

WYRE FOREST DISTRICT COUNCIL

**PLANNING (DEVELOPMENT CONTROL) COMMITTEE**  
**14<sup>th</sup> OCTOBER 2008**

**PART A**

<b>Application Reference:</b>	08/0490/FULL	<b>Date Received:</b>	16/09/2008
<b>Ord Sheet:</b>	382037 271660	<b>Expiry Date:</b>	11/11/2008
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Mitton

**Proposal:** Demolition of existing houses at 75-77 Mill Road & erection of 7 dwellings with associated access & parking

**Site Address:** 75 MILL ROAD, STOURPORT-ON-SEVERN, DY139BJ

**Applicant:** Mr & Mrs I Grant

<b>Summary of Policy</b>	H2, D1, D3, D4, D10, D13, LB1, CA6, NR1, NR8, NR9, TR9, TR17 (AWFDLP) SD3, T1 (WCSP) CF2, CF4, QE3, QE5 (RPG11) PPS1, PPS3
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to Section 106 Agreement</b>

**1.0 Site Location and Description**

- 1.1 No. 75 Mill Road forms a detached structure that seems to have been two or more dwellings in the past. It sits back from Mill Road and is in close proximity to The Spinney part of the Timber Lane residential development on the north east side of Stourport-on Severn. The property itself looks neglected and in need of significant improvements.
- 1.2 The site is allocated within the Adopted Wyre Forest District Local Plan as being for residential purposes and it is considered to constitute previously developed land as defined in PPS3. The building is included on the List of buildings as being of Local historic or architectural value. (The Local List)
- 1.3 The proposed development seeks for the demolition of the existing building and the construction of 7 residential properties. Access will be in the main from Mill Road with only one unit being served from The Spinney.

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## 2.0 Planning History

- 2.1 WF.350/85 (Outline) – 3/4 Starter Homes : Refused 18/6/85
- 2.2 WF.671/04 (Outline) – Residential Development : Withdrawn 31/10/04
- 2.3 07/1266/FULL – Erection of six dwellings : Refused 6/2/08

## 3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection; recommend approval
- 3.2 Highway Authority - No objections subject to conditions
- 3.3 Environment Agency - No objection subject to notes
- 3.4 Conservation Officer - This building is on the Local List, identified as an important historic element for the area, and due to its size, forming an important visual element in the surrounding area. However, it is appreciated that the structure of the building is poor, and that redevelopment of the site must be seen as a possibility. With this in mind, the key to an approved scheme should be the quality of the design of the new build, and how this would relate to the surroundings, and mitigate against the loss of this building.

It is my opinion that the proposals are for a high quality-designed scheme, gained through considerable pre-application discussions with the owners, and their agents. I am content that the design of the scheme is strong, and will tie into the surrounding area, whilst at the same time producing two buildings which will retain the visual dominance of this site in the area.

As such I will support the scheme, subject to conditions to be approved prior to the commencement of works on site, on the following matters:

- All facing materials
- 1:10 sections of all windows and external doors
- Position and style of all svps, flues, etc

- 3.5 Worcestershire County Council Historic Environment and Archaeology Service - The building proposed for demolition is registered on the districts list of locally important buildings and on the county Historic Environment Record. The building is present on the 1838 tithe map and is documented as being owned by James Mills, with the tenants being Anne Silvers, Jacob Simpkins and John Bury. It is understood that negotiations between the developer and the planning authority have established the principle of demolition, however any approval to demolish the building must be mitigated by full and detailed recording of the building prior to and during demolition.

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Historic building recording will comprise a detailed measured survey of the building to be demolished along with a detailed photographic, drawn and documentary record. Recording shall be undertaken prior to and during demolition and this must be taken into account when demolishing the structure. These works will be formally defined in a brief provided by the Planning Advisory Section of the Historic Environment & Archaeology Service.

Any alteration or demolition of this building would have an effect on its historic character. Guidance given in Planning Policy Guideline 15, 3.23

*“Local planning authorities should also consider, in all cases of alteration or demolition, whether it would be appropriate to make a condition of consent that applicants arrange for a suitable programme of recording of features that would be destroyed in the course of works for which consent is sought.”*

Such arrangements for the recording of a site of archaeological interest can be secured by the application of a negative condition as outlined in Planning Policy Guideline 16, section 30.

*“No development shall take place until the applicant has secured the implementation of a programme of detailed building recording and interpretation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority”.*

Please ensure that the above wording is used as the planning condition.

3.6 Access Officer – No issues following revised information.

3.7 Ramblers Association – No objection

3.8 County Footpaths – No objection subject to note

3.9 Neighbour/Site Notice – 6 letters of objection received raising the following matters:

- The Spinney is not an adopted road and as such no access is permissible off this road, potential for pedestrian access
- Road drainage is a real issue
- Overdevelopment of the site leading to loss of character and visual appearance of surrounding spaces and buildings
- Loss of historically important building should be preserving
- Style of properties not in character with other properties
- Access is unsuitable for the number of vehicles involved in the development
- Overlooking will occur through the 2/3 storey nature of the building

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- The road network will be compromised by the development through vehicle numbers and the lack of visitor parking
- The scheme is too insensitive for the size of the site
- The land shown is not entirely in the ownership of the applicants.

#### 4.0 Officer Comments

- 4.1 The scheme proposes a total of 7 residential units on the site which break down into 1 no. 4 bed house, 1 no. 3 bed house, 2 no. 2 bed houses and 3 no. 2 bed flats. Access will be primarily from Mill road with unit 4 being served from The Spinney.
- 4.2 Members will see from the Planning History of this site that a previous scheme was refused under delegated powers earlier this year. The reasons for refusal are shown below:
1. The proposed development results in the loss of a Locally Listed Building which is considered to be of Historic Value. The proposed scheme does not represent a high quality scheme or provides sufficient justification to warrant the removal of this building. To allow the demolition of the building under these circumstances would be in conflict with Policies LB.1 and CA.6 of the Adopted Wyre Forest District Local Plan and Government Advice in PPG15.
  2. The design and external appearance of the plots 1 – 4 are of a style that fail to positively respond or contribute towards the character and local distinctiveness of the streetscene and surrounding area. The proposal thus would result in significant harm being caused to the visual amenities of the area contrary to Policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan, Policy QE3 of the Regional Spatial Strategy, the Council's Supplementary Planning Document on Design Quality and Government Advice in PPS1.
  3. Due to the position of habitable room windows in Plot 3 and their relationship with Plot 5 and 79 Mill Road, it is considered that the development will result in significant overlooking occurring to these properties leading to loss of amenity. The proposal is therefore contrary to Policy D.1 of the Adopted Wyre Forest District Local Plan and advice in the Council's Supplementary Planning Document on Design Quality.
- 4.3 The reasons can be summarised under the following main headings firstly the lack of a high quality scheme to justify the loss of the Locally Listed Building, secondly the general design of the scheme and thirdly loss of amenity through overlooking.
- 4.4 The current scheme submitted by a different agent seeks to overcome these refusal reasons. They will be considered in this report along with the normal considerations.

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4.5 This report will consider the scheme under the following headings;

- Principle, Policy Context and Allocation
- Loss of Locally Listed Building
- Design and Layout
- Highway Access and Parking
- Character and Local Distinctiveness
- Neighbouring Properties and Amenity Issues
- Other Issues
- Previous Application
- S.106 Agreement

#### PRINCIPLE, POLICY CONTEXT AND ALLOCATION

4.6 The site is allocated for residential within the local plan and the site constitutes previously developed land, on this basis the principle of development under policy H2 is acceptable.

4.7 The other main policy to be considered in this case is policies LB1 and CA6 which covers locally listed buildings and historic areas. The principle of demolition of historic buildings is allowed under this policy subject to a high quality re-development scheme to replace the structure. Whether this is the case in this development is considered under paragraph 4.8 below.

4.8 As such I consider the principle of development of this site is acceptable.

#### LOSS OF LOCALLY LISTED BUILDING

4.9 The building is stated in the Local List as being a mid 19<sup>th</sup> Century Farmhouse. It is visually in a poor state of repair, and has been surrounded by modern development. The views of the Conservation Officer are paramount to the consideration of this building. He acknowledges that the quality of the scheme and the advantages to the surrounding area proposed in this scheme are sufficient to mitigate against the loss of the building. I agree with this consideration that the loss of the building on this occasion is acceptable.

#### DESIGN AND LAYOUT

4.10 The scheme is proposed to be laid out in two blocks, one fronting onto Mill Road and the other fronting onto The Spinney. The block fronting onto Mill Road would contain three dwellings with the block to The Spinney four dwellings.

4.11 It is considered that the layout of the blocks effectively addresses both road frontages and provides a visual interrelationship between the blocks from inside the site. The positioning will not have an adverse impact on the streetscene and will provide a positive contribution to both Mill Road and The Spinney.

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- 4.12 The properties have been designed in a contemporary way whilst utilising traditional form, with the quality of elevational treatment being carried through from front to back. Overall the design of the properties works well as an individual development but also provide strong linkages between the traditional and modern dwellings that characterise this area. I consider that the proposal provides a high quality design solution to this development, in line with local plan policy and advice in the Design Quality SPG. I am satisfied that the design of the properties is acceptable in this instance.

#### HIGHWAY ACCESS AND PARKING

- 4.13 The main access utilises the existing access point which will be upgraded to accommodate vehicles from three of the properties. This will result in a total of five properties being serviced via this access road. Two of the properties on the southern block will have individual driveways onto Mill Road and one of the northern block of properties will have a driveway onto The Spinney. The Public Right of Way that runs to the east of the site will be unaffected by this access arrangement. Parking will be provided for all of the properties at the ratio contained within the Local Plan.
- 4.14 The Highway Authority has fully considered this proposal and feels that the access arrangements and parking are acceptable and meet current standards. In addition it is felt that the surrounding road network is capable of accommodating the additional traffic generated by this scheme. I agree with these comments and whilst understanding the residents views on this subject I do not feel that a refusal could be substantiated on this occasion.

#### CHARACTER AND LOCAL DISTINCTIVENESS

- 4.15 Whilst it is accepted that the character of the northern side of Mill Road is traditional in nature, the context of the wider area cannot be ignored. These traditional properties have been surrounded by new development, and as such the character area is now predominantly of a modern style. I consider that design of the proposal tasking being of traditional form with contemporary feel effectively balances the character of area between the traditional and modern styles. As such the proposal provides a positive contribution to the area and does not result in a negative impact to local character or distinctiveness.

#### NEIGHBOURING PROPERTIES AND AMENITY

- 4.16 The nearest residential properties are Nos. 69a, 71, 73 and 79. Due to the orientation of these properties and the proposed layout of the blocks there will be no direct overlooking into the properties or gardens. Properties in The Spinney are of sufficient distance away from the frontage of the northern block so as to avoid privacy issues.
- 4.17 Interrelationship between the two blocks in respect of windows and garden areas provides sufficient distances to avoid adverse overlooking or privacy issues.

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**OTHER ISSUES**

- 4.18 Matters of private rights of passage or land not within the applicants control are not material planning considerations. The Applicant has served notice on both No.71 and 73 Mill Road and the requisite advertisement has been placed in the local newspaper in respect of land of unknown ownership.
- 4.19 A Bat survey is also requested. This has not been provided, however I feel on this occasion that this can be condition prior to any demolition works taking place, due to this being the only outstanding issue and a refusal could not be substantiated.

**S.106 AGREEMENT**

- 4.20 In February 2007 the Council adopted a SPD on Planning Obligations. This sets out the Council's stance on the type and level of contributions that would be required for certain types of development. The following table sets out the requirements set out in that document, to which the Applicant is willing to contribute and can be secured through a S.106 Agreement.

<u>Requirement</u>	<u>Offered Provision</u>	<u>Required by SPD</u>
Open Space	£2,881.20	✓
Education Facilities	£18,207	✓

**PREVIOUS APPLICATION**

- 4.21 Members will note above the reasons given for the refusal of the previous application. I feel that a strong case has been made to overcome the reasons for refusal namely, the Loss of the Locally Listed Building, design issues and loss of amenity and overlooking. There were no other outstanding issues on the previous application.

**5.0 Conclusions and Recommendations**

- 5.1 The scheme is acceptable in principle and is of sufficient quality of design to mitigate against the loss of the locally listed building. The position of the dwellings provides sufficient distance so as not to harm neighbouring amenity and provides a positive visual appearance the character of the area. The access and parking arrangements are acceptable and will not result in harm to highway safety. On this basis the scheme is compliant with development plan policy.

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5.2 I therefore recommend **delegated APPROVAL** subject to the following:

- a) the signing of a **Section106 Agreement** to secure the following:
  - i £18,207 Education Contributions
  - ii £2,881.20 Public Open Space Contributions
  
- b) the following conditions:
  - 1. A6 (Full with no reserved matters)
  - 2. A11 (Approved plans)
  - 3. No demolition until implementation of planning permission
  - 4. No demolition until submission of Bat Survey
  - 5. B1 (Samples/details of materials)
  - 6. B9 (Details of windows and doors)
  - 7. B11 (Details of enclosure)
  - 8. B13 (Levels details)
  - 9. C6 (Landscaping – small scheme)
  - 10. C8 (Landscape implementation)
  - 11. F5 (Construction site noise/vibration)
  - 12. E2 (Foul and surface water)
  - 13. G11 (Comprehensive photographic survey)
  - 14. Highways
  - 15. J1 (Removal of permitted development – residential)
  - 16. J9 (Open plan frontages)
  - 17. Archaeological survey

Notes

- A. SN1 (Removal of permitted development rights)
- B. SN2 (Section106 Agreement)
- C. SN3 (Protection of species)
- D. Highway
- E. Environment Agency
- F. Rights of Way

Reason for Approval

The scheme is acceptable in principle and is of sufficient quality of design to mitigate against the loss of the locally listed building. The position of the dwellings provides sufficient distance so as not to harm neighbouring amenity and provides a positive visual appearance the character of the area. The access and parking arrangements are acceptable and will not result in harm to highway safety. On this basis the scheme is compliant with development plan policy.

**Application Reference:** 08/0755/FULL      **Date Received:** 01/08/2008  
**Ord Sheet:** 379947 272267      **Expiry Date:** 26/09/2008  
**Case Officer:** Sally Withers      **Ward:** Lickhill

**Proposal:** Erection of a two storey extension to side and rear of the building.( Re-sub of ( 07/0962/FULL )

**Site Address:** 68 LOWER LICKHILL ROAD, STOURPORT-ON-SEVERN, DY138RH

**Applicant:** Mrs V Wilkinson

<b>Summary of Policy</b>	D.1, D.3, D.17, TR.9, TR.17, (AWFDLP) Q.E.3 (WMRSS) Design Quality SPG PPS1
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The application site is a semi-detached house situated in Lower Lickhill Road opposite Broomy Close which is North West of Stourport town centre.
- 1.2 The proposal is for a two storey extension to the side and rear of the property.
- 1.3 A previous application for a two storey extension to the side and rear was approved last year. This application is a re-submission which seeks consent for amendments to the original approved drawings.

## 2.0 Planning History

- 2.1 06/0599/FULL - Two storey extension to side and rear : Refused 18.7.06
- 2.2 06/1094/FULL - Two storey extension to side and rear (Re-submission) : Approved 18.12.06
- 2.3 07/0962/FULL - Two storey extension to side and rear (Re-submission) : Approved 25/10/07

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### **3.0 Consultations and Representations**

3.1 Stourport-on-Severn Town Council – No objection and recommend Approval

3.2 Highway Authority – No objection

3.3 Neighbour - One letter of objection received: The following points have been raised:

- Ridge tiles and roof tiles have been removed from our roof and broken to accommodate our neighbours intruding roof and gully without permission. Increased height of roof dominates our property and there is an unacceptable imbalance where the extension joins our property at the rear. This imbalance is also exaggerated by the misalignment of the upstairs windows and the different pitch of the lower rear roof.
- The leaded gully between the two roofs has been built predominantly over and significantly into our property, resulting in the removal of several rows of tiles from our roof causing an imbalance to the roof of our property. The proposed amendment will only increase the difference in height of the fascia board and will result in the leaded gully area being even higher and further into our property.

### **4.0 Officer Comments**

4.1 The proposed extensions consist of a two storey extension to the side and rear of the house with a further single storey extension added on to the proposed rear extension. The extensions and alterations would provide a further two bedrooms, a garage and utility room.

4.2 The extensions have already been approved in principle under planning approval 07/0962 and are substantially constructed.

4.3 This application has arisen because the extensions have not been carried out in accordance with the approved plans. In particular the eaves and fascia boards do not run around the building at the same level. Those to the front elevation are higher than those on the existing building and the heads of the windows are also higher although the sills are the same height from ground level. It appears that the reason for these changes was to keep the first floor level and ceiling height common through the existing dwelling and the extension.

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- 4.4 The main considerations in this case are whether these amendments meet the criteria of the relevant planning policies, in particular Policy D.17 of the Local Plan which requires residential extensions to be in scale and in keeping with the form, architectural characteristics and detailing of the original building; be subservient to and not overwhelm the original building; harmonise with the existing townscape without creating incongruous features and not have a serious adverse impact on the amenity of neighbouring residents.
- 4.5 Fortunately the set back (which has not changed) complies with our design guidance and the ridge height is still lower than that of the existing dwelling. It is difficult to make comparisons as the accuracy of the original drawings approved under planning application WF.07/0962 is questionable; however, current drawings show the difference to be 700 mm which is greater than that approved. The revised scheme therefore still achieves a satisfactory subservient visual appearance and the changed architectural features do not in my opinion result in harm being caused to the character of the street scene of this area.
- 4.6 The attached neighbour's main concerns are with the gabled two storey rear extension primarily the relationship of the roof with their own. During the course of construction the builder has removed roof tiles from the neighbour's projecting gable roof in order to build the new roof. Proposals show the provision of a new lead valley and making good the neighbours roof down to where it meets the wall of the new extension.
- 4.7 The applicant's agent has confirmed that all works will be within the applicant's boundary and ownership. I observed during my site visit that the boundary between the two properties is not straightforward. However although the resulting dispute between the two parties is regrettable the question of ownership is a civil matter and not a material planning consideration. The application must be considered purely upon its merits with reference to the appropriate Local Plan policy.

## **5.0 Conclusions and Recommendations**

- 5.1 After taking account of all aspects in this case including the concerns of the neighbours it is considered that the proposal meets the criteria of the relevant policies of the Adopted Wyre Forest District Local Plan.

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 and is therefore in accordance with the relevant Local Plan policies. 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.

<b>Application Reference:</b>	08/0770/FULL	<b>Date Received:</b>	06/08/2008
<b>Ord Sheet:</b>	383671 276933	<b>Expiry Date:</b>	01/10/2008
<b>Case Officer:</b>	James Houghton	<b>Ward:</b>	Greenhill

**Proposal:** Erection of a detached dwelling house

**Site Address:** LAND TO REAR OF, 44 COVENTRY STREET,  
KIDDERMINSTER, DY102BT

**Applicant:** Mr N Robinson

<b>Summary of Policy</b>	H.2, D.1, D.3, D.4, D.10, D.11, TR.9, TR.17
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

1.1 The site comprises the bottom part of a long garden of a property situated on Coventry Street. The proposal is for the erection of a three storey, detached dwelling. The dwelling would face onto Harold Evers Way which is located off Gilbert Scott Way. Adjacent to the proposed house is a similar three storey detached dwelling, to the other side is the garden of another property on Coventry Road.

## 2.0 Planning History

2.1 No representations received.

## 3.0 Consultations and Representations

3.1 Highway Authority – No objection subject to condition

3.2 Severn Trent Water – No objection subject to condition

3.3 Access Officer – Dropped kerb required to existing footpath opposite the dwelling to enable the safe passage of pedestrians, particularly disabled people, clear of the vehicular highway. Details of how non ambulant people can get to the principle floor of the dwelling have not been provided. The stairway should be constructed so that a stair lift can be retro-fitted, this should include a power source.

3.4 Arboricultural Officer – No objections to proposed development.

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3.5 Neighbour/Site Notice – Two letters of objection have been received, the following issues are raised:

- Loss of privacy due to overlooking.
- Concerns over the position of the proposed dwelling in relation to an existing retaining wall and landscaped garden.
- Concerns over degree of access, from a neighbouring property, required for both the construction and for the maintenance of the proposed structure after completion.
- Concerns of the impact of the construction process on the amenity enjoyed at the neighbouring property in terms of limiting the use of the neighbouring garden during construction.
- Safety of the family occupying the neighbouring property as a result of the construction of the proposed dwelling.
- Impact of the noise of construction on the amenity of neighbouring properties.
- Loss of views to the rear of the property.
- Possible overlooking to the front of the property.
- Impact on the flow of traffic and existing lack of parking around Harold Evers Way.
- Service road from which the new property would be accessed is inadequate for emergency and waste removal vehicles.
- Loss of on street parking as a result of the proposed development.
- Concern that road layout would be altered causing occupants of Harold Evers Way to be stuck on an island.
- Concerns over the noise and air pollution caused by the increase in traffic.

#### **4.0 Officer Comments**

4.1 The application site is previously developed land lying within an allocated residential area and as such the principle of a dwelling in this location is acceptable under the provisions of Policy H.2 of the adopted Wyre Forest District Local Plan.

4.2 The proposed dwelling is considered appropriate in terms of both scale and design. The dwelling would closely resemble the neighbouring property built in the rear garden of no. 43 Coventry Street as well as being of similar dimensions and height. The layout of the proposed dwelling takes into account the ground levels on the site, to the front the property has three floors as well as accommodation within the roof space the ground floor provides a garage and a hallway. The rear of the property appears to be two storey, again with accommodation provided in the roof space.

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- 4.3 The proposed dwelling would have minimal impact on the amenity of surrounding properties, there is a separation of 21m between the proposed dwelling and the properties to the front on Howard Evers Way and a distance of 34m to the properties to the rear, fronting Coventry Street. It is considered that the proposed development would have no impact on the privacy, light and outlook of surrounding properties, the 45<sup>o</sup> Code guidelines would not be breached. Although there is a side facing window at no. 2c it is obscure glazed and serves a non habitable room (landing). The application property would also have side facing windows to both sides, obscure glazing should be a condition of any permission issued.
- 4.4 As a result of the comments made by the access officer it is considered that a condition requiring the submission of details of access to the first and second floors for disabled users be submitted before the development is commenced.
- 4.5 The concerns of the neighbour relating to the construction process and the loss of views have been taken into account but do not constitute material considerations.
- 4.6 The objections from neighbours relating to highways issues have been taken into account, the comments supplied by the Highway Authority would have taken these issues into account. Additional noise and air pollution as a result of the increase in traffic are considered negligible, two off road parking spaces are to be supplied minimising the impact on congestion and existing parking.

## 5.0 Conclusions and Recommendations

- 5.1 In consideration of Articles 1 & 8 of the Human Rights Act 1998, 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 (Samples of materials.)
  4. J7 (Windows: obscure glazing)
  5. Parking provision
  6. Drainage provision
  7. Disabled access provision

### Reason for Approval

The proposed dwelling is considered to be well designed and will have an acceptable appearance in the street scene. The impact of the dwelling upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on amenity. As such, it is considered that the proposal accords with the requirements of Policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan.

<b>Application Reference:</b>	08/0772/FULL	<b>Date Received:</b>	08/08/2008
<b>Ord Sheet:</b>	384117 280058	<b>Expiry Date:</b>	03/10/2008
<b>Case Officer:</b>	Emma Anning	<b>Ward:</b>	Cookley

**Proposal:** Demolition of existing social club & erection of replacement social club & new village hall

**Site Address:** COOKLEY SPORTS & SOCIAL CLUB, LEA LANE, COOKLEY, KIDDERMINSTER, DY103RH

**Applicant:** Wolverley & Cookley P C

<b>Summary of Policy</b>	GB.1 GB.2 GB.3 GB.6 LA.1 LA.2D.1 D.3 TR.9 TR.17 (AWFDLP) CTC.1 D.39 (WCCSP) QE.1 QE.3 QE.6 (WMRSS) Design Supplementary Planning Guidance Planning Policy Statement 1: Delivering Sustainable Development Planning Policy Guidance 2: Green Belts Planning Policy Guidance 17: Planning for open space, sport and recreation
<b>Reason for Referral to Committee</b>	Development Control Manager considers that application should be considered by Committee. Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 Cookley Social Club is located on Lea Lane, Cookley. The site measures 10.4 ha. overall and comprises mainly sports fields an informal parking area to the front of the site bordering Lea Lane and existing social club and changing room buildings. The area of the site subject to this application measures 0.5ha and is occupied currently by the existing social club. The site is washed over by Green Belt and is within the designated Landscape Protection Area.
- 1.2 Consent is sought for the demolition of the existing social club and its replacement with a new social club and village hall.

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## 2.0 Planning History

2.1 Various, however most relevant:

WF/0123/99 – Erection of a new sports club and community building to comprise bar, games room, lounge, servery kitchens, reception entrance, toilets, office, hall, meeting room, store and green room with changing rooms, stores and cellarage; construction of access alterations and new roadway for deliveries and collection : Approved 29/6/99

WF/0760/02 - Erection of replacement building for changing facility after demolition of existing substandard building : Approved 15/10/02

## 3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Fully support the application for this vitally important much needed new village hall for the Parish.

3.2 Highway Authority - No objection subject to conditions

3.3 Arboricultural Officer – To prevent root damage to the trees on neighbouring land from the construction of the new parking area, a no-dig method of constructing should take place.

The retention of the Field Maple and Horse Chestnut is doubtful with the current proposals unless the new building is to be constructed on the existing foundations and protective fencing is erected at the edge of the foundations. If this is not possible then both trees will be lost, which is unfortunate but not undesirable. If the trees are to be removed and replacement planting scheme should be submitted for approval prior to the commencement of works.

3.4 Access Officer - Is level/ramped access available between the bowling green and changing room? There are steps in both directions at the north corner of the changing room and along the length of the terrace but there appears to be level access at the west corner of the social club lounge. Details of the level route from the stage to the changing room are required, is this via the service point? No major issues.

3.5 British Waterways - No comments to make

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- 3.6 Forward Planning - The proposal is for a community facility and therefore, it is considered that Policy CY.2 of the Adopted Local Plan is most pertinent to this application. The policy states that new facilities (and replacements) which provide for a genuine local community need must: reflect the role and function of the settlement or neighbourhood to which they relate; be consistent with the town centre hierarchy; be compatible with surrounding uses; be accessible and useable to all potential users and; be located as close as feasible to other mixed/community uses. This proposal is for a village hall and sports and social club to replace the former village hall and the existing social club with one facility. The facility is considered to relate to the role and function of the settlement and to be consistent with the town centre hierarchy because it replaces key community facilities within one of the larger villages. In terms of compatibility of surrounding uses, the use relates well to the sports and outdoor recreation facilities already located in the area. However, the site is within the Green Belt which is addressed later in this response. The site is accessible on foot from the village centre.

As the site falls within the Green Belt policy GB.1 is also relevant. Policy GB.1 states that within the Green Belt, development will not be permitted, except in very special circumstances unless one of a number of clauses set out within the policy applies. In this case, it is considered that the replacement of the existing social club with a single multi-use community building based on the footprint of the existing building and the relationship that the facility will have with the surrounding land uses demonstrates very special circumstances.

The site also lies within a Landscape Protection Area and therefore, policy LA.2 of the Adopted Local Plan is relevant. In Landscape Protection Areas, particular attention will be paid to the impact of proposed development on the landscape. The proposal is for a replacement building constructed from timber and therefore, it is considered that the proposal would not have an adverse impact on the landscape.

- 3.7 Severn Trent Water - Awaiting comments
- 3.8 Environmental Health - No conditions recommended. It is suggested that the applicants may want to look further into things with a survey as the area is potentially contaminated due to a previous use of graveyard/cemetery.
- 3.9 Neighbour/Site Notice – Two letters from the same neighbour received. The main concerns relate to the original and first set of revised plans concerning car park parking provision. There is inadequate parking for the number of people using this site; the proposal is contrary to Policies GB.3 and D.15. The new access described as ‘existing’ is disputable as it used rarely and is illegal. The new car park will lead to a noise nuisance for people at The Old Vicarage, Lea Lane.

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#### 4.0 Officer Comments

4.1 This application for the demolition of the existing sports and social club, and erection of a replacement sports and social club and new village hall falls within both urban Green Belt and a Landscape Protection Area.

4.2 It falls to be considered under the following headings:

- Proposal
- Policy considerations
- Green Belt
- Design and layout
- Highways, access and car parking
- Other

#### PROPOSAL

4.3 It is proposed to replace the existing Sports club with a modern timber building which will also house 200 square metres of floorspace which was lost following the closure of the Parish Rooms in 2003, resulting in a building which is 200 square metres larger than the building it is replacing.

#### POLICY CONSIDERATIONS

4.4 The key policy considerations in determining this application are Policies GB.1, GB.2 and GB.3 coupled with Policy CY.2 of the Adopted Wyre Forest District Local Plan.

#### GREEN BELT

4.5 Policies GB.1 and GB.3 dictate that proposals for outdoor sport and recreation in the Green Belt must be for the provision of **essential** facilities of the minimum size necessary. The development must not have a detrimental impact on openness or on the general visual amenity of the area or on the amenity of neighbouring land and buildings, including residential properties.

4.6 I am satisfied that the replacement of the existing sports club falls within the definition of appropriate development in this Green Belt location, however the incorporation of the volume of the Parish Rooms fails to comply with the definition given in Planning Policy Guidance 2 for 'appropriate development'. By virtue of it's inappropriateness by definition and the harm caused to openness as a result of the additional buildings mass proposed it is essential for the applicant to demonstrate that 'very special circumstances' exist which would outweigh the harm caused.

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- 4.7 The Parish Council have provided a comprehensive needs assessment which has been carefully assessed. Although the additional space proposed for community uses does not constitute appropriate development in this Green Belt location, as defined in PPG2, I am satisfied that the needs assessment has demonstrated very special circumstances exist which would outweigh the harm of the development caused by virtue of its inappropriateness and the impact on openness. The fact that the community has previously lost a well used Parish Rooms building lends strength to their needs argument. The Forward Planning team are satisfied that the applicant has demonstrated very special circumstances to justify the development in this instance.
- 4.8 Comments made by the Forward Planning team support the conclusion that the applicants have adequately demonstrated need at the community level through the needs assessment submitted as part of the application. In terms of Policy CY.2 the application is therefore considered to be acceptable.

#### DESIGN AND LAYOUT

- 4.9 The proposed sports and social club would have a footprint which is 200 square metres larger than the existing sports club, however in terms of its height the proposed building would not be any higher than the existing. The building would however present a considerably larger face to Lea Lane. In terms of its design and impact on the visual amenity of the streetscene I consider that the proposal would be a vast improvement on the 1960/70 style portacabin style structures which currently operate as the Sports Club and I am satisfied that the proposal complies with the design policies of the Wyre Forest District Adopted Local Plan and that the proposal would not have an undue impact on the visual amenity of the Landscape Protection Area in accordance with Policies LA.1 and LA.2.
- 4.10 The Arboricultural Officer has been consulted and his comments are set out as above. In the absence of any objections, it is considered that the minor issues outlined in his response can be dealt with by condition.

#### HIGHWAYS, ACCESS AND PARKING

- 4.11 The Sports Club currently benefits from an informal car parking area, it is proposed to formally lay out this area for car parking, incorporating a coach parking area. There is also an area to the East of the Sports Club which is also used informally as a car park but is required under the conditions of a previous permission to be a landscaped area only. It is proposed to reinstate this piece of land as a landscaped area. The car parking layout, as is now proposed, has been devised with strict guidance from the Highway Authority who are satisfied that the level of provision and the access arrangements proposed are adequate and would not cause harm to highway safety. The proposal therefore complies with Policies TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.

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- 4.12 The Council's Access Officer has raised concerns regarding access from the bowling area but acknowledges that there is level access to the west of the social club lounge. Internal access issues have also been raised, however these cannot be taken as material planning considerations in this instance.

**OTHER**

- 4.13 A material consideration in the determination of this application is Planning Permission WF/0123/99 which granted permission for the erection of a new club with a footprint of 1,200 sq.m. Members approved the application which, at the time, was covered by the same PPG2: Green Belt and Government advice which exists today. The application was approved on the basis of demonstrated community need which the applicant has clearly shown in this instance. It is therefore considered that the planning history of this site lends strength to the current proposal and contributes to the very special circumstances which would outweigh the 'in principle; harm caused.
- 4.14 The neighbour letter received asks if the parking provision shown is adequate. In light of the Highway Officer's comments I am satisfied that the proposal would not give rise to a situation which is detrimental to highway safety. Similarly the comments made regarding the proposed use of an existing access have been encouraged by the Highways Officer in order to facilitate coaches entering/exiting and to more easily control the flow of traffic in and out of the site.
- 4.15 Given that the proposed site plan has been revised to reinstate the landscaped area to the rear of the existing MUGA pitch, I consider that the concern that the use of the area for car parking would cause a nuisance to occupiers of The Old Vicarage, Lea Lane, is no longer an issue. The reinstatement of the landscaped area can be secured via condition.

**5.0 Conclusions and Recommendations**

- 5.1 It is considered that very special circumstances have been demonstrated which outweigh any potential harm to the Green Belt and this being the case, on balance, the proposal satisfies the relevant policies of the Adopted Wyre Forest District Local Plan

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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. Samples of materials to be submitted
4. Highway conditions
5. Landscaped area to be reinstated
6. Landscaping plan required
7. Tree protection during construction

Reason for Approval

The applicant has provided very special circumstances why the new Sports and Social Club building should be permitted in the Green Belt, namely that there is an identifiable community need for the facilities which would be offered, which would outweigh the harm caused by inappropriateness and harm cause to openness. The building due to its design will not cause harm to the character of the Landscape Protection Area or be detrimental to the visual amenity of the existing streetscene. The proposal would not result in harm being cause to trees of amenity value. The proposal by virtue of the layout proposed will not cause harm to the amenity of neighbours or give rise to a situation which is detrimental to highway safety. The proposal therefore accords with the policies listed above.

**Application Reference:** 08/0804/FULL      **Date Received:** 21/08/2008  
**Ord Sheet:** 383868 278158      **Expiry Date:** 16/10/2008  
**Case Officer:** Julia McKenzie-      **Ward:** Broadwaters  
Watts

**Proposal:** Extension to existing dwelling & subdivision to form four 1No bed flats with associated access & parking

**Site Address:** 32 BASKERVILLE ROAD, KIDDERMINSTER, DY102YE

**Applicant:** Nortonsend Ltd

<b>Summary of Policy</b>	D.1, D.3, D.17, H.2, H.7 (AWFDLP) TR.9 (WCSP)
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application site fronts Baskerville Road, and in an area predominantly occupied by semi-detached / terraced properties.
- 1.2 The application seeks consent to extend the dwelling to the side and subdivision to form four 1 no bed flats with associated access and parking.

### 2.0 Planning History

- 2.1 None

### 3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to conditions
- 3.2 Access Officer - The statement does not explain why access to the upper floor apartments is not available to non-ambulant disabled people who may visit the properties or wish to live in them  
A level, bound 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.  
Notwithstanding any details shown on the submitted plans, level threshold access is required at all external doors.  
Details of the car parking area are required to show adequate width of spaces for use by disabled people.

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3.3 Severn Trent Water - No comments received

3.4 Neighbour/Site Notice – 1 letter and petition with 42 signatures raising the following issues:

- Confusion over the owner of the property as the person making the application is not the owner.
- Number of parking spaces stated is incorrect as it states that there are 4 existing spaces, however this is untrue as there exists only parking for 2 vehicles on a concrete driveway therefore there would be a difference of an extra 2 spaces.
- There is a tree to at the rear of the property which in my view would be on the proposed development site.
- The existing use states vacant but it is not vacant as letting of this property commence a month prior to the application.
- Key access and design – overall design is based on the adjoining property which currently has a two-storey side extension and a single storey rear extension. If this refers to my property then this would be misleading as I have a garage and 4<sup>th</sup> bedroom addition keeping the property as a family home (domestic). The size of this is approximately 3 x 6m totalling 18 sq.m.
- The new plans for no 32 looks like an addition of a new house 4.5m x 7m bolted onto the side with no access for the existing property turning us effectively into a terrace, and contravening policy D.17 as it is clear that the existing ground floor space is 35 square metres and the development would increase this by a further 44.5 square metres making a total of some 79.5 sq m, more than doubling the original area this dominating it.
- This would also not be in harmony or continuity with my property or the other properties in the immediate neighbourhood as they are all semi-detached. And all major extension work has not altered that aspect and not changed my property form a semi to a terrace.
- Extensions to dwelling should be subservient to and reflect the scale and architectural character of the original building. Extension both in themselves and when taken together with previous work should not dominate the original building.
- The submitted plans are final plans; they show the rear extension of the existing property being on the border line. This cannot be the case as my wall had to be build approx 5” form the boundary on my side to allow for the footing. I am a little concerned about the possible disturbance to my footing as new ones would need to be so close. Also the gap between the two buildings approx 10” would be too small access to carry out any maintenance.
- This development would also be very close (within 20ft) of an electricity substation. It would also overlook the rear of the houses which are on a gradient and back onto Baskerville Road which is a concern voiced by these residents (see petition Upton Road).

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- Although the frontage could be converted into parking for four vehicles this would destroy the pleasant aspect it enjoys turning it into a car park. If the flats are not single occupancy then potentially there could be 2 cars per flat (4 vehicles without space) increasing congestion which would have a detrimental effect upon our small cul-de-sac which already had had its island turned into extra parking facility in a bid to keep the road clear of parked traffic. Under section 137 of the Highways Act 1980 it is an offence to “wilfully” obstruct the highway: the “Highway” includes the pavement and private property used as a public thoroughfare. This would certainly happen in my view.
- There could also be 8+ occupants in residence which concerns me again noise, privacy and security. The rear garden would be available for use by all residents especially and in warm weather families could be barbecuing eating out, swimming, trampoline etc along with their visitors which would lead to increased noise and disruption.
- The flats would have an adverse effect on my amenity with an increase in disturbance / noise levels, as the walls are very thin. I feel that this would have a detrimental effect on my human rights. Article 1 of the first protocol, (peaceful enjoyment of possession and general protection of property rights)
- This is a major concern as I have small children who need to be undisturbed at night. A bathroom against the downstairs adjoining wall we would hear all the noise form the toilet cistern along with baths running all in the vicinity of our hall and front door and I would hater to open my door to visitors to be drowned by that. There is only 2ft that separates our front doors, but increased noise due to greater activity. My privacy would also be reduces as greater numbers would frequent both he rear and frontage areas. Security of my property would be reduced with greater numbers in close proximity. There would also be a deterioration of the pleasant aspect we enjoy as an open car park frontage would not be pleasant.
- Mr Bowen has not maintained the boundary which he is responsible for between our two properties in his 12 months of ownership leaving both the rear and the front exposed (therefore anyone can just walk into my garden from his and put my property under risk) and I fear the greater occupancy would put my property under further risk as he has shown hot to care about making the simplest of repairs
- The redevelopment of this domestic property into a business would be detrimental to our close knit community the majority of which gave signed a petition against this proposal and have voiced this to me.

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**4.0 Officer Comments**

- 4.1 The current application seeks consent to extend the dwelling with a two storey extension to the side and subdivision of the new block into four no 1 bedroom apartments. At present there is a single garage on the location of the proposed extension. It is proposed to create parking for 4 cars to the front of the property in line with Worcestershire County Council car parking standards which state that for 1 or 2 bedroom dwellings, 1 car park space per unit must be provided with direct unobstructed access to the highway.
- 4.2 The Design Quality Supplementary Planning Guidance states that, side extensions should be stepped back from the original building line, that the ridge and eave heights should be lower than the original building. In this case, the set back is 0.45m. Furthermore, the extension is comparable in size and three dimensional shape and scale of the existing house and the adjoining properties and as such relates well to the other buildings in the area thus in character.
- 4.3 The existing dwelling is 6.6 metres wide, and the proposed side extension would measure 4.7m. The proposed setback will result in a slightly lower ridgeline than that of the main house which would reduce the overall visual dominance of the extension within the street scene. Revised plans show the removal of a proposed porch.
- 4.4 Policy D.17 of the Adopted Wyre Forest District Local Plan states that extensions should be subservient to and not overwhelm the original building, which should retain its visual dominance. It is my opinion that the setback proposed, albeit not of the preferred 0.75m can be justified and supported in this instance as it would balance the row of properties. In terms of design, the side extension would have no real impact on the surrounding area or neighbours. It has been designed to not infringe the 45 degree rule and therefore have no adverse effect on the light to the neighbouring property.
- 4.5 The table below shows the percentage increase of the proposed extension compared the existing property:

Floor area of existing	Floor area of proposed	Percentage increase
7.5 x 6.6 = 49.5 sq. m 3.8 x 1.8 = 6.84 sq. m	7 x 4.7 = 32.9 sq. m	58%
Total floor area of existing = 56.34 sq. m		

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- 4.6 Policy H.7 of the Adopted Wyre Forest District Local Plan states that proposal for the conversion of existing dwellings, to two or more dwellings including flats, will only be permitted if the proposal complies with a set of points. These are:
- a) no detrimental impact on the character of the area and the building itself
  - b) any alterations are appropriate in scale, form and extent, to the site and its surroundings
  - c) provision of amenity space and enclosed storage of refuse is made
  - d) access is acceptable and parking provision in accordance with Policy TR.17 is made
  - e) The internal layout of the rooms within the proposed development will not cause undue disturbance to adjoining dwellings or other units of accommodation in the building.
- 4.7 As part of the application, no details have been submitted regarding provision of an enclosed refuse storage and therefore a suitable condition is suggested to ensure that these details are submitted and approved in writing prior to the commencement of works on site.
- 4.8 The Council's Access Officer has commented that a level bound surface path minimum 900mm wide is required from the highway footpath to the front of each property and details of the car parking area are required to show adequate width of the spaces for use by disabled people. Conditions have been added to the approval to ensure that this information is provided.
- 4.9 Off-street parking is proposed to serve the four apartments in accordance with the Council's adopted standards and is to be conditioned accordingly so as to ensure that there is not additional burden upon the public highway in terms of on-street parking. In addition, the Highway Authority has offered no objection to the proposal subject to the imposition of conditions.
- 4.10 Although there are trees on the site, none of these would be affected by the proposal.
- 4.11 In terms of boundary issues raised by the neighbour, these are not considered to be planning matters and are a private matter between the neighbour and the owner of number 32 Baskerville Road.
- 4.12 The neighbour is concerned over the noise aspect of the development. However, details concerning insulation and fire proofing will be dealt with at the Building Regulations stage in terms of the first floor kitchen of unit 4 being directly onto a bedroom of number 31 and are therefore not considered to be planning issues. However, it is worth noting that the activities that are being objected to are not considered to be anti-social as they are normal activities associated with a household.

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- 4.13 Regarding overlooking of properties to the rear of the site in Upton Road, in particular numbers 18 and 19, the rear windows of the existing property and the ones in the proposed extension would be approximately 50m from the rear windows of these dwellings and therefore I do not consider that any overlooking would occur in this instance.
- 4.14 I am satisfied that, notwithstanding the issues raised in the letter of objection received, that the proposed development would ensure a satisfactory relationship between the existing property and the adjoining dwelling and also those opposite the application site and provide an acceptable level of off-street parking. The property has only had a small rear single storey extension in the past and therefore the further 58% increase in volume terms is acceptable in scale and design, and the development would not compromise the visual appearance of the area.
- 4.15 In light of all of the above, and in the absence of any policy or space standard conflict, I am satisfied that the proposed development would be acceptable.

## 5.0 Conclusions and Recommendations

- 5.1 The issues concerning privacy and disturbance have been considered and whilst the concerns raised are acknowledged it is not considered that there would be sufficient reason to refuse the proposal. The proposed development complies with the relevant policies and guidelines as detailed above and in consideration of Articles 1 and 8 of the Human Rights Act 198 it is considered acceptable.
- 5.2 The scheme is acceptable in principle. The position of the extensions provides sufficient distance so as not to harm neighbouring amenity and provides a positive visual appearance to the character of the area. The access and parking arrangements are acceptable and will not result in harm to highway safety/ on this basis, the scheme is compliant with the development plan policy.
- 5.3 I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B11 (Details of enclosure)
  4. B3 (Finishing materials to match)
  5. H6 (Vehicular access construction)
  6. H13 (Access, turning and parking)
  7. C6 (Landscaping – small scheme)
  8. C8 (Landscape implementation)
  9. Details of the bin store shall be submitted and approved in writing by the Local Planning Authority.

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- 10.J1 (Removal of permitted development – residential)
- 11. A level bound surfaced path, minimum 900mm wide shall be created from the highway footpath to the front door of each property.
- 12. Designated disabled parking spaces at the site shall be submitted and approved in writing by the Local Planning Authority.

Notes

- A SN1 (Removal of permitted development rights)
- B SN12 (Neighbours' rights)
- C Level threshold access is required to all external doors

Reason for Approval

The proposed four 1 no bed flats are considered to be of an appropriate size and design and will have an acceptable appearance in the street scene. The impact of the development upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on their amenity. For these reasons the proposal is considered to be in accordance with Policies D.1, D.3, D.17, H.2, H.7 and TR.9 of the Adopted Wyre forest District Local Plan.



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## 2.0 Planning History

- 2.1 WF.148/05 – Extension of existing yard for car parking (temporary storage pending delivery) : Refused 18/4/05
- 2.2 06/0836/FULL - Temporary consent for single storey office extension & 10 additional car parking spaces for a period of 2 years : Refused 05/10/06
- 2.3 08/0107/FULL - Change of use to car park, landscaping and ancillary works : Withdrawn

## 3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – No objection to this application. The PC strongly supports this proposal particularly as it appears to be identical as the previous, withdrawn application (08/0107). However, the PC continues to emphasise that this application should not be dealt with in isolation of the car parking problems that exist locally in the surrounding roads, e.g. Station Drive, Lynwood Drive and shoppers car park. The PC considers that appropriate Traffic Regulation Orders must be in place to control parking around the station and that Station Drive must be properly kerbed. This is the only solution to the parking problem and this opportunity must not be lost by being considered in piecemeal fashion.

The Parish Council was pleased to note that conditions relating to low level lighting and times of use were recommended in the Officer's report to Committee on the 8<sup>th</sup> April 2008.

The Parish Council wishes to speak at the Planning (Development Control) Committee in connection with the application; Cllr Jim Long will attend.'

- 3.2 Highway Authority – No objections subject to conditions
- 3.3 Network Rail - see Officer Comments
- 3.4 Environmental Health Section – No adverse comments
- 3.5 Access Officer – No objection
- 3.6 Neighbours/Site Notice – Objection from one property received raising the following issues:
  - The main reason why people park in Station Drive is that it is free! No wonder Network Rail have objected, if parkers have to pay then their revenue from Blakedown will be reduced and what about the viability of the Station then?

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- I wish to object in the strongest terms against this development. Incidentally the land where planning permission has not been obtained, as far as I know, is in use. Will something be done about it please
- The proposals will not alter the problem in Station Drive largely because the charge which will be levied for parkers will drive them away to other free places to park. The "free" parking is, I'm sure, the reason why Station Drive is, currently, a dangerous place to be between the hours 7am until 7pm. Therefore there will be no reason for the car park and the developers will have wasted their money
- My previous objections to other proposed developments of this land are the amount of noise and vehicle pollution which will be created and the nuisance value to the adjacent houses, both sides of the railway line. Station Drive is already has a road traffic problem and this will not be changed by the development, indeed, previous applications have been objected to by the Highways Agency..

One letter of general support received commenting as follows:

- I generally support this application but wonder what will be the point without a TRO for Station/Lynwood Drive? I would have thought a 1 hour parking limit would have allowed the area to be used for picking up/dropping off children to the Primary School, and those collecting Commuters, as well as making sure the Car Park is utilised, but preventing the all day parking that annoys many of the Residents. Can this idea not be revisited?

#### **4.0 Officer Comments**

4.1 The main issues to consider in determining this application are:

- Land use issues
- Safety Issues
- Traffic Regulation Order issues
- Impact on neighbouring property

#### **LAND USE ISSUES**

4.2 The land is unallocated in the adopted Wyre Forest District Local Plan which effectively means that any use should be considered on its merits. The existing use of the land is for the private parking of vehicles in association with an existing office use and part of the site will still be used for this purpose. After taking into account of the fact that the use is already a car parking area, except for a relatively small extension to it for the parking of bicycles and motorbikes, the principle of using this land as a pay car park in association with the station would seem an appropriate use and one that does not differ markedly from the permitted use.

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## SAFETY ISSUES

- 4.3 In terms of the car park and traffic generation the current application differs from two previous applications affecting to extend the car parking area in association with a business use in three main respects:
- The 2005 application(see above) proposed a substantial increase in the area of the car park extending back a further 65 metres on the existing car park and the 2006 application proposed a further 10 car parking spaces. The current application shows no increase in the area of car parking but does extend back a further 6 metres for the parking of motorcycles and bicycles
  - The nature of the proposed car parking has changed from being mainly in association with a car hire firm involving vehicle trailers and a car transporter, to a use to provide paying car parking spaces in association with the nearby railway station.
  - Although the Highway Authority recommended refusal to these applications the highway authority is not recommending refusal to the current application on the grounds that the access although deficient should not generate a significant increase in traffic over and above the present planning situation.
- 4.4 Network Rail did not object to the 2005 and 2006 applications but objected to the last application (08/0107) in terms of current safety in that manned railway level crossing may be converted at some future stage to an unmanned crossing controlled by CTCV cameras and the development may slow down trains. However, following the receipt of the current application a meeting has been held between the applicant and Network rail and as a result of this revised plans have been received showing a wider access approach to the site. Network rail have commented upon this as follows:

*'We are satisfied that the amended plan addresses those issues that which proposes widening the access road to a width of five metres as this will allow vehicles to pass into and out of the site simultaneously and help reduce the risk of vehicles blocking back and obstructing the level crossing.*

*However, the corner 'pinch point' at the immediate entrance must be widened to the same width, again for easier passage of vehicles. This should be reasonably practicable to achieve although it is understood there may be ownership issues with the small piece of land involved.*

*As far as the issue of the additional road traffic light signals is concerned, the Design and Project Team working on the modernisation of the crossing will identify whether such an additional fixture is required during the design stages. In this respect there are no implications as far as these proposals are concerned. However, the provision of advanced warning signs related to the crossing should be included in the proposals; we can assist with the sign types, and if necessary, their position.*

*In summary, Network Rail is prepared to withdraw the objection to the proposals provided the width of the access is widened to 5 metres, the car parking in the immediate vicinity of the entrance is restricted to four spaces (both as per the amended plan), the 'pinch point' mentioned above removed if this is reasonably practicable, and warning signs provided, to NR's specification'*

- 4.5 As can be seen from the comments of Network Rail the removal of the 'pinch point' would be beneficial but not essential. Unfortunately, although the applicant would like to include this small area of land the applicant cannot ensure that it happens as there is a dispute regarding the control of the land. This pinch point should not cause a significant obstruction and I would agree with the applicant's agent that its retention is acceptable and that the 5 metre driveway approach will cater adequately for the development. Indeed the applicant's agent states that this argument was accepted by Network Rail at their meeting.
- 4.6 Details of the signage required by Network rail have now been submitted and this can be made conditional of any consent. These signs should not adversely affect visual or neighbouring amenity.

#### TRAFFIC REGULATION ORDER

- 4.7 As can be seen the Parish Council have asked that the application to be considered in conjunction with a Traffic Regulation Order (TRO) to control parking in and around the station. In the light of this request the Highway Authority was asked to investigate whether a TRO was feasible during the processing of the last application as there is no doubt that the parking on the verge of Station Drive is visually unsatisfactory and a source of nuisance to residents on this street.
- 4.8 The Highway Authority responded as follows:
- 'Although the parking does occur, we are not aware that this is in any way dangerous. The police are of the same opinion that whilst undesirable to residents, the parking carries only a nuisance/aesthetic issue. I believe that the introduction of waiting restrictions would merely lead to migration onto more dangerous locations on the A456 or other closes away from the station; a station that has existed for decades. We do not have the resource nor does the priority exist to introduce formal lines purely to remove an aesthetic nuisance'.*
- 4.9 I am advised that these views (as above) remain unchanged for the current application.
- 4.10 It therefore falls for the application to be considered in the absence of a TRO and the consequences of this are that on street car parking is likely to continue and that the proposed pay car parking is less likely to be successful since people will still be able to park (at no charge) on the road/verge. However, this possible outcome is in itself no reason to refuse an application and particularly as the applicant has no control over the imposition of a TRO.

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#### IMPACT ON NEIGHBOURING PROPERTY

- 4.11 The alterations to the car park are so slight that they would not in my view be harmful to the visual amenity of neighbouring property. In fact with some additional landscaping as proposed the situation might be an improvement.
- 4.12 In terms of traffic generation there are two residential properties that are situated on the driveway approach to the site. The applicants have stated an intention of operating the car park at times that coincides with the first and last trains from 05:50hrs to 23:40 hrs. However, in view of the close proximity of the two Cottages this is considered to be unreasonable and the Council's Environmental Health and Licensing Section have recommended that the hours of use be limited to 07:00 to 21:00 hours Monday to Friday and 08:00 to 20:00 hours on Saturday and Sunday. With a condition to this effect in place this would in my view secure the amenity of the occupiers of these properties.

#### 5.0 Conclusions and Recommendations

5.1 That the application be **APPROVED** subject to conditions based on:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Landscaping
4. No floodlighting and only low level lighting of the car park - to be agreed in writing with the Local Planning Authority
5. Hours of use condition 07:00 hours to 21:00 hours Monday to Friday and 08:00 hours to 20:00 hours on Saturday and Sunday
6. Siting of signage
7. H13 (Access, turning and parking)

Note

Highway

#### Reason for Approval

The application has been considered in terms of land use issues and judged to be acceptable as the existing use of most of the land is as a car park. Railway safety has been carefully looked at and the revised plan addresses the main concerns of Network Rail. The Highway Authority raise no objections to the development in terms of highway safety (Policy TR 9) in view of the fact that the land is already a car park and after taking account of comparative traffic generation. Existing problems associated with parking on adjacent streets as raised by consultees have been taken into account but they do not amount to reasons to justify refusal of the application as an approval may improve the situation but in any event should not make matters worse. Impacts on neighbouring amenity (Policy D1) have also been assessed but the application subject to conditions is judged to be acceptable with respect to these issues and in accordance with the above mentioned policies in the Development Plan.



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- 2.2 WF 687/04 - Extension to enlarge 2 Guest Bedrooms, replacement bar and servery, enlarged reception area, terraced garden with pergola and new staff car parking area : Approved.
- 2.3 07/0592/FULL - Provision of overflow car parking : Withdrawn
- 2.4 07/1074/FULL - Provision of overflow car parking : Withdrawn

### **3.0 Consultations and Representations**

- 3.1 Stone Parish Council – ‘No objection. The members of the Parish Council wish to endorse this application and say that it is deemed very necessary to avoid overflow parking in Heath Lane and sometimes on the A450’.
- 3.2 Highway Authority – No objection to the granting of permission.
- 3.3 Access Officer – Views awaited on revised plans
- 3.4 Neighbour/Site Notice – No representations received

### **4.1 Officer Comments**

- 4.1 This use is, in part, retrospective in nature in that an area to the rear of the Granary is already covered with rolled tarmac scalpings and has been used without planning permission as an overflow car parking area for some time. An additional 7 car parking spaces is also now proposed closer to the rear annex. In addition another area to the rear but closer to the A451 has been covered with tarmac and it is proposed to return this to grass. The plans also show the rationalisation and demarcation of the existing car park; the introduction of a control barrier linking the existing car parking area with the proposed overflow parking area and landscaping and new surfacing.
- 4.2 It is considered that the main issues in dealing with this application can be assessed under the following subheadings:
  - Policy background
  - The impact of the development on the landscape
  - The impact of the development on the amenity of neighbouring property
  - Very special circumstances.

#### **POLICY BACKGROUND**

- 4.3 The Granary lies within an area designated as Green Belt. The proposal does not fall within the acceptable development criteria as set out in Policy GB1 of the adopted Local Plan and is therefore contrary to Green Belt policy as expressed in the Local Plan unless very special circumstances apply.

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- 4.4 PPG2 (Green Belts) is more specific in that it draws a distinction between buildings and changes of use. Paragraph 3.12 of PPG2 states that changes of use are inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. This argument is endorsed by D.39 of the Worcestershire County Structure Plan and it is clear that where there is loss of openness this will only be allowed where very special circumstances exist to outweigh this harm.
- 4.5 Policies TM2 and TM3 of the Local Plan deal with Hotels and Guest Houses but it is unclear whether or not they are relevant to this application since their main focus seems to be on built development but, for the sake of completeness, they are included. Again very special circumstances are a prerequisite to development being acceptable. There is also a requirement to be compatible with other plan policies in the Local Plan (TM2) and to ensure that the development does not result in an increase in capacity (TM3). On this latter point the overflow car parking area is required to serve the existing hotel and as no additional development is proposed no increase in capacity will arise.

#### IMPACT OF THE DEVELOPMENT ON THE LANDSCAPE

- 4.6 The hard surface itself is not obvious from a distance and the proposal is to remove all of the existing surface material and to replace it with an Ecoblock grass reinforcement system. This material will provide a porous surface that will allow grass to grow through it and cars to park on it whilst protecting the grass. Consequently it will not in itself be harmful to the visual amenity of the area and will have no effect upon the openness of the Green Belt. In view of this the car park surfacing is not inappropriate development as defined by the Structure Plan and PPG2 although it is contrary to Green Belt policy as set out in the Local Plan.
- 4.7 Visual harm however will arise from the parking of cars on this land. It is important to at least attempt to quantify this harm in terms of the impact itself and the frequency with which it will occur.
- 4.8 Revised plans have been submitted which show the car park extending no further than a neighbour's rear fence line and the amended plans also show the planting of a hedgerow of indigenous species. This revised car parking arrangement, unlike all previous proposals, will be no larger than the extent of the existing area which incidentally has not resulted in any complaints from the general public since it was introduced many months ago.
- 4.9 Nevertheless, the rear of the Granary is quite exposed and particularly when travelling towards Mustow Green. The hedgerow running along the side of the field does provide screening but this cannot be wholly relied upon since the hedge is at times cut to quite a low height by the Highway Authority. At such times when cars are parked on the land they will be visible but they will be viewed against the background of the rear of the hotel. When cars are parked it will however affect openness.

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- 4.10 The impact on the landscape as stated will only arise when cars are parked in this overflow area and this will only occur at times when the existing car parking area at the front of the hotel is full. The management of the hotel have recorded the number of vehicles at the premises over a yearly period (March 2007 to February 2008) at times when they need overflow car parking which generally occurs when there are wedding receptions, conferences and other functions. The conclusion to be drawn from these figures is that the field was needed on 72 occasions over this period. The applicant's agent continues the analysis by stating that *'21 occasions were for up to 10 cars, 16 for 11-20, 17 for 21-30, 9 for 31-40 and 9 for over 40. Moreover, we have noted that in the year May 2006-April 2007 it was used on 84 occasions'*.
- 4.11 It should be noted that the hotel would be entitled to use the field for 28 days in any one year for overflow car parking, under permitted development.

#### IMPACT ON NEIGHBOURING AMENITY

- 4.12 The development is well screened from neighbouring property and a serious problem should not arise in terms of noise and general disturbance. No objections have arisen at any time from neighbouring property with respect to the overflow car parking area.

#### VERY SPECIAL CIRCUMSTANCES

- 4.13 As stated very special circumstances need to exist to outweigh the harm arising for the application to be acceptable in terms of Green Belt policy.
- 4.14 The lengthy case made by the applicant's agent centres on the car parking policies contained within the Local Plan. Calculations of the car parking requirements for the premises based on gross floor areas shows that the hotel requires a maximum total requirement of 102 spaces. This equates to a shortfall of 31 spaces (i.e. 102 minus 71 existing spaces). Furthermore, this shortfall is not theoretical, as evidenced by the number of occasions the field has been recorded being in use. Prior to the overflow car park being brought into use this shortfall in spaces manifested itself in serious car parking problems along Heath Lane and the Worcester Road which, although has not resulted in any reported accidents, is nevertheless a highway safety issue. Notwithstanding this, the argument continues, various developments have been allowed in breach of Policy TR9 which states that 'proposals which would lead to deterioration in highway safety will not be allowed' and in breach of Policy TR17 which states that 'new development will be required to provide on-site parking in accordance with the County Council's parking standards ...'

08/0546/FULL

## 5.0 Conclusions and Recommendations

- 5.1 There is clearly a car parking problem at the Granary which needs to be resolved. The analysis provided shows that the car park is woefully inadequate at times and without the overflow car parking area vehicles will once again park outside the site on a narrow lane and on the A450 close to the point where these two roads meet which could potentially result in an accident. The Parish Council endorses the application and highlight this car parking problem. Taking all things into account this does in my view amount to very special circumstances. The harm to the Green Belt is limited to times when vehicles are parked and even then serious harm is limited to times when the roadside hedge is low in height. After considering these factors and the measures to be put in place to secure additional landscaping and to restrict overflow parking via the barrier to times of need, it is felt that in this case the very special circumstances do indeed outweigh the harm.
- 5.2 The application is consequently recommended for **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans: latest revised plans)
  3. Implementation of approved surface treatment of car park, demarcation of car parking spaces on existing car park and barrier within 3 months of the date of this permission.
  4. Landscaping scheme to be submitted, approved and implemented during the current planting season.
  5. Use of overflow car park only when existing car park is full.

### Reason for Approval

The application has been carefully considered against Green Belt policy and, due to the very special circumstances that prevail, associated with the fact that there is a serious under provision of car parking spaces and on street car parking in this location could lead to a deterioration in highway safety, the application is considered to be compliant with the Development Plan and Government advice in this regard. The application has been considered in terms of the impact on neighbouring property and judged to be acceptable and compliant with Policy D.1 of the Adopted Wyre Forest District Local Plan. The proposal has also been assessed in terms of all the other relevant policies contained in the Development Plan as expressed above and considered to be acceptable.

<b>Application Reference:</b>	08/0700/OUTL	<b>Date Received:</b>	21/07/2008
<b>Ord Sheet:</b>	381431.270933875	<b>Expiry Date:</b>	15/09/2008
	273543.2001524		
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Lickhill

**Proposal:** Erection of new building for use as a Judo Club with associated access & parking (access & layout to be determined)

**Site Address:** GILT EDGE SPORTS & SOCIAL CLUB, ZORTECH AVENUE, KIDDERMINSTER, DY117DY

**Applicant:** Samurai Judo Club

<b>Summary of Policy</b>	D1, D3, D5, D10, D19, NR1, LA1, LA2, GB1, GB3, GB6, TR1, TR9, TR17, LR9, LR10, LR17, TC3, IMP1 (AWFDLP) SD3, CTC1, D39, RST1, RST11, IMP1 (WCSP) QE1, QE3, QE6 (WMRSS) PPS1, PPG2, PPS7, PPG17
<b>Reason for Referral to Committee</b>	Parish Council request to speak on application
<b>Recommendation</b>	<b>REFUSAL</b>

THIS APPLICATION WAS DEFERRED FROM THE 9<sup>TH</sup> SEPTEMBER 2008 PLANNING (DEVELOPMENT CONTROL) COMMITTEE MEETING WHERE MEMBERS RESOLVED TO APPROVE THIS APPLICATION SUBJECT TO THE DEPARTURE PROCEDURE

## 1.0 Site Location and Description

1.1 The site is within the Gilt Edge Sports Club complex and occupies a existing tennis court. It lies adjacent to the industrially allocated site at Brinton's Sports Ground, and the Wyre Forest Golf Club.

1.2 The site is allocated within the Local Plan in the following forms:

- Green Belt
- Landscape Protection Area
- Minster Road Outdoor Sport Area

1.3 The proposal is submitted in outline seeking for layout and access to be determined at this stage, and proposes the construction of a building, and associated car parking, for use as an indoor Judo Club.

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## 2.0 Planning History

2.1 None of relevance

## 3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Recommend Approval. Supporting the proposal on the basis of very special circumstances.

3.2 Highway Authority – Recommend refusal. Although in principle we would have no objection to the granting of planning permission for this development, there would be a requirement for a contribution for new bus shelters on the existing bus route adjacent to the proposed club. The cost for provision of these shelters would be in the region of £30000.

The applicants have not indicated that they are willing to contribute this sum, therefore, the application should be refused.

3.3 Environment Agency – No objections

3.4 Worcestershire County Council (Planning) - Informal response objecting to the proposal due to location outside the Town Centre and contrary to Green Belt policy.

3.5 Sport England – No objection

3.6 Community and Partnership Services – Fully support scheme

3.7 Environmental Health - No adverse comments

3.8 Severn Trent Water – No comments

3.9 Forward Planning Manager - The proposal lies within the 'Minster Road Outdoor Sports Area' as identified on the Adopted Local Plan Proposals Map, therefore, Policy LR.10 is relevant. The policy safeguards land for outdoor sports use subject to compatibility with Green Belt and Landscape Protection policies. The proposal is for an indoor sports facility and as such is in conflict with Policy LR.10. Furthermore, the reasoned justification for the policy highlights the location of the site within a 'very sensitive and narrow part of the confirmed Green Belt' and states that 'careful consideration will be paid to ensuring that the scale of any built development is kept to the minimum necessary for the functioning of outdoor sports facilities, in accordance with the Green Belt policy.'

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As the proposal involves the construction of a new building on a site within the Green Belt, Policy GB.1 of the Adopted Local Plan is also relevant. Policy GB.1 states that within the Green Belt, development will not be permitted, except in very special circumstances, unless one of the clauses set out applies. Clause ii) allows development which provides essential facilities for outdoor sport or outdoor recreation. However, as the proposal is for an indoor sports facility, it is not considered to be in accordance with Policy GB.1. None of the other clauses within the policy are considered to be relevant to this application and as such, unless very special circumstances can be demonstrated, the proposal would not be considered appropriate within the Green Belt.

The site also falls within the Landscape Protection Area and as such Policy LA.2 of the Adopted Local Plan is relevant. Policy LA.2 states that particular attention will be paid to the effect of the proposed development on the landscape.

In summary, the proposal appears to be contrary to Policies LR.10, GB.1 and LA.2 of the Adopted Local Plan.

3.10 Neighbour/Site Notice – No representations received

3.11 As a result of the Departure Procedure, the following representations have been received from Councillor J-P Campion:

I was present at the planning meeting when the departure was proposed. I whole-heartedly support the reasons that were given for that departure as this project is an important facility for existing and potential athletes and I believe that in its proposed location, it will have little or no impact on the Green Belt due to the develop nature of the area in which it is proposed to be sited.

#### **4.0 Officer Comments**

4.1 This application is particularly sensitive due to its location with the Green Belt and Landscape Protection Area. It falls to be considered under the following headings:

- Policy Context
- Principle of Development
- Location of Development
- Siting and Design
- Access
- Consideration of Very Special Circumstances

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POLICY

- 4.2 This proposal attracts policies and guidance from Local, County, Regional and National Levels all providing a consistent message about providing sports facilities in this location.
- 4.3 Green Belt policy at all levels restricts development unless it falls into one of the key categories. PPG2 is specific that development falling outside these categories creates substantial harm and should only be permitted where very special circumstances **clearly** outweigh the harm created.
- 4.4 In respect of the location of development Policy LR17 of the Local Plan, Policy RST11 of the Structure Plan and advice in PPG17 all seek for facilities of the type proposed to be located in or adjacent to Town Centres. In rural situations facilities may be permitted if they relate directly to needs of the local community.

PRINCIPLE

- 4.5 It is clear that the proposed development of an indoor sports facility does not fall into an appropriate use within the Green Belt and as such PPG2 states that substantial weight should be attached to the harm caused by way of inappropriateness. Policy LR10 further re-enforces this position in particular relating to this location retaining the Minster Road corridor for outdoor sports.

LOCATION

- 4.6 Notwithstanding the above, the location of the development should realistically be sited within the urban area. A sequential approach must be followed before choosing a site within the Green Belt. The approach should result in the following site search process:
- Town Centre Location
  - Edge of Town Centre Location
  - Out of Town Location (Urban Area)
  - Other allocation sites (industrial / Educational / Community etc)
  - Rural Areas outside the Green Belt
  - Green Belt areas
- 4.7 These steps do not condone construction of the facility in the rural or Green Belt Area, but shows the stages in which the site search should be undertaken, prior to considering these areas.
- 4.8 The applicants have looked at other sites and discounted them for a number of reasons. These are set out below with a summary of reasons why they were not chosen. I have also included comments on these sites.

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Location	Site	Reasons	Comments
Other Allocated Site (Industrial)	23 Lisle Avenue	<ul style="list-style-type: none"> <li>• Planning Refused</li> <li>• Too Costly</li> <li>• Desire to Buy or Self Build</li> </ul>	The Planning application was refused on 1. Lack of sequential approach to development. 2. HSE safety fears and 3. Lack of Car Parking
Other Allocated Site (Industrial)	Land adj to Fitness First	<ul style="list-style-type: none"> <li>• Site too Costly</li> </ul>	This is a potentially acceptable site
Green Belt	Sion Hill Middle School	<ul style="list-style-type: none"> <li>• Unsuitable Location for members (from SoS, Worcs etc)</li> <li>• Green Belt issues on new build</li> <li>• Re-build of Gym had planning difficulties</li> <li>• Too Costly</li> </ul>	Whilst it is accepted that the site is within the Green Belt, it would have been acceptable in principle to replace the Gym building with an indoor sport facility.
Other Allocation (Educational)	Other School Sites (shared facilities)	<ul style="list-style-type: none"> <li>• Vandalism</li> <li>• Not suitable facility for school sharing</li> </ul>	No Specific Site Mentioned
Town Centre (Kidderminster)	Weavers Wharf	<ul style="list-style-type: none"> <li>• Too Costly</li> <li>• Access issues</li> <li>• Lack of Parking</li> </ul>	No Specific Site Mentioned, although I am not aware of available sites within the Weavers Wharf area
Edge of Centre (Kidderminster)	Green Street	<ul style="list-style-type: none"> <li>• Only available for rent</li> <li>• Too costly</li> </ul>	
Green Belt	Gilt Edge	<ul style="list-style-type: none"> <li>• Land offered for Free</li> </ul>	

4.9 The club also make the following statements in their submission:

- Any other industrial building would have the same planning problems as Lisle Avenue
- The Club do not wish to rent
- Car Parking of a level of at least 30 cars during week and at least 100 at weekends would be required
- No site closer than Lisle Avenue to Kidderminster were suitable due to traffic problems
- Access important for members from Stourport, Worcester, and the South-West of Stourport on Severn.

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4.10 Whilst other sites have been looked at, I disagree that the applicants have carried out a comprehensive sequential approach to finding this site based on planning considerations. I would raise the following concerns about the site search:

- The whole basis of the site search seems to be based on cost.
- Not all sites outside the Green Belt have been investigated
- No sites in Stourport Town Centre or Edge of Centre have been investigated
- The allocated mixed use areas of Kidderminster and Stourport have not been investigated (Meadow Mills, Baldwin Road etc)
- No other sites in Stourport on Severn have been looked at (e.g. Industrial Estates or Industrially Allocated Sites)
- No Sites in Bewdley have been considered
- Vacant Industrial Units have not been contemplated (Particularly along the Stourport Road Corridor)
- Incorporating the development into other leisure or mixed use schemes in Kidderminster and Stourport on Severn has not been investigated
- Other Industrial Premises may be acceptable subject to a satisfactory sequential test. These sites would be preferable to a Green Belt Site.
- Other urban land not suitable for residential development has not been investigated (e.g. Non-Previously Developed Land)

4.11 On this basis I conclude that a full sequential approach has not been followed, especially in view of the lack of consideration of Stourport on Severn sites, as one of the sites was discounted due to need to be located on that side of the District. I therefore consider that the principle of locating the facility in this location is fundamentally flawed. There are other more preferable locations in the district for this type of development without resulting in development within the Green Belt. I feel that the primary driver in this site search has been cost.

4.12 In light of these main points I conclude that there is no support to locate the development in this location in the Green Belt either within the Development Plan or Government Guidance in PPG2 and PPG17. The development of this site as proposed is unacceptable in principle.

#### SITING AND DESIGN

4.13 Although the application is submitted in outline, details of siting are to be determined at this stage.

4.14 The building will measure 36m x 20m in height providing a total of approximately 800 sq m (2625 sq ft) of floor space. The building is to be located on existing tennis courts at the north side of the site and will be fully visible from Zortech Avenue and Walter Nash Road East.

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- 4.15 The location of the building in this location will not only result in the loss of existing outdoor sports facilities but will also be highly prominent and visible. When considering the Sports Club site as a whole, I consider that the chosen position is the one that causes the most visual harm to the Green Belt, Landscape and the surrounding area. There are other locations on the site that are less prominent, and have not been investigated.
- 4.16 I also feel that the location of the development adjacent to the Green Belt boundary effectively merges the industrial development with the sporadic sports development resulting in serious visual amenity. This is clearly against the key aims and objectives of including land within the Green Belt.
- 4.17 In addition the proposed siting of the building removes the existing tennis courts. The site lies within the Minster Road Outdoor Sports Area, which safeguards outdoor sports pitches. The loss of the tennis courts without any compensatory provision renders it in conflict with the aim of Policy LR.10 relating to the Minster Road Outdoor Sports Area and Policy LR.9 which restricts development on sports pitches without compensatory provision. This approach is supported by PPG17. The development is therefore unacceptable on this point alone
- 4.18 Notwithstanding the in principle objections set out above, I consider that the siting of the building is unacceptable being highly prominent, undermining the purposes of including land within the Green Belt, and removing existing outdoor sports pitches (i.e. the tennis courts).
- 4.19 Design is a matter reserved for future consideration, however details of the height of the building have been provided. The surrounding buildings are either flat roof or low rise and are used for outdoor sports uses. It is evident that a building of 6.5m in height would be the highest building in this part of the Green Belt, and due to the overall size it would dominate the Green Belt resulting in significant loss of openness and visual amenity. In addition the site is particularly noted for its landscape character, the location and height of the building would reduce the visual character of the area from public vantage points.
- 4.20 In respect of the scale and height of the building as shown, considerable harm would be caused to the openness and visual amenity of the Green Belt, the character of the landscape and the open countryside generally.

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#### ACCESS

- 4.21 Access arrangements will utilise the existing access off Zortech Avenue, and create additional car parking for the site. Whilst the access arrangements are not ideal, as there are four accesses that converge on each other, and parking provision is below the standards, it is not considered that the ensuing traffic generation will result in demonstrable harm being caused to highway safety. It is noted that the maximum number of cars at the venues will in the region of 100, however this is at weekends and is not considered to be likely to cause difficulties to the surrounding road network. Formal comments are still awaited from the Highway Authority. They informally have indicated that should an approval be given that contributions in the region of £20,000 to £30,000 will be required to improve public transport provision to serve the development. The Applicants have been contacted in this regard and their response is awaited. Such contributions will have to be secured through a Section 106 Agreement.
- 4.22 On the basis of a no objection response being forthcoming from the Highway Authority, I am satisfied that the scheme is acceptable on access grounds.

#### CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

- 4.23 The circumstances put forward by the applicants are based on the success of the club and its popularity across the district. They highlight their successes at regional and national level, and that 2 of their members are aiming for the Olympics in 2012. They consider that this proposal will further help their prospects and achievements. Letters of support have been submitted supporting the facility, but not the location which is the important element in this consideration.
- 4.24 The location of the Club has been chosen due to its location with major road corridors and with public transport in mind.
- 4.25 Stourport on Severn Town Council consider that there are additional circumstances such as the lack of alternative sites, the site being adjacent to others including the industrial site, the site being well screened and other developments having been approved (Stourport Sports Club and the Netball Courts at the Kingsway).
- 4.26 In respect of the examples given, Stourport Sport Club was approved as an appropriate development in the Green Belt and the Netball Court approved as being part of an existing outdoor use, directly linked to educational needs of Stourport High School (a dual use), due to the regional sequential approach undertaken with Sport England and the formation of **regional centre of excellence**.
- 4.27 PPG2 confirms that it is for the applicants to demonstrate why a proposal should be permitted, and that those circumstances can only be classed as very special if they **clearly** outweigh the harm by way of inappropriateness and other harm.

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- 4.28 The circumstances provided by the applicant relate purely to their successes, there is no evidence in their submission to justify the location, siting or size of the building. The submission by Stourport on Severn Town Council adds little more. The example of the Netball Courts at the Kingsway is not wholly comparable and even it were, the proposed building is not to be used for a centre of excellence and the applicants have not gone through a regional sequential test, supported by Sport England; in fact they have not fully covered the district.
- 4.29 I do not agree that the site will be well screened and do not feel that the location on the site is the ideal position. As stated above, I feel that there are less intrusive positions on the site as required by Policy D.5 of the Adopted Local Plan and that do not involve the loss of sports pitches.
- 4.30 On this basis I do not consider that the circumstances either individually or cumulatively outweigh the considerable harm that would be caused by way of inappropriateness and other harm as identified above. The harm is not **clearly** outweighed in this case.

## 5.0 Conclusions and Recommendations

- 5.1 The site is within the West Midlands Green Belt. The proposal constitutes inappropriate development. The location of the facility outside the town centres or urban areas without a fully sequential test is unacceptable and contrary to the policy tests set out in the development plan and in Government Guidance. The position of the building is considered to be one of the most prominent and visually harmful on the whole of the Sports Club complex and results in the loss of outdoor sports pitches without compensation. The principle and details of the proposed development is wholly unacceptable and would result in significant harm being caused to the Green Belt, Protected Landscape and the Strategic policy context of the District. The development falls completely in conflict with Local, County, Regional and National Policy and Guidance.
- 5.2 I therefore recommend **REFUSAL** for the following reasons:
1. The site is within the West Midlands Green Belt where development is particularly restricted. The proposal constitutes inappropriate development in the Green, which in itself creates substantial harm. No circumstances have been submitted that amount to very special circumstances to clearly outweigh the harm by reason of inappropriateness and the additional as identified in the following reasons for refusal. The proposal is contrary to Policy GB.1 of the Adopted Wyre Forest District Local Plan, Policy D.39 of the Worcestershire County Structure Plan and Government Advice in PPG2.

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2. The location of the site within the Green Belt has not been justified fully through a sequential approach. The proposed development fails to comply with Policies LR.17 and TC.3 of the Adopted Wyre Forest District Local Plan and guidance within PPG17 which require indoor leisure uses to be in sustainable locations within Kidderminster and Stourport on Severn Town Centres or within urban areas. The proposed use is therefore considered to be contrary to Policies LR.10, LR.17 and TC.3 of the Adopted Wyre Forest District Local Plan; Policies SD.3 and RST.11 of the Worcestershire County Structure Plan and Government Advice in PPG17. It is considered that there are no material circumstances to outweigh these policies or any harm resulting from the development.
3. The proposal, by virtue of its siting and indicated height, would cause substantial harm to the character of the Landscape Protection Area and result in loss of openness and visual amenity of the Green Belt. In addition due to its location the proposal would fail to meet the key objectives and purpose of including land within the Green Belt. It is considered that there are other less intrusive positions in the Sports Club complex. To allow the development in these circumstances would be in direct conflict of Policies D.5, LA.1, LA.2, GB.1 and GB.6 of the Adopted Wyre Forest District Local Plan, Policies D.39 and RST.1 of the Worcestershire County Structure Plan, Policy QE.6 of the Regional Spatial Strategy and Government Advice in PPG2, PPS7 and PPG17.
4. The site is situated within Minster Road Outdoor Sports Area. The proposal results in the loss of outdoor sporting provision namely tennis courts. No new or improved facilities have been offered as compensation. The loss of such facilities in an area where outdoor sport areas should be safeguarded, without compensatory provision would be in direct conflict with Policies LR.9 and LR.10 of the Adopted Wyre Forest District Local Plan and Government Advice in PPG17.
5. The applicants have failed to enter into a Section 106 agreement to secure contributions towards improvements to Public Transport provision in the area. It is considered that due to the location of the development and number of visitors anticipated that Public Transport Network will be put to additional burden without adequate compensatory measures. This would be contrary to Policy TR.1 of the Adopted Wyre Forest District Local Plan, Policy T.1 of the Worcestershire County Structure Plan and advice the Council's Supplementary Planning Document on Planning Obligations.

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- 5.3 At the last Planning (Development Control) Committee, Members resolved to approve the application as it was considered that there are very special circumstances to justify the proposal, namely:
1. Notwithstanding that the development is inappropriate development in this Green Belt, it is considered there are very special circumstances that outweigh the harm by way of inappropriateness in that:
    - a) the proposed development would create an important additional sports facility in the District on a suitable site which is within an area accepted to be a designated sports area;
    - b) the proposed development would not be visually intrusive in the local environment when considering the context of adjacent development;
    - c) there are no other, immediately available, suitable sites within the district for a development of this nature.
  2. It is not considered that the facility will place extra pressure on the local transport system sufficient to justify the need for the compensatory provision of bus shelters.
- 5.4 In view of these very special circumstances and, in consideration of the Town and Country Planning (Green Belt) Direction 2005, I consider that the decision to approve this application would have a significant impact on the openness of the Green Belt and, as such, the application would require to be referred to the Secretary of State via the Government Office for the West Midlands (GOWM).
- 5.5 Should Members wish to approve the application, delegated authority should be given to approve the application subject to referral to the GOWM and a decision being made not to call in the application and the following conditions:-
1. A1 (Standard outline)
  2. A2 (Standard outline – reserved matters)
  3. A3 (Submission of reserved matters)
  4. A5 (Scope of outline permission)
  5. A11 (Approved plans)
  6. Restriction of use to sports activities only
  7. B1 (Samples/details of materials)
  8. B11 (Details of enclosure)
  9. B13 (Levels details)
  10. C6 (Landscaping – small scheme)
  11. C8 (Landscape implementation)
  12. E2 (Foul and surface water)
  13. H13 (Visibility splays)

08/0700/OUTL

Reason for Approval

Notwithstanding that the development is inappropriate development in the Green Belt under Policy AD.1 (Adopted Wyre Forest District Local Plan), it is considered there are very special circumstances that outweigh the harm by way of inappropriateness in that:

a) the proposed development would create an important additional sports facility in the District on a suitable site which is within an area accepted to be a designated sports area; b) the proposed development would not be visually intrusive in the local environment when considering the context of adjacent development; c) there are no other, immediately available, suitable sites within the district for a development of this nature.

It is not considered that the facility will place extra pressure on the local transport system sufficient to justify the need for the compensatory provision of bus shelters. For these reasons the proposal is compliant with Policies D.1, D.5, LA.1, LA.2, TR.9, LR.9, LR.10, LR.17 and TC.3 of the Adopted Wyre Forest District Local Plan.

<b>Application Reference:</b>	08/0701/FULL	<b>Date Received:</b>	21/07/2008
<b>Ord Sheet:</b>	383071.207222081 279189.905300144	<b>Expiry Date:</b>	15/09/2008
<b>Case Officer:</b>	Julia McKenzie- Watts	<b>Ward:</b>	Wolverley

**Proposal:** Use of grassed area on The Lock car park for the sale of plants & flowers three days per week including bank holiday Monday

**Site Address:** LOCK INN, WOLVERLEY ROAD, WOLVERLEY,  
KIDDERMINSTER, DY103RN

**Applicant:** The Lock Inn

<b>Summary of Policy</b>	CA.1, CA.3, GB.1, GB.2, GB.6, LA.1, LA.2, LA.4, (AWFDLP) CTC.19, CTC.20 (WCSP) QE1, QE5 (WMRSS) Design Guide (SPG) PPG19, PPG15
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

1.1 The site is located within the Staffordshire and Worcestershire Canal Conservation Area just north of the lock beside the A456 at Wolverley. The grassed area is situated to the side of the tea room building.

## 2.0 Planning History

2.1 WF558/04 - Conversion of storage building to tea room, elevational changes and external seating area : Approved 6/8/04

## 3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Recommend refusal; danger with increase in traffic and likely to set a precedent in the area.

3.2 Highway Authority – No comments received

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- 3.3 British Waterways - No objections to the proposed development, subject to the imposition of a suitably worded condition relating to the agreement of the permission for a temporary period in order to enable assessment of the health and safety consequences of the decision in relation to the use and capacity of the car park and any increased pedestrian use of the road.
- 3.4 Neighbour/Site Notice – 1 letter of objection – the property is a public house. Wolverley has a garden centre which sells plants. Wolverley does not want market stalls on the grounds of its public house. If the population of Wolverley wanted to buy their plants from a market stall then Kidderminster has two markets each week where plants can be purchased. If permission is granted for this market stall then it will be open to other stalls to be erected on the site selling allsorts of goods. I would also add that on the site of the Lock Inn there is also a café which would appear to indicate that the Licensee of this public house is trying to make a business of subletting parts of the licenced premises to other persons for his own gain, by stealth.

#### **4.0 Officer Comments**

- 4.1 Application for the use of a grassed area on the lock car park to sell plants and flowers three days per week including Bank Holiday Mondays.
- 4.2 Whilst this use is considered acceptable, it is felt that a temporary permission would be more preferable in order that the impact of the business on the surrounding area can be assessed.
- 4.3 British Waterways has commented that they have no objection to the proposed development subject to the imposition of a suitably worded condition relating to:
- The agreement of the permission for a temporary period in order to enable assessment of the health and safety consequences of the decision in relation to the use and capacity of the car park and any increased pedestrian use of the road.
- 4.4 Whilst the suggestion of a temporary permission is noted, the health and safety aspect of their comments is not a planning issue and is covered by health and safety legislation.
- 4.5 A condition attached to the approval will ensure that the hours of trading are restricted to 10 am - 3 pm on Friday, 10 am - 4 pm on Saturday, Sunday and Bank Holidays, and not outside these hours.
- 4.6 There would be no impact on the surrounding area or the pub itself as the area to be utilised is to the front of an existing tea room.

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- 4.7 In terms of the 1 letter of objection received which raises the point of this permission allowing further stalls on this site this is not the case. Each planning application is considered on its own merits and if further applications are received they will only be allowed if compliant with the Local Plan policies as listed. The other issues raised in the letter are not planning considerations.
- 4.8 Overall the proposal is acceptable in terms of its impact on the surrounding area and would not have any adverse effect.

## 5.0 Conclusions and Recommendations

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

1. A9 (Temporary Permission – Uses of Land) <1 year> <7/10/09>
2. A11 (Approved Plans)
3. J12 (Use – Hours Limitations)
4. Plant area to be restricted

### Note

To ensure necessary consent from British Waterways

### Reason for Approval

The proposed use of the grassed area is considered to be compatible to the general character of the area and is capable of implementation without creating serious adverse effects on the amenity of the immediate locality, or highway safety. The proposal is thus considered to comply with Policies CA.1, CA.3, GB.1, GB.2, GB.6, LA.1, LA.2 and LA.4 of the Adopted Wyre Forest District Local Plan

**Application Reference:** 08/0731/FULL      **Date Received:** 31/07/2008  
**Ord Sheet:** 381371 277193      **Expiry Date:** 30/10/2008  
**Case Officer:** Emma Anning      **Ward:** Habberley and Blakebook

**Proposal:** Erection of 13no. detached dwellings with associated access, parking & amenity space & engineering works to car park associated with existing public house

**Site Address:** BRIARS HOTEL, 100 HABBERLEY ROAD, KIDDERMINSTER, DY115PN

**Applicant:** Urban Cuban

<b>Summary of Policy</b>	H.2 H.5 D.1 D.3 D.7 D.9 D.10 D.11 D.13 D.14 D.16 LB.1 LB.5 NC.2 NC.5 NC.7 TR.7 TR.9 TR.17 TR.18 LR.1 IMP.1 (AWFDLP) SD.2 CTC.6 CTC.12 CTC.15 CTC.21 D.5 (WCSP) QE.1 QE.3 QE.5 (WMRSS) Planning Policy Guidance 3: Housing Planning Policy Statement 9: Biodiversity and Geological Conservation Planning Policy Guidance 15: Planning and the Historic Environment
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>DELEGATED APPROVAL subject to Section 106 Agreement</b>

## 1.0 Site Location and Description

- 1.1 The application site sits within a residential area of Kidderminster. The site measures 0.47ha and is currently occupied by the car park associated with The Briars public house. A sizeable 1960's style two storey extension extends out to the rear. The main Locally Listed historic part of the pub is outside of the application site but along with the wooded area to the north of the site, which is identified as Public Open Space, it is within the ownership of the applicant. A Tree Preservation Order applies to some of the trees on site.
- 1.2 Consent is sought to demolish the aforementioned 1960's style extension and erect 13 no. detached dwellings with associated access and parking.

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## 2.0 Planning History

2.1 None relevant

## 3.0 Consultations and Representations

3.1 Highway Authority – No objections subject to conditions

3.2 Environment Agency – No comments received

3.3 Access Officer – 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. In the access statement it is not sufficient to just aver compliance with standards, the statement must identify and explain where and how the standards will be implemented. 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. The proposed highway layout at the junction of the access road and the shared surface will create a hazardous environment for disabled people. 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. Elevations and floor plans conflict with the access statement in respect of level thresholds at external doors. Details of the car parking area for the public house are required to show adequate width of spaces for use by disabled people. It will be necessary to identify the location of level access points into the pub in order to assess the suitability of the layout. 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, and identified as such. (Plot 12)

3.4 Arboricultural Officer – No objection to the above development, however I do have some minor concerns.

1. The majority of the Wellingtonia's (T3) Root Protection Area is within a hardstanding, part of which will form the new entrance road. Is there plans to remove the existing tarmac and construct a new road or will they be constructing the new road on top of the existing tarmac?

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2. T10 is a Poplar that has not yet reached maturity and it will be 3m from the house on Plot 8. Poplar have a propensity to drop large limbs and can fail with little notice. Therefore having this tree so close to a new house would not be advisable.

3. The trees in the woodland that will overhang Plots 5,6 and 7 are also very close to the houses and will limit the useable garden space.

4. Tree T21 should also be crown lifted to 3.5m

5. Tree T.1 should be removed as it is dead.

I feel that the best course of action for points 2 and 3 would be to remove the trees that are encroaching so that they will not become a major issue in the future. Carrying out edge management on a woodland is a viable practice and will improve biodiversity.

Other than that I have no other issues with the development.

- 3.5 Conservation Officer – I have no objections over these proposals as I do not feel that they will have a detrimental impact on the character, appearance or setting of the Locally Listed Building.

However I would recommend increasing the overhang on the proposed roofs by 200mm and using decorative bargeboards on some of the dwellings. I feel that these elements would, in addition to some of the other proposed details, make a positive reference to the Locally Listed Building.

Approve, subject to the imposition of suitable conditions relating to material and window detailing.

- 3.6 Community and Partnership Services – Several discussions took place during the period of this application. Initial concerns regarding Biodiversity have been addressed, the District Council's Conservation and Countryside Officer comments as follows:

*“the report suggests necessary mitigation measures and enhancement needed to apply for an Natural England Licence to allow the application to proceed. What we need now is confirmation from the developer that these measures are to be implemented and for them to be included on a site plan showing their location and extent, then from a loss of biodiversity point of view we can be happy.”*

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In terms of enhancement it was suggested that an information board be provided at the entrance to the Nature Reserve, this has been agreed as detailed below and can be secured by condition. It was also recommended that the existing concrete wall, which runs along the periphery of the site, be replaced by timber fencing in a dark colour which will discourage vandalism and graffiti, also securable by condition. Similarly to improve connectivity and access the Conservation and Countryside Officer has requested that a stile be located between Plots 4 and 5, this too can be dealt with by condition also.

- 3.7 Crime Risk Manager – No comments other than to recommend the development to be certificated to secured by design standards.
- 3.8 Environmental Health – No adverse comments. Demolition and construction times should be limited to 08:00-18:00 Monday to Fridays; 08:00 – 13:00 on Saturdays and no work on Sundays and Bank Holidays.
- 3.9 Severn Trent Water – No objection subject to conditions
- 3.10 Neighbour/Site Notice – Three letters were received from neighbours. The main issues raised were:
- Tree T21 requires cutting back and lopping. Tree T1 clearly requires pruning. T2 requires lower pruning. Trees marked G6 along the eastern site boundary should be reduced by 8m to prevent them growing too tall and posing a threat to safety.
  - It is regrettable that the Briars is no longer used as a pub.
  - There are already traffic problems, I would like to see a pedestrian crossing at the bottom of Manor Avenue to help parents who walk their children to school to cross.
  - The grey railings at the boundary of the site with the entrance to Blake Marsh are an eyesore.

#### **4.0 Officer Comments**

- 4.1 Consent is sought to erect 13 no. detached dwellings with associated access and parking, following the demolition of the extended part of the former Briars and to carry out engineering works to the existing car park associated with the public house.
- 4.2 The key issues to consider in determining this application are:
- Policy and allocation
  - Design and layout
  - Highways, access and parking
  - Landscaping
  - Biodiversity and nature conservation
  - Planning Obligations
  - Other

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POLICY AND ALLOCATION

- 4.3 The site is allocated as being suitable for residential development in the Wyre Forest District Adopted Local Plan and by virtue that the site comprises previously developed land, as defined in Planning Policy Statement 3: Housing. I am satisfied that the principle of residential development on this site is acceptable and is in accordance with Policy H.2 of the Plan.

DESIGN AND LAYOUT

- 4.4 The proposed layout would see the original public house building retained albeit without the 1960's style extensions, with a reduced size of car park to the rear. The layout proposed would result in a cul-de-sac style development of detached dwellings with one principal access of Habberley Road. Two properties would front onto Habberley Road which would have a separate shared access from the public highway. These properties would be positioned in a staggered manner in order to respond to the existing pattern of development fronting Habberley Road. I consider this would reflect the established pattern of development well and would ensure that the Habberley Road streetscene would not be unduly affected by the introduction of the development, in accordance with the requirements of paragraph 3.27 of the Adopted Design Quality Supplementary Planning Guidance.
- 4.5 The density of development proposed would equate to 27 dwellings per hectare, the Wyre Forest District Adopted Local Plan Policy H.5 seeks a minimum density of 30 dwellings per hectare in this location however this policy also states that consideration must be given to local circumstances and the character of the surrounding area. The surrounding area has a mixed character, to the west of the application site, properties on Trimpley Drive have a density of 35 dwellings per hectare whilst the properties on Habberley Road have a density of 15 dwellings per hectare. Considering the nature of the area I am satisfied that the proposed density is reflective of local circumstances and is therefore in accordance with the requirements of Policy H.5.
- 4.6 Within the main application site the dwellings would face onto the main access road which would run through the centre of the development, the layout proposed would allow each dwelling to have adequate garden lengths and sufficient parking space to the front. It is considered that the layout proposed forms a suitable footprint of buildings and spaces which would harmonise well with the established pattern and density of development in the area, in accordance with Policy D.1.

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- 4.7 In terms of design the proposed development would benefit from four different house types, the design of which has been the subject of considerable discussion between the applicant and the District Council's Conservation Officer. The main alterations made as a result of these discussions were to the detailing and general styling of the buildings. In view of the fact that the properties are within close proximity of the Locally Listed Building it is considered important to ensure that the quality of design was consistent with that of The Briars. The design has been improved in accordance with the advice given in the Conservation Officer consultation response as outlined above and in this respect I am satisfied that the proposal would accord with Policies LB.1 and LB.5 of the Wyre Forest District Adopted Local Plan. Given that the properties, by virtue of the site layout, would form a separate residential cul-de-sac I do not consider it essential that the properties borrow architectural styles from the surrounding dwellings and for this reason I consider the designs proposed to be suitable in this locality.
- 4.8 The design policies of the Adopted Wyre Forest District Local Plan states that developments should be designed so as not to give rise to a serious detrimental impact due to issues such as fumes, vibration or smell and there should be no undue impact on amenity. The proposed property most likely to be affected by noise is Plot 1, which shares a boundary with the car park associated with The Briars. However given that Environmental Health have not raised concerns with regard to this relationship and that an acoustic fence will run along the relevant boundary, I am happy that this situation would not cause a loss of amenity to future occupiers of Plot 1.
- 4.9 In terms of the impact on amenity of both existing and future residents I am happy that the layout and design proposed would not give rise to a situation which would be unacceptable. The buildings have been sited to ensure that there will be no overlooking within the site and also, by virtue that Plots 1 to 4 have minimum garden lengths of 10m and that window to window distances between these dwellings and properties on Trimpley Drive would be at least 25m. I consider such a distance to be more than adequate to ensure there would be no overlooking of existing properties in the area. The proposal therefore accords with Policy D.1 of the Adopted Local Plan.
- 4.10 The design and layout of the development has been devised in order to account for the presence of trees which are covered by Tree Preservation Orders on this site. The Arboricultural Officer has considered the detail contained within the submitted Tree Report which outlines which trees are to be retained, which are to be felled, and which ones are to be subject to arboricultural works and is happy with the operations proposed. The Arboricultural Officer has made some additional recommendations which can be secured via appropriate conditions. The proposal therefore accords with Policy D.4 of the Adopted Plan.

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HIGHWAYS, ACCESS AND PARKING

- 4.11 The development would be accessed primarily off Habberley Road, however Plots 12 and 13 which front onto Habberley Road would have a separate driveway access. The County Council, as Highway Authority, have been consulted on the Transport Statement submitted with this application and are happy with the arrangements as shown on the proposed site plan. I am therefore satisfied that the development would not give rise to a situation which is detrimental to highway safety in accordance with Policy TR.9. The access road will be constructed to adoptable standards.
- 4.12 In terms of parking provision, the Council's current car parking standards would require 2 spaces per property. With each property having one garage and one driveway space, the proposal accords with the required levels and is therefore in compliance with Policy TR.17 of the Adopted Wyre Forest District Local Plan.
- 4.13 Car parking standards for The Briars, based on the size of the property, would require 19 spaces to be provided as a maximum figure. Having consulted with the Highways Officer who is satisfied that the proposed provision of 10 spaces is acceptable given the location of the pub within a dense residential area. A revised site plan showing a disabled car parking space and an area for service vehicles to serve The Briars is awaited, this will also address the concerns of the Access Officer in terms of the provision of disabled car parking spaces as detailed above. In light of the Highways Officer's comments I consider that the proposal is acceptable in terms of parking provision, in accordance with Policy TR.17 of the Wyre Forest District Adopted Local Plan.
- 4.14 One neighbour letter suggested a pedestrian crossing be provided on Manor Avenue to address existing crossing problems, however I do not consider this to be reasonable as the proposed development is unlikely to cause additional problems on Manor Avenue. Furthermore, the Highway Authority do not support this suggestion.
- 4.15 The Council's Access Officer has raised concerns as previously outlined above. With regards to the shared surface and the problems this may pose for disabled users, I consider that this issue relates to the concept of shared surfaces as a whole, however in this instance there will be a 1m wide service pedestrian strip to either side of the proposed access road, and in light of the positive response from the Highway Authority I do not consider the Access Officer's comments to hold sufficient weight to warrant a refusal in this instance.

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- 4.16 The Briars public house itself is not included within the red line of this application and is therefore not for consideration at this stage, I therefore do not consider it reasonable for the applicant to demonstrate, as requested by the Access Officer, that there is level access to the pub.
- 4.17 The Access Officer recommends that 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, this can be secured by condition.
- 4.18 Similarly to improve connectivity between the development and access to the Nature Reserve, the Conservation and Countryside Officer requested that a stile be located between Plots 4 and 5; this can be dealt with by condition also.

#### LANDSCAPING

- 4.19 The applicants have submitted a 'Landscape Character and Visual Impact Assessment' which includes indicative details of the proposed landscaping for the scheme, this as with the Tree Survey has been considered by the Arboricultural Officer who has no objections. The indicative scheme proposes adequate levels of soft landscaping, however a condition on any permission requiring full details to be submitted would ensure that the development complies with Policy D.11 and Policy D.13 of the Adopted Wyre Forest District Local Plan.

#### BIODIVERSITY AND NATURE CONSERVATION

- 4.20 The north of the application site shares a boundary with a wooded area of land which is currently in the same ownership as the application site. This area of land does not form part of this application. Beyond this area is the Local Nature Reserve of Blake Marsh. Adopted Local Plan policy states that developments which would have an adverse impact on such areas will not be supported. The applicants have submitted a bat survey, landscape character assessment and a badger report. The District Council's Conservation and Countryside Officer has been consulted and is happy that there would be no impact on the Local nature reserve and in terms of biodiversity the mitigation measures for bats, as detailed in the applicants' survey, are adequate to prevent undue disturbance being caused to this species. I am satisfied that no harm to biodiversity or nature conservation would arise as a result of this proposal and therefore it accords with Policy NC.2 of the Wyre Forest District Adopted Local Plan. Similarly the mitigation measures proposed to protect bats on site are acceptable and are in accordance with Policy NC.5 of the Plan.

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PLANNING OBLIGATIONS

4.21 The Adopted Planning Obligations Supplementary Planning Document identifies a requirement for developer contributions as set out in the following table, to which the applicant is willing to contribute:

Requirement	Offered Provision	Required By SPD
Open Space	£16,052.40 off site contribution	Yes
Education Contribution	£45,592 towards educational facilities	Yes
Public Realm	The applicant has agreed to provide a freestanding information board at the entrance to the Nature reserve as an improvement to public realm. The development itself will also contribute towards improving the visual amenity of the locality.	Yes
Biodiversity Contribution	Mitigation measures to ensure protected species are not disturbed as a result of the development and provision of Bat roosting boxes to encourage the return of the species.	Yes

4.22 The Education and Open Space contributions will need to be secured through a Section 106 agreement; however the Biodiversity and Public Realm contributions can be dealt with adequately by condition.

OTHER ISSUES

4.23 One neighbour letter recommended a number of works to the trees on site, all of these concerns have been addressed by the Arboricultural Officer and will form part of the tree works to be carried out on site.

4.24 Another neighbour letter raised concerns that The Briars would no longer be used as a pub, however the applicants have stated that the closure of The Briars is not their intention. The Planning Supporting Statement submitted with the application clearly states that the public house will be retained and re-opened as a small local public house.

4.25 The existing concrete fencing to the western boundary of the site at the entrance way to Blake Marsh is to be removed and replaced with close boarded fencing, to improve the visual appearance of the area and approach to the Nature Reserve, as well as to reduce the potential for graffiti.

**5.0 Conclusions and Recommendations**

5.1 The development by virtue of its design would contribute positively to improving the visual amenity of the streetscene and the area as a whole and would not harm the adjacent Local Nature Reserve or the setting of the Locally Listed Building. Careful consideration has been given to the impact of the proposal on the amenity of neighbours and it is considered that they would not be unduly affected. The proposal would not give rise to a situation which is detrimental to highway safety.

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5.2 After full consideration of the above issues and in consideration of Articles 1 & 8 of the Human Rights Act 1998, I recommend **delegated APPROVAL** subject to:

- a) the signing of a **Section 106 Agreement** to secure the following:
  - £45,592 Education contribution
  - £16,052.40 Open Space contribution
  
- b) the following conditions:
  1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. Materials
  4. Details of windows and doors to be submitted
  5. Details of enclosure to be submitted
  6. Owl/Bat boxes to be provided in accordance with mitigation strategy
  7. C17 (TPO Schedule works)
  8. Notwithstanding the detail in the tree survey the works as suggested by the Arboricultural Officer are to be carried out.
  9. Landscaping scheme to be submitted
  10. C13 landscape management plan
  11. E2 (Foul and surface water)
  12. E4 (Drainage prior to occupation)
  13. Hours of construction/demolition
  14. Highway conditions
  15. Level surface path to be provided to each property.
  16. Style to be provided
  17. Information board to be provided

Reason for Approval

The development by virtue of its design would contribute positively to improving the visual amenity of the streetscene and the area as a whole and would harmonise with the setting of the adjacent Locally Listed Building in accordance with Policies D.1 D.3 D.7 D.9, D.10, D.11 D.13, D.14 D.16, LB.1 and LB 5 of the Adopted Wyre Forest District Local Plan. The proposal complies with the requirements of Policies NC.2 NC.5 NC.7 and D.4 as it would not cause harm to the adjacent Local Nature Reserve, nor would it threaten protected trees. Careful consideration has been given to the impact of the proposal on the amenity of neighbours and it is considered that they would not be unduly affected. The proposal would not give rise to a situation which is detrimental to highway safety in accordance with Polices TR.7, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan. The proposal therefore accords with the policies listed above.

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- 5.3 In the event that the Section 106 Agreement is not signed by the 13th October 2008, it is recommended that the application be REFUSED for the following reason:
1. The applicants have failed to enter in to an agreement under S.106 of the Town and Country Planning Act 1990 (as amended) to secure contributions for education facilities and contributions towards Public Open Space as is required by the Supplementary Planning Document on Planning Obligations. In the absence of this agreement the proposed scheme fails to comply with Policies LR.1 and NC.5 of the Adopted Wyre Forest District Local Plan, the Supplementary Planning Document on Planning Obligations and Government Advice in Planning Policy Statement 9: Biodiversity and Geological Conservation.

<b>Application Reference:</b>	08/0739/FULL	<b>Date Received:</b>	29/07/2008
<b>Ord Sheet:</b>	386426 277848	<b>Expiry Date:</b>	23/09/2008
<b>Case Officer:</b>	Julia Mellor	<b>Ward:</b>	Blakedown and Chaddesley

**Proposal:** Demolish and build new stable block on the site of the former coachmans cottage

**Site Address:** PARK HALL, BIRMINGHAM ROAD, KIDDERMINSTER, DY103NL

**Applicant:** Mr R Stevens

<b>Summary of Policy</b>	GB.1 GB.2 GB.6 D.1 D.3 D.5 LB.1 LB.4 LB.5 EQ.2 EQ.3 TR.9 TR.17 (AWFDLP) D.38 D.39 CTC1 CTC19 (WCSP) QE1 QE3 QE5 QE6 9 (WMRSS) PPG2 PPG15
<b>Reason for Referral to Committee</b>	Development Control Manager considers that application should be considered by Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The application site forms part of Park Hall, a dwelling with its associated outbuildings which front the A456 dual carriageway between Kidderminster and Blakedown. Park Hall is Grade II listed as are the outbuildings and the whole site lies within the Green Belt. The site is accessed off Perryford Lane.
- 1.2 The current planning application encompasses the existing building known as 'Coachmans Cottage'. This is an unlawful 'L' shaped brick building which was constructed sometime prior to 2004 and it is proposed to replace the existing unlawful building with a timber boarded stable block measuring 11m in length by a depth of 3.5m.

## 2.0 Planning History

- 2.1 There is extensive planning history to the Park Hall site, however the most recent and relevant to 'Coachmans Cottage' is as follows:

05/0961/FULL & 05/0963/LIST – Partial demolition and reconstruction of outbuildings and retention of replacement buildings (known as Coachmans Cottage, Gardeners Cottage, Keepers Cottage, Dairy Cottage) for residential use with occupancy to be restricted to holidaymakers or employees at Park Hall (retrospective); conversion of Activity/Play Barn to provide granny annex;

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alterations to existing swimming pool including provision of canopy; alterations to existing machinery/implement store, including creation of first floor storage area; erection of 5 bay car port to replace arched storage building and chicken shed and replacement garage/workshop; relocation of oil storage tank, septic tank, fencing, improvements to access to Perry Foot Lane and upgrading of shared internal driveway and access area : Withdrawn

06/0846/FULL & 06/0847/LIST: Amend approval WF.739/04 for conversion of stables, demolition of existing garage / workshop & part demolition of Coachmans Cottage to create replacement garage – refused 20.09.06

- 2.2 In addition to the planning history it should also be noted that a total of six enforcement and listed building enforcement notices have been served against unauthorised works at the site. With respect to Coachmans cottage an enforcement notice was served on 14<sup>th</sup> July 2005 which required the demolition of the existing unlawful building together with its associated garden walls, fences and hardstanding. The appeal decision dated 23 November 2006 upheld the notice subject to certain amendments and Coachmans Cottage was required to be demolished within 12 months of the decision. To date this has not happened as an application to rectify the situation was anticipated.

### **3.0 Consultations and Representations**

- 3.1 Churchill and Blakedown Parish Council – No objections
- 3.2 Highway Authority – No objection
- 3.3 Conservation Officer – No objections. This will present more unity and better setting for the Listed Building and its curtilage structures. Recommend approval subject to conditions.
- 3.4 Environmental Health - No adverse comments
- 3.5 Access Officer - The access statement fails to consider any potential issues that disabled people may have with the proposed development. Although there may be a limit to the level of physical disability which the use of this building can accommodate safely, this must be explained in the access statement. Request accurate access statement in accordance with the Council's Practice Note.
- 3.6 Worcestershire County Council (minerals) – Awaiting comments
- 3.7 Natural England - Awaiting comments
- 3.8 Pipeline Authority – Awaiting comments

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- 3.9 Worcestershire Wildlife Trust – The site falls close to a special wildlife site and we would suggest that the proposal be supported by an ecological appraisal. This should cover protected species and ought to encompass the likely impacts of the development together with proposals for necessary mitigation and enhancement in line with PPS9 and the NERC Act 2006.
- 3.10 Neighbour/Site Notice – No representations received

#### **4.0 Officer Comments**

- 4.1 The application seeks consent to demolish the existing unlawful Coachmans Cottage which is an 'L' shaped two bedroom brick built dwelling with a floorspace of 106 square metres and ridge height of 5.8m. This would be replaced by a stable of 38.5 square metres in area and a ridge height of 3.5 metres.
- 4.2 Whilst it is acknowledged that the proposal would remove an unlawful building the planning merits of the proposed replacement stable should be considered. The main issues to consider are whether the:
- development is appropriate the Green Belt;
  - proposals affect the openness and visual amenity of the Green Belt;
  - development has a satisfactory impact upon the setting of the listed building; and
  - impact upon highway safety is acceptable.
- 4.3 With respect to Green Belt policy the construction of new buildings is generally inappropriate, there are however some exceptions as listed in PPG2 and Policy GB.1 of the Adopted Local Plan. One such exception is the provision of essential facilities for outdoor sport or recreation. Policy EQ.2 helps to define the size of such essential facilities by suggesting that it is reasonable to limit private individual keepers of horses to a maximum of two loose boxes and a store room within one structure. The size of the proposed stable block accords with the size suggested under Policy EQ.2 and it is considered that the proposed stable block can be considered to be appropriate development within the Green Belt.
- 4.4 The proposed siting of the stable does not protrude any further into the open countryside than the adjacent buildings and therefore it is considered that it would not be detrimental to the openness of the Green Belt. Furthermore it is considered that the proposed timber boarded elevations with a slate roof would be appropriate to the visual amenity of the area.
- 4.5 Again due to its size and materials it is considered that the proposal would not detract from the setting of the listed buildings.

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- 4.6 Due to the size of the proposal which would only provide two horse boxes it is not considered that the development would generate enough vehicles to be detrimental to highway safety. The Highway Authority does not raise objections and a condition could ensure that the stable block is only used for private use.

## 5.0 Conclusions and Recommendations

- 5.1 The previous applications 06/0846/FULL and 06/0847/LIST sought approval to convert the front part of Coachmans Cottage facing the courtyard to provide a workshop and garage. The rear part was to have been demolished. Whilst there were no objections in principle to the building the proposal was refused for a total of three reasons.
- 5.2 The reasons related to the size of the structure which was why it was deemed to be inappropriate development within the Green Belt. Furthermore the cottage, which was proposed to be converted, is built in orange - red brick with blue engineering brick detailing and has clay tiles. It was considered that the structure, due to its materials, scale and position was unsympathetic to the setting of the listed structures and the amenity of the Green Belt.
- 5.3 It is considered that these reasons have now been resolved and the development is appropriate within the Green Belt with satisfactory materials and an acceptable scale and massing.
- 5.4 I therefore recommend **APPROVAL** subject to the following conditions:
1. The demolition of the building known as Coachmans Cottage hereby approved shall occur within 6 months of the date of the permission, with the replacement stable block commenced before the expiration of three years from the date of this permission.
  2. B6 (External materials to comply with approved plan, not application forms)
  3. Notwithstanding condition No. 2, samples of materials to be submitted and agreed
  4. Staining of timber boarding to be agreed and timescale
  5. J11 (No commercial use (stables / Park Hall))

### Reason for Approval

The proposed stable block to replace Coachmans Cottage is considered, due to its size and scale to be appropriate development within the Green Belt. Furthermore due to the proposed materials and position within the complex of buildings it is considered that it would not detract from the openness or the visual amenity of the Green Belt or the setting of the adjacent listed buildings. It is therefore considered that it accords with the policies listed above.

**Application Reference:** 08/0740/FULL & 08/0741/LIST      **Date Received:** 29/07/2008  
**Ord Sheet:** 386426 277848      **Expiry Date:** 23/09/2008  
**Case Officer:** Julia Mellor      **Ward:** Blakedown and Chaddesley

**Proposal:** Extend former squash courts with fire escape porch and carry out alterations to existing building to form office suite and cinema room

**Site Address:** PARK HALL, BIRMINGHAM ROAD, KIDDERMINSTER, DY103NL

**Applicant:** Mr R Stevens

<b>Summary of Policy</b>	GB.1 GB.2 GB.6 D.1 D.3 D.5 LB.1 TR.9 TR.17 E.9 RB.1 RB.5 (AWFDLP) D.38 D.39 CTC1 CTC19 (WCSP) QE1 QE3 QE5 QE6 (WMRSS) PPG2 PPG15
<b>Reason for Referral to Committee</b>	Development Control Manager considers that application should be considered by Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 This the second committee report regarding development at Park Hall, a Grade II listed building with associated listed outbuildings set back from the A456 between Kidderminster and Blakedown. The site lies within the Green Belt and is accessed off Perryford Lane.
- 1.2 The applications for planning and listed building consent seek approval for works to one of the outbuildings which is a brick built barn and has over previous years been in use as a squash court. More recently the building has been in use for storage purposes.

## 2.0 Planning History

- 2.1 There is extensive planning history to the Park Hall site, however the most recent and relevant to this particular building is as follows:

WF.826/01 – Vehicular access with metal gates / cattle grid and driveway from Perryford Lane : Approved 06/11/01

08/0740/FULL & 08/0741/LIST

WF.0046/04 – Change of use to office from squash court : Not determined (granted delegated approval subject to the signing of a Section 106 Agreement – not signed)

07/0475/LIST - Installation of new windows, removal of rooflight & tile replacement at existing squash court building : Refused 26.06.07

- 2.2 It should also be noted that a total of six Enforcement and Listed Building Enforcement Notices have been served against unauthorised works at the site. None of these however refer to the former squash court building.

### **3.0 Consultations and Representations**

3.1 Churchill and Blakedown Parish Council - No objections

3.2 Highway Authority - No objections subject to condition

3.3 Access Officer - The Access Statement fails to consider any potential issues that disabled people may have with the proposed development. Although there may be a limit to the level of physical disability which the use of this building can accommodate safely, this must be explained in the access statement. Request accurate access statement in accordance with the Council's Practice Note

3.4 Conservation Officer – No objections subject to conditions

3.5 Worcestershire County Council (Minerals) - Awaiting comments

3.6 Natural England - Awaiting comments

3.7 Pipeline Authority - Awaiting comments

3.8 Neighbour/Site Notice – No representations received

### **4.0 Officer Comments**

- 4.1 The building concerned lies within the centre of the estate and adjoins the existing garages. Approval is sought for the following:
- i) the change of use of former squash court to cinema room at ground floor with office suite above (maximum 9 office workers);
  - ii) a 3.5 square metre extension to the existing porch entrance to provide a fire exit; and
  - iii) the replacement of the existing single rooflight measuring approximately 13.8 square metres in area by 4 smaller rooflights each measuring 0.35 square metres.

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- 4.2 Members will note from the planning history that an application still awaits determination for the change of use of this building to offices. The Section 106 Agreement which was never signed was drafted to restrict the use of the offices to employees of the owner of the estate.
- 4.3 The main differences with these applications are the addition of a mezzanine floor to provide two floors of accommodation (cinema room with office above) and the physical alterations to the interior and exterior of the building.
- 4.4 Turning to the proposed use, under Policy GB1 of the Adopted Local Plan, it is considered that the conversion of the building is appropriate development within this green belt location. Whilst a minor extension is proposed it is not associated with a change of use to provide a dwelling and therefore it is considered that it can be tolerated under Policies RB.1 and RB.5. Furthermore, due to its size it is considered acceptable under Policy E.6.
- 4.5 It is considered that a suitably worded condition to ensure that the offices remain ancillary to the dwellinghouse would ensure that the proposed use is appropriate at this rural location.
- 4.6 There are two existing access points to Park Hall, the main entrance off Perryford Lane and a secondary access leading to The Lodge, another separate dwelling adjacent to the A456, off the main dual carriageway. When considering the 2004 application, the Highways Agency deliberated the intensification of uses on the site and access to the site via the two existing access points. Subsequently they recommended a condition to restrict the use of the secondary access. The Highway Authority again raise no objections subject to a condition to stop up the existing driveway between The Lodge and Park Hall to prevent vehicles leaving the site via the secondary access. The A456 is no longer a trunk road and therefore the Highways Agency is no longer the relevant authority with respect to planning consultations.
- 4.7 It is considered that the extension to provide a larger porch would not affect the existing character or setting of the listed building whilst the proposed replacement rooflights would improve the appearance of the building.
- 4.8 It is considered that the separation distance to the Hurcott & Podmore Pools Site of Special Scientific Interest (SSSI), the intervening structures on site and the minor works to the exterior of the building would negate a significant impact upon this ecologically important site.
- 4.9 Whilst the comments from the access officer have been considered, it is felt that more significant alterations to provide a fully accessible building would detract from the character and appearance of the listed building.

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## 5.0 Conclusions and Recommendations

5.1 If the use is restricted to employees of the owner it is considered that it would be acceptable at this location, whilst the proposed alterations to this listed building would be appropriate and even an improvement in the case of the rooflights.

5.2 I therefore recommend **APPROVAL** subject to the following conditions:

Application 08/0740/FULL

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Only the first floor shall be used as an office ancillary to the dwellinghouse known as Park Hall and for no other purposes in Class B1(a)
4. The building as identified on the site plan shall not be occupied or used except by [the Owner] of Park Hall and the following employees of [the owner]:
  - The owner's secretary (1)
  - The owner's legal assistant (1)
  - The owner's legal trainee who supports the said legal assistant (1)
  - The owner's financial director (1)
  - The owner's financial trainee who supports the said financial director (1)
  - A maximum of 4 estate staff during the exercise of their normal estate duties at Park Hall
5. Details of materials of extension and replacement roof tiles
6. Large scale details of the proposed rooflights
7. Sections and profiles of new windows and doors
8. Details of stopping up of access driveway between The Lodge and Park Hall.

### Reason for Approval

The proposed change of use to provide a cinema room and office suite above would, with suitably worded conditions to control the nature of the use be appropriate development within the green belt with no significant impact upon highway safety. The proposed alterations are considered would harmonise with the character, appearance and setting of the listed building. It is therefore considered that the development accords with the policies listed above

08/0740/FULL & 08/0741/LIST

Application 08/0741/LIST

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. Details of materials of extension and replacement roof tiles
4. Large scale details of the proposed rooflights

Reason for Approval

The proposed alterations to this curtilage listed building would enhance its character and appearance. It is therefore considered to accord with the policies listed above.

<b>Application Reference:</b>	08/0749/FULL	<b>Date Received:</b>	01/08/2008
<b>Ord Sheet:</b>	372392 275336	<b>Expiry Date:</b>	26/09/2008
<b>Case Officer:</b>	Stuart Allum	<b>Ward:</b>	Rock

**Proposal:** Alterations & extension (alterations to previous permission 08/0030/Full)

**Site Address:** GLEN VIEW, KINLET ROAD, ROCK, KIDDERMINSTER, DY149UA

**Applicant:** Mr M Kingston

<b>Summary of Policy</b>	D.1, D.3, D.5, D.17, LA.1, LA.2, NR.9 TR.9 (AWFDLP) CTC.1, SD.2, (WCSP) QE.1, QE.3, QE.7 (WMRSS)
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

## 1. Site Location and Description

- 1.1 Glen View is an existing dwelling located in a rural area to the North West of the settlement known as Far Forest. This is an area of very sporadic residential development, all being within a Landscape Protection Area.
- 1.2 The large domestic curtilage of Glen View is located on the east side of Kinlet Road close to the junction with Station Road. There is one neighbouring property immediately to the north of the site, and also a neighbour almost opposite. The dwelling is a typical 1920's/1930's detached bungalow with hipped roof and feature front gable. The works to alter and extend the property commensurate with Planning Permission 08/0030/FULL are almost complete.

## 2.0 Planning History

- 2.1 KR127/68 - Construction of verandah, porch and bay window, replacement of all other existing windows, garage and workshop : Approved
- 2.2 KR129/71 - Renovation of existing store shed for use as a builder's store : Approved
- 2.3 08/0030/FULL – Alterations and extensions : Approved 25/3/08

08/0749/FULL

### **3.0 Consultations and Representations**

- 3.1 Rock Parish Council – Objection to the proposal and recommend refusal; the application is out of scale and keeping to the original dwelling.
- 3.2 Highway Authority – No objections
- 3.3 Neighbour/Site Notice – No representations received

### **4.0 Officer Comments**

- 4.1 This application focuses on a number of elevational and fenestration changes to the original approved scheme. These modifications, listed below, do not alter the basic shape or character of the extended dwelling, but are not considered 'minor enough' to be dealt with under the minor amendments procedure.
- 4.2 The changes under consideration are:
  - 1. Kitchen area reduced by 600m on east and north walls
  - 2. Kitchen window on north wall deleted
  - 3. Kitchen windows on east wall increased to 3.6m wide
  - 4. Dining room window to be French windows and increased to 2.4m wide
  - 5. Bedroom 2: window on north wall deleted and two 600m windows added to south wall
  - 6. Living Room bay window to have brick piers; second window on north wall deleted
  - 7. Bay window in breakfast area moved to a more central position
  - 8. Dressing Room and master bedroom dormer windows deleted and replaced by velux
  - 9. Landing window to be dormer window, not velux
  - 10. Upstairs en-suite dormer deleted and replaced by velux
- 4.3 Overall, this revised application continues to represent a scheme of extensions which pays due regard to the fundamental requirements of extensions policy.

### **5.0 Conclusions and Recommendations**

- 5.1 This proposal, in revised form, meets the requirements of the appropriate policies and other guidance.

08/0749/FULL

5.2 In consideration of Articles 1 & 8 of the Human Rights Act 1998, it is therefore recommended that this application be **APPROVED** subject to the following conditions:

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

Reason for Approval

The proposed extensions in revised form are considered to be of an appropriate scale and design in relation to the original dwelling and are sympathetic to the setting within the Landscape Protection Area. The impact of the extensions upon the neighbouring properties has been carefully assessed and it is considered that no serious harm to amenity will occur as a result of the development. For these reasons the proposal is considered to be in compliance with the policies listed above

<b>Application Reference:</b>	08/0785/FULL	<b>Date Received:</b>	13/08/2008
<b>Ord Sheet:</b>	382993 279551	<b>Expiry Date:</b>	08/10/2008
<b>Case Officer:</b>	Emma Anning	<b>Ward:</b>	Wolverley

**Proposal:** Construction of garages in lieu of carports (Amendment to Planning Approval 07/0605/FULL)

**Site Address:** LIVE & LET LIVE P H, BLAKESHALL LANE, WOLVERLEY, KIDDERMINSTER, DY115XE

**Applicant:** Greenfield Homes Ltd

<b>Summary of Policy</b>	D.1 D.3 D.9 D.13 D.15 GB.1 GB.6 CA.1 TR.9 TR.17 (AWFDLP) D39 (WCSP) QE.3 QE.5 (WMRSS) PPG 2; PPG 15
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

1.1 The application site is the former Live and Let Live pubic house which is located on Blakeshall Lane, Wolverley. The site is within Flood Zone 2/3, is within a Conservation Area and is washed over by Green Belt.

### 2.0 Planning History

2.1 07/0605/FULL - Demolition of existing Live and Let Live public house and erection of 10 no. 2 bed apartments with associated garaging and parking : Approved 23/10/07

### 3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Recommend refusal. The Parish Council are extremely concerned that the conditions imposed on the original plans passed have not been imposed to this amendment and the conservation officer has concerns over the proposals. The positioning has been altered and the garages have already almost been fully constructed.

08/0785/FULL

- 3.2 Access Officer – The submitted Design Statement does not contain the required access element to give a comprehensive assessment of the whole scheme in relation to its setting and functionality and its suitability for use by disabled people.  
Where is the provision for disabled user parking, for visitors, and garaging, for residents? Provision was made previously on the approved plan, see attached.  
There must be a hard surfaced pedestrian route from the disabled user spaces to the level entrance to the dwelling.
- 3.3 Conservation Officer – The original plans have been revised and I am now happy that the scheme would not detract from the setting of the Conservation Area. No objection and recommend approval.
- 3.4 Neighbour/Site Notice – One letter received from neighbour in support of the application. The main points raised are:
- We are entirely happy that the site is upgraded by increasing expenditure with the construction of garages in lieu of car ports. The fact that the garages will have tiled roofs confirms the overall quality of the development.
  - I understand that there is pressure to construct some garages or carports as provided for in the original drawings immediately North west of the new apartments. The site is far more obtrusive to Lucas House, we shall not be happy if current construction which is an improvement to the overall design reverts to the original.
  - What is now happening is a vast improvement on what had previously become a large derelict site in the centre of a lovely Conservation Area.

#### **4.0 Officer Comments**

- 4.1 Consent is sought to amend the existing permission (07/0605/FULL) to construct garages in lieu of car ports at the above site. Members should be aware that the developer has already commenced some of the works in this regard, but has since been advised to cease works in respect of the garages, pending the determination of this current application.
- 4.2 The key policy considerations in this instance are GB.1 GB.6 and CA.1 which will seek to ensure that the development proposed is acceptable in this Green Belt location and that it would not unduly impact on the setting and landscape character of the Conservation Area.

08/0785/FULL

- 4.3 Green Belt policy states that development is only appropriate where it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The matter of whether or not carport/garage structures are appropriate in this location was addressed as part of the original planning consent and as such the principle of car parking structures has already been approved. This application seeks to alter the design and siting of those structures and therefore the primary consideration is the impact of the revised design and position on the openness and visual amenity of the Green Belt
- 4.4 The original permission shows 2 detached 5-bay car ports with tiled roofs and timber frames. These car ports were to be sited to the east and to the north west of the proposed apartments. The current scheme proposes to position a 5-bay garage on the same site as the approved 5-bay car port to the east of the apartment block. The more significant alteration is to the parking arrangement at the north west of the application site. It is proposed to replace the single 5-bay car port with 2 smaller detached garage structures. These would be positioned in the same vicinity but each block would sit at right angles to Blakeshall Lane. In terms of the impact these changes would have on the Green Belt, I am satisfied that there would be no greater impact on openness than would be the case with the current approved scheme by virtue that the total overall mass of built structures would not change. The siting of the garages to the North West would ensure that they are well screened by existing vegetation around the site and the proposal would not therefore lead to an increased impact on openness. The proposal would therefore not be detrimental to the openness of the Green Belt and the proposal therefore accords with Policy GB.1 of the Adopted Local Plan. In this regard, careful consideration has been given to the proposed roof designs, which will present gables at the critical points in a manner similar to a number of buildings within the immediate vicinity, within the Conservation Area.
- 4.5 In terms of design the proposed garages would differ from the carports in that they would be fully brick built as opposed to timber clad, and would have garage doors to the fronts. The Conservation Officer has been party to extensive discussion with the applicant and the design has been revised in order to ensure that there is no detrimental visual impact caused to the Conservation Area, in accordance with CA.1 of the Adopted Plan.
- 4.6 The overall level of parking provision would not alter as a result of the proposed changes and as such I am satisfied that the proposal will accord with Policies TR.9 and TR.17 of the Adopted Local Plan and that there would be no adverse impact on highway safety as a result of the proposal.
- 4.7 The layout of the hard surfacing proposed will change due to the amended positioning of the garages however it is not felt that this would cause visual harm to the locality and as such the proposed changes are acceptable.

08/0785/FULL

- 4.8 The Parish Council have raised concerns that the pre-start conditions attached to permission 07/0605/FULL have not been complied with and are still outstanding, I can however confirm that this is not the case and that all relevant conditions have been discharged to the satisfaction of the local Planning Authority. As mentioned above the Conservation Officer does not have any objections to this proposal.
- 4.9 The District Council's Access Officer has raised concerns that the original plans did not make provision for disabled parking, however this has been addresses on the revised plan and I am satisfied therefore that the Access Officer's concerns have been overcome.

## 5.0 Conclusions and Recommendations

- 5.1 The proposal is considered to be appropriate development in this Green Belt location which would not cause harm to openness. The impact of the proposal on the amenity of neighbours and on the visual amenity and setting of the Conservation Area has been carefully assessed and it is considered that there would be no undue impact.
- 5.2 The proposal therefore complies with the relevant policies as listed. 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 to match those of the main dwelling.
  4. Details of hard surfacing to be submitted

### Reason for Approval

The proposal is considered to be appropriate development in this Green Belt location which would not cause harm to openness. The impact of the proposal on the amenity of neighbours and on the visual amenity and setting of the conservation area has been carefully assessed and it is considered that there would be no undue impact. The proposal therefore complies with the relevant Local Plan policies as listed.

<b>Application Reference:</b>	08/0819/FULL	<b>Date Received:</b>	27/08/2008
<b>Ord Sheet:</b>	379577 277275	<b>Expiry Date:</b>	22/10/2008
<b>Case Officer:</b>	James Houghton	<b>Ward:</b>	Wribbenhall

**Proposal:** Single storey extension ( Re-submission of refused application 08/0443/Full.)

**Site Address:** WASSELLWOOD BARN, HABBERLEY ROAD, BEWDLEY, DY121LD

**Applicant:** Mr R Bruce

<b>Summary of Policy</b>	D.1, D.3, D.5, RB.1, RB.5, LA.1, LA.2, GB.1, GB.2, GB.6 (AWFDLP) CTC.1, CTC.4, CTC.21, D.16, D.39 (WCSP) QE.1, QE.3, QE.6 (WMRSS)
<b>Reason for Referral to Committee</b>	Councillor request for application to be considered by Committee
<b>Recommendation</b>	<b>REFUSAL</b>

### 1.0 Site Location and Description

1.1 The application site is a converted barn accessed off a private drive and set approximately 1.0km from Habberley Road. The site is within the Green Belt and is close to the Grade II listed Wassell Wood House as well as another converted barn, a stable block and a manège. The barn retains many of its original features.

### 2.0 Planning History

- 2.1 WF.1262/88 - Change of use of barn to dwelling : Approved 14/02/89. Permitted development rights removed
- 2.2 08/0443/FULL - Single storey extension : Refused 20/06/08.

### 3.0 Consultations and Representations

- 3.1 Kidderminster Foreign Parish Council – No comments received.
- 3.2 Highway Authority – No comments received.
- 3.3 Conservation Officer – The proposals are contrary to Adopted policy with relation to extensions et al on conversions of agricultural buildings. Refusal is recommended on these grounds.

08/0819/FULL

3.4 Neighbour/Site Notice – No representation received.

#### **4.0 Officer Comments**

- 4.1 The application property was converted from a barn to a residential dwelling in 1989. The barn is of brick construction roofed with clay tiles, since the conversion no extensions have been added. The applicant seeks permission to add a single storey extension to create a further bedroom.
- 4.2 The applicant has provided a letter from a Consultant Surgeon recommending that the father of the applicant resides with the applicant. Although the companion to Planning Policy Statement 1 states that, exceptionally the personal circumstances of the applicant can be taken into account as a material consideration in the determination of a planning application, such arguments will seldom outweigh more general planning considerations.
- 4.3 The applicant has provided a letter from a planning consultant supporting the application. The letter sets out the context for the proposal, a justification for the design; and, an interpretation of the relevant policy. The case is made that Planning Policy Guidance Note 2 allows for the erection of extensions to rural properties and as such Policy RB.5 of the Adopted Wyre Forest District Local Plan is based on incorrect logic and misinterpretation of Planning Policy Guidance Note 2.
- 4.4 The application property would be classified as a traditional agricultural building using the classifications set out in paragraph 7.95 of the Adopted Wyre Forest District Local Plan. Traditional agricultural buildings are characterised by their high amenity, architectural, historic or cultural value and as such Policy RB.1(ii) sets out to protect the form of these structures if they are to be reused and adapted, often in conjunction with the removal of permitted development rights. Policy RB.5 maintains this protection by stating that extensions to dwelling created through the reuse and adaptation of rural buildings will not be permitted. Permitted Development rights were removed from this property when permission was granted for the conversion to a residential use was approved through application WF.1262/88, it is considered appropriate to apply Policy RB.5 to the proposed development. Whilst Planning Policy Guidance Note 2 permits extensions to properties within the Green Belt Policies RB.1 and RB.5 apply to all rural buildings and, as such, the planning consultants' case for misinterpretation of the Planning Policy Guidance Note is not considered pertinent.
- 4.5 In design terms the proposed extension would be considered acceptable as features of the original building such as fenestration and roof shape and style have been replicated.

08/0819/FULL

## 5.0 Conclusions and Recommendations

- 5.1 The personal circumstances of the applicant are taken into account however, given that the application property is a converted rural building, the proposed development is not considered acceptable and is contrary to the provisions of Policy RB.5 of the Adopted Wyre Forest District Local Plan and would also be contrary to Policy D.16 of the Worcestershire County Structure Plan.
- 5.2 For the reasons given above, I recommend **REFUSAL** for the following reason:
1. The proposed extension would result in an extension to a dwelling which has been created through the re-use and adaptation of a rural building. This is clearly contrary to Policy RB.5 of the Adopted Wyre Forest District Local Plan and would also be contrary to Policy D.16 of the Worcestershire County Structure Plan and Policy QE.6 of the West Midlands Regional Spatial Strategy.



08/0835/ADVE

#### 4.0 Officer Comments

- 4.1 Policy AD1 of the Local Plan sets out the criteria for considering proposals for advertisements. It states that advertisements must
- i) not, individually or cumulatively detract from the appearance and character of the area in which they are displayed and/or the building on which they are displayed;
  - ii) safeguard and enhance the legibility, safety and security of the pedestrian environment;
  - iii) not detract or confuse the users of highways, navigable waterways and railways;
  - iv) not obstruct a highway, either directly or through maintenance requirements and;
- 4.2 Policy AD.5 relates to advance warning signs and requires advertisements to be closely related to the premises which they relate. The Council would therefore normally resist new advertisements for businesses where the advertisement is not sited in close proximity to the business that it relates to.
- 4.3 This application however is a result of a wider Council initiative to facilitate sponsorship of traffic islands by individual companies to raise income which is then used to enhance the appearance of traffic islands within the District. There has been extensive consultation between Officers in Development Control and Cultural, Leisure and Commercial Services and also the Highway Authority to ensure that such signage is carefully designed to minimise any harm to the visual amenity of the area and to ensure that there is no adverse impact on highway safety.
- 4.4 The individual sponsorship signs will be of the same size: 650mm wide x 350mm high, with an overall height of 800mm. Although individual signs will display an advert for the sponsoring company they will all have the same configuration in terms of size and position of text. The signs will also be displayed on a standard structure comprising two black steel poles with the signage in between.
- 4.5 Based on the information submitted with the current application, I consider the design and scale of the proposed signage to be acceptable. Due to the limited size of the signage structures they will not result in a feature which is visually intrusive or detrimental to visual amenity.

08/0835/ADVE

- 4.6 In this case the application is for the siting of three freestanding signs on this traffic island which I consider to be an appropriate number in view of the size of the island. I do not feel that the three signs would result in the visual 'cluttering' of the traffic island.
- 4.7 With regards to the impact on highway safety, as stated previously the Highway Authority have been involved in this Council initiative and gave advice at an early stage on the suitability of traffic islands for such advertising and also on the maximum size of signage which would be considered acceptable. Although the views of the Highway Authority have not yet been received, I am satisfied that the proposed signage will not give rise to a situation which is detrimental to highway safety.

## 5.0 Conclusions and Recommendations

- 5.1 For the reasons outlined above I consider the proposed advertisements to be acceptable. I therefore recommend **APPROVAL** subject to the following conditions:
1. L1 (Standard Advertisement condition)
  2. L9 (Standard Advertisement time condition)
  3. Before the signage hereby permitted is installed details of the material of the advertising board shall be submitted to and approved in writing by the Local Planning Authority.



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## **2.0 Planning History**

- 2.1 WF.37/89 – Sheltered Housing (39 Flats) : Refused
- 2.2 WF.726/91 – 25 dwellings : Approved
- 2.3 WF.623/92 – Residential flat scheme 34 units : Approved
- 2.4 WF.48/94 – Warehouse : Refused
- 2.5 WF.434/94 – Certificate of Lawful Use (Dancehall) : Approved
- 2.6 05/1208/FULL – Residential development for 38 flats : Withdrawn
- 2.7 06/0300/FULL - Residential development for 38 flats : Approved
- 2.8 06/1242/FULL – Residential development for 42 flats : Approved

## **3.0 Consultations and Representations**

- 3.1 Housing Services Manager – Supports the variation of the S.106 In the current economic climate, Housing Association partners are unwilling to undertake further shared ownership schemes. The variation will allow a housing association to purchase the 12 flats for social rented (subject to funding from the Housing Corporation) and / or for intermediate rented (below open market rents) and secure these units for affordable housing.
- 3.2 Neighbour/Site Notice – No comments received

## **4.0 Officer Comments**

- 4.1 The original approval secured 12 units for affordable housing with the agreed tenure of shared ownership.
- 4.2 The applicants have been negotiating with West Mercia Housing Association and other partner Associations however, due to the current economic climate, the shared ownership tenure is not favoured by any of the Council's partner RSL's.
- 4.3 Section 106A of the Town and Country Planning Act 1990 (as amended) gives developers the ability to amend or modify a S.106 agreement. As this application has been submitted within 5 years of the Agreement being signed, the Local Planning Authority has the ability to consider whether a deed of variation should be approved without the applicants having any right of appeal

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- 4.4 The proposed variation seeks to change the S.106 to allow the 12 affordable housing units to be social rented or intermediate market rented. Both of these forms of tenure are accepted and encouraged by PPS3. This also allows flexibility to the developers to secure the affordable housing on this site. The number of units would not be altered as part of this variation.
- 4.5 There are on going discussions between the Developer, the RSL and the Housing Service Manager as to which of the options is preferred, however it is my view that both option provide flexibility to the developer, and as such I am willing to support the variation in which ever form the Housing Manager sees fit.
- 4.6 Where mortgage funding is required to finance a scheme, a mortgagee in possession clause is required before Lenders will agree to provide that funding. This is therefore inserted into all S.106 agreements where there are ongoing obligations such as affordable housing provision. The effect of this clause is that, if a mortgagee repossesses properties and is then unable to sell them to an RSL within a specified time period, they are able to sell free of the affordable housing obligations. By allowing the variation, this will maximise the marketability of the units to an RSL in the event that the affordable housing units are repossessed by a Lender and so maximise the chance of the affordable housing units being retained for that purpose.

## 5.0 Conclusions and Recommendations

- 5.1 The proposed variation would offer greater flexibility in the tenure of the units of affordable housing especially in view of the circumstances of the applicant in the current financial climate.
- 5.2 I therefore recommend **delegated** authority be given to the Head of Legal and Democratic Services in consultation with the Head of Planning, Health and Environment to **vary the Section 106 agreement to revise the tenure of the affordable housing units** from shared ownership to social rented or intermediate market rented.

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