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2.0 Planning History

- 2.1 07/0169/FULL – Erection of 4 no. dwellings with access from Mill Close : Refused 07/03/07
- 2.2 07/0298/FULL – Erection of 4 no. detached dwellings : Refused 10/05/07

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council (Original plans) – Strongly recommend refusal. As this land was conveyed on 25th November 1957 to the Church 'as a site for a Parsonage House' the Parish Council considers that the development of the land as proposed is in conflict with the covenant. Being specifically for one property therefore restricts what can be done with the site. Because of this covenant the Parish Council has identified this land as suitable for development within the 'exceptions' policy, which would contribute towards the social and affordable housing need in the village. Notwithstanding the above, the Parish Council considers that this proposal is for the wrong type of housing, as there is a need for smaller, affordable units. Also the proposed dwellings would lead to overlooking of existing properties and cause a loss of privacy.

(Revised plans) – It is noted that the additional and revised information did not relate to major aspect of the development, such as the type of development and the access off Mill Close, but to relatively minor matters, and the Parish Council did not consider that these overcame any of the objections raised in the consultation reply dated 17th September 2009 and the letters dated 28th October and 11th December 2008.

To restate, the Parish Council objects primarily on the following grounds:

1. The large dwellings proposed are not appropriate for this site, when the need is for smaller, low cost housing in the village and parish
2. The current scheme is still likely to lead to overlooking of adjacent properties, causing loss of privacy
3. The access arrangements are likely to lead to traffic problems in Mill Close, causing danger to users of the highway.

The Parish Council continues to support the objections put forward by the local residents.

- 3.2 Highway Authority – No objection

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- 3.3 Worcestershire Wildlife Trust - We note the contents of the ecological survey and would suggest that you progress the application with a condition to cover some form of ecological enhancement in line with PPS9 and your duties under the NERC Act.
- 3.4 Severn Trent Water - No objection subject to condition regarding sustainable drainage
- 3.5 Arboricultural Officer – No objections subject to conditions (see paragraph 4.10 for more detail)
- 3.6 Access Officer –
1. Given the provision of Lifetime Homes on the site the car parking layout must provide adequate potential for disabled user dimensioned spaces (6m x 3.6m).
 2. Separate, protected, level pedestrian access is required from the public highway, along the access drive, to all front doors. It is not clear whether the strip along the north side of this route is paved footway. This is necessary because of the use of plot 1 as a rectory.
 3. Dropped kerbs will be required across the driveway entrance and to access the footway required as above.
 4. Notwithstanding any details shown on the submitted plans, level threshold access is required at all external doors
- 3.7 Property and Operational Services – Is the access drive capable of holding a waste vehicle? Guess would reverse in. Note regarding house wheelie bins.
- 3.8 Neighbour/Site Notice – Letters of objection received from 11 properties raising the following issues:
- The style and layout is utterly different to existing properties in Mill Close which has an open plan feel. The proposed tight cluster of dwellings is out of keeping with the area.
 - Size, excessive scale, massing and proximity of dwellings to site boundaries represents an overdevelopment of the site. Contrary to the design statement Blakedown is a semi-rural village and not a sub-urban area. Development gives impression of a far higher density than Wannerton Road and Mill Close. Does not form a suitable footprint of buildings and spaces to complement the characteristics of the site and its neighbourhood.

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- Whilst the proposed application is an improvement on the previous 4 unit scheme I have concerns that the flat garage gable end wall of dwelling 2 is the most visible feature of this development from Mill Close and would be out of keeping with the character of the area and the general street scene. Furthermore bedrooms 2 & 3 of dwelling 1 would directly overlook 29 Wannerton Road which is exacerbated by a change of levels and result in a severe loss of private amenity to that house. Whilst not as severe, there would also be a loss of privacy to 16 and 14 Mill Close from dwellings 2 and 3 and the orientation of these properties presents a staggered form tandem development which is not ideal. In my view the design of the scheme goes against council policies D1, D3 and H6 of the local plan.
- Houses would encroach on to an extended garden area with many trees – much appreciated by residents - development out of character.
- No justification for additional houses in Blakedown – completely unnecessary infill. Government is trying to pass new regulations to prohibit building on gardens this application would not be approved if this were to become law. This quiet area doesn't need any more dwellings.
- Concerned that whilst the proposed road width of 3.5m is the minimum requirement normally a 1 m strip either side of this is also required to allow for underground services and pedestrian access. Due to the applicants land holding they are not able to provide this and therefore any services would need to go beneath the 3.5m road. If any future servicing works are required then this would mean no access in or out of the properties for vehicles during the works. The lack of pedestrian route ways is a safety issue with no simple solution as again due to restricted land ownership pedestrians trying to move off the access drive to make way for vehicles would not be able to do so without committing trespass.
- Furthermore existing turning provisions from my property 19 Mill Close are compromised with this arrangement and the general vehicle circulation space within the proposed new development is very tight, especially for large vehicles. It is unlikely that refuse lorries would be willing to use the proposed access drive which presents issues for accumulation of wheelie bins on Mill Close on collection days. I am also concerned that not enough detail as to the design and specification of the access road has been given and it would be essential that any access drive should be of suitable quality to carry both cars and larger servicing vehicles. The proposed access road arrangements go against council policies TR11, TR7 and H6 of the local plan.
- Large turning areas out of keeping with adjoining houses and locality.
- Increase traffic by nearly 20%.
- Loss of a large number of trees from the site. A number of fruit trees have been marked for removal. Are these subject to a TPO? We had an apple tree in our front garden that was TPO'd - it is possible that the trees on the development site are also TPO'd as originally Mill Close and the Vicarage were all part of the same site. Insufficient trees retained to reflect semi rural setting. Impact on wildlife. Concerned about impact on TPO trees on western boundary – even tree survey refers to possibility of damage to trees during construction.

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- I welcome that the applicant has taken the trouble to produce a tree report prepared by BJ Unwin Forestry Consultancy however the protected Scots Pines to the western boundary are still extremely close to the proposed dwellings 1 and 2. The building envelope of these houses abuts right up to the proposed tree preservation zone and therefore could still cause damage to the existing root system of these trees given their significant height. If the trees are damaged as a result of the development then this would be against policies D3 and D4 of the local plan.
- Loss of a superb very well established holly tree.
- No bat survey has been undertaken with this submission. It is well known locally that there is a large bat population in the area and some of these protected creatures could be residing in trees to be cut down as part of the development. I would therefore have expected a specialist bat survey to have been completed.
- Disturbance to wildlife – foxes, hedgehogs, badgers, abundant bird life and bats. Stream wetlands nearby. Special habitat. Environmental survey needs to be carried out to assess impact. In our garden there are frogs, toads and newts that rely on places to hide when out of water – hiding places would diminish if approved. Loss of dead trees - important for insects. Sometimes a barn owl in Mill Lane – may feed here.
- Decrease reception to 3 licensed radio operators in our house. Make it more difficult to site aerials in a safe and efficient position.
- Houses could be bungalows – to minimise visual impact and reduce loss of privacy.
- Loss of privacy – we have a garden of approximately 10.5 metres.
- Disappointed that once again the Diocese haven't consulted the local community. Appalled that Diocese of Worcester didn't consult Parochial Officers or Parish Council before making an application. The moral right of the Established Church to sell property over which their title is dubious, for pecuniary gain should be questioned.
- Serious concern – what is the need for new vicarage when it wasn't considered necessary by the Diocese in 2007?
- Dwelling 3 is broadside to properties in Mill Close with no screening the dwelling would appear brutal, over dominant and oppressive.
- Serious safety issue regarding dwellings 2 and 3 - risk of fire spreading as one dwelling tucked behind another, also fire service would be seriously hampered due to walls and narrow access gates to garden. Spread of fire to trees. Access drive too narrow for emergency vehicles. No turning area for emergency vehicles. Danger from construction vehicles. Drivers will not see the danger to children on bikes etc...until they have turned the corner.
- No room for refuse vehicles to turn – reversing out would be highly dangerous/extreme safety hazard. Increase in children in the road, some with special needs- danger. Turning area at bottom of Mill Close already congested.

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- When the land was given to the church it was a condition that it would be unavailable for building. Land on which the Rectory stands was left to the Diocese for the benefit of the village community – contrary to the original bequest from the late Mr Young who also left money for the Parish rooms. Questionable whether the Diocese has the right to develop this land.
- As number 1 is to be the new rectory, purpose built to serve the community with dedicated meeting rooms, visitors would be coming and going at all times – cannot accept this. Concerned about traffic generation and safety issues for children in Mill Close – some of the children are disabled.
- Insufficient parking area for dwelling number 1. Only provision for 3 cars. Cars would clutter up Mill Close. Residents concerned about parking in Mill Close for the Railway station
- Overlooking of number 12's garden, master bedroom, dining room and kitchen. Overlooking from new rectory garden. Overlooking from sky lights to properties in Mill Close.
- Loss of privacy – houses come close to boundary fence – windows facing towards our garden particularly from dwelling number 2. Loss of trees which previously shielded area of our garden.
- It would result in noise from occupants of the proposed houses into a quiet area of our garden where we appreciate the wildlife. We have a number of musicians in the house who also appreciate the low noise levels to practice and make home recordings.
- Loss of privacy due to noise from rectory garden. Noise to our garden from cars backing out.
- Only reason for development is profit and residents will have to suffer consequences. Why can't existing rectory be sold as it is and owners down size to a different property in Blakedown
- We would be opposed to any name change to Mill Close or to it having its own name e.g. Rectory Place.
- This makes the old rectory redundant - there must be some sort of plan to include this. Is this a way of getting round any legal implications of applying for the entire development of the land? Precursor for eventual redevelopment of Vicarage – this would be overdevelopment of a semi rural area and result in further loss of trees. Scandalous shame that this objection in planning law cannot be taken into account.
- We were told on purchasing our house that the driveway was private and would never be used as a busy road. This would be very intrusive and affect our privacy and dangerous when we entered and left our property. Devalue our way of life because of loss of privacy, loss of views and traffic.

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4.0 Officer Comments

- 4.1 This application for three detached dwellings has been submitted in order to overcome the refusal reasons associated with a previous application for four detached dwellings (07/0298/FULL). That application was refused in May 2007 for two reasons:
1. The dwellings proposed on plots 1 and 4 would be positioned very close to existing trees of a high amenity value and which are subject to unconfirmed Tree Preservation Orders. Such positions would jeopardise the health of these trees and/or lead to reasonable demands for their removal. The loss of these trees which make a significant contribution to the visual amenity of the area would seriously detract from the character and appearance of the area. To approve the development in these circumstances would be in conflict with Policies D.1, D.3, D.4 and D.11 of the Adopted Wyre Forest District Local Plan.
 2. Due to the position, size and design of the dwellings proposed they would give rise to significant harm to the residential amenity of surrounding properties by virtue of their overbearing impact on neighbouring dwellings and their garden areas. To approve the development in these circumstances would conflict with Policy D.1 of the Adopted Wyre Forest District Local Plan.
- 4.2 The application site lies within an area allocated for residential purposes where Policy H.2 of the Adopted Wyre Forest District Local Plan applies. This policy allows residential development provided that the site constitutes previously developed land and complies with all other policies in the Plan.
- 4.3 The land in question formed part of the residential curtilage of the Vicarage when that building was approved in 1957. It continues to form part of the garden area to this property and although it is now partially fenced off and overgrown I am satisfied that it constitutes previously developed land as defined in PPS3 (Housing).
- 4.4 The other main policies in the Local Plan against which the proposal needs to be considered are:
- Policies D.1, D.3 and H.5 with regards to the proposed design, density and layout and whether the built form is in keeping with the character of the area;
 - Policies D.3 and D.4 with regards to the impact of the development on the trees on this and adjacent land;
 - Policy D.1 in so far as the development relates to adjacent residential properties;
 - Policies TR.9 and TR.17 with respect to parking and highway safety.

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DESIGN/DENSITY/LAYOUT

- 4.5 The dwellings are more contemporary in style than those situated nearby in Mill Lane, Wannerton Road and Mill Close. However, there is no strong visual association between this site and the public domain of Mill Lane or Wannerton Road. The site is visually more closely related to properties in Mill Close but even so I feel that the development will have the ambience of a separate entity albeit joined by a private drive to that estate road. In these circumstances I can see no need to repeat the same house types or layout as the properties in Mill Close and to do so would result in a less interesting form of development and possibly even a more invasive form of development in terms of distances between properties.
- 4.6 This is a low density development at only 14.3 dwellings per hectare which is less than the required target of 30 dwellings per hectare set by Policy H.5 of the Local Plan. However, given the constraints imposed by separation distances to Tree Preservation Order (TPO) trees and neighbouring properties and taking into account that this site lies within a low density housing area this low density development is considered to be justified.
- 4.7 There has been criticism from a neighbour that the focal point of the private drive is the side elevation of a garage but this garage wouldn't be seen in isolation and will in any case be softened by a landscaping strip which has been purposefully deepened in the revised plan to improve the quality of planting and the appearance of the development from this vantage point.
- 4.8 Overall, the layout is judged to be interesting and attractive and it is felt that it will complement and not detract from the appearance of surrounding built development and will accord with Policies D.1 and D.3 of the Local Plan.

TREES

- 4.9 One of the previous reasons for refusal (see above) relates to the adverse effect on existing trees which are protected by a Tree Preservation Order. Revised plans have been received since the current application was submitted which shows one of the dwellings (Plot 1) moved further away from the protected trees located in the grounds of the neighbouring property. The boundary fencing arrangement has also now been changed in the vicinity of a large Cedar tree which will remain within the grounds of the existing Vicarage.
- 4.10 The Council's Arboricultural officer has commented on the application in its revised form as follows:

'This site has a mature cedar, a number of old fruit trees and some mature ornamental trees and shrubs. In addition there are a number of TPOed trees in the neighbouring gardens that have a very high amenity value.'

The proposed development will have a direct effect on the old fruit trees and some of the ornamental trees and shrubs, however these are not worthy of retention so I have no objection to their removal to facilitate the development.'

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Previous proposals would have had an effect on the TPOed trees in the neighbouring garden; however the current proposals are far more acceptable and will not have a direct impact on the trees.

The previous proposal had a fence installed very close to the mature cedar, which would have had a minor effect on the tree. This issue has also been addressed and the fence is to be installed 2m from the tree, which will give the tree room to grow.

The tree report included with this application is a good report and I agree with the proposed distances for the protective fencing for the trees during the development.

I have no objection to the proposed development as long as the cedar and TPOed trees, in the neighbouring property, are protected in accordance with the report and that the protective fencing is constructed prior to any development work commencing'.

- 4.11 There is no doubt that the site, which is an open area with trees, is attractive when viewed by residents on both sides. However, I am advised that none of the trees on the site itself are worthy of a Tree Preservation Order either individually or collectively and in these circumstances, whilst it is somewhat regrettable, it is felt that a refusal on these grounds could not be sustained. This view is also reinforced by the fact that the previous application was not refused on these grounds either. In conclusion the proposal, which will ensure the retention of the adjacent trees of a high amenity value, overcomes the first refusal reason relating to trees.

IMPACT ON ADJACENT RESIDENTIAL PROPERTY

- 4.12 As stated there are three dwellings proposed rather than four as in the last application. The four dwellings were all positioned with the two storey element located only a metre away from neighbouring boundaries. In the current application the closest part of the two storey element of any of the proposed dwellings is 5.5 metres (Plot 2). The two storey element of the other two properties are at least 7 metres from boundaries with existing properties. At ground floor level the closest the development approaches the boundary occurs with Plot 2 which lies 1.2 metres from the boundary but this is at a point which lies approximately 37m from the footprint of the dwelling at No. 7 Mill Lane. The ground floor of plot 1 is about 2.8 metres from a boundary and Plot 3 1.5metres but in both these two instances the effect has been 'softened' with the introduction of hipped roofs. The main impact in terms of massing is the effect of the dwelling on Plot 3 insofar as it relates to the rear of two dwellings at Nos. 14 and 16 Mill Close but the distances involved are at least 19 metres according to the plans which to the side elevation of a proposed dwelling is considered to be acceptable and the 45 degree code is not breached.

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- 4.13 With regards to overlooking all first floor windows facing neighbouring boundaries are either more than 10 metres distant, obscure glazed (bathroom/toilet/ en suite windows) or bedroom windows positioned at a high level and consequently overlooking of a kind likely to cause serious loss of amenity will not occur.
- 4.14 The development in my view accords with Policy D.1 which amongst other matters seeks to prevent serious detrimental impact to neighbouring property.

HIGHWAY ISSUES

- 4.15 This application like the previous one has resulted in a large number of objections from neighbouring property with regard to the extra traffic that will be generated and issues of safety and amenity. The Highway Authority has considered the matter and is of the view that the development is acceptable. In this regard and I would agree with this view. Although the development will no doubt generate more traffic the additional trips involved should not constitute a serious problem for the capacity of Mill Close and should not have a serious impact on neighbouring property either in terms of congestion or noise. The dwelling on plot 1 (to be a vicarage) incidentally will have 4 car parking spaces if the open car port is included and there is potential for an additional space to be created if so required.
- 4.16 The issue relating to the right of vehicular access to serve the development has been raised but this is essentially a private matter between the applicant and the adjacent property and should not in itself be an impediment to planning permission being granted.

OTHER ISSUES

- 4.17 Following the receipt of a neighbouring letter stating that there were likely to be bats on the site an ecological survey has been sought which confirms that none of the trees scheduled for removal have more than a negligible potential for bat roosts and none of the immediately adjacent trees present more than a low potential. Best practice recommendations in the ecology report with regards to bats can nevertheless be made a condition of planning permission and by way of a biodiversity enhancement recommended by Worcestershire Wildlife Trust bat boxes can also be provided on site.
- 4.18 Other issues have been considered including the Parish Council's desire for affordable housing but there are no Local Plan policies in place to support a refusal on this basis. Under the terms of the Local Plan only applications resulting in 15 or more dwellings on a site of this size would be subject to a requirement for affordable housing. Given the constraints imposed by the trees, the limited number of dwellings that can be served from a private drive, the impact on neighbouring property and after taking into account the character of the area, 15 dwellings could not be achieved on this site without seriously compromising all of these constraints. The point raised with regards to the restrictive covenant is not for the planning system to resolve.

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- 4.19 With regards to the Access Officer's comments, his concerns can be catered for within the existing layout.
- 4.20 After taking into account of the parameters set out in the Planning Obligations Supplementary Planning Document there is no requirement for Section 106 contributions in this case.

5.0 Conclusions and Recommendations

- 5.1 Developments such as this which would result in built development where there is none at present are usually controversial and unwanted by existing residents. However, the proposal in its latest form has addressed the reasons of refusal associated with the previous application and it is felt that it now conforms with planning policy and guidance.
- 5.2 Accordingly it is recommended that the application be **APPROVED** subject to the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. B1 (Samples/details of materials)
 - 4. B9 (Details of windows and doors)
 - 5. B13 (Levels details)
 - 6. Tree protective fencing to be in place before any other work on site commences and work to proceed in accordance with Arboricultural Report prepared by B J Unwin Forestry Consultant.
 - 7. C6 (Landscaping – small scheme)
 - 8. C8 (Landscape implementation)
 - 9. F5 (Construction site noise/vibration)
 - 10. Sustainable drainage condition
 - 11. Highway conditions
 - 12. Delete permitted development rights regarding side extensions in direction of TPO trees, and all two storey/first floor extensions
 - 13. B15 (Bat boxes)
 - 14. Development to take place in accordance with recommendations in the Bat Survey undertaken by Clarke Webb Ecology Ltd.
 - 15. Level access thresholds to all dwellings
 - 16. Obscure glazing to all side facing first floor bathroom/toilet ensuite windows

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Notes

- A Highway
- B SN12 (Neighbours' rights)
- C SN3 (Protection of species)
- D SN6 (No felling – TPO)
- E Refuse provision

Reason for Approval

The application has been carefully considered with regards to the principle of allowing the development (Policy H.2); the impact on the character of the area (Policy D.3) the layout, design and density of proposed dwellings (Policies D.1 D.3 and D5); the impact of the development on trees (Policies D.3, D.4 and D.11) and on neighbouring property (Policies D.1 and D.3) and with regards to car parking and highway safety issues (Policies TR.9 and TR.17) and after considering these matters and others that have been raised by consultees the proposal is judged to be acceptable and in accordance with policies in the Development Plan.

Application Reference: 08/0977/OUTL **Date Received:** 05/11/2008
Ord Sheet: 381452 276233 **Expiry Date:** 04/02/2009
Case Officer: Emma Anning **Ward:** Habberley and Blakebook

Proposal: Demolition of bungalow and erection of 13no dwellings,retention of 108 Bewdley Hill (Layout & Access to be considered)

Site Address: 108/109 BEWDLEY HILL, KIDDERMINSTER, DY116JE

Applicant: Messrs Lovett-Flint & Powell

| | |
|-----------------------------------------|-----------------------------------------------------------------------------------------------|
| Summary of Policy | H.2 H.5 D.1 D.3 D.4 D.9 D.13 NC.4 NC.5 NC.7 TR9 (AWFDLP) QE.4 (WMRSS) PPS1, PPS3, PPS 9 |
| Reason for Referral to Committee | 'Major' planning application |
| Recommendation | DELEGATED APPROVAL subject to Section 106 Agreement |

THIS APPLICATION WAS DEFERRED FROM THE 10 FEBRUARY 2009 PLANNING (DEVELOPMENT CONTROL) COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

- 1.1 The application site accommodates the existing residential properties known as 108 and 109 Bewdley Hill, and is located between Western Way and Summerhill Avenue.
- 1.2 The site is identified in the Adopted Local Plan as being suitable for residential development. A Tree Preservation Order protects several trees at the front of the application site, along the frontage with Bewdley Hill.
- 1.3 Outline consent is sought for the redevelopment of the site to provide 13 new dwellings, whilst retaining the existing 1930's property at 108 Bewdley Hill. The property at 109 Bewdley Hill is to be demolished. At this outline stage, consent is sought for the proposed access and layout only.

2.0 Planning History

- 2.1 None relevant

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3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to conditions. Note to planning officer as follows:

The applicant should be asked to indicate if it their intention to dedicate the proposed access road. The applicant's attention should be brought to the following if it is their intention to enter into a Section 38 agreement.

The road width varies from 5m to 4.5m, this should be a consistent width and should depend on the design concept of the development. The applicant has indicated a 4.5m road with footways in tarmac construction, however the County Council's current design guide indicates that a 4.5m road should be of a shared surface design with a ramped access and constructed in block paving and 2m grass service strips, or a 4.8m carriageway in traditional tarmac construction with 2m footways on each side. Currently the proposal falls outside the considered acceptable layout for adoption purposes and the applicant should clarify if they intend to enter into a Section 38 agreement.

The area of carriageway opposite plot 3 is indicated as no dig construction. In order to make the road up to adoptable standards the construction depth should be 455mm and constructed as per the specification of the design manual for roads and bridges, therefore it is unlikely that the applicant can achieve no dig construction without significantly raising levels or excavating adjacent to the tree roots.

The means of surface water drainage must be indicated. It is an offence to discharge surface water onto a Highway so drainage must be provided. The applicant should as part of any approval be required to agree details of surface water disposal prior to the commencement of construction, condition HC 41 and Notes HN8 and HN9 attempt to cater for this need.

- 3.2 Access Officer – Determine as appropriate and condition Lifetime Homes provision.
- 3.3 Arboricultural Officer – I have no objection to the proposed layout as long as the no-dig method of construction for the road and driveway is adhered. In addition the reserved matters application will need to include a full method statement on how the road and driveway is to be constructed and how the trees covered by the Tree Preservation Order are to be protected during the construction phase. Other than that I have no objections to the proposed development.
- 3.4 Conservation and Countryside Officer - Ecological report is required as there is potential for badgers on site and the bungalow to be demolished may house bats.

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- 3.5 Worcestershire Wildlife Trust - We have recently received details of this application and note that it covers an area of old gardens and includes the demolition of some existing buildings. We understand that bats and potentially other protected species are seen in the area and we would strongly recommend that the application be accompanied by a full ecological survey in line with guidance in PPS9 and your duties under the NERC Act 2006. Information regarding biodiversity is capable of being a material consideration in your deliberations and must therefore be available to you prior to determination.
- 3.6 Crime Risk Manager - No particular concerns with this development.
- 3.7 Neighbour/Site Notice – 23 neighbour objection letters received. The main issues raised are summarised below:
- The development would be out of character with the general character of the surrounding area.
 - The proposal fails to meet the requirements of H.2 as it does not represent infill development.
 - The proposal comprises backland development.
 - The proposal provides insufficient separation distance between existing and proposed residential properties, in particular the orientation of plots 5-9 will result in the overlooking of existing gardens and principal windows along Summerhill Avenue, therefore being detrimental to amenity.
 - The proposal represents overdevelopment of the site.
 - We would query whether the proposed footprint of the buildings is sufficient to accommodate a four bedroom house on only two storeys.
 - A transport statement should have been requested by the Local Planning authority to accompany this application. The proposal will be contrary to Policies TR.8 and TR.9.
 - The proximity of the proposed junctions to the existing junctions of Western Way and Summerhill Avenue will pose a serious danger to highway safety.
 - HGV vehicles entering and leaving the site during the construction period will cause traffic chaos on Bewdley Hill.
 - The proposal is contrary to Policy H.6 of the Adopted Plan and should be refused on highway grounds.
 - The increase of properties from two to thirteen will result in increased traffic movements on the local road network.
 - The development will result in the loss of a significant number of mature trees which make a valuable contribution to the amenity and character of the adjacent residential area.
 - A tree survey should have been submitted with the application in accordance with Policy D.4 of the Local Plan.
 - The Design and Access Statement contains insufficient detail as is legally required, therefore the planning application is invalid and cannot be determined.

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4.0 Officer Comments

- 4.1 Outline consent is sought for the erection of 13 new dwellings and the retention of No. 108 Bewdley Hill resulting in a residential scheme totalling 14 no. dwellings.
- 4.2 The application is submitted in outline form and seeks consent for layout and access only at this stage. The Local Planning Authority therefore considers that the main issues for discussion are:
- the principle of development;
 - highways and access;
 - layout
 - other, and
 - S106 Obligations.
- 4.3 All other matters including detailed design and house types are to be considered at the reserved matters stage.

PRINCIPLE OF DEVELOPMENT

- 4.4 The application site is allocated as being suitable for residential development under Policy H.2 of the Adopted Local Plan subject to the site comprising of previously developed land. Annex 3 of Planning Policy Statement 3 offers a definition of previously developed land as being land within the curtilage of developed land. The application site is comprised of two residential dwellings and their associated gardens, therefore I am satisfied that the site comprises previously developed land as defined above. This being the case, the proposal therefore satisfies the requirements of Policy H.2 of the Adopted Local Plan.
- 4.5 Policy H.5 refers to housing density and requires that on a site in this location the Local Planning Authority should seek residential development of at least 40 dwellings per hectare. The application site measures approximately 0.4 hectares, which would lead to a requirement of 16 dwellings on this site in order to fully satisfy Policy H.5. The proposed density actually equates to just 35 dwellings per hectare. However, given that Policy H.5 also makes clear the need for development to take into account local character, the relationship to existing adjoining development must be considered accordingly. The Western Way development, to the west, is a much higher density of 50 dwellings per hectare with relatively small plots, whilst Summerhill Avenue to the east is characterised by a lower density development of 13 dwelling per hectare. In light of this, I consider the proposed density to be an acceptable balance between the existing adjoining residential development.

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HIGHWAYS AND ACCESS

- 4.6 It is proposed to install an estate road to serve the development, to an adoptable standard offering direct access on to Bewdley Hill. The amended proposed site plan shows a visibility splay of 2.4 by 90m (in both directions). The County Council's Highway Officer has been consulted and has confirmed that the revised visibility splays and proposed entrance onto Bewdley Hill are acceptable and that there would be no conflict between the proposed and existing junctions and that separation distances between these junctions are acceptable. In terms of the character of this area, I consider the introduction of a new estate road would not prejudice the pattern of development which is that of estate roads being accessed off Bewdley Hill. I am therefore satisfied that the proposal accords with the requirements of Policy TR.9 of the Adopted Local Plan.
- 4.7 The Highways Officer has made comment regarding the 'adoptability' of the access road, as detailed above and the Agent has provided a response as follows; *"As this is an outline application for subsequent sale to a developer I cannot say if the roadway will be subsequently adopted. As the submitted scheme falls outside of County Council standards for adoption, then at this stage it will be a private unadopted road. Fortunately, the road as shown could at approval of reserved matters/fresh application easily be adapted as a shared surface adopted road without raising any problems. I fully realise we cannot allow road water to flow onto the adopted highway. There is sufficient room at the front of the site for soakaway serving road gulleys both sides of the new road where it abuts the highway. The road falling away from the raised section to the rear would incorporate road gullies to soakaways as required. These engineering details would have to be resolved at reserved matters stage, however the scheme allows for this."*
I am satisfied that the Agent's response addresses the concerns of the Highways Officer. With regards to the latter point, this can be dealt with adequately by condition as detailed in the Highways Officer's comments.
- 4.8 Numerous neighbour letters raised concerns relating to highway matters, as summarised above. However given that the Highway Authority do not raise any objections to the scheme, I am satisfied that none of the reasons suggested by neighbours would provide sufficient reason for refusal in this instance. One objection raised concern that a transport statement was not included with this application, the reason for this is that lengthy pre-application discussions have taken place between the agent and a representative from the Highway Authority and a statement was not considered necessary given the size and nature of the proposed scheme.
- 4.9 A design and access statement was submitted with this application and has been considered by the District Council's Access Officer. The Access Officer raises no objection to the scheme, and concludes that the application should be determined as appropriate and a lifetime homes condition should be attached to any permission. I am satisfied therefore that the proposal would accord with Policy D.9 of the Adopted Wyre Forest District Local Plan.

08/0977/OUTL

LAYOUT

- 4.10 The proposed site plan shows the proposed plot layouts and access routes, including provision for amenity space and landscaping. For clarification, the existing property at 108 Bewdley Hill would be retained and refurbished, however this does not make up part of this scheme for consideration (i.e. the property is located outside of the application site boundary).
- 4.11 Three new properties would be erected which would front on to Bewdley Hill, one to the west of 108 Bewdley Hill and two to the east of the site. I consider this frontage arrangement to be satisfactory as I feel that the existing pattern of development fronting Bewdley Hill will be maintained and enhanced.
- 4.12 The remaining 10 properties would be located around the perimeter of the site boundaries in a linear form, with frontages looking inward. With only layout and access due to be considered at this stage, the applicant has relied upon the use of "standard" plots to indicate the proposed layout of dwellings. I am happy that the plot sizes would offer minimum garden lengths in the region of 10m deep which is considered to be acceptable in terms of the level of amenity space provision. A concern expressed by neighbours was that plots 5-9 would overlook existing gardens, however given that each of these plots would achieve a minimum garden depth of some 10m and that properties on Summerhill Avenue are characterised by generous rear gardens of well in excess of 15m in depth, the resulting distances between dwellings is considered sufficient to ensure that overlooking would not occur.
- 4.13 I consider that the property most likely to be affected by the proposed layout is 7 Westville Avenue. Therefore the impact on this property has been given careful consideration. The property sits at a 28 degree angle to the proposed development site and at its closest point is just 5m from the rear boundary of plot 11. In considering whether this would lead to issues of overlooking I am satisfied that the orientation of the property would prevent this being the case. When measuring a minimum distance of 20m between first floor levels of the existing and proposed properties I consider that there would be no direct overlooking.
- 4.14 The impact of the development on light to 7 Westville Avenue has also been given careful consideration. The windows most likely to be affected by the proposed layout would be any windows closest to the eastern corner of the property which sits just 5m from the boundary. The siting of property occupying plots 11 to 13 would not breach the 45 degree code and when considering the 25 degree tilt, based on the scale parameters given in the design and access statement, no breach would occur. For these reasons I am satisfied that the proposed layout would not give rise to a situation which would be detrimental to residential amenity in terms of daylight reaching 7 Westville Avenue.

08/0977/OUTL

- 4.15 Consideration has been given to properties 1 -19 Western Way with regards to the proximity of the proposed development to their rear boundaries. It is worthy of noting that there is currently a large leylandii hedge which runs along the boundary with properties on Western Way which would prevent any overlooking at all, however it is not proposed to retain this feature and therefore it is necessary to carefully examine the potential impact on amenity with regards to overlooking in this context. Properties on Western Way have garden lengths of between 8m and 10m. Those plots which would be closest to the shared boundary are Plot 1, Plot 14 and Plot 13. Plots 1 and 13 appear to have side elevations only facing dwellings on Western Way and therefore I am satisfied that a suitable condition restricting windows to being top-opening and obscure glazed would mitigate against any concerns regarding overlooking. The rear elevation of Plot 14 faces 11 and 13 Western Way, however Plot 14 has a garden length of 10.5m, and the window to window distances at first floor level would be 20m, which is considered to be acceptable and would not result in a loss of amenity to existing occupiers or to future habitants of Plot 14.
- 4.16 Concern has been raised that the proposed site plan does not accurately represent the property 6 Westville Avenue by virtue that the property benefits from an extension to the south west which is not shown. Having searched the planning history for this property I cannot find any permissions for an extension in this locality, however aerial photography does show a conservatory extension to the rear which would be in excess of 10m from the boundary with Plot 9. I am therefore satisfied that the proposed development would not cause a loss of amenity to occupiers of this property.
- 4.17 The layout proposed has the potential to affect protected trees on this site. A recent Tree Preservation Order has protected many of the older established trees and as such careful consideration must be given to how these trees might be affected by the development. The Council's Arboricultural Officer has been consulted on the current scheme and has offered the comments as detailed above. In light of his comments, and subject to the imposition of appropriate conditions, I am content that the protection of the trees in question will be ensured during construction and in the future.
- 4.18 Given that this application is in outline and matters of layout and access are for consideration only at this stage, I am satisfied that for the reasons outlined above the proposal accords with the relevant Adopted Local Plan policies. Information provided by the applicant suggests that properties on this site would be between 7.5 and 7.9m high with roofs of 30 degree pitch and eaves heights of 5m. Based on these indicative parameters I have no reason to consider, at this point, that the reserved matters could not be met.

08/0977/OUTL

OTHER

4.19 Concern has been raised by the Council’s Conservation and Countryside Officer and Worcestershire Wildlife Trust that as the site may be used by local badger populations, and that as the bungalow to be demolished may be a bat roost/nesting site, an ecological survey should be undertaken. The Agent has conducted a walk-over survey and has concluded that there are no visible signs of badger activity on this site. Similarly, the likelihood of bats being present in the bungalow is small due to the fact that it is lived in at present by owners who have a dog. No further comments from the Conservation and Countryside Officer or Worcestershire Wildlife Trust have been received. Without more detailed surveys it is not possible to conclusively state that no biological loss would occur as a result of the development, however I consider that a condition requiring a full ecological survey to be carried out prior to development which would also stipulate that the survey should include mitigation measures should any protected species be found on site would ensure that no biological losses would occur as a result of this development. The condition would state that the survey and mitigation measures should be approved by the Local Planning Authority and that all mitigation should be carried out in strict accordance with the mitigation strategy. I am satisfied that this approach would satisfy the requirements of Planning Policy Statement 9 and Policies NC.4, NC.5 and NC.7 of the Wyre Forest District Adopted Local Plan and that the requirements of the S106 obligation with regards to biodiversity could be met in this way.

S106 OBLIGATIONS

4.20 This application is subject to the following planning obligations as set out by the Adopted Planning obligations Supplementary Planning Document:

| S106 Requirement | Amount | Where directed | Required by the SPD |
|-------------------------|-------------------------------------------------------------------|------------------------------------------------------------------|----------------------------|
| Education contribution | £2,389 per 2 or 3 bed dwelling £3584 per 4+ bed dwelling | St. John’s C of E Primary School Baxter College | Yes |
| Open Space contribution | Calculated at No. of child bed spaces x 24 sq.m. x £17.15 | QE II Gardens | Yes |
| Biodiversity | As detailed in Ecological Survey to be dealt with by condition. | As detailed in mitigation strategy as part of ecological survey. | Yes |
| Public Realm | Improvements to public realm by virtue of the development itself. | N/A | Yes |

4.21 The Education and Open Space contributions will need to be secured through a Section 106 Agreement; however the biodiversity contribution can be dealt with adequately by condition.

08/0977/OUTL

5.0 Conclusions and Recommendations

5.1 The proposed development would satisfy the requirements of the relevant policies of the Adopted Wyre Forest District Local Plan and is therefore considered to be acceptable.

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

a) the signing of a **Section 106 Agreement** to secure the following:

- Education contribution of £2,389 per 2 or 3 bed dwelling
£3,584 per 4+ bed dwelling
- Open Space contribution calculated using the following formula:
No. of child bed spaces x 24 sq.m. x £17.15

b) the following conditions:

1. A1 (Standard outline)
2. A2 (Standard outline – reserved matters) : the design of the buildings, the external appearance of the buildings, the landscaping of the site
3. A3 (Submission of reserved matters)
4. A11 (Approved plans)
5. Highways conditions
6. Tree conditions
7. Ecological Survey condition
8. Lifetime homes

Notes

A SN2 (Section 106 Agreement)

B SN12 (Neighbours' rights)

Reason for Approval

The principle of residential development on this site is considered to be acceptable by virtue that it is sited within an area allocated for residential purposes and the site constitutes previously developed land. The layout of the proposed development is considered to be acceptable and would not adversely affect the character of the surrounding area or the streetscene. The effect on neighbouring properties has been carefully assessed and it is considered that there would be no undue impact on amenity. The proposal would not result in the loss of or damage to protected trees. It is also considered that the proposed access is acceptable and would not give rise to a situation which is detrimental to highway safety. Thus, the proposal conforms with the policies of the Adopted Local Plan as listed.

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|-------------------------------|----------------|-----------------------|--------------------------|
| Application Reference: | 08/1049/FULL | Date Received: | 28/11/2008 |
| Ord Sheet: | 384002 274261 | Expiry Date: | 23/01/2009 |
| Case Officer: | James Houghton | Ward: | Aggborough and Spennells |

Proposal: Erection of a fence on boundary wall adjoining garage at front of property (retrospective application)

Site Address: 1 POCHARD CLOSE, KIDDERMINSTER, DY104UB

Applicant: Mr A Sheldon

| | |
|-----------------------------------------|--------------------------------------------------|
| Summary of Policy | D.1, D.3, D.10 (AWFDLP) QE.3 (WMRSS) |
| Reason for Referral to Committee | Third party has registered to speak at Committee |
| Recommendation | APPROVAL |

1.0 Site Location and Description

- 1.1 The application site is a two storey, brick built, pitched roofed residential property occupying a corner plot between Pochard Close and Turnstone Road on the Spennells Estate in Kidderminster.
- 1.2 The applicant seeks retrospective approval for the retention of a 2.0m high fence along the boundary shared by Nos. 1 and 3 Pochard Close.

2.0 Planning History

- 2.1 WF.595/88 – 44 Detached Houses and Garages (Phase 1) at Area 11 (off Turnstone Road), Spennells, Kidderminster – Approved 20/09/88.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections.
- 3.2 Neighbour/Site Notice – One letter has been received from the occupant of a neighbouring property objecting to the proposal on the grounds that the fence has an impact on the light enjoyed through the front window.

08/1049/FULL

4.0 Officer Comments

- 4.1 The applicant seeks retrospective approval for the erection of a 2.0m high fence erected on the boundary shared by Nos. 1 and 3 Pochard Close and set back from the back of pavement by approximately 5.0m.
- 4.2 The fence proposed would normally be considered as constituting Permitted Development, however, condition 6 of the permission issued in response to application WF.595/88 removed these permitted development rights in order to preserve the open plan housing layout, i.e.

Condition 6

Notwithstanding the provisions of the Town and Country Planning General Development Order 1977, or any order revoking and re-enacting that Order, no fences, gates or walls shall be erected within the curtilage of any dwellinghouse which fronts onto a road.

The reason for the condition is stated as being to preserve the open plan housing layout.

- 4.3 Nos. 1 and 3 are the only houses along the southern section of Pochard Close and what openness there may once have been is compromised by two substantial conifers as well as a 2.0m wall forming the western boundary of the curtilage of No. 3 Pochard Close. As such it is not considered that the proposed development offers any detriment to the openness of the street scene. As such the key issues are the appearance of the fence within the street scene and the impact of the fence on the amenity enjoyed by the residents of neighbouring properties.
- 4.4 The form of the fence is a wooden closeboard construction and is considered acceptable in this location; a condition requiring that the fence is stained would further improve its appearance.
- 4.5 In respect of residential amenity the fence extends to the north of the application property by approximately 2.5m. The box bay window to the front of No. 3 projects 0.7m from the front elevation of the property and is approximately 2.0m away from the fence. Having noted the northern orientation of the window and fence in conjunction with the close proximity of a substantial conifer, which is adjacent to the fence, it is considered that the fence would have a negligible impact on the levels of amenity, in terms of light and outlook, enjoyed at No. 3 Pochard Close.

08/1049/FULL

5.0 Conclusions and Recommendations

- 5.1 It is considered that the position and design of the fence is acceptable and will not have an adverse impact on the character of the area or the amenity of adjoining residents.
- 5.2 It is recommended that the planning application is **APPROVED** subject to the following conditions:-
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B5 (Timber Staining)

Reason for Approval

The fence is considered acceptable; it would have a negligible impact on the visual amenity, character and openness of the immediate area. The impact of the fence 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 proposed development accords with the requirements of Policies D.1, D.3 and D.10 of the Adopted Wyre Forest District Local Plan (2004).

Application Reference: 09/0054/FULL **Date Received:** 27/01/2009
Ord Sheet: 384632 278413 **Expiry Date:** 24/03/2009
Case Officer: Stuart Allum **Ward:** Broadwaters

Proposal: Erection of a side extension & first floor accommodation with roof alterations (dormer windows)

Site Address: 12 HEATH DRIVE, KIDDERMINSTER, DY102XA

Applicant: Mr C Gee

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|-----------------------------------------|--------------------------------------------------------------------------------------------------------|
| Summary of Policy | D.1 D.3 D.17. TR.9 TR.17 (AWFDLP) QE1 QE3 (WMRSS) Design Quality Supplementary Planning Guidance |
| Reason for Referral to Committee | Third party has registered to speak |
| Recommendation | REFUSAL |

1.0 Site Location and Description

- 1.1 No. 12 Heath Drive is a semi-detached bungalow dwelling located on a corner plot at the end of a residential cul-de-sac to the north-east of Kidderminster town centre.
- 1.2 Heath Drive slopes downwards from Stourbridge Road and the site overlooks open Green Belt land to the north-west of the A449 Kidderminster to Wolverhampton road.
- 1.3 The domestic curtilage is much larger than that of the neighbour at No.13. The proposal shows additions to the side of the property and the construction of a dormer window to the rear.

2.0 Planning History

- 2.1 There is no recorded planning history at this site.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections.

09/0054/FULL

3.2 Neighbour/Site Notice – one letter of strong objection received:

1. We have lived at our property for nearly 40 years, our decision to purchase and remain at this property is due to the expanse of green belt land and views that the property has, all of which we enjoy and wish to continue to do so. The proposed extension would have a significant impact on us and block out a large proportion of our green belt views from both the side aspect and front of our property.
2. The proposed extension would also considerably reduce the amount of natural light that we obtain and enjoy through the side aspect of our property, given the height of the proposed extension.
3. The proposed extension would impact on the privacy of our property. The proposed extension includes a new entrance which is forward facing, this would result in the occupiers and their visitors entering the property facing onto the front and side aspect of our property, as opposed to No. 12's current arrangement whereby the door is on the side of their property.

In addition to our objection detailed in points 1-3 above, and as discussed with you during our telephone conversation on 4 February 2009, I thought it would be useful to you if I brought to your attention that we have an ongoing boundary dispute with the occupiers of No. 12, therefore we were very surprised to learn that a planning application has been submitted when the boundary matter has not been resolved. We feel it is important to bring this matter to your attention as the occupiers of No. 12 did not comply with their own notification and plan for the boundary matter, therefore this situation could repeat itself if this planning application is given the go-ahead.

We would however like you to note that we have reviewed the planning application without any bias from the separate boundary dispute.

I note the opportunity to speak at the Planning (Development Control) Committee regarding this planning application. We can confirm that we would welcome the opportunity to speak, should the planning application proceed to this stage.

4.0 Officer Comments

- 4.1 Extensions and/or alterations to existing residential properties must demonstrate visual compatibility with the original building in terms of their form, materials, architectural characteristics and detailing. Such requirements are set out within Policy D.17 of the Adopted Wyre Forest District Local Plan. These principles are re-enforced through the Adopted Supplementary Planning Guidance note on Design Quality

09/0054/FULL

- 4.2 The side extension projects to the side by 3.6m, and includes an asymmetrical side gable design. The design solution is felt to be uncharacteristic of the original property and results in a large expanse of brickwork to this elevation. This effect is exacerbated through the construction of the large roofed roof dormer window to the rear, resulting in overbearing features that are uncharacteristic of the original design of the bungalow. As such the proposal fails to meet the basic policy principles of policy D.17. This is particularly important due to the prominence of the rear elevation, however whilst being on a fairly open site, the proposed extensions would not be readily identifiable from the adjacent Green Belt land.
- 4.3 Regarding the comments made by the neighbour, in respect of loss of view and boundary disputes are not considered to be material planning issues. Whilst loss of privacy and light have to be considered in this case, due to the orientation of the property, lower level of the application site and the distance of 12m between No.11 and the proposed single storey extension, it is considered that privacy and light will not be adversely affected. As such a material loss of amenity will not occur and therefore should not form a separate reason for refusal. The 45 degree daylighting code has been full considered along with a detailed officer site visit to the neighbouring property prior to coming to these conclusions.

5.0 Conclusions and Recommendations

- 5.1 In consideration of Articles 1 & 8 of the Human Rights Act 1998, the policies of the Adopted Wyre Forest District Local Plan, and neighbours objections whilst it is concluded that no loss of residential amenity will occur as a result of the proposal, the proposal fails to meet the design requirements of the adopted planning policies and guidance. It is therefore recommended that this application be **REFUSED** for the following reason.
1. The proposed extensions fail to harmonise with the form and architectural characteristics of the original building, thereby creating incongruous and overbearing design features on the building. This is contrary to Policies D.1, D.3 and D.17 of the Adopted Wyre Forest District Local Plan, Policies QE.1 and QE.3 of the West Midlands Region Spatial Strategy and the Design Quality Supplementary Planning Guidance.

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE

10TH MARCH 2009

PART B

Application Reference: 08/1096/FULL **Date Received:** 18/12/2008
Ord Sheet: 377855 275345 **Expiry Date:** 12/02/2009
Case Officer: James Houghton **Ward:** Bewdley and Arley

Proposal: Construction of decking, walls & fencing to the rear (retention of)

Site Address: 5 YEW TREE CLOSE, BEWDLEY, DY122PL

Applicant: Mr S Burrows

| | |
|-----------------------------------------|----------------------------------------------------------------------------------------------------|
| Summary of Policy | D.1, D.3, D.10, D.17 (AWFDLP) QE.3 (WMRSS) |
| Reason for Referral to Committee | Statutory or non-statutory Consultee has objected and the application is recommended for approval. |
| Recommendation | APPROVAL |

1.0 Site Location and Description

1.1 The application property is a detached, two storey, brick built residential property set on a cul de sac off Yew Tree Lane. The site drops steeply from the rear of the house towards Little Grange Cottages which front onto the Cleobury Road, a level difference of approximately 6.0m. Within the garden of the application property there is a level change of approximately 3.5m between the rear wall of the house and the south eastern corner of the rear boundary (2.5m to south western corner).

2.0 Planning History

2.1 WF.622/95 - Erection of Four Detached Houses, Two Pairs of Semi-detached Houses and Three Terrace Houses (11 Dwellings) : Approved 07/11/95.

2.2 WF.477/00 - Erection of fence over 2m high (non-compliance with condition no.4 of planning permission WF.0622/95) : Approved 20/07/00.

08/1096/FULL

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Object to the proposal and recommend refusal as the development would result in a loss of privacy for a neighbour to the rear.
- 3.2 Neighbour/Site Notice – No formal letters of objection have been received.

4.0 Officer Comments

- 4.1 The applicant seeks retrospective approval for the erection of a substantial area of decking, with associated fences and wall.
- 4.2 In order that the decking provides usable space it has been necessary to cut part of the decking and a retaining wall 1.0m into the bank closest to the rear elevation of the house whilst building up the rear part of the deck to the same height, in effect raising the rear between 1.0m and 2.0m above ground level to provide a level surface. In order to prevent overlooking of the adjacent garden, a 1.8m fence has been erected on all sides. This new fence projects by approximately 1.0m above the height of the rear boundary fence bordering Nos. 4 and 5 Little Grange Cottages which in itself measures between 2.0 and 3.0m high (approved under WF.477/00).
- 4.3 To the rear of the application property, within the curtilage of No. 4 Little Grange Cottages, large conifers negate the impact on the proposed development by effectively screening the development. No. 5 Little Grange Cottages does not benefit from a tree screen and instead looks onto a bank sloping up and away from the property topped by the fences described above.
- 4.4 Due to the 1.8m fence enclosing the decking, the impact on neighbouring properties would be minimal. From the extreme south western corner of the decking it is possible to look onto the rear of no. 4 Yew Tree Close however from elsewhere on the decking trees obscure this property. There would be no significant loss of privacy to those properties to the south at Little Grange Cottages.
- 4.5 The decking and wall would not be visible from the street, although a small section of the fence may be seen from Cleobury Road. In order to minimise the impact of the development on the streetscene as well as reducing the impact on neighbouring properties it is considered appropriate to add a condition requiring that the fence surrounding the decking be stained.

08/1096/FULL

5.0 Conclusions and Recommendations

5.1 It is acknowledged that this is a retrospective application with the impact upon the adjacent properties the primary issue to consider. In this instance however the impact has been assessed and it is considered that the impact is not so significant as to warrant refusal.

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

1. A11 (Approved Plans)
2. B5 (Timber staining, within 3 months of date of decision)

Reason for Approval

The proposed development is considered acceptable; it would have a negligible impact on the visual amenity and character of the immediate area. The impact of the decking, fencing and walls upon neighbouring properties has been carefully assessed and it is considered that there will be no undue loss of amenity. As such, it is considered that the proposed development accords with the requirements of Policies D.1, D.3, D.10 and D.17 of the Adopted Wyre Forest District Local Plan.

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|-------------------------------|---------------|-----------------------|------------|
| Application Reference: | 09/0007/RESE | Date Received: | 07/01/2009 |
| Ord Sheet: | 382650 276897 | Expiry Date: | 08/04/2009 |
| Case Officer: | Emma Anning | Ward: | Franche |

Proposal: Erection of two blocks of apartments (total No. 36) & associated car parking with total of 2No. ground floor offices (reserved matters following outline approval WF508/03)

Site Address: 78 MILL STREET, KIDDERMINSTER, DY116XJ

Applicant: Midland Trade Cars

| | |
|-----------------------------------------|--------------------------------------------------------------------------------|
| Summary of Policy | D.1 D.3 D.4 (AWDFLP) QE.3 (WMRSS) Design Supplementary Planning Guidance |
| Reason for Referral to Committee | 'Major' planning application |
| Recommendation | APPROVAL |

1.0 Site Location and Description

- 1.1 The application site is that of the former Renault car sales site on Mill Lane, Kidderminster, sitting between a pair of residential properties and the development at Mill Bank Court. To the rear of the site is the River Stour and beyond this are the back of the units on Crossley Retail Park.
- 1.2 This application seeks for approval of Reserved Matters in respect of the design of the buildings, their external appearance and the landscaping following the approval of outline application WF.503/03.

2.0 Planning History

- 2.1 WF.503/03 Erection of two blocks of apartments (total 36) with two ground floor commercial units and associated car parking : Approved

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections raised, however a change in legislation since the approval of the outline application would now require 40 car parking spaces and 2 cycle spaces to be provided. These should be provided prior to the first occupation of any dwelling.

Reason: To comply with the Council's parking standards.

09/0007/RESE

- 3.2 Access Officer - No objection in principle to the development, however he has requested further justification for the design chosen, in the interests of completeness of the Design and Access Statement.
- 3.3 Arboricultural Officer– No objection to the proposed development. The only tree with any value is the conifer hedge, which is to be pruned and retained. This acts as a good screening to the site, however is not worthy of a Tree Preservation Order. None of the other trees are of a good quality and therefore not worthy of retention.
- 3.4 Property and Operational Services (Conservation and Countryside Officer) – Raised concerns that the development will harm otters and has recommended that a survey must be carried out. Also, the development has the potential to cause a loss of a European protected species.
- 3.5 Neighbour/Site Notice - No representations received.

4.0 Officer Comments

- 4.1 Siting and access have been approved as part of the outline application. Therefore, only matters of design and landscaping can be considered at this stage. Additional conditions can only be imposed on a reserved matters approval provided they relate to the matters being considered and do not alter the nature of the outline.
- 4.2 In terms of design it is worth noting that a condition was attached to the outline consent relating to matters of design; it stated that the buildings should be no higher than shown on the illustrative drawings submitted as part of the outline application. Having compared both drawings, I am satisfied that this condition has been met. A note was also attached to the permission which read *“The Local Planning Authority anticipate that the reserved matters application will incorporate similar elevational treatment and quality of detailing as shown on the illustrative drawings”*. The current plans show elevation treatments which are identical to those indicative plans submitted at the outline stage. The blocks would be four storeys in height, brick and tile construction with added architectural detail between each floor in the form of decorative corbelling. The varied ridge heights and gable fronts of different sections of the building adds interest to the proposed apartment block and would be a positive addition to the streetscene. I therefore consider that in terms of design the proposed apartment blocks are of a high quality that would have significant benefits to the public realm and the overall appearance of this development.

09/0007/RESE

- 4.3 Landscaping is the final matter to be considered. Early advice from the Arboricultural Officer was that the scheme proposed was uninspired and could be improved upon; in particular, the species of tree proposed should be amended, as a result the landscape plan has been revised in consultation with the Arboricultural Officer to include an improved quality of planting. I therefore conclude that the matters concerning landscaping are acceptable.
- 4.4 The Highway Authority commented on this reserved matters application and advised that, due to the change in policy, 40 car parking spaces and cycle parking should be provided. The approved scheme already shows 57 car parking spaces being provided, which is a significant over-provision compared against the new parking requirements. Because layout, including the parking area, has already been approved on the original outline approval, it is not possible at this stage to deal with these matters.
- 4.5 The Conservation and Countryside Officer commented on this application and raised significant concerns relating to biodiversity and wildlife conservation, particularly in relation to otters currently known to be living in the nearby river. Again, the request for the applicant to carry out the measures described above cannot form part of the reserved matters application as this detail was considered as part of the outline application. Worcestershire Wildlife Trust were consulted as part of the outline application and, at the time, made suggestions for several conditions relating to pollution and the need to minimise disturbance to the river banks which were included on the outline approval. In light of these comments I recommend that an informative note be attached relating to Protected Species.

5.0 Conclusions and Recommendations

- 5.1 The proposed design, elevation and landscape details as submitted are considered to be acceptable and are in accordance with the relevant policies of the Adopted Wyre Forest District Local Plan.
- 5.2 I therefore recommend that the particulars of this reserved matters application be **APPROVED** subject to the following conditions:-
1. A4 (Reserved Matters Only)
 2. A11 (Approved Plans)
 3. C8 (Landscape Implementation)

Note

SN3 (Protection of Species)

Reason for Approval

The submission of Reserved Matters are acceptable and will result in a development which, by virtue of its design, external appearance and landscaping, will be of a high quality which would bring positive visual benefit to the streetscene. The landscaping plan submitted would provide a satisfactory degree of both hard and soft landscaping to the visual benefit of the development. For these reasons the proposal is considered to be in accordance with the policies listed above of the Adopted Wyre Forest District Local Plan.

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| Application Reference: | 09/0052/FULL | Date Received: | 27/01/2009 |
| Ord Sheet: | 372865 274614 | Expiry Date: | 24/03/2009 |
| Case Officer: | Stuart Allum | Ward: | Rock |

Proposal: Erection of porch & rear extension to provide additional bedrooms to existing care home

Site Address: WOODFIELD, CLEOBURY ROAD, FAR FOREST, KIDDERMINSTER, DY149EH

Applicant: Casa-Mia

| | |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary of Policy | H.13, D.1, D.3, D.5, D.18, LA.1, LA.2, TR.9, TR.17 (AWFDLP) SD.2, SD.3, CTC.1, D.22 (WCSP) QE.1, QE.3, QE.6 (WMRSS) Design Quality SPG PPS1, PPS7 |
| Reason for Referral to Committee | Development Control Manager considers that application should be considered by Committee |
| Recommendation | APPROVAL |

1.0 Site Location and Description

- 1.1 'Woodfield' is currently an unoccupied detached bungalow located next door to 'Casa Mia', a care home, which lies within the Local Plan 'settlement boundary' of Far Forest, adjacent to the A4117 Kidderminster to Cleobury Mortimer Road. The site is also located within the designated Landscape Protection Area.
- 1.2 The proposal is to erect a porch to the front elevation and an extension to the rear, containing three additional bedrooms and a lounge. These proposed facilities are intended for use in association with the planning permission for the change of use of 'Woodfield' to a care home use with an extension to 'Casa Mia'. This scheme, though approved on 20 January 2009, has yet to be implemented. The approved scheme also contained two bedrooms at first floor.

2.0 Planning History

- 2.1 KR.17/73 – Addition of bedroom, cloakroom/shower room : Approved
- 2.2 WF.0920/75 – Extension to form sitting room and enclosure of covered way : Approved

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- 2.3 WF.0876/89 – Conservatory : Approved
- 2.4 08/0916/FULL – Change of use of dwelling to care home and construction of single storey extension to link with existing care home : Approved 20/1/09

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection to the proposal and recommend approval provided Permitted Development Rights are withdrawn
- 3.2 Highway Authority – Views awaited
- 3.3 National Care Standards Commission – Views awaited
- 3.4 Access Officer – Determine as appropriate. Condition recommended regarding level thresholds to all external doors.
- 3.5 Neighbour/Site Notice : One letter of support received -

Location is suitable for this type of building – not visible due to the nature of the surrounding vegetation and also being below road level. Size of the building would not be out of character. This would be an improvement to the present building and also is providing much needed employment.

4.0 Officer Comments

- 4.1 Although 'Woodfield' is technically still a dwelling until the implementation of Planning Permission 08/0916/FULL (see above), it is reasonable to determine this application on the basis that the proposed extension and porch are required in association with the approved care home use.
- 4.2 Accordingly, the principle applicable Local Plan policy is H.13, part vii. This policy relates to applications for change of use to residential homes, and the corresponding requirement to ensure that extensions or internal remodelling to facilitate care are not 'significant'. Although this current application contains no change of use element, the consent for change of use granted so recently now makes this a material consideration.
- 4.3 In this context, the form and design of the proposed extensions and internal alterations are not considered to be significant or disproportionate in relation to the existing building. The changes will exert minimal visual impact upon the street scene or the Landscape Protection Area, and neighbour amenity and privacy will not be significantly harmed. The design of the extensions are considered to be acceptable.

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- 4.4 Finally, Planning Permission 08/0916/FULL incorporated a condition limiting the number of residents at the combined 'Casa Mia'/'Woodfield' site to 22. This condition is recommended to be repeated on this occasion.

5.0 Conclusions and Recommendations

- 5.1 It is considered that this proposal meets the requirements of the appropriate Local Plan policies.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing matching materials)
4. Maximum of 22 residents at any one site (combined 'Casa Mia' and 'Woodfield' site)
5. Disabled access (level thresholds to external doors)

Reason for Approval

The proposed extensions and other alterations are considered to be appropriate and proportionate additions to the existing building. The proposals are also in visual harmony with the surrounding area, including the interests of the Landscape Protection Area. The amenity and privacy of the neighbouring properties would not be harmed. For these reasons the proposal is considered to be in compliance with the policies listed above.

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3.3 Crime Risk Manager – Existing community drug based service in New Road does not cause any particular problems, the applicant has confirmed that appropriate security measures are to be taken to ensure the safety of both staff and service users as well as the security of the building, as such there are no objections or recommendations from West Mercia Constabulary.

3.4 Environmental Health – No comments received.

3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The building is proposed to be used for a Community-based drug service, accommodating Turning Point staff, and staff from the Community Mental Health Trust's Substance Misuse Service. The services work in partnership to provide:

- Open Access Drop-in Services for crisis support (housing and financial problems) and needle exchange;
- Needs Assessment/Risk Assessment and Care Planning;
- Medical Assessments and Prescribing Provision for substitute medication;
- Counselling and Relapse Prevention Programmes;
- Counselling for Family Members affected by drug users;
- Acupuncture (proposed); and
- Employment Preparation and Access to Education Initiatives.

4.2 Therefore, the building will be used for office/administrative use for drug-service staff, consulting rooms to see service users, a 'clinical area' to administer vaccinations, and a dedicated room for needle exchange with appropriate lockable storage for used injecting equipment.

4.3 The context of the proposed use will be to provide administrative space for staff, and private confidential consulting rooms for counselling work, arranged on an appointment basis. Service users will have access to a clinical area for doctors' consultations and vaccination programmes as appropriate. There will also be a drop-in facility at designated times in the week for needle exchange and crisis support. This area of work will be 'cordoned off' from the 'scheduled appointment work' so that the two service user groups are seen separately. Work with service users will be conducted on the ground floor, and administrative work conducted by staff will operate from the first floor.

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- 4.4 The application site is located within the Primary Shopping Area as defined by the Adopted Local Plan. As such, the development is subject to Policies RT.2 and TC.2 of the Adopted Local Plan.
- 4.5 The final paragraph of Policy RT.2 states that proposals involving non-retail uses at ground floor, or uses that will undermine the retail functioning of the Primary Shopping Area will not be allowed. This is echoed in the first paragraph of Policy TC.2.
- 4.6 The justification for Policy RT.2 as set out in paragraph 13.36 of the Local Plan explains that the policy seeks to prevent the over-dominance of non-A1 retail uses and dead frontages within the Primary Shopping Area.
- 4.7 Planning Policy Statement 6: Planning for Town Centres, published in 2005 and therefore more recently than the Adopted Local Plan, is a material planning consideration. One of the key objectives of this national guidance is to promote and enhance existing town centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. This is echoed by Objective 69 of the town centre chapter of the Adopted Local Plan.
- 4.8 PPS6 goes onto state, at paragraph 22, that:
- “A diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors.”*
- 4.9 Therefore, the consideration of locating the proposed non-retail sui generis use within the Primary Shopping Area which would conflict with Local Plan Policies RT.2 and TC.2 needs to be weighed against PPS6 which promotes diversification within town centres and the following additional material considerations:
- i) the unit was previously in use as a bank, i.e. a non-A1 use;
 - ii) there is an extant permission dating back to 2007 for an A3 restaurant/café use, i.e. a non-A1 use;
 - iii) as a result of i) and ii), the ratio of A1 retail to non-A1 uses would remain the same;
 - iv) it is considered that the proposed use would not result in a cluster of non-A1 uses within Coventry Street;
 - v) including the application site there are 4 vacant units on this side of Coventry Street, and the proposed use would bring a vacant unit of 2 years back into re-use; and
 - vi) it would broaden the range of uses within this particular frontage within the Primary Shopping Area.
- 4.10 It is therefore considered that there is sufficient justification to outweigh Policies RT.2 and TC.2 of the Adopted Wyre Forest District Local Plan.

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5.0 Conclusions and Recommendations

5.1 As explained above, in this instance it is considered that greater weight should be given to PPS6 which advises that Local Planning Authorities should consolidate and strengthen towns by seeking to focus a wide range of services in centres and to the other material considerations listed above. The proposed change of use would result in an area of dead frontage being enlivened and reinvigorated and the use proposed would offer no harm to the vitality and viability of either the town centre or the Primary Shopping Area.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. The ground floor of the property shall remain open and in use during the hours of 09:00 and 17:00 hours Monday to Friday unless otherwise agreed.

Note

No consent granted for any material changes to shopfront or any advertisements.

Reason for Approval

Whilst not being in accordance with the requirements of Policies RT.2 and TC.2 the proposed change of use is considered to be appropriate within the context of both its location and the guidance laid out in Planning Policy Statement 6: Planning for Town Centres. It is considered that the proposed use would offer no harm to either the vitality or function of the Town Centre or the Primary Shopping Area and the use of a currently vacant unit would offer an enlivened active frontage to Coventry Street.

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- 3.2 Access Officer – No comments received
- 3.3 Environmental Health - No comments received
- 3.4 Forward Planning - The applicant is seeking a change of use within an area zoned for employment uses (Policy E.2 of the Adopted Local Plan) from a Motor Vehicle Repair Shop (Sui Generis) to a unit for the sale and repair of furniture and household appliances with associated storage and office space (A1/B1)

There are a number of elements to be considered when looking at this proposal. In terms of the repair of furniture and the associated storage and office space, it is considered that this element is appropriate within a location zoned for Employment Uses.

However, the main issue, to my mind, is the retail element of the proposal. In considering this regard needs to be had to Policies E.2, RT.5 and RT.8 of the Adopted Local Plan. Regard must also be had to the situation of the applicant, who are a charity based in the Oldington and Foley Park ward.

With regard to Policy RT.5, applicants must demonstrate that there is a need for development and that proposals can not be accommodated within Primary Shopping Areas or Edge-of-Centre locations. It is considered that the applicant has identified a need for the development as an a charity based organisation that supports the residents of Oldington and Foley Park. Furthermore due to the Charity's constitution a facility needs to be based within the Oldington and Foley Park Ward. Therefore, it is considered that the applicant has sufficient grounds as to why the facility cannot be located within a sequentially preferable site.

Policy RT.8 indicates that proposals involving new small-scale retail of less than 250sqm NET may be permissible where there is an identifiable local need within residential areas or rural villages and where such development would not undermine the retail strategy or have a detrimental impact on a nearby centre or other grouping. In considering this proposal, although not in a residential area, it is felt that the minor retail element (95sqm) would not cause a detrimental effect on the nearby shopping centres or would undermine the retail strategy.

However, as the land is zoned for Employment Use within the Local Plan the proposed use would be a departure from the current plan. Therefore, consideration must be given as to whether or not the fact that the applicant is a charity who needs to locate within in the target ward is sufficient to allow a departure from the plan. The proposal would create some jobs in the area and allow the charity to work within the area for which the business is set up for. Additionally, the proposal is not considered to have a detrimental impact on the existing centres or the retail strategy, due to the size of the retail unit proposed.

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Furthermore, the charity need to find premises within the target ward, which does not correspond to the target zone for retail development as identified in the plan. In looking at the various land uses within the ward there are not many options for development of this type and therefore this location should be considered as a potential appropriate location for the charity to continue their work.

If the application is to be approved then it is felt that the permission should be specific for the needs of the charity and should be controlled by appropriate conditions.

3.5 Health & Safety Executive - No objection to the grant of permission

3.6 Neighbour/Site Notice - No representations received

4.0 Officer Comments

- 4.1 Consent is sought for the change of use of this former motor vehicle repair unit to a premises where The Oldington and Foley Park Community Network can operate. This would involve the unit being used for the sale and repair of furniture and household appliances with associated storage and office space.
- 4.2 The primary consideration here is the principle of this development. Policy E.2 of the Adopted Local Plan which that in this location only uses falling within Classes B1, B2 or B8 will be permissible with the exception of car showrooms and vehicle maintenance and repair centres. Whilst there would be an element of industrial use in the form of a workshop, the proposed floor plans clearly indicate that the vast majority of the floorspace would be dedicated to a retail function. The proposal therefore fails to comply Policy E.2 of the Adopted Local Plan, and it therefore remains to be considered whether there are any material considerations which would outweigh this 'in principal' harm.
- 4.3 Oldington and Foley Park Community Network are a well established charity. As part of their constitution and under charity law they are required to be located in the Oldington and Foley park ward, this clearly has implications for where the organisation can seek to locate new premises. In normal circumstances where a new retail development was proposed it would be essential for the applicant to occupy a sequentially preferable site i.e. in the town centre. If a town centre site was not viable then the applicant would have to demonstrate that an alternative site would satisfy an identified local need under Policy RT.8. It is acknowledged that the charity currently occupies a town centre premises, however this arrangement has been on a temporary basis and resulted from the charity having to leave their former premises on Ricketts Close. The charity are unable to occupy their current Coventry Street premises for any significant length of time as it is contrary to their constitution and charity law to be outside of the Oldington and Foley Park Ward.

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- 4.4 Similarly the fact that the charity's objective is to serve the residents of the Oldington and Foley park ward along with the requirements of charity law that the operation be located in that ward is adequate justification for the siting of this development. As highlighted by the Forward Planning Officer it is unlikely that the charity would be successful in finding another more suitable site within this ward. For these reasons I consider the use of this unit by this charity organisation to be acceptable.
- 4.5 The nature of the business proposed is such that the retail showroom would not attract significant numbers of persons travelling by car by virtue that the target market for goods repaired and sold is limited to persons living in the Oldington and Foley Park Ward. I am therefore satisfied that because the 'retail' element of this proposal is only available to a select target market, that there would be no adverse impact caused to the vitality or liveliness of any nearby existing centres. Comments provided by the Forward Planning section, as detailed above, support this view.
- 4.6 The Highway Authority was consulted and did not raise any concerns regarding this application. I am therefore satisfied that the level of car parking for staff and visitors along with servicing requirements is adequate and that it accords with Policy TR.17 of the Adopted Local Plan. Access to the premises is direct from the Stourport Road via a barrier entrance which has 24 hour security. I am satisfied, given that the Highway Authority has not raised concern with these arrangements, that the vehicular and pedestrian approaches to the premises are acceptable and would not give rise to a situation which would be detrimental to highway safety. The proposal accords with Policy TR.9 of the Local Plan.

5.0 Conclusions and Recommendations

- 5.1 Whilst it is acknowledged that the proposal is contrary to Adopted Local Plan policies for retail and commercial development I consider that the circumstances of the Oldington and Foley Park Community Network in their capacity as a charity are adequate to justify the grant of permission in this instance. The proposal, due to the nature of the business operation proposed, would not harm the vitality of any nearby retail centres and there would be no detrimental effects on the highway network as a result of this proposal.

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5.2 I recommend **delegated** authority to **APPROVE** subject to no objection being received before the expiration of the consultation period (including the specific press advertisement relating to the proposed departure from Development Plan policy) and the following conditions:

1. A6 (Full with no reserved matters)
2. A10 (Personal permission - specific to Oldington and Foley Park Community Network)

Reason for Approval

The applicant has demonstrated that there are very special circumstances specific to its function as a charity which justifies the siting of this retail premises in an area normally restricted to only industrial uses. The impact of the proposal has been carefully assessed and it is considered that there would not be a detrimental impact to the retail hierarchy or to highway safety as a result of this proposal.

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05/1245/FULL – Variation of conditions to allow phased development of the site : Approved 10/2/06

06/0530/RESE –10 Industrial Units and Access Road (Phase 1) : Approved

07/0875/RESE – B2 / B8 Development (Part Phase 2) : Approved

08/0912/RESE – 3 storey office development (Part Phase 3) : Approved

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Views awaited

3.2 Highway Authority – No objection

3.3 Regeneration and Economic Prosperity - Views awaited

3.4 Forward Planning – Views awaited

3.5 Neighbour/Site Notice (expires 16th March 2009) – No representations received at the time of writing this report.

4.0 Officer Comments

4.1 The original permission for the development fell into four areas for phasing, which essentially split the site into west, east, south and north quarters. The relevant time periods are set out below:

| | Period of Time to submit Reserved Matters Application | Period of Time to commence Development |
|------------------------|--------------------------------------------------------------|----------------------------------------------------------------|
| Phase 1 (West) | 2 Years (Feb. 2008) | 2 Years (Feb. 2008) or 1 Year after Reserved Matters approval |
| Phase 2 (East) | 3 Years (Feb. 2009) | 4 Years (Feb. 2010) or 2 Years after Reserved Matters approval |
| Phase 3 (South) | 4 Years (Feb. 2010) | 6 Years (Feb. 2012) or 3 Years after Reserved Matters approval |
| Phase 4 (North) | 5 Years (Feb. 2011) | 6 Years (Feb. 2012) or 4 Years after Reserved Matters approval |

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- 4.2 Phase 1 and part of Phase 2 has been completed through the development of 10 industrial units and the unit occupied by City Link. Whilst the owners have secured a permission for office development on part of Phase 3, which will be implemented by the end of 2010, due to the economic climate they are finding difficulty in finding users to take on the remaining plots. In particular the remaining area in Phase 2 required reserved matters to be submitted by the end of February 2009, this has not been is achievable within the present economic climate.
- 4.3 The developers are therefore seeking approval for more flexibility within the permission. The result of this variation will effectively result in Phases 1, 2 and 3 being completed within the timescales attached to the extant permission and allocating the remaining undeveloped parcels of land into Phase 4. This will allow a further 2 years to submit the reserved matters relating to Phase 4, and allow the development to be commenced within the originally envisaged timescale.
- 4.4 Under the present economic climate I see no reason to refuse this application and therefore support the applicants who are seeking to achieve robust planning and more flexibility in the implementation of this important gateway development.

5.0 Conclusions and Recommendations

- 5.1 In consideration of the variation of condition, it is considered that no harm would be caused to the implementation of the whole development by this change which will assist in providing increased time in securing potential users for the remaining parcels of land.
- 5.2 I therefore recommend **delegated APPROVAL** subject to no objections being received before the expiration of the consultation period and the following conditions:
1. A1 (Standard outline)
 2. A2 (Standard outline - reserved matters)
 3. A3 (Submission of reserved matters)
 4. A11 (Approved plans) [amended drawing 4138-54 – showing revised phasing]
 5. Landscaping
 6. Landscaping implementation
 7. Means of enclosure
 8. Retention of trees
 9. Drainage
 - 10.Noise insulation
 - 11.No external storage

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- 12. Parking layouts
- 13. Highway details and drainage
- 14. Storage of oils, fuels or chemicals
- 15. Surface water drainage
- 16. Contaminated land

Reason for Approval

In consideration of the variation of condition to allow more flexibility of the site, it is felt that no harm would be caused to the implementation of the whole development by this change which will assist in providing increased time in securing potential users for the remaining parcels of land. In light of these considerations the application is in accordance with Policies E.1 and E.2 of the Adopted Wyre Forest District Local Plan.