states that:
- "Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated, and where the alternative would normally be refusal of permission."
- 4.5 The essence of storage, distribution and office use for a more varied mix of products would not be significantly more disruptive to the setting than electrical goods alone, as allowed under the original planning consent (Planning Application WF.662/04), and it would therefore appear unreasonable to resist this particular application.

08/0382/FULL

5.0 Conclusions and Recommendations

5.1 This proposal meets the requirements of the appropriate policies and other guidance.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)

Reason for Approval

The use of the building for unfettered storage, distribution and ancillary office use would not create any significantly adverse impact on Green Belt openness/visual amenity, highways safety or neighbour amenity, than that existing at present. It is therefore considered that the proposal is in compliance with the policies listed above.

Application Reference: 08/0448/FULL **Date Received:** 01/05/2008
Ord Sheet: 379849 276020 **Expiry Date:** 26/06/2008
Case Officer: Emma Anning **Ward:** Wribbenhall

Proposal: Two storey extension with roof accommodation lit by dormer windows (resubmission of 07/0317/FULL)

Site Address: 11 NEW ROAD, BEWDLEY, DY121JF

Applicant: Mr L McCoy

Summary of Policy	D1, D3, D17 (AWFDLP) QE3 (RPG11) Design Quality SPG PPS1
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 11 New Road is a detached dwelling located on New Road which lies between Habberley Road and Kidderminster Road on the Wribbenhall side of Bewdley.
- 1.2 The dwelling is of a traditional construction with a rendered finish. The property has a two storey dwelling to the south and a bungalow to the north.
- 1.3 A previous application was considered last year and was refused. This application is a re-submission which attempts to overcome the previous concerns

2.0 Planning History

- 2.1 07/0317/FULL – Two Storey Extension : Refused

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views awaited
- 3.2 Highway Authority – Views awaited

08/0448/FULL

- 3.3 Neighbour/Site Notice - I object to this development on the grounds that it remains too domineering over our house and garden (bungalow with small rear garden). The light on our property will be affected, as will our privacy with the very intrusive rear dormer windows overlooking our rear garden and many other gardens. The overall open feel of our road will be spoilt with this closing of the gap between ours and the neighbours property. In my opinion this would be out of character for the road.

4.0 Officer Comments

- 4.1 The previous application was refused in May 2007 for the following reason:-

The proposed alterations fail to demonstrate subservience and are not considered to be in scale and in keeping with the form of the original building. The proposed development would be visually harmful to the form of the original building and as such would be contrary to Policies D.1 and D.17 of the Adopted Local Plan

- 4.2 In essence the main considerations in this case are centred on Policy D.17 of the Local Plan. This policy requires that extensions:

- i) *be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building;*
- ii) *be subservient to and not overwhelm the original building, which should retain its visual dominance;*
- iii) *harmonise with the existing landscape or townscape and not create incongruous features and;*
- iv) *not have a serious adverse effect on the amenity of neighbouring residents or occupiers*

- 4.3 The extensions proposed consist of two main elements:

- i) Firstly, a two storey extension to the side of the property and a single storey extension to the front. These extensions run the entire length of the side elevation and project a further 1.8m to the front (single storey only). These extensions seek to provide an additional bedroom with en-suite at first floor and lounge, utility and porch at Ground Floor; and
- ii) Secondly, two dormer windows in the rear elevation to facilitate an attic bedroom.

- 4.4 In summary, the extensions and alteration facilitate a further two bedrooms provide a total of five in the property.

08/0448/FULL

- 4.5 The plans show a clear set back of the first floor extension of 0.75m, which satisfactorily achieves a subservient visual appearance and a lowered ridge line. The extensions mirror the architectural features of the existing property and it is considered that they will not result in harm being caused to the character of the streetscene or the townscape of this area.
- 4.6 The position of the extensions will result the dwelling being within 0.4m of the boundary with No.9 New Road. The extension will side onto the existing flank wall of the single storey extension of No.9 to which there is no side facing windows. A high parapet wall continues to the rear of the property. The proposed extensions will not extend beyond the rear elevation of No. 9 and projects marginally forward to the front. Due to this relationship and taking into account the two storey nature of the extension, even though No. 9 is a bungalow it is considered that there will be no significant loss of residential amenity in this case. In respect of window positions, due to the distances involved separating the properties it is further considered that no loss of privacy will occur through overlooking.
- 4.7 The Applicant's Agent has provided a plan showing that three car parking spaces can be provided within the site in response to the additional bedrooms provided. On this basis there are no issues from a highway perspective, although the formal views of the Highway Authority are awaited.

5.0 Conclusions and Recommendations

- 5.1 After taking account of all aspects in this case including the concerns of the neighbour, it is considered that the scheme is acceptable and overcomes the previous refusal reason. The proposal is now viewed as being compliant with Local Plan policy.
- 5.2 After full consideration of the above issues and in consideration of Articles 1 and 8 of the Human Rights Act 1998, I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B3 (Finishing materials to match)
- Note - SN12 (Neighbours rights)

Reason for Approval

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

08/0451/FULL

- 2.2 WF.141/04 – Erection of three four-bedroom houses with vehicular access to Roxall Close : Refused 9/3/04 – Appeal Dismissed
- 2.3 07/1260/FULL – Erection of two No. 5 bedroom houses with vehicular access : Refused 14/2/08

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – Objection to the proposal. Apart from the loss of the small utility room, the footprint of these two proposed dwellings is the same as that refused on 14 February 2008. The Parish Council considers that the current proposal, as previously, is overdevelopment. This was the view taken by the Inspector on the appeal decision on 22 February 2005 (04/0141), and he also commented that the design proposed paid ‘scant heed for the need to reflect and respect the existing street scene’. It is unfortunate that the opportunity to submit a scheme, which would overcome these strong objections, has not been taken. The Parish Council, therefore, consider that those previous reasons for refusal are still applicable.
- 3.2 Highway Authority – No objection subject to conditions and notes
- 3.3 Arboricultural Officer – My comments for this site are basically the same as my previous comments. Which are that 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.

The Cedar no longer appears to be retained as part of the development and has not been plotted on the proposed site plan. As I said before the Cedar is not worthy of a TPO, however it should be retained as it adds to the street scene and will add to the amenity of the development. The tree has a diameter at breast height (dbh) of 350mm and therefore requires a Root Protection Area (RPA) of 55m² or a circle with a 4.2m radius from the trunk of the tree.

The existing garage is around 2m from the trunk of the tree, which means it is within the RPA, 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.

08/0451/FULL

There was a large dead tree in the garden when I first inspected the site in December; however it fell down in the bad weather. In my last comment I requested details on a replacement tree as the old tree was covered by a TPO. Although there does appear to be some new tree planting proposed, no details are included on species, size of transplants or protection measures for the replacement tree or additional planting.

Recommendations – I have no objection to the proposed development; however I would like to see the Western Red Cedar retained and for this to take place I will need to know the method proposed for the removal of the garage and the construction of the parking area. I am also concerned that damage will occur to the tree during the development. Therefore I would like to see the following conditions:

1. The Western Red Cedar should be retained
2. The proposed method for removing the garage and the construction of the driveway
3. The tree be protected by a circle of chestnut pale fencing at a distance of 4.2 metres from the trunk of the tree
4. 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. In addition to the detailed information on other proposed tree planting is required.

3.4 Access Officer – No objections subject to condition

3.5 Severn Trent Water – No objections subject to condition

3.6 Conservation Officer – Views awaited

3.7 Neighbour/Site Notice – Two letters of objection received to date “I have just viewed the new plans for 1 Roxall Close. I was very disappointed to see that there is no change (apart from the number of bedrooms) to the previous plans, which were turned down. My house (No. 5 Lynwood) is four bedroomed, I have measured width of my plot and you would not get two of them into the width of the plot in question. So the same old story they are planning to make the new builds deeper, I will walk out of my back door and all I will see is a brick wall, I will look out of my kitchen window and all I will see is a brick wall, as before I strongly oppose these plans, I feel the buildings should be kept in line or better still to have bungalows instead of houses. I bought my house some 15 years ago because it was very detached, I don't want a builder out to make a fast buck ruining that for me. I look forward to your views”.

08/0451/FULL

Letter 2: 'I would like to object to the planning permission sought for Little Champson. My chief objection is that the plan involves the destruction of the existing dwelling which I believe to have aesthetic merit, at least as far as the view from the main road is concerned. The current plan intends to replace this view with garden fencing, which I feel will degrade the Blakedown experience as people drive through. As I have previously stated, I do not want the building to remain empty but feel that if it were turned into apartments, then a number of people could enjoy it. Blakedown has a lot of modern executive houses already and a true village should offer some diversity. This current plan fails to offer anything to people other than those who currently inhabit the village. Apartments might be more attractive to young couples without children. The current plan creates an almost complete view of modern housing whereas Little Champson, along with the village church, currently breaks up the monotonous scene. At the last planning meeting, the universal feeling was one of antagonism to the destruction of the current building and I cannot believe that everyone's minds will be drastically changed in the light of this current proposal.'

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 two dwellings on this site was refused planning permission on 14th February 2008, (07/1260/FULL) 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 over-development of the site. Thus, the proposal would be contrary to Policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan and the Council's Design Quality Supplementary Planning Guidance.
 2. Due to the close proximity of the dwellings to the boundaries of the adjacent 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.

08/0451/FULL

- 4.3 Unless there is a significant change in policy or circumstances on the ground since the last refusal it would be unreasonable to reject the application again for other reasons after such a short lapse in time unless there are some additional inherent problems arising from the current revised plans. In terms of policy there is no difference and the only change in circumstances since the last application is the fact that the existing building known as Little Champson, which was at the time of the last application being considered by English Heritage for a listing, is not considered by English Heritage to be worthy of this status. The design of the proposed dwellings was not a reason for refusal and it is felt that the external appearance of the buildings proposed are similar in style to the previous submission and if anything are more attractive. It is therefore submitted that the application should be considered on its merits with regards to whether or not the submitted scheme overcomes the reasons for refusal.
- 4.4 With regards to reason number 1 the key issue is whether the size and positioning of the dwellings constitutes an overdevelopment of the site.
- 4.5 The main difference between the last application and the present one is that the two dwellings are now proposed to be both four bedroom properties rather than five bedroom properties. The question as to whether the site is overdeveloped therefore should be judged in terms of whether or not the site is too small to support four bedroom properties rather than five bedroom properties. The ground floor covered by both properties has actually expanded from a total of approximately 289 sq m (last application) to 322 sq m. However, the first floors are smaller with the total area of both properties now being 182 sq.m. compared with the previous total for first floor accommodation of 233 sq.m. In terms of rear garden areas Plots 1 and 2 have rear gardens respectively covering areas of approximately 172 sq.m. and 208 sq m compared with 188sqm and 208 sq m previously. The adjoining property on the one side (No 5 Lynwood Drive) is useful for comparison purposes as it is a four bedroom property and this has a rear garden area of approximately 162 sq.m. It is submitted that the proposed gardens measuring 12 and 14m deep to the rear boundary are of sufficient size for four bedroom properties and that the development does not constitute overdevelopment of the site and compares quite favourably with other properties in the area.
- 4.6 Overdevelopment also implies that the development will look cramped. The reduction in the size of the properties at first floor level as described below improves considerably the feeling of spaciousness between the dwellings and it is felt that the revised design will now sit more comfortably in the street scene and will not convey the appearance of being squeezed in.

08/0451/FULL

- 4.7 The second refusal reason considers the loss in amenity to neighbours arising from the proximity of the dwellings to the site boundaries. Plot 1 now has a double garage at ground floor level rather than a single garage which means that the first floor is narrower and now 8.5m distant at eaves level from the neighbouring house and 12.8m apart at ridge level compared with 6.3metres and 10.7 metres. On Plot 2 there was previously residential accommodation over the garage. This has now been removed. The eaves line separation distance to the neighbouring bungalow is now 9.1m (as opposed to 4.2m in the previous application) and there is now 17.3m between the main ridge lines (10m with the previous application). The distances to the boundaries is the same as before at the closest point i.e approximately 1m but the ground floors on both properties have been pulled back to 3.5m where the utility room is placed and to 1.3m for the proposed rear breakfast room. It is submitted that the changes proposed do help to improve the visual relationship between the proposed properties and those adjacent and because the height of the houses has also dropped from 8metres to 7.5m the new dwellings do not dominate the dwellings adjacent.
- 4.8 With regard to the impact on neighbouring properties as stated previously the main impact is on dwelling house No. 5 Lynwood Drive adjacent to Plot 1. This adjacent neighbouring property has a veranda at the side which given 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 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 further than the previous application but does not invade the 45° line to the nearest habitable room. The proposed development is therefore considered to be compatible with the 45° code and would not in my view have such an impact to the rear aspect of the neighbouring property that would warrant a refusal of permission. Plot 2 would have very little impact on neighbouring bungalow due to the separation distances as described above and because the bungalow has no window with habitable rooms on this site.

OTHER ISSUES

- 4.9 One of the main considerations with the previous application was whether the existing house should be demolished. As stated earlier English Heritage feel that the building is not worthy of Listing. In reaching their decision English Heritage concluded that:

‘The house has been very considerably altered and this extends from the orientation of its plan to the details of the interior and the large flat roofed wing added to the rear.

Although the building has a pleasant street front, it lacks the degree of architectural quality which would be expected of a house of this type’.

08/0451/FULL

- 4.10 Whilst it is recognised that the existing dwelling does help to break up the street scene and fronts the Birmingham Road there are no grounds to retain it and particularly following the previous decision.
- 4.11 The question as to whether the proposed development should front the Birmingham Road has also been previously considered and whilst it is acknowledged that this would in principle be a desirable aim all adjoining properties front the other way and to make these new dwellings do the opposite would be out of character with the area, would lead to highway issues, have implications for neighbouring amenity and would lead to smaller rear garden areas.
- 4.12 There is considered to be ample car parking for the dwellings of this size and the Highway Authority has raised no objection to the scheme.
- 4.13 The views of the Arboricultural Officer can be dealt with by condition to ensure that the one tree is saved and the other tree is replaced.

5.0 Conclusions and Recommendations

- 5.1 It is considered that taken as a whole the proposed changes represent a considerable improvement in terms of the visual relationship between the proposed properties and neighbouring dwellings. The dwellings now look more acceptable in their setting and are felt to be in character with the street scene. The dwellings are now four bedroom rather than five bedroom in size and they are considered to have sufficient rear amenity space for dwellings of this nature and the area of the amenity space is similar to those of nearby property and the dwellings do not constitute an overdevelopment of the site. The impact on neighbouring properties has been re-examined but the revised scheme is considered to be acceptable in this regard.
- 5.2 For these reasons it is considered that the application should 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. 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

08/0451/FULL

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)

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.

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE

10TH JUNE 2008

PART B

Application Reference: 08/0267/OUTL **Date Received:** 14/03/2008
Ord Sheet: 383611.170857675 **Expiry Date:** 13/06/2008
275190.52476505
Case Officer: Emma Anning **Ward:** Offmore and
Comberton

Proposal: Residential development (access only to be determined at this stage)

Site Address: LAND TO REAR OF 36-46 CHESTER ROAD SOUTH,
KIDDERMINSTER, DY101XJ

Applicant: Hamlin Estates

Summary of Policy	H.2 H.4 D.3 TR.7 TR.9 NC.4 NC.5 CY.4 NR.1 (WFDALP) D.5 CTC.12 CTC.13 and CTC.15 (WCCSP) CF3 CF.4 QE.7 (WMRSS) Planning Policy Statement 3: Housing Planning Policy Statement 9 : Biodiversity Planning Obligations SPD
Reason for Referral to Committee	'Major' planning application
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site is an area of land measuring 0.86 hectares located to the rear of residential properties 36-46 Chester Road South, Kidderminster. The site is identified in the Wyre Forest District Adopted Local Plan as a residential area suitable for residential development. The site would be accessed from Bernie Crossland Walk of Chester Road South and is bordered to the west by the railway line which sits on an embankment , raised above the site.
- 1.2 Historically the whole of the site would have been the residential curtilages of 36-46 Chester Road South. Of these properties any have maintained the use of part of this land as formal garden area. The remaining segments do not appear to be functioning as formal garden space and are largely overgrown and unkempt. An area to the front of the site (to the rear of 46 Chester Road South appears to be an area of paddock behind which is an area of meadow.

08/0267/OUTL

- 1.3 Outline consent is sought for residential development on this parcel of land. Matters for consideration at this stage are the principle of the development and access, all other matter are reserved. Indicative drawings and details contained within the Design and Access Statement suggest that developers would seek to erect two and three storey residential properties, the indicative site plan suggests 42 units could be achieved equating to a density of 49 dwellings per hectare. The scheme would include a mix of dwelling types including 2, 3 and 4 bedroom dwellings.

2.0 Planning History

- 2.1 None

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to conditions. This development will not have a significant effect on the local highway network, both in terms of road safety and highway capacity.
- 3.2 Environmental Health – awaiting comments
- 3.3 Access Officer –
1. The access statement does not give a comprehensive assessment of the whole scheme in relation to its setting and functionality and its suitability for use by disabled people.
 2. What is the philosophy and design approach to the provision of lifetime and accessible homes on this site? , the statement must also identify and explain where and how the standards will be implemented
 3. The shared surface concept, whilst good in many ways, presents considerable issues to disabled people. The critical elements relate to definition of and navigation within the space. Detailing is fundamental for such schemes to work for the benefit of everybody and must therefore be fully worked up before planning permission is granted because it is fundamental to the layout, design and appearance of the development.
 4. Reference to “easy walking distance” is meaningless in disabled access terms, the description should refer to measured distance, surface treatment and gradients.

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5. Reference to compliance with Part M of the Building Regulations does not address the need for, or meet the requirements of, Policy D1 of the Wyre Forest District Council Adopted Local Plan 2004, which requires new development to be designed and sited to be accessible and useable by all members of the local community.
6. A level surfaced path, minimum 900mm wide, is required from the highway footpath to the front door of each property, clear of any area likely to be used for car parking.

3.4 Severn Trent Water - No objection subject to conditions

3.5 Arboricultural Officer - Serious concerns with the current layout and how this would affect the trees on site. Agree with the tree retention classification as detailed in tree report, however this does not appear to have been considered in the design phase. All trees classed as A or B should be retained. The scheme should comply with BS5837:2005.

Recommendation – Object to the current layout and consider whether a Tree Preservation Order would be necessary to protect the trees on site.

3.6 Countryside and Conservation Officer - Biological losses here if this development was to proceed, we are losing a UK and local BAP (Biodiversity Action Plan) habitat in the form of lowland hay meadow and neutral pasture, both are recognised as being threatened. The developers own eco survey acknowledges this and recommends the developer enter into dialogue with us to insure adequate mitigation is implemented I guess this will involve both onsite and off site. This habitat is also shown to have nationally rare flora there is also a potential for a significant reptile population and bats both of which need further investigation before adequate mitigation can be proposed no mitigation for this shown by this development hence this development will show a BIG loss of biodiversity further amplified by its good conductivity with a recognized wildlife corridor. As it stands this application should be refused the applicant needs to enter into negotiation to insure this development does not show any ecological harm

3.7 Forward Planning - Awaiting comments

3.8 Worcestershire Wildlife Trust - Awaiting comments

3.9 Neighbour/Site Notice – 13 letters of objection received. The main points of objection are summarised as follows;

HIGHWAYS & ACCESS

- Bernie Crossland Walk is not wide enough to accommodate the increase in vehicular traffic

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- Despite being a 30mph zone Chester Road South experiences vehicles going much faster than this making pulling out from Bernie Crossland walk difficult
- A large tree 40m south of the junction impedes visibility during the summer when it is in bloom, the Transport Assessment which was carried out in winter does not mention this.
- The access to the development is insufficient. Cars are often parked along the street and children often play in the street. Allowing a means for an increase of traffic would lead to disaster.

POLICY

- Policy H.2 states that housing will only be permitted on Previously Developed Land, this area is not previously developed and I can find no evidence to support this. Many local people could substantiate this,

BIODIVERSITY

- The piece of underused land is a very important habitat.
- The land is rich in biodiversity. It is not uncommon to see tawny owls, badgers, foxes and bats as well as frogs and newts.

AMENITY

- The proximity of the railway line will cause noise disturbance to residents precluding the possibility of opening windows due to the noise pollution.
- The development would cause overlooking of properties on Chester Road South, by virtue of the proximity and the change in floor levels.
- To develop the land between Chester Road South properties and the railway line would reduce light to the existing properties.
- Noise pollution would be an issue with the increase in human activity but also because of the noise of railway traffic will be magnified acoustically from hard landscaping and built structures. This would apply equally to road traffic.
- The increase in vehicular traffic will impact on health and the addition of new lighting columns would introduce light pollution.

OTHER

- There is a storm water problem in the area, the ground is very poor at draining itself, the proposed development will increase storm water volume.

1 Letter of support

- This development is Phase 2 of the development to Bernie Crossland Walk
- The land has been maintained as garden
- Identified as a residential site
- Will provide social housing and Council Tax revenue
- No wildlife on site

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4.0 Officer Comments

4.1 The key issues for consideration in this instance area as follows:

- Principle of development
- Access
- Planning Obligations
- Other

PRINCIPLE OF DEVELOPMENT

4.2 The key policy consideration here is Policy H.2 of the Wyre Forest District Adopted Local Plan. H.2 states that in residential areas as this development will be allowed subject to the site comprising previously developed land (PDL) and it must be environmentally acceptable and comply with all other relevant policies. Where the site does not constitute PDL then Policy NR.1 states that the applicant must demonstrate that there are no useable PDL sites available.

4.3 The site is made up of segments of varying sizes of former residential curtilage, however with the exception of 5 gardens the plots do not appear to be currently in use in connection with the host dwelling. Information submitted by the applicants gives details of ownership and usage as detailed in the table below:

Property	Owner	Garden Severed?	When severed	Use of area in application site
36	Unknown	Yes	Garden area severed 3 years ago	
37	Mr and Mrs Grant	No		Garden
38	Celia Powell	No		Garden
39	Unknown	Yes	Garden severed 2000	
40	Unknown	Yes	Garden severed 2002	
41	Mr Houghton	No		Garden
42	Unknown	Yes	Many years	Used by Mr Meredith as garden.
43	Dr. Chaudoir	No		Garden
44	Unknown	Yes		Mr Meredith's daughter gardens the land
45	Unknown	Yes	2000	
46	Mr Shinton	No		Application area used as area for keeping pony, sheep and fowl.

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- 4.4 Based on the information above it would appear that only 5 of the individual plots of land conform strictly to the definition of Previously Developed Land as defined in PPS3: Housing in that the area is the curtilage of land occupied by a permanent structure. The remaining areas, by virtue that they have been severed from being in connection with the host property, do not accord with this definition as they are no longer areas of residential curtilage. Of those areas it is stated that 2 have been kept as garden although not in connection with the original house. The remaining plots with the exception of that to the rear of 46 Chester Road South do not appear to have any function and have been left open and their use retained for development purpose rather than being maintained as formal garden. The land to the rear of number 46 remains in the ownership of the owner of the property although it's use as a formal garden has been superseded by the use of the land partly for the grazing of small animals and partly as an open unkempt area.
- 4.5 The key consideration is whether those areas of land which do not clearly conform to the definition given in PPS3 constitute previously Developed Land. PPS3 states that land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings) does not constitute previously developed land. In order to conclude the status of those pieces of land other than those which clearly satisfy the PDL criteria each area will be considered in turn;
- 4.6 Land to the rear of 36, 39, 40 and 45 has been severed from the original host property and therefore is no longer considered to constitute residential curtilage. These areas are clearly physically severed by fencing and the land has no obvious relationship with the original property. Therefore these areas do not constitute previously developed land.
- 4.7 Land to the rear of properties 42 and 44 Chester Road South has been severed from the original property, both physically and in terms of ownership, the information submitted with the application states that these areas are still used as garden by persons not living in the original host property. It is also considered that on the basis of the definition in PPS3, these are no longer related to the structure and are utilised in a similar way to allotments, as they do not constitute previously developed land.

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- 4.8 Land to the rear of 46 Chester Road South is still in the ownership of the homeowner, however it is not used in its entirety in association with the dwelling. A small area immediately to the rear of the dwelling is established garden area and is therefore curtilage. The remainder of the land is part grazing land and part open pasture. Neither of which appear to be in use for purposes incidental to the dwelling. There is clear physical separation between the established residential curtilage and these areas in the form of fencing. With this in mind it is considered that these areas of land would not fall within the definition of previously developed land by virtue that they could not reasonably be considered to be in association with the use of the dwelling.
- 4.9 In summary only 4 of the 11 parcels of land are considered to constitute previously developed land, these areas are scattered across the far side of the site furthest from the proposed access point. Taking the site as a whole and considering the matter in a proportional manner I consider that, by virtue that only a small proportion of the site is previously developed land, the application site overall does not constitute previously developed land. The application fails to accord with the requirements of Policy H.2 of the Wyre Forest District Adopted Local Plan.
- 4.10 In instances where residential development is proposed on non-previously developed land Policy NR.1 requires the applicant to demonstrate that there are no other previously developed land site available which could accommodate the proposed development. The applicant has not provided this evidence. On this basis taking account of policy context, the principle of the development on this site fails.

ACCESS

- 4.11 This application was submitted in outline form with only issues of access being for consideration at this stage. Numerous objections with respect to access were received, largely from neighbours. The main point of objection are summarised above. Having consulted with the County Highways Officer who has responded with a 'no objection' comment I am satisfied that the proposed access would be acceptable in highway safety terms and also in terms of the impact of the proposed development on the highway network, in accordance with Policy TR.9 of the Local Plan.
- 4.12 In terms of the proposed access point, this would sit on an area of land which is not considered to be previously developed, this would fail to satisfy the relevant adopted policy as detailed above and is therefore not considered to be acceptable in principle.
- 4.13 The District Council's Access Officer has raised a number of concerns as detailed above. For the most part these would relate to matters which are reserved for future consideration at this stage or would require further clarification at the reserved matters stage.

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PLANNING OBLIGATIONS

- 4.14 Based on the indicative plans and details submitted and the level of development proposed this scheme would be subject to Section 106 contributions for affordable housing; open space; biodiversity; education; public realm and possibly children's play facilities. In order to determine the level of contribution further information regarding the proposed layout of the site was requested in order to assess whether there would be a requirement to provide an area for children's play and if so where this would be sited, similarly it would be necessary to determine if the required biodiversity contribution could be made on site, especially in light of the Countryside and Conservation Officer's comments as detailed above. No such information was received from the applicant, therefore it is considered that this lack of sufficient information makes it impossible to accurately determine the level (if any) of play space contribution required or to assess the impact of this proposal on biodiversity.

OTHER

- 4.15 The applicants have submitted a phase 1 habitat survey for this site, the report concludes that the site has moderate bat activity potential which should be investigated further; the gardens have the potential to support reptiles including slow worms; an area of BAP grassland habitat is identified to the north of the site the report recommends this be retained; site clearance should be undertaken outside of the bird-nesting season; the development of the site would not affect badger setts recorded on adjacent land.
- 4.16 The District Council's Countryside and Conservation Officer has been consulted and has commented as set out above. In considering the comments made by the Countryside and Conservation Officer, the information contained in the accompanying Phase 1 Habitat Survey and the Government Guidance set out in Planning Policy Statement 9: Biodiversity and Geological Conservation there is sufficient evidence to suspect that this development would cause significant harm in terms of biodiversity. PPS9 (para 5.11) states that prior surveys are particularly critical where there is a reasonable likelihood of a BAP species being present. Paragraph 5.13 of this guidance states that an adequate survey should be carried out prior to the submission of a planning application, it is also recommended that beneficial biodiversity and geological conservation features should be incorporated into the design of the development. The indicative layout submitted would not allow for this and as such additional information on layout was requested, and it was suggested that the applicant should identify on-site contributions towards biodiversity, no additional information has been submitted therefore I consider there to be insufficient information to determine the likely impact on biodiversity as a result of this proposal. The proposal would therefore fail to comply with Policy NC.5 of the Wyre Forest District Adopted Local Plan and Government advice contained within Planning Policy Statement 9: Biodiversity and Geological Conservation .

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- 4.17 In respect of Trees, the Arboricultural Officer is concerned that the proposal would result in the loss of trees of significant amenity value however is happy with the tree retention strategy as submitted. The layout and landscaping of this scheme would be for further consideration at the reserved matters stage.
- 4.18 Concern was raised that the area suffers from storm water drainage problems. Severn Trent Water have been consulted and have no objection to the proposal subject to conditions relating to drainage details being submitted. I consider this would overcome the above concerns.
- 4.19 The proximity of new dwellings to the existing railway line and the impact this would have on the amenity of occupiers has been raised. The acoustic report submitted with the application concludes that the impact of noise and vibration could be adequately managed through appropriate glazing and ventilation to ensure that the adjacent railway line will not significantly affect the development site. Comments from the District Council's Environmental Health section are awaited.
- 4.20 Other concerns raised in neighbour objection letters was that building between the railway line and the existing properties would reduce light to the existing dwellings and would give rise to noise issues by virtue of the increase of people living in the area. Both of these concerns could be adequately addressed through the negotiation of an acceptable site layout which would ensure adequate separation distances between properties. This would be considered at the reserved matters stage.

5.0 Conclusions and Recommendations

- 5.1 The principle of the proposed development fails on Policy H.2 of the Adopted Plan in that the site is not wholly previously developed land and therefore there is a presumption against residential development on such sites. The applicant has not demonstrated that there are no suitable brownfield sites to accommodate this development and therefore the proposal is contrary to Policies H.2 and NR.1 of the Wyre Forest District Adopted Local Plan. The proposal would occupy areas of land which are important in terms of ecology and biodiversity, insufficient information has been submitted to determine the likely impact on those sites and the protected species which may be present on them. The proposal is contrary to Policy NC.5 of the Wyre Forest District Adopted Local Plan. The application therefore fails to comply with the relevant policies of the Adopted Plan and I therefore recommend **REFUSAL** for the following reasons;

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1. On the basis of the information submitted, the Local Planning Authority considers that the whole of the application site does not constitute previously developed land. The use and inclusion of this land for residential development is considered to be in direct conflict with Policy H.2(i) and NR.1 of the Wyre Forest District Adopted Local Plan and Government advice in Planning Policy Statement 3: Housing. Policy D.5 of the Worcestershire County Structure Plan and Policies CF3 and CF.4 .of the Regional Spatial Strategy

- 2 Insufficient information has been submitted regarding the impact of the proposal on ecology and biodiversity. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed development will not have an adverse impact on biodiversity and has not provided sufficient mitigation or enhancements as required by the Adopted Planning Obligations Supplementary Planning Document. The proposal is therefore contrary to Policy NC.5 of the Wyre Forest District Adopted Local Plan; Policy CTC.12 CTC.13 and CTC.15 of the Worcestershire County Structure Plan; Policy QE.7 of the Regional Spatial Strategy and advice in Planning Policy Statement 9.

Application Reference: 08/0271/FULL **Date Received:** 18/03/2008
Ord Sheet: 382257.385403438 **Expiry Date:** 13/05/2008
277570.945559225
Case Officer: John Baggott **Ward:** Franche

Proposal: Erection of 4 No 18 metre high floodlighting columns to replace existing floodlights

Site Address: KIDDERMINSTER CAROLIANS R.F.C., MARLPOOL LANE, KIDDERMINSTER, DY115HP

Applicant: Kidderminster Carolians R.F.C.

Summary of Policy	D1 D3 D4 NR12 LR1 LR9 LR11 (AWFDLP) QE1 QE3 (WCSP) PPS1 PPG17 PPG24
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Kidderminster Carolians Rugby Football Club is long established and located on an extensive piece of land (approximately 4.37 hectares in total area) sited between Marlpool Lane and Franche Road. The site is located within an established and predominantly residential area and is identified as an Urban Open Space within the adopted Local Plan.
- 1.2 The site is bounded to the east and west by the public highway, in the form of Marlpool Lane and Franche Road respectively, with residential dwellings facing towards the site from the opposite sides of the highway. Further residential properties are located to the north and south, along with a school premises to the north.
- 1.3 The site boundary, to the east and west, consists of a metal railings, with a mixture of mature and semi-mature trees positioned inside the site boundary.

2.0 Planning History

- 2.1 WF.654/86 – Erection of training floodlights : Approved
- 2.2 WF.235/97 – Erection of new clubhouse and car park : Approved
- 2.3 WF.336/99 – Erection of new clubhouse and all weather training pitch : Approved

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3.0 Consultations and Representations

- 3.1 Access Officer – No access issues, determine as appropriate.
- 3.2 Environmental Health – Restrict hours during demolition and construction works to 8 am – 6 pm Monday to Friday; 8 am – 1 pm Saturdays; no working on Sundays and Bank Holidays.
- 3.3 Arboricultural Officer – There are no trees with high amenity value that will be affected by the proposals.
- 3.4 Head of Property and Operational Services – Support the scheme. It will help sports development and ensure that pitches are used throughout the year.
- 3.5 Neighbour/Site Notice – Two letters of support have been received from local residents following direct consultation. No objection letters have been received.

4.0 Officer Comments

- 4.1 The proposed development is based entirely upon the Rugby Club's identified need to upgrade the existing training pitch lighting arrangements, which were previously granted planning permission in 1986 (Plan App: WF.654/86). The training pitch, which during the current close season is being slightly realigned, regraded and reseeded, is located parallel to the eastern site boundary adjacent to Marlpool Lane.
- 4.2 In support of the application, the Rugby Club have provided background information relating to the club's existing healthy level of patronage, particularly in respect of junior levels. To improve community access to training facilities, an improved level of lighting is required and supported by the Rugby Football Union (RFU), in order to improve and maintain player safety, at all ages. The proposed level of lighting will only be suitable for training purposes in respect of adult use of the training pitch, although it would be suitable for competitive matches at the more junior levels. This would be particularly relevant given the Rugby Club's existing formal links with nearby schools, including St Oswalds Primary School and Baxter College, with the Club making pitches available when the schools' own pitches are rendered unplayable due to poor weather.

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- 4.3 It is also worth noting that the Rugby Club has undertaken its own consultation exercise with local residents, inviting them to the Club to view and discuss the proposals in the presence of the Club's appointed Lighting Consultants. Following the public meeting at the clubhouse with local residents, two neighbours wrote in support of the proposal. No objections have been received following an extensive neighbour consultation, and notification, exercise. No other interests appear to be materially affected
- 4.4 The current floodlighting arrangements comprise of seven timber posts, which upon close inspection appear to be little more than former telegraph poles, each fitted with two floodlights mounted on a metal support arm around two sides of the pitch only (i.e. two poles facing south located behind the northern posts and five poles along the eastern touchline, facing west). These existing floodlights are rather dated and the quality of light they provide is poor. In addition, they are not fitted with any form of shield or cowl to minimise any potential light spillage.
- 4.5 Being mounted on former telegraph poles, the current floodlights stand at no more than 8 metres in height, and in some cases these are screened by the existing trees along the Marlpool Lane boundary fence. The proposed replacement scheme involves the total removal and replacement of the existing lights and poles with four new 18 metre high galvanised lighting steel columns located adjacent to each corner of the training pitch. Each column will support two floodlights (each holding a single 1500 watt lamp), fitted with visors or cowls to reduce spillage, facing onto the training pitch, with an additional two floodlights fitted to the two columns positioned along the western touchline, facing west, to light an additional area located between the training pitch and the First Team pitch.
- 4.6 The number of floodlights, or luminaires, proposed stems from the standard of lighting required for the training pitch (namely a minimum of 100 lux on the playing area. The proposed scheme would provide 106 lux). The additional area to be floodlit, between the training pitch and the First Team pitch, would be lit to a much reduced level (namely 40 lux).
- 4.7 The club at present is operating under an 'hours condition', dating back to the previous consent granted in 1986, which requires the existing lights to be switched off at 9:30 pm. Whilst no similar condition has been recommended by Environmental Health on this occasion, being mindful of the predominantly residential nature of the surrounding area consideration of a similar restriction is felt to be appropriate. It is accepted that the surrounding roads are well lit, but, notwithstanding the visors or cowls to be fitted to the lamps, some light spillage is inevitable. Additionally, the continued use of the training pitch in general close proximity to residential properties in Marlpool Lane (approximately 25 metres away from the fronts of the nearest dwellings) beyond 9:30 pm may lead to concerns regarding noise disturbance, to the detriment of local residents.

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- 4.8 The Rugby Club's representatives have suggested that the lights would only be used between 4:30 pm and 9:00 pm on weekdays, as required, with the senior players currently using the training pitch between 7:00 pm and 9:00 pm twice a week. The previously imposed condition effectively allowed the use of the floodlights between 4:00 pm and 9:30 pm, and the reinforcement of this restriction appears to be reasonable. However, the recommendation for hours restrictions during demolition and erection of the new lights is not considered to be relevant to planning or reasonable in the circumstances. The Club's normal operating hours will be unaffected by the proposal.
- 4.9 The principle of installing replacement floodlighting at this established Rugby Club appears to be perfectly acceptable, and supported in National and Local policy terms. The key consideration in this instance relates to the nature and, in particular, the height of the proposed replacement floodlight columns. Standing at 18 metres in height, the proposed new columns would be fully 10 metres higher than the existing floodlight posts, which are to be removed. Added to this, given the proposed siting of the floodlights, two of the new columns would "face" the properties in Marlpool Lane. That said, at a distance of 100 metres from the properties and given the angle of the lights and the addition of the visors or cowls, the actual light spillage towards the properties in question would be minimal, particularly in such a well lit residential area. The visual appearance of the proposed new floodlight columns would be of a galvanised steel finish, which at 18 metres would be clearly visible against the sky. However, on balance, and given that the actual number of columns, at four, is three less than the existing poles, the proposed replacement scheme is considered to be both acceptable and appropriate in this particular location.

5.0 Conclusions and Recommendations

- 5.1 The proposed development is in accordance with the relevant policies of the adopted Wyre Forest District Local Plan and I therefore recommend the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters).
 2. A11 (Approved plans).
 3. Removal of existing floodlights prior to installation.
 4. Hours of use of floodlights restriction (4:00 pm to 9:30 pm only, Monday to Saturday).

Reason for Approval

The proposed replacement floodlighting columns are of an appropriate design in the context of the setting and the operation of their attached floodlights would not impede upon or detract from the amenity of nearby dwellings to an unacceptable or serious degree. The proposed development is therefore considered to be in compliance with the relevant planning policies listed above.

Application Reference: 08/0288/FULL **Date Received:** 19/03/2008
Ord Sheet: 382670 272388 **Expiry Date:** 18/06/2008
Case Officer: Paul Round **Ward:** Mitton

Proposal: Extension to existing club house & provision of pitched roof over existing flat roof

Site Address: WILDEN VILLAGE CRICKET CLUB, WILDEN TOP ROAD, STOURPORT-ON-SEVERN, DY139JF

Applicant: Mr P Minton

Summary of Policy	D1, D18, LA1, LA2, NR11, GB1, GB2, GB3, GB6, NC5, TR9, TR17, LR8, LR9 (AWFDLP) CTC1, D39, RST1, RST3 (WCSP) PA10, QE1, QE3, QE6 (RPG11) Planning Obligations SPD PPS1, PPS9 PPG2, PPG17
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 Wilden Cricket Club is located on the northern edge of the settlement of Wilden, accessed via a long track off Wilden Top Lane. The club has been established since the 1970's and has grown to its existence today. The facilities are provided within a single building serving the cricket field and football pitch.
- 1.2 A residential property, Wilden Croft, is located to the west of the site and shares the access track with the club.
- 1.3 The application site is within the West Midlands Green Belt and Landscape Protection Area.
- 1.4 The application seeks for an extension to the club to provide improved changing room facilities.

2.0 Planning History

- 2.1 WF.321/81 - Extension to Club House : Approved
- 2.2 WF.827/86 - Extension to Club House : Approved

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- 2.3 WF.216/91 - Extension to Club House : Refused (on highway grounds)
- 2.4 WF.799/96 - Extension for Changing Rooms : Approved
- 2.5 WF.1217/04 - Patio Doors and Floodlights : Approved

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Views Awaited
- 3.2 Highway Authority – Views Awaited
- 3.3 Countryside and Conservation Officer – Improvements to biodiversity via bat and bird boxes should be provided
- 3.4 Crime Risk Manager – No issues to raise
- 3.5 Ramblers' Association – No objections
- 3.6 Worcestershire County Council (Footpaths) – No objections subject to notes
- 3.7 Neighbour/Site Notice – One letter of objection received. The main points raised are:

When the club applied for their alcohol license a few years ago, we were present, and they stated that they had parking for 50 vehicles.

We would question that they had parking for this amount, as we think it is less than this, but if this were the case ... if all members were to turn up for an event, even if we assume that 4 people are occupying 1 car ... that would be 150 vehicles.

The entrance from Wilden Top Road and the parking area in front of the club are all in appalling condition. In addition, where the cars are driving on to the pitch itself, this area of the drive is also in very bad state.

We have a right of way over the drive from Wilden Top Road. Several years ago now we had a meeting with 2 club committee members and our respective solicitors and it was established that our right of way extended to 4 metres, or in other words, 1 metre either side of the driveway. This would allow access for ourselves, but more importantly, adequate access for larger vehicles, and in particular, emergency vehicles like fire engines and ambulances. Both of which we have had reason to call to our house since we have lived here.

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We have complained to the club on a number of occasions that this access is very often being restricted. The worst occasion recently was on 1st March. The club had a charity football event. The driveway down from Wilden Top Road to the clubhouse itself had cars parked all along the length, cars were parked in front of the club and all over the pitch itself.

There are usually 2 or 3 matches on Saturday and again on Sundays. When the ensuing teams and their supporters arrive, the parking and access is a nightmare, and although we were promised that "internal and external notices" would be provided, we can see no signs anywhere on the exterior of the club.

In 1986 an extension to the club was approved, but the county engineer and planning officer at the time made a number of recommendations:

- 1. The provision of 2 passing bays between the access point from Wilden Top Road to the club house.*
- 2. The improvements to the existing vehicular access point by: setting back the entrance/gates/posts a minimum distance of 5 metres from the nearside edge of the adjoining carriageway together with the widening of the access to a minimum of 6 metres.*

In 1991 the club submitted a plan to extend the club. This plan was refused. One of the reasons for this, and I quote:

Recommends that permission be refused for the following reasons:

"The entrance together with the access roadway is considered unsuitable in its present form to serve the proposed development"

We believe the access onto Wilden Top may have been made wider in the ensuing years, but these recommendations were made when the club had a much smaller membership, and since then, despite the huge increase in membership... no real improvements have ever been made. The volume of traffic using the club now is far greater than ever, and it is not just the 600 club members, but also visiting teams and their supporters.

The club mention that they would like to improve the access and parking, however the driveway and the tarmaced parking area is not owned by the club, so permission from the owner would be needed.

In February 2006 the club had a fire. Which did a considerable amount of damage. For months it was closed, but it was eventually rebuilt later that year. In the process of rebuilding they could very easily have incorporated new changing facilities had they so wished, and taken the initiative then, to "provide a more sensitive environment".

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But they didn't, instead the lounge bar was completely refurbished and now they have a huge open plan social space, at the expense of the improved changing facilities.

We feel that having bigger and better changing rooms will only attract more teams wanting to use the site

These teams are not necessary local either, many coming from outside the local area, but attracted by the very low fees the club charge.

The club only have one football pitch, which is the minimum size a football pitch can be we believe, and adjacent to this, in front of the club is the training area. In summer, the cricket pitch covers the entire field.

We appreciate that the club do some very good work. However, we feel that it is already oversubscribed as they have very limited space.

We would like to stress that we have had good relations with the club and its members for over 20 years but it is time to call a halt to all further development until the above issues have been resolved to everyone's satisfaction.

4.0 Officer Comments

4.1 The application site falls within the Green Belt. As such, the consideration of this proposal falls within the following headings:

- The appropriateness of the proposal within the Green Belt
- Consideration of proposal in terms of openness of the Green Belt and the character of the landscape
- Design issues
- Highway and access issues
- Impact on neighbouring property
- Other issues

GREEN BELT POLICY

4.2 Green Policy in PPG2, which is mirrored in Policies GB.1 and GB.3 of the Adopted Wyre Forest District Local Plan, allows essential facilities for outdoor sport and recreation. The policy criterion makes it clear that such facilities must be of the minimum size necessary.

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- 4.3 It is quite clear that the site is utilised for outdoor sport and, as such, the requirements for being necessary and size constraints need to be considered. The current changing room facilities are inadequate and below the required standards set by the governing bodies. I take the view that the proposed increased facilities are necessary and, due to their size, are of the minimum size necessary to fulfil the requisite standards. On this basis I consider that the proposal amount to appropriate development in the Green Belt.

OPENNESS OF THE GREEN BELT AND LANDSCAPE CHARACTER

- 4.4 The proposed extension will be located to the western side of the club building and will match the design and height of the existing building. Although it will be visible from the Public Right of Way that crosses the site and the residential property, due to its location, design and size I do not feel that this proposal will result in harm being caused to the character of the landscape or the openness of the Green Belt

DESIGN ISSUES

- 4.5 The proposal as stated above replicates the design ethos of the existing building. This is a simplistic design and that merges well with building and the surrounding landscape. It is also proposed to add pitched roofs to existing flat roof extensions. This tidies up the existing elevations and provides a consistent design approach across the building. I do not consider that the proposed design solution appears out of keeping or incongruous in this location. As such the proposal is considered acceptable in design terms

HIGHWAY AND ACCESS ISSUES

- 4.6 The neighbouring property has a great degree of concern over access and parking arrangements, which seem to centre around maintaining access to their property. It is also appreciated that they have general concerns over the size of the club in relation to size of the site.
- 4.7 Access is provided from Wilden Top Road by a single track, approximately 200m in length to the car park area, which is partially consolidated. At the junction with Wilden Top Road, it appears that the access mouth has been widened and visibility improved from previous years. The proposal does not in my view create additional facilities that will result in a substantial increase in car movements over and above the existing situation.

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- 4.8 In respect of parking, the Local Plan requirements can be taken under two separate categories. In respect of sports facilities parking standards require 1 space per 2 team members, on this basis there would be a maximum requirement of 20 spaces. On the other hand if parking requirement was based on the building, which requires 1 space per 22 sq m of floor area, a maximum requirement of 17 spaces would be required. Two car parking areas exist at the site, one within the clubs ownership and one outside used via an agreement with the landowner. The required spaces can be provided within the car park within the site, additional or overflow parking can then be provided on the additional car park.
- 4.9 It is noted that private access issues exist between the club and the adjoining residents. In order to clarify the parking provision and access arrangements on the site from a planning perspective, it is recommended that a condition is imposed on any approval requiring that 20 spaces are identified within the site boundary and that details of identification and signage to ensure clear access is maintained to the site. This condition would be imposed to ensure safe access for residents and emergency vehicles.
- 4.10 Formal comments from the Highway Authority are awaited and will be reported on the Addenda and Corrections sheet.

IMPACT ON NEIGHBOURING PROPERTY

- 4.11 Although in close proximity to the boundary of the sports pitch, the neighbouring property is divorced from the club house. I appreciate the concerns of the residents in respect of increased traffic generation and noise. Although the facilities are to be improved the proposals do not increase the capacity of the building or the sports pitch to increase the number of events to which the club can already hold. This application should be judged on what is proposed and not what exists at present. As such I consider that the proposal will not result in increased loss of amenity over and above
- 4.12 I understand the neighbour's concerns over access to their property, however I consider that a condition as recommended above will ensure that reasonable access is maintained to their property, at all times.

08/0288/FULL

OTHER ISSUES

- 4.13 Due to the size of the site, this application falls within a small scale major development category. Under the terms of the Council's Supplementary Planning Document on Planning Obligations, and Government advice in PPS9, such developments are required to show an improvement in biodiversity as part of the proposals. Following advice from the Council's Countryside and Conservation Officer, the applicant has agreed to provide bat and bird boxes around the site in order to improve biodiversity. These measures can be secured through a planning condition rather than through the Section 106 Agreement route. On this basis I consider that the applicant has fulfilled his obligations in this respect.

5.0 Conclusions and Recommendations

- 5.1 The proposal amounts to appropriate development in the Green Belt. The design and position of the extension are considered acceptable in this context and will not result in harm being caused to neighbouring properties. Highway comments are still awaited, although the parking requirements have been satisfied.
- 5.2 I therefore recommend **delegated APPROVAL** subject to a 'no objection' response from the Highway Authority and the following conditions:-
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B6 (External details – approved plan)
 4. Extension to be only used for changing facilities and for no other purpose whatsoever
 5. Prior to any work commencing on site, full details of the provision and identification of 20 car parking spaces and the signage and identification of the access track to ensure that it is kept clear at all times, shall be submitted to the Local Planning Authority. These details shall be maintained at all times

Reason for Approval

The proposal amounts to appropriate development in the Green Belt. The design and position of the extension are considered acceptable in this context and will not result in harm being caused to neighbouring properties. For these reasons the proposal is consider acceptable and compliant with policies listed above.

08/0338/REGS3

- 3.4 Neighbour/Site Notice – One letter was received stating that although there were no objections to the proposed development there were concerns over the access to parking facilities and possible damage to vehicles as a result of and during works on site.

4.0 Officer Comments

- 4.1 The changes to the car park would allow for the introduction of textured and coloured paving improving safety for car park users and the new entrance would both improve the appearance of the site and remove the need for vehicles to share the existing bridge with pedestrians, the proposed development is, therefore, considered to be acceptable within the context of the street scene and would generally improve the appearance of the site. There would be no impact on the amenity enjoyed by the occupants of nearby properties.

5.0 Conclusions and Recommendations

- 5.1 The proposed development is considered to be acceptable within the context of the street scene and would generally improve the appearance of the site. There would be no impact on the amenity enjoyed by the occupants of nearby properties. The proposal is considered to comply with the requirements of the above policies.
- 5.2 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. H13 (Access, turning and parking)

Notes:

- A HN4 (No laying of private apparatus)
 B HN5 (No highway works permitted)

Reason for Approval

The proposed development is considered to be acceptable within the context of the street scene and would generally improve the appearance of the site. There would be no impact on the amenity enjoyed by the occupants of nearby properties. The proposal is considered to comply with the requirements of the above policies.

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- 2.3 07/0979/FULL – Change of use to keeping of horses and creation of stables and manege : Withdrawn

3.0 Consultations and Representations

- 3.1 Stone Parish Council – No objections and recommend approval.
- 3.2 Highway Authority – No objections
- 3.3 Environmental Health – No adverse comments
- 3.4 Countryside and Conservation Officer – Additional hedgerow boundary planting shows a biodiversity enhancement; no objections
- 3.5 Access Officer – Details of the hard surfaced access routes between the farm, stables and manege should be submitted in both written and plan form.
- 3.6 Gas Pipeline Authority – No response
- 3.7 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 Green Belt policy, particularly GB.3 of the Adopted Local Plan, makes it clear that the use of land for outdoor sport and recreation will normally be allowed unless there is an adverse effect on the use or amenity of neighbouring land and buildings, including residential properties.
- 4.2 In this case an adjacent neighbouring building, latterly being converted from an agricultural building to a dwelling (live/work unit), would not be adversely affected by the development.
- 4.3 With regard to the building applied for, this complies with the 'minimum size necessary' criteria also laid out in Policy GB.3, and complies exactly with the size requirements of Policy EQ.2. It is sensitively located within a post and rail fenced enclosure adjacent to a well established landscape feature, the coppice, in accordance with policy requirements.
- 4.4 The proposed manege, being essentially a resurfacing exercise with low post and rail fence enclosure, would intrude minimally in the local landscape and would not harm Green Belt openness or visual amenity.

08/0341/FULL

- 4.5 With regard to biodiversity interests, advice offered by the Countryside and Conservation Officer following the withdrawal of application 07/0979/FULL has been followed, with the commitment to introduce native species hedgerow planting around the whole site, where this does not exist at present.

5.0 Conclusions and Recommendations

- 5.1 This proposal meets the requirements of all the relevant policies and other guidance. It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. materials/colours to be agreed
4. No floodlighting
5. Details to be submitted of hard surfaced access routes between dwelling, stables and manege
6. Details of post and rail fence to be submitted
7. Stables/manege – no commercial use
8. Landscaping implementation

Note

Gas Pipeline

Reason for Approval

The proposed development is considered to be appropriate development in the Green Belt because the use of the land for outdoor sport and recreation together with the ancillary stable building and manege enclosure, can be accommodated without creating harm to the openness/visual amenity of the Green Belt, the character of the surrounding landscape or the amenity of the adjacent dwelling. For these reasons the proposal is considered to be in conformity with the policies listed above.

Application Reference: 08/0347/FULL **Date Received:** 03/04/2008
Ord Sheet: 382887 276135 **Expiry Date:** 03/07/2008
Case Officer: Emma Anning **Ward:** Sutton Park

Proposal: Demolition of existing dwelling; erection of 10No apartments with associated access and parking

Site Address: 127 PARK LANE, KIDDERMINSTER, DY116TE

Applicant: Hillberry Homes

Summary of Policy	H2 H5 D1 D3 D4 D7 D9 D10 D11 D13 LB1 TR9 TR17 CY4 LR1(AWFDLP) D3 D9 (WCSP) QE.1 QE.3 QE.5 (RPG11) Planning Policy Statement :1 Planning Policy Statement :3 Planning Policy Guidance :15 Adopted Wyre Forest District Design Quality Supplementary Planning Guidance Supplementary Planning Document : Planning Obligations
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site is within a residential area of Kidderminster. The building is a two storey double-fronted dwelling which is included on the Local List of Buildings of Historic Interest in Kidderminster. The property occupies an elevated position and is set back from the highway by approximately 5m.
- 1.2 Consent is sought for the demolition of the existing building and its replacement with a 3 storey development with dormers. The proposed building would house 10 two-bed apartments.

2.0 Planning History

- 2.1 06/1129/FULL - Alterations and Conversion to create 9 flats : Withdrawn
- 2.2 07/0314/FULL - Alterations and Conversion to create 9 flats : Approved
16/7/07

08/0347/FULL

3.0 Consultations and Representations

3.1 Highway Authority – No objection subject to conditions

3.2 Conservation Officer – I have no objections over these proposals. Whilst the existing building is noted as one of local interest, and as such on the Local List, the design of the proposed building is a good enough quality and will have a positive impact on the street-scene. However, I would like to ensure that all facing materials, 1:5 sections of external doors and windows, mortar colour and strike, position of svps, etc are all made conditional of any approval.

3.3 Access Officer –

1. What is the philosophy and design approach to the provision of Lifetime and Accessible Homes on this site? The elements included in the scheme should be specified in the access statement.
2. I consider that 50% of the units could be to Lifetime Homes Standard, given the split level access available to serve units 1-5, but the internal dimensions may need adjustment and wheelchair turning circles must be indicated on the floor plans.
3. The car parking layout must provide adequate potential for disabled user dimensioned spaces (6m x 3.6m).
4. The statement does not address the fact that access to the principal living areas is not available to non-ambulant disabled people who may visit the properties.
5. Does the footpath along the north-east edge of the site run from the public highway to the centre of the car park?
6. There does not appear to be a direct, level, paved access from the highway to the basement units 1 & 2, or a level threshold thereto.

3.4 Severn Trent Water – No objection subject to conditions

3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

4.1 The main issues for consideration are:

- The principle of development
- Design and layout
- Highways and access
- Impact on amenity
- Section 106 Agreement

08/0347/FULL

THE PRINCIPLE OF DEVELOPMENT

- 4.2 The application site is within an area allocated as being suitable for residential development in the Wyre Forest District Adopted Local Plan, therefore the principle of residential development on this site is acceptable and is in accordance with Policy H.2.
- 4.3 The proposal would see the loss of a building which is currently included on the Kidderminster Local List, however having consulted with the Conservation Officer who has no objection to the proposal by virtue that the replacement building is of sufficient quality to outweigh the loss, I am satisfied that the proposal accords with Policy LB1 of the Adopted Plan.

DESIGN AND LAYOUT

- 4.4 In terms of design the replacement building would be 3.5 storey in height facing onto Park Lane and would decrease to two storeys at the rear, however the ridge height would not exceed that of the original building. The additional storeys would be created through the excavation of the ground to the front of the site, which is currently a raised garden area, some small scale excavation would occur to the rear also. I do not consider that the removal of the front wall and ground excavations would be detrimental in terms of design as Park Lane has a mix of housing types and designs and therefore the proposal would not appear out of character with this area.
- 4.5 The building would mirror the style of the original building in that it would be a double-fronted property with a single pedestrian access, the front elevation would benefit from a projecting gable at each extreme which would aid in adding interest and would break up the front face of the building. A mixture of materials are indicated on the proposed plans which would further improve the visual appearance of this building. In accordance with the comments made by the Conservation Officer it is proposed that a condition requiring details of all facing materials as well as windows and doors is included on any approval.
- 4.6 Given that there would be no increase in the height of the building and that the building would be of good design I consider that the building would not constitute an over dominant or incongruous feature in this streetscene and therefore there would be no detrimental impact on visual amenity as a result of this development.
- 4.7 The proposed building would be significantly larger than that which it would replace, it would span 14m of a 21m frontage and would extend to the rear by 20m, despite its size the building would respect the 45 degree code with regards to adjacent properties and would therefore not be detrimental to the amenity of occupiers.

08/0347/FULL

- 4.8 The proposed site plans shows an area of communal amenity space measuring 195 square metres would be created to the rear between the property and the parking area, this is considered to be an acceptable level of provision which would satisfy the requirements of Policy D.13. Some retained trees are shown on the proposed site plan as well as some additional planting, it is also proposed to remove some existing trees, however they are not subject to protection and are of limited amenity. I therefore consider the proposed indicative landscaping to be acceptable and to accord with policy D.4 of the Local Plan, it is however proposed to include a condition requiring a full landscaping plan with details to be submitted.

HIGHWAYS AND ACCESS

- 4.9 An existing driveway access to the side of the proposed building would be maintained and the existing double garage demolished. This access would then be used to facilitate access to a rear parking area with provision for 10 cars and cycle parking which would satisfy the requirements of Policy TR.17. No adverse comments from the Highways Officer were received and I am therefore satisfied that the proposal is acceptable in highway safety terms and that it accords with Policy TR.9 of the Local Plan.
- 4.10 The District Council's Access officer raised concerns as detailed above. With respect to the internal layout; this is not a material planning consideration at this stage. There is insufficient space to the rear to accommodate a disabled user space without loss of the required parking provision. A condition requiring the applicant to demonstrate that level thresholds would be provided could be attached to any permission.

IMPACT ON AMENITY

- 4.11 The proposal would not breach the 45 degree code and I am therefore happy that it would not result in a loss of daylight to any neighbouring property. Having considered the possibility of overlooking arising as a result of this development I consider that no harm would arise; windows which directly face towards neighbouring properties would not serve principal habitable rooms, with the majority being landing and stairwell windows. Those windows to the side elevations could be controlled by condition to ensure that they would be top hung and obscurely glazed.

08/0347/FULL

SECTION 106 AGREEMENT

4.12 This application is subject to planning obligations as detailed below;

Requirement	Offered Provision	Required By SPD
Open Space	£3,996 off site contribution	Yes
Education Contribution	£9,560 towards educational facilities	Yes
Public Realm	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.	Yes
Biodiversity Contribution	Bat and Bird boxes to be provided on site.	Yes

4.13 The Education 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.

5.0 Conclusions and Recommendations

5.1 The proposed development is acceptable in principle and in terms of the proposed design and scale, it would not have an undue impact on highway safety the character or appearance of the area or on neighbour amenity. The proposal is therefore considered to comply with the relevant policies of the Wyre Forest District Adopted Local Plan as listed and I therefore recommend that **delegated** authority to **APPROVE** the application subject to:

- a) the signing of a **Section 106 Agreement** to secure the contributions as detailed above, and
- b) subject to the following conditions:-
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples/details of materials)
 4. B5 (Timber staining)
 5. J6 (Building – domestic purposes only)
 6. C6 (Landscaping – small scheme)
 7. C8 (Landscape implementation)
 8. Highway
 9. E2 (Foul and surface water)

08/0347/FULL

Note

SN1 (Removal of permitted development rights)

Reason for Approval

The proposed development is considered to be acceptable in terms of its scale and design. The impact of the proposal on the amenity of neighbours, highway safety and the effect on the visual amenity of the streetscene has been carefully assessed and it is considered that there would be no undue impact as a result of this proposal. The proposal therefore accords with the policies of the Adopted Wyre Forest District Local Plan as listed.

5.2 Should the Section 106 Agreement not be signed by 3 July 2008, I also recommend **delegated** authority be given to **REFUSE** the application for the following reason:

1. The applicants have failed to enter into a Section 106 Agreement to secure financial contributions towards public open space and education as required by the District Council's Adopted Planning Obligations Supplementary Planning Document. For this reason the proposal is contrary to Policies CY.4, LR.1 and IMP.1 of the Wyre Forest District Adopted Local Plan and the Council's Supplementary Planning Document on Planning Obligations.

Application Reference: 08/0373/FULL **Date Received:** 09/04/2008
Ord Sheet: 375477 273753 **Expiry Date:** 04/06/2008
Case Officer: James Houghton **Ward:** Rock

Proposal: Conversion of garage flat with glazed link to house.
(Resubmission and variation to approved design under 07/0907/FULL)

Site Address: TREACLE HALL, LYE HEAD, BEWDLEY, DY122UP

Applicant: Mr J Rawlings

Summary of Policy	H.18, D.1, D.3, D.17, LA.1, LA.2 (AWFDLP) CTC.1 (WCSP) QE.3, QE.6 (RPG11) Design Quality SPG PPS1, PPS7
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Treacle Hall is a large detached dwelling set within substantial grounds and is situated on the eastern side of the lane that leads from the A456 to Lye Head approximately 300 metres south from the road junction with the A456.
- 1.2 The property is accessed via a track that leads from the lane to a small number of houses. A public right of way runs along this track.
- 1.3 The application site lies within the designated Landscape Protection Area and Area of Great Landscape Value.

2.0 Planning History

- 2.1 WF.489/00 - Two storey extension, detached double garage, store/playroom over, re-position of existing garage/store : Approved 27/7/00
- 2.2 WF.549/04 – Proposed replacement : Approved 29/6/04
- 2.3 07/090/FULL - Removal of Condition 4 of Planning Permission WF/0549/04 and erection of single storey link extension to allow conversion of garage to ancillary accommodation (Granny Annex) : Approved 23/10/07

08/0373/FULL

3.0 Consultations and Representations

- 3.1 Rock Parish Council – Object; should be left as a garage and not converted into a dwelling.
- 3.2 Highway Authority – No comments received
- 3.3 Worcestershire County Council Countryside Service – No objections to the proposed development and request that the following be attached as a note:
- No disturbance of, or change to, the surface of the path or part thereof should be carried out without similar written consent (this includes laying concrete, tarmac or similar).
 - No diminution in the width of the right of way available for use by the public.
 - Building materials must not be stored on the right of way.
 - Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
 - No additional barriers to be placed across the right of way.
 - The safety of the public using the right of way is to be ensured at all times.
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The applicant seeks to amend the design of the glazed link as approved through application 07/0907/FULL. The glazed link would be finished with dwarf walls with glazing over rather than being constructed of full length windows, the proposed roof would be hipped rather than the ridged roof approved through 07/0907/FULL and the ridge would be turned through 90°, the ridge would also be 0.1m lower these changes in design are considered acceptable and the reduction in volume of the proposed structure, although small, is welcomed.
- 4.2 The plans submitted also indicate that the Granny flat to be created within the garage is to be extended over two floors with the addition of Velux type roof windows serving the first floor. There are no further changes to the exterior of the garage in order to achieve this.

08/0373/FULL

- 4.3 Condition 4 of Planning Approval WF.549/04 stated that the detached garage shall not be used for any purpose other than those ancillary or incidental to the enjoyment of a dwelling house and shall not be used as living accommodation. The reason for imposing this condition was to safeguard the residential character of the area and to ensure the provision of adequate off street car parking. However, by virtue of the location of the property and the large driveway/car parking area that it affords the reasoning behind the condition could be open for debate.
- 4.4 Applications for accommodation for dependant relatives are considered in the light of Policy H.18 of the Local Plan. This policy stipulates that annex extensions for dependant relatives will only be permitted where the annex is physically incorporated into the main dwelling, with a shared entrance and strong links at ground and first floor levels and both the dwelling and annex share vehicular and pedestrian access.
- 4.5 The scheme as submitted proposes a further entrance door to the glazed link in addition to the double doors approved through permission 07/0907/FULL it is considered that this is acceptable in that there is no significant change in the accessibility of the glazed link from that previously approved.
- 4.6 The proposed annex would have shared vehicular and pedestrian access and would be strongly linked at the ground floor.
- 4.7 Policy D.17 (Design of Residential Extensions) of the Adopted Wyre Forest District Local Plan states that extensions to residential properties must be in scale and in keeping with the form and architectural characteristics and detailing of the original building, be subservient to and not overwhelm the original building, not create incongruous features and not have a serious adverse effect on the amenities of neighbouring properties.
- 4.8 The property has previously benefited from a two storey extension to the north elevation, a single storey conservatory extension to the rear and the detached garage approved in 2004 which is within 2 metres of the main dwelling which it is proposed to convert.
- 4.9 The proposed glazed link, which would enable the garage to be physically incorporated into the main dwelling, would increase the footprint of this building by a further 12 square metres. Although the original building has already been considerably increased, this link extension is considered to be acceptable in principle. Furthermore, by virtue of the proposed materials and position, the proposed link extension would not visually detract from the overall character of this property or the character and quality of this part of the landscape.

08/0373/FULL

- 4.10 In response to the Parish Council concerns that the garage would be used as a separate dwelling a condition is recommended to ensure the use is restricted for purposes ancillary to the main residential use. It is considered that the proposed glazed link would not have a significant impact upon the outlook or privacy enjoyed by the adjoining neighbour.

5.0 Conclusions and Recommendations

- 5.1 The proposed alteration in the design of the glazed link would be considered acceptable in terms of scale and design. The design proposed would offer no detriment to the amenity enjoyed by the residents of neighbouring properties, the character of the landscape or the street scene.
- 5.2 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Sample/details of materials)
 4. Domestic garages: restriction of residential use incidental to the main dwelling

Notes

- A SN12 (Neighbours' rights)
- B Pursuant to condition 3 of planning approval WF.549/04 the external materials of the garage shall match in colour, form and texture those of the main dwelling house known as 'Treacle Hall'

Reason for Approval

The proposed alteration in the design of the glazed link would be considered acceptable in terms of scale and design. The design proposed would offer no detriment to the amenity enjoyed by the residents of neighbouring properties, the character of the landscape or the street scene.

Application Reference:	08/0421/FULL	Date Received:	23/04/2008
Ord Sheet:	377440 275425	Expiry Date:	18/06/2008
Case Officer:	Julia McKenzie-Watts	Ward:	Bewdley and Arley

Proposal: Retention of fencing to replace hedgerow.

Site Address: 75 CONISTON WAY, BEWDLEY, DY122QA

Applicant: Mr R Wilkins

Summary of Policy	D.1, D.3 (AWFDLP) QE.3 (RSS) PPS1
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Number 75 Coniston Way is a detached dwelling located in Bewdley. It is a retrospective application for the erection of fencing to replace hedging which bounds the adjacent lane.
- 1.2 The application is presented to the Committee as the applicant is a relative of a Council employee.

2.0 Planning History

- 2.1 WF.646/04 - Conservatory to rear : Approved 17/8/04

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection, recommend approval subject to approval being given to the new planting
- 3.2 Highway Authority – Views awaited
- 3.4 Neighbour/Site Notice – No representations received

08/0421/FULL

4.0 Officer Comments

- 4.1 This is a retrospective application for the removal of a 12m section of dead hedge located immediately adjacent to Hop Pole Lane. A fence has now been erected along the 12m gap and stained dark green.
- 4.2 The fencing has little or no impact on the streetscene or visual amenity of Coniston Way and due to the colour of the fencing blends well in the streetscape.
- 4.3 With regard to Hop Pole Lane, whilst the fencing is at its highest point along this stretch, only 4 panels are directly visible. Again due to its colour it merges well into the surrounding hedgerow. In addition planting has been positioned in front of the fencing which when established will further soften the visual impact.
- 4.4 The proposal is acceptable as the fence would not appear as an incongruous feature when viewed from the lane. The Parish Council have requested that a scheme of new planting be implemented, however new shrubs are already in-situ and the applicant intends to re-seed the bank which in my opinion is acceptable and therefore I do not feel the need to request any further planting.

5.0 Conclusions and Recommendations

- 5.1 The application is compliant with Development Plan policy and will not adversely affect the streetscene on the landscape. I therefore recommend **APPROVAL** subject to the following conditions:
1. A11 (Approved Plans)
 2. Landscaping maintained for 5 years
 3. Colour to be maintained unless otherwise agreed in writing

Reason for Approval

The fencing is considered to be acceptable in this position and will not adversely affect the character of the surrounding area or landscape. As such the application is compliant with the policies listed above.

Application Reference: 08/0422/OUTL **Date Received:** 23/04/2008
Ord Sheet: 382428 279013 **Expiry Date:** 18/06/2008
Case Officer: Emma Anning **Ward:** Wolverley

Proposal: Erection of 1 no detached bungalow with access off Fairfield Lane (Resubmission of 07/1053/OUTL)

Site Address: 1 FAIRFIELD LANE, WOLVERLEY, KIDDERMINSTER, DY115QH

Applicant: Mr & Mrs Eeles

Summary of Policy	H.2 TR.9 D.1 D.3 D.4 (AWFDLP) QE.3 (West Midlands Regional Spatial Strategy) Adopted Wyre Forest District Design Quality Supplementary Planning Guidance Planning Policy Statement 3: Housing
Reason for Referral to Committee	The applicant is a Councillor
Recommendation	REFUSAL

1.0 Site Location and Description

1.1 This application relates to No 1 Fairfield Lane, which is a detached property set in large grounds on the corner with Franche Road. The site is allocated for residential purposes in the Wyre Forest District Adopted Local Plan. There is a Tree Preservation Order on the site which relates to a large Cedar located just outside the boundary of the application site.

2.0 Planning History

2.1 07/1053OUTL - Erection of one detached bungalow : Refused

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Recommend refusal pending report from Arboricultural Officer on tree.

3.2 Highway Authority – No comments received

08/0422/OUTL

- 3.3 Arboricultural Officer – The Cedar is a good tree with high amenity value and although the proposed development is outside the root protection zone and shouldn't have a direct impact on the tree during construction, I feel that if the development goes ahead the tree will be compromised and there will be considerable pressure to remove it in the near future. I therefore recommend refusal.
- 3.4 Severn Trent Water - No objection subject to conditions
- 3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The proposal seeks outline consent for a new dwelling house on land between No. 1 Fairfield Lane and No. 48 Franche Road. A similar application was presented to Members at the Planning (Development Control) Committee meeting on the 13 November 2007 and was refused due to the siting of the proposed bungalow and the impact this would have on the protected Cedar tree. Outline consent has previously been granted for another new dwelling between numbers 1 and 3 Fairfield Lane, within the residential curtilage of 1 Fairfield Lane.
- 4.2 Only matters of layout and access are to be considered as part of this outline application, issues of appearance, scale and landscaping are reserved for future consideration.
- 4.3 The principal policy consideration in this instance is Policy H.2 which states that residential development should be located within areas allocated primarily for residential use and on sites which comprise previously developed land. The principle of this scheme complies with this policy by virtue that the site is allocated for residential purposes and by virtue that the application site is part of the residential curtilage of 1 Fairfield Lane it is considered previously developed land in accordance with the definition given in Planning Policy Statement 3.

08/0422/OUTL

- 4.4 The proposed layout of the development is considered to be acceptable in design terms. The layout is acceptable allowing the existing building line to be maintained and would provide sufficient amenity space and parking provision for the proposed bungalow. As the property would be a bungalow and would occupy the footprint shown, I am satisfied that it would not cause undue harm to the amenity of neighbours.
- 4.5 The proposed bungalow would be sited within close proximity of a protected Cedar tree. The Arboricultural Officer considers that the erection of a dwelling in the position indicated would unduly affect the protected tree through significant pressure being applied to heavily prune lift or fell on the basis of reduced light to the bungalow and amenity space. Such actions would reduce the amenity value which the tree provides to the general locality. There is some concern of the effects this proposal would have on other existing trees onsite by virtue of the works required to modify the driveway, however the Arboricultural Officer is satisfied that these are not worthy of a Tree Preservation Order or retention. In consideration of the views expressed by the Arboricultural Officer it is considered that the proposal would cause unacceptable harm to the protected tree which is contrary to Policies D.3, D.4 and LA.1 of the Adopted Local Plan.
- 4.6 It is proposed that vehicular access to both the proposed dwelling and to the garage of 1 Fairfield Lane would be via an existing shared driveway accessed off Fairfield Lane. An existing gated entrance marks the location of the proposed access although there is no hard surfacing demarking the driveway at present and it does not appear to be in use as an access-way. The access would be set back from the junction of Franche Road by approximately 16m. No adverse comments from the Highways Officer have been received and I therefore consider the proposed access would be suitable to serve both the proposed dwelling and the existing dwelling as shown on the proposed plan, in accordance with Policy T.9 of the Wyre Forest District Adopted Local Plan.

08/0422/OUTL

5.0 Conclusions and Recommendations

5.1 The proposed access arrangements are considered acceptable in terms of their impact on the highway in accordance with Policy TR.9 of the Adopted Local Plan. Similarly, the proposed layout is considered to be satisfactory in terms of its impact on the amenity of neighbours and the general pattern of development in the area. However in terms of the impact of the proposal on the health of the protected Cedar tree I consider that the proposed layout would lead to unacceptable levels of pressure being put on the protected tree cause unacceptable harm to the health of the tree. I therefore recommend **REFUSAL** for the following reason:

1. Notwithstanding that the proposed bungalow may be capable of construction without the direct removal of the tree or disturbance to the root protection zone, by virtue of the siting of the bungalow within close proximity of the protected tree the owner/occupier of the property would suffer inconvenience by way of impact of daylight to the dwelling and garden, concerns over safety and debris, which could result in pressure for the felling or significant pruning of the protected tree which would result in a loss of amenity to the whole area. The proposal is therefore contrary to Policies D.3, D.4 and LA.1 of the Adopted Wyre Forest District Local Plan and Policy CTC.5 of the Worcestershire County Structure Plan.

Application Reference: 08/0456/FULL and 08/0457/LIST **Date Received:** 07/05/2008
Ord Sheet: 378474.778130556 275292.513546694 **Expiry Date:** 02/07/2008
Case Officer: Stuart Allum **Ward:** Bewdley and Arley

Proposal: Change of use to four apartments
Site Address: 89/90 WELCH GATE, BEWDLEY, DY122AX
Applicant: Mr G Cross

Summary of Policy	H2, D1, D3, D,17, LB1, LB2, LB3, CA1, CA3, AR2, AR3, NR11, TR17 (AWFDLP) SD2, CTC19, CTC20 (AWCSP) QE1, QE3, QE5 (RPG11)
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	APPROVAL

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 18th Century with mid 19th Century and some mid 20th 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.
- 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.

08/0456/FULL AND 08/0457/LIST

- 1.6 Work has commenced on site to implement the planning permission 07/1215/FULL and Listed Building Consent 07/1216/LIST. The current applications seeks consent for amendments comprising internal alterations, the installation of 2 rooflights to the bedroom of flat one to the rear, and the reduction from 3 to 2 rooflights in the rear roof elevation.

2.0 Planning History

- 2.1 WF.142/02 – Change of use from retail to offices : Approved 12/3/02
- 2.2 WF.230/04 – Change of use from retail (Class A1) to Financial and Professional Services (Class A3) : Approved 15/4/04
- 2.3 07/1215/FULL and 07/1216/LIST – Change of use to 4 apartments : Approved 12/3/08

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views awaited
- 3.2 Highway Authority – Views awaited
- 3.3 Conservation Officer – Views awaited
- 3.4 Access Officer – Views awaited
- 3.5 Neighbour/Site Notice/Press Notice – 3 letters of objection received, raising the following concerns:
- Loss of privacy from rooflights in violation of Human Rights legislation. Intrusive at all levels of my garden.
 - Overdevelopment – could have been avoided by only 3 apartments facing Welch Gate.
 - Rooflights installed on 8th April. Lost all faith and confidence in the procedure.
 - Occupants would have the opportunity to object to any future plans for development that I may have, this does not apply at present, with the whole frontage of 89-90 being onto Welch Gate.

08/0456/FULL AND 08/0457/LIST

- Harm to privacy and quality of our environment from bedroom to apartment one – previously empty space – sound carries straight through from builders. Now 3 new neighbours adjacent to us. Unit 1 living room at ground floor level and bedroom first floor rear, unit 2 bathroom at first floor and unit 3 living room at second floor. All with their own televisions, music systems, parties etc.
- Very insensitive in a small and already densely populated part of the Conservation Area.
- Grave concerns – appears to have brought the whole planning process into disrepute.
- Gutting of interior has involved ripping out of an inglenook fireplace – not aware that our complaints have been taken seriously – or that any Council Officer has visited the site.
- Objections yet to be considered by the Planning Committee – clear violation of procedures.
- Increased noise with all occupants having use of a small external courtyard.
- Complete loss of privacy currently enjoyed by neighbour's garden to rear from external stairs and landing.

4.0 Officer Comments

- 4.1 The principle of the conversion of 89-90 Welch Gate to 4 apartments was established by the consents granted by Members at their meeting on 12th February 2008.
- 4.2 The proposed amendment to the approved scheme, outlined at paragraph 1.6 are considered to be acceptable.
- 4.3 There is no evidence of additional overlooking created by the revisions, and, as noted before, sound proofing is a matter for the Building Regulations to address. The degree of soundproofing possible without compromising historic fabric is a matter for negotiation between the Building Inspector and Conservation officer. Notwithstanding what may be possible in this regard, neighbours have the option to refer any future noise complaint to the Environmental Health Section.

08/0456/FULL AND 08/0457/LIST

5.0 Conclusions and Recommendations

5.1 This proposal continues to meet the requirements of the appropriate policies and other guidance. It is recommended therefore that both applications 08/0456/FULL AND 08/0457/LIST be **APPROVED** subject to the following conditions:

1. A6/A7 (Full with no reserved matters/Listed Building consent)
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
8. Details of rooflights

Reason for Approval (Reference 08/0456/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 (Reference 08/0457/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.