

08/0839/FULL

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:	09/0061/OUTL	Date Received:	29/01/2009
Ord Sheet:	381364.7168741 275649.462534925	Expiry Date:	30/04/2009
Case Officer:	Emma Anning	Ward:	Sutton Park

Proposal: Fourteen detached dwellings (access, scale and layout to be considered)

Site Address: SUTTON RESERVOIR, SUTTON PARK ROAD,
KIDDERMINSTER

Applicant: Severn Trent Water Limited

Summary of Policy	H.1, H.2, H.4, H.5, H.10, D.1, D.3, D.4, D.10, D.11, NR.5, NR.9, NR.11, LA.1, LA.6, LA.7, LA.8, TR.9, TR.17, CY.4, IMP.1 (AWFDLP) CTC.1, CTC.5, CTC.8, D.6, D.9, IMP.1 (WCSP) CF.4, CF.5, QE.1, QE.3, QE.4, QE.8 (WMRSS) Design Quality SPG Planning Obligations SPD PPS1, PPS3, PPG25
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site of approximately 1.6 hectares in area is rectangular in shape and fronts Sutton Park Road to the east, Whitehill Road to the north, a residential garden and open land to the west and the residential properties of The Croft to the south.
- 1.2 This application is in effect a renewal of an almost identical scheme which was approved in 2006 and which expires in July 2009. The application, again, seeks approval for 14 detached houses with detached garages. The application is in Outline, however access layout and scale are to be determined at this stage. The application has been submitted together with an Arboricultural Report, and a Flood Risk Assessment.
- 1.3 The submitted site layout shows that the dwellings would be evenly distributed, with the proposed access road dividing the site into two portions. A single vehicular access is proposed to serve the development off Sutton Park Road in the form of a single priority junction. The previous application proposed a roundabout be formed opposite the existing junction with Hazlewood Close; this has been revised as part of the current scheme following consultation with the Highway Authority. Two pedestrian access points to Plots 1 and 10 are also proposed off Sutton Park Road.

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- 1.4 The site is covered by an Area Tree Preservation Order 297. The submitted Arboricultural report lists 91 trees (although Nos. 25-34 have already been removed due to their condition) and also indicates five groups of trees excluding the woodland area to the rear of the site. The report indicates the species of each tree, its girth, height, crown spread and age and puts each tree in a category depending on whether it should be considered for removal.
- 1.5 The proposed layout indicates that 17 trees would be lost plus parts of G1 (group of mixed fruit trees), G2 (mixed outgrown hedgerow group), all of G3 (privet hedgerow) and part of G4 (mixed privet Hawthorn, Yew, Laburnum, Laurel). The proposed scheme would introduce 7 replacement trees to the front of the site.

2.0 Planning History

- 2.1 06/0436/OUTL – Outline: 14 detached dwellings (siting and access to be determined) : Approved
- 2.2 WF.1200/04 – Residential development with access off Sutton Park Road : Refused. Appeal withdrawn.

3.0 Consultations and Representations

- 3.1 Highway Authority – Extensive consultation with the Highway Authority has taken place and the previously approved scheme, which included a roundabout access from the proposed development onto Sutton Park Road, has been revised. The scheme now proposes a single priority junction arrangement. At the request of the Highways Officer an amended transport statement, which includes traffic flows, has been submitted together with a revised site layout plan. The Highways Officer has verbally advised **no objection** to the proposed scheme; formal confirmation is awaited.
- 3.2 Environment Agency - No comments received
- 3.3 Arboricultural Officer - No objection
- 3.4 Conservation and Countryside Officer - requests a bat and badger survey.
- 3.5 Environmental Health - No objections received. A contaminated land condition should be added.

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- 3.6 Forward Planning - It is understood that this application seeks the renewal of Planning Permission 06/0436 (Outline). The site is included within the Strategic Housing Land Availability Assessment (Ref H024), which will form part of the evidence base to inform the emerging Local Development Framework.

It is noted that a lower density for the site (including no affordable housing) was approved with the original permission. This was approved due to the extent of protected trees, landscaping and character of the site within its wider context. Whilst this does not accord with Adopted Local Plan Policies H.5 and H.10, the lack of provision of affordable housing is disappointing, particularly in light of more detailed guidance set out in the Council's Adopted Planning Obligations Supplementary Planning Document, the importance of the site in terms of its contribution to local distinctiveness and character is acknowledged. It is also an important site in terms of providing green infrastructure and supporting wildlife and biodiversity.

The Wyre Forest District Planning Obligations SPD was adopted in 2007 and the revised application should now also be considered against this. The potential for developer contributions associated with this renewal application towards public transport and biodiversity should be looked at in more detail.

The scheme does not currently include details for the provision of recycling and waste management facilities. The lower density proposed in the scheme offers the ideal opportunity to carefully consider the sustainability elements of the development as per Local Plan Policies D.6 and D.7 and the Council's Adopted Design Supplementary Design Guidance when the reserved matters are submitted.

- 3.7 Severn Trent Water - No objection subject to drainage condition.

- 3.8 Access Officer - There appears to be a conflict between the Access Statement paragraph 6.2, the proposed housing layout and the existing topography on Drawing 101Ei. There should be no gradients on pedestrian access routes in excess of 1:12 and all ramps should be in accordance with the requirements of BS 8300.

The proposal avers to adopt the philosophy and design of a lifetime and accessible home and therefore the elements included in those standards should be specified in the access statement when submitted for approval of reserved matters.

It appears from Drawing No. 1101-01B that the blister paving is located on a full height kerb rather than part of the dropped kerb; this requires redress.

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3.9 Neighbour/Site Notice - 3 letters received (Two from Hillcrest Residents Association)

The main points raised were:

- Plot 9 will result in a loss of privacy to 95 Sutton Park Road, however if the trees and laurels are left intact then this will probably solve 80% of the problem.
- The first letter submitted by Hillcrest Residents Association (based on the original proposed layout which included a mini roundabout) confirmed that they offer support for the application but do seek clarification of the fate of trees in groups G2 and G4 as the Design and Access Statement conflicts with the Arboricultural Statement.
- The second letter from Hillcrest Residents Association (in response to the revised site access arrangements). Hillcrest Residents Association objects as the priority T-junction, as proposed, is not acceptable. It was not acceptable as part of the previous application (and was replaced with the mini roundabout) and it is not acceptable now. The Transport Statement does not give a clear picture of the traffic situation as it includes “totally irrelevant figures in the latter part”.

4.0 Officer Comments

4.1 Members will note that there is extant outline permission on this site for residential development of 14 dwellings which was approved on 18 July 2006. This application is identical to the previous one in all respects except the proposed highway access and S106 contributions.

USE OF LAND

4.2 The site is allocated in an area primarily for residential use, as identified on the proposal map and in accordance with Policy H.2 of the Adopted Wyre Forest District Local Plan. It is also considered to comprise of previously developed and therefore the principle of residential development is acceptable.

IMPACT ON TREES

4.3 As stated previously, the site is covered by an Area Tree Preservation Order. The current application comprises a detailed Arboricultural Report with accompanying plan, which clearly indicates each tree and group of trees by number together with a planning layout which has been superimposed on the arboricultural survey. The area of woodland to the rear of the site is to be actively managed

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4.4 Furthermore, a 'no dig' construction method statement indicating how the hard surfaced and access areas which are particularly close to the trees next to Plots 2 and 3 could be constructed have been submitted together with details of tree protection measures.

4.5 The Arboricultural Officer has not raised any objections to the proposed siting of the 14 dwellings or the proposed means of access.

HIGHWAYS AND MEANS OF ACCESS

4.6 The previous application proposed a roundabout between the site entrance on to Sutton park road and Hazelwood Close, this arrangement has been revised, following extensive consultation with the Highways officer, and the roundabout replaced with a single priority T-junction access on to Sutton Park Road. A revised site layout has been received and has been assessed by the Highways Officer who has no objection to the proposal subject to conditions as listed below.

4.7 Concern has been raised by the Hillcrest Residents Association that the proposed T-junction does not represent the best form of access to the application site. The Hillcrest Residents Association maintains that a mini roundabout, as previously approved, is the best option. It should be noted that lengthy negotiations have taken place between the Agent and the Highways Officer and, based on the renewed traffic data made available, it is agreed that the T-junction is the preferred option for this development. I am therefore satisfied that the proposed highway layout would not give rise tot a situation which would be detrimental to highways safety and that the proposal for a T-junction is therefore acceptable.

LAYOUT AND SITING OF PROPOSED PROPERTIES

4.8 The current scheme proposes 14 detached dwellings, which would be evenly distributed within the site. It is considered that this layout would maintain the open character and views through the site and would form a suitable footprint of buildings and spaces so as not to cause harm to visual amenity or local distinctiveness.

4.9 The design and Access Statement describes the proposed scale of the dwellings to be developed as being up to 8m in height (to the ridge). This proposed scale is considered acceptable; it would relate well to the existing development at the Croft and would therefore sit well within the established street scene.

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FLOOD RISK

- 4.10 The current application has been submitted together with a Flood Risk Assessment. In summary, the report advises that the site is able to connect to the public foul water network to meet one of the two foul water connection points in Sutton Park Road whilst sustainable drainage techniques could be employed to discharge surface water. The Environment Agency raised no objection to the findings when consulted on the previous scheme, and carries those comments across to this proposal.

AFFORDABLE HOUSING

- 4.11 Policy H.10 of the Adopted Wyre Forest District Local Plan indicates a requirement for up to 30% affordable housing units where a development comprises 15 or more dwellings or involves a site of 0.5 hectares or more. The proposed scheme proposes a total of 14 dwellings and whilst the proposed density on the site is significantly less than the 30 dwellings per hectare sought under Policy H.5 consideration should be given to the overall impact upon the character and appearance of the area which would be affected as a result of increasing the number of units.
- 4.12 In applying H.5 the policy states that regard will be had to local circumstances and the character of the surrounding area whilst PPS3 also advises that considerations of layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.
- 4.13 It is considered that in balancing the need for affordable housing against the need to protect the character of the area, that in this instance due to the number of protected trees the number of units is appropriate.

COMMENTS FROM NEIGHBOURS

- 4.14 Concern has been raised that Plot 9 would lead to a loss of privacy to residents at 95 Sutton Park Road, given that there would be a separation distance of at least 35 metres and that there would be significant vegetation cover between the two properties. I do not feel that the proposal would give rise to the loss of amenity described.

OTHER MATTERS

- 4.15 The Agent has requested that the usual 3-year time period attached to any outline permissions be extended to 5 years in this instance. This request is made in light of the current economic situation and the possibility that in this sort of climate finding a developer to submit Reserved Matters within the normal 3-year period may be difficult. By allowing this increase, it would effectively result in the implementation of the scheme being 7 years maximum.

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- 4.16 The Town and Country Planning Act 1990 Section 92 states that the authority concerned with the terms of an outline planning permission may substitute the periods of three years, five years or two years with such other periods as they consider appropriate.
- 4.17 The District Council's Principal Forward Planning Officer has verbally advised that this would not prejudice the District housing supply as identified in the Strategic Housing Land Availability Assessment, as the site is not identified as a priority site. The Principal Forward Planning Officer advises that it would be acceptable for this site to feature as a site that would become deliverable within a ten-year timeframe, as would result should permission be granted subject to the extended period.
- 4.18 Additional information from the agent has been requested to further justify their request. This will be added to the update sheet when received.

5.0 Conclusions and Recommendations

- 5.1 It is considered that the proposed use of land accords with the Adopted Wyre Forest District Local Plan and the proposed siting, scale and access points are acceptable;
- 5.2 I therefore recommend that **delegated** authority be given to **APPROVE** this application subject to:
 - i) No objections from the Highway Authority and the Arboricultural Officer;
 - ii) The signing of a **Section 106 Agreement** for financial contributions as detailed in the table below:

Contribution	Amount	Destination	Required by SPD?
Highways	£14,000	Junction improvements at Bewdley Hill/Sutton Park Road and traffic light junction at Bewdley Hill/Sutton Road and Summer Place	No
Open Space	To be calculated based on number of child bed spaces in accordance with SPD		Yes
Education	£2,389 per 2/3 bed dwelling and £3,584 per 4+ bed dwelling	Worcestershire County Council	Yes

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iii) the following conditions:-

1. A1 (Standard Outline)
2. A2 (Standard Outline – reserved matters)
3. A3 (Submission of Reserved Matters)
4. A5 (Scope of Outline Permission)
5. B1 (Samples/Details of Materials)
6. B13 (Levels Details)
7. B15 (Owl/bat box)
8. Submission of a woodland management plan with first or next reserved matters application
9. Tree retention
10. C7 (Landscaping – large scheme: notwithstanding details on plan)
11. Proposed Boundary Treatments
12. Driveway Construction
13. C3 (Tree Protection During Construction)
14. C5 (Hand Digging Near Trees)
15. C8 (Landscape Implementation)
16. Details of proposed route for lorries
17. Vehicular access for the dwellings shall only be gained via the proposed vehicular access
18. All material excavated shall be transferred off site
19. D1 (Contaminated Land)
20. Environment Agency – scheme for the provision of surface water drainage works incorporating sustainable urban drainage systems
21. Environment Agency – scheme for the provision and implementation of surface water run off limitation
22. Environment Agency – land contamination
23. J13 (Hours of Work – operations : 0800 –1800 hours on weekdays; 0800 – 1200 hours on Saturdays; no time on Sundays, Bank or Public Holidays)
24. H21 (Wheel Wash)
25. F13 (Control of Dust)
26. Highways

Reason for Approval

The principle of residential development on this site complies with policy whilst the proposed siting and scale of the dwellings together with the proposed means of access is acceptable. Whilst the proposed scheme does not meet the housing density guidance under Policy H.5 and does not propose any affordable housing with this particular application, more emphasis in this instance is given to the retention of the existing protected trees, landscaping and the character of the site within its wider context.

5.3 In the event that the Section 106 Agreement is not completed by 30th April 2009, it is recommended that delegated authority be given to REFUSE this application.

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- 1.3 There is an existing opening within the hedgerow and a dropped kerb, however it does not appear to have provided vehicular access to the site over recent years. An existing agricultural access is located between the site and Rowberrys Nurseries, however, that access is not within the application site boundary. Access to the proposed school site is proposed via a new access formed off the A448, which links Bromsgrove and Kidderminster, outside the 30mph restricted area.

2.0 Planning History

- 2.1 07/0482/OUTL - Outline application for the erection of a new primary school, together with caretaker's accommodation, car parking, creation of new access off A448, landscaping and associated highway and infrastructure works : Approved.

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Objection to the proposal and recommend Refusal. The Parish Council object to this proposal on health and safety grounds.

- 3.2 Highway Authority – Recommend Refusal for the following reasons:-

The application should be refused in the interests of Highway Safety as the existing consent allows for safe lawful passage for pedestrians and cyclists to the proposed school. The proposed application will place cyclists into a conflict situation where they will share road space with motorists. The A448 is a heavily trafficked route and subject to a 30 mph speed limit, but speeds in the village are significantly greater. The site is not well connected to the residential community for pedestrians and cyclist and this application reduces the desire to travel by cycle either as an employee, visitor or pupil and is contrary to the principle of promoting sustainable means of access to the site.

The applicant has not considered what mitigation measures are needed to compensate for this proposal. There is no revised safety audit or travel plan supporting this application which would be an essential requirement considering the implications of varying these conditions.

This application will place vulnerable persons in a dangerous situation, which would be adverse to Highway Safety and fails to address the promotion of sustainable means of access to the site.

- 3.3 Access Officer – No objection. Details of the footpath in terms of gradient and surfacing are required to ensure its suitability for use by disabled people. The path should be level with a hard, bound surface. These requirements can be conditioned.

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- 3.4 West Mercia Constabulary – Objection. It is understood that only the older children attending school will be allowed to use pedal cycles. It is usual that they have some instruction on how to cycle safely, part of this instruction will be to use cycle paths where provided. Therefore, it is logical that any children cycling to school will be encouraged to use the cycle way subject of this application.

Whilst the cycle way itself is on school land and does not in itself present any danger it ends at a busy main road, the A448. Cyclists will then be forced to use this road to continue their journey, it is my opinion and that of our traffic management department that this presents a significant danger to the children for the following reasons:

- The A448 is a busy road. It is the main route from Kidderminster to Bromsgrove and as such is used by large vehicles.
- Whilst the road at this point has a 30mph speed limit vehicles travelling from Bromsgrove are leaving a derestricted area and can still be travelling in excess of 30mph.
- Vehicles travelling towards Bromsgrove can often be seen speeding up the hill (past the proposed location for the school) towards the derestricted area.
- Under the proposed road layout children leaving the school will have to turn right across three lanes of traffic.
- The road is poorly lit.

I understand that it is part of the planning application for the school that a cycle way should be provided, however the safety of the pupils going to and leaving the school is of vital importance. It is the view of the Police that this cycle way has the potential to put them in significant danger and on that basis the application should be refused.

- 3.5 The Ramblers' Association – Objection to the proposal. As you are aware we objected previously to the proposals in our letters of 31/05/07 and 22/10/07 (in relation to the original Outline application) and we do not intend to go through our previous objections except to say that we believe them to be valid.

In our last letter we were concerned that there appeared to be no agreement as to how the footpath and cycleway proposals were to be implemented. The latest proposal appears to vindicate our case and that which is now being proposed by the developer is, quite frankly, a joke. The only new footpath and cycleway that are proposed will be totally within the new school grounds.

We do not believe that the developer and the Trustees can ever have been serious about alternatives to the motorcar as a means of accessing the new school.

09/0073/FULL

Had their intention been to provide improved foot/cycle (i.e. off road) access then surely they would have been consulting with yourselves and the County Council with regard to Public Path creation orders under Section 26 of the Highways Act 1980 for the routes in question since the views of the landowner do not need to be taken into account and any spurious insurance/health and safety smokescreens can be ignored. The only question that would need to be addressed would be the amount of compensation, if any, to be paid to the landowner.

3.6 Bromsgrove District Council – No objection.

3.7 Neighbour/Site Notice – 2 letters have been received following direct notification and the posting of a site notice. Objections have been raised on the following grounds:

- The creation of the cycleway is a frivolous waste of money. The facility is very unlikely to be used by accompanied or unaccompanied children either from the village or by children entering the village from the access roads via Briar Hill.
- Presently only one child uses the cycle parking facility at the (existing) school and there is no reason or evidence to suggest that more will do so. Children (under 13 years of age) travelling to the school on the A448 will obviously not use this facility and should not be encouraged to travel by foot or cycle.
- The village is situated in the green belt and a conservation area, and reference to the Parish Design Statement will illustrate the opposition of residents to artificial illumination.
- Despite the only nominal numbers of children walking or cycling to school, originally this route was proposed as a joint pedestrian and cycle access, and the combined route was to be 3m wide. However, now that the landowner will not permit a cycleway across his land you have received a section 73 application to remove the requirement for a cycleway along this route, which will instead go down the school drive to the main road and then along the public highway, and thence to the village. The applicant has rightly identified that if this application cannot be approved that the construction of the school cannot go ahead. Obviously my client wishes to support the construction of the school, but he is concerned about the visual intrusion which will be caused by the pedestrian link on it's own at 3m wide, and by any lighting thereof. Under condition 14 on the original consent 07/0482/OUTL, all external lighting has to be approved by you and I understand ... that this condition has not been discharged yet. Would you please accept this letter as a request that first of all the unnecessarily wide footpath now be narrowed, so that no land is unnecessarily developed in the Green Belt; and secondly that it be not lit.

09/0073/FULL

4.0 Officer Comments

4.1 Members will no doubt recall that outline planning permission was granted, by virtue of planning application 07/0482/OUTL, for the erection of a new primary school, together with caretaker's accommodation, car parking, creation of new access off A448, landscaping and associated highway and infrastructure works. In granting planning permission, a significant number of planning conditions were imposed in order to ensure the satisfactory development of the site, being particularly mindful of site's location within the Green Belt and outside the settlement boundary of Chaddesley Corbett.

4.2 Whilst only approved in Outline form, the layout and scale of the new school development was agreed, with provision made for

- Classroom spaces
- Other spaces for education – small group space, school hall, library, computer suite, music, play, sports etc
- Other space to support education – toilets, dining, kitchen, storage etc
- Staff space – head, secretary, staff room
- Car park, drop off point etc
- Cycle parking facilities
- External play area/landscaping
- Swimming pool and changing rooms
- Private day nursery
- Provision for wrap around care (before and after school/holiday clubs)

Additional facilities to be included in the new school included:

- Extended use of school facilities (public access to library, ICT, badminton court, hall, community stores, swimming pool, tennis courts)
- Designated parking for mobile library vehicle
- DT/Craft room for school
- Music room (for both school and community use)
- Caretakers accommodation

4.3 In light of the location of the new school site, provision was made for a footpath and cycleway linking the site with Chaddesley Corbett village which avoid a need to provide a route which ran alongside the busy A448, Bromsgrove Road, The approved plan indicated a 3.0 metre wide footway/cycleway from the village High Street, via Fold Lane following the route of existing public rights of way accessing the school site at the north east point of the site. A detailed specification for the footway/cycleway was required under Condition 29 of the planning permission.

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- 4.4 Officers are advised that the applicants now claim to have encountered difficulties in respect of the footway/cycleway. Specifically, the adjoining landowner has made it clear that, for reasons understood to relate to issues of insurance, he cannot and will not permit a cycleway across his land. It is on this basis that the applicants are now seeking to vary the relevant conditions, and in doing have submitted an alternative proposal which would maintain a footway along the previously agreed route, but with a separate cycleway restricted to a link between the school “front door” and the A448 Bromsgrove Road. Thereafter, cyclists would be required to use the existing public highway, which in the immediate vicinity of the school site does not feature any pedestrian footway.
- 4.5 It is clear that the applicants are in a difficult position. They are now prevented from providing a cycle route across the agricultural land between the school and the village, as previously indicated, because of issues which appear to be beyond their control. The proposed pedestrian route remains as previously approved and is therefore acceptable and in principle pedestrian and cycle routes could be provided separately. Therefore the only issue to be considered is whether the proposed separate cycle route is acceptable and if it is not whether this will justify a refusal of this application, thereby potentially removing the applicants’ ability to construct the new school on the approved site.
- 4.6 The applicants themselves acknowledge that the use of the A448 by cyclists is not ideal and that many patrons are likely to be discouraged from cycling to and from the school due to traffic and highway concerns. However, officers are not aware of any attempt to seek to provide an alternative cycleway alongside the public highway within the verge and adjoining land.
- 4.7 The A448 Bromsgrove Road is clearly an extremely busy stretch of the public highway. Traffic often travels at a significant speed despite the speed restrictions in place, as detailed within the consultation response from West Mercia Police, under paragraph 3.4 of this report. Immediately to the front of the site there is currently no footway alongside the highway and the approved new vehicular access into the school site makes little or no provision for improving this situation.
- 4.8 It is acknowledged that the actual number of school pupils who presently cycle to the current school site is extremely low. The school itself is believed to place restrictions upon the age of pupils who will be permitted to cycle to the school, thereby managing the potential number of pupils. Furthermore, it is understood that the actual number of pupils who actually reside within the village, and as such would potentially cycle to the new school site, is again relatively low compared to the overall number of pupils who attend the current school, the majority of whom live outside of the village and arrive by other means, principally private car. Whilst it is envisaged that this scenario would continue, there is actually no way of ensuring or guaranteeing that the current low number of pupils wishing to cycle from the village would remain.

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4.9 Notwithstanding the above comments regarding number of pupils, even if only one pupil were to wish to cycle to school it is essential that every effort be made to ensure that a safe route can be provided. Furthermore, it must be remembered that the school facility is also a community facility, with out of hours usage for a number of activities as briefly outlined under paragraph 4.2 of this report making the provision of a safe route a fundamental requirement. The approved school layout incorporates cycle parking facilities in accordance with Policy TR.6 of the adopted Local Plan, encouraging users of the facility to travel by means of bicycle.

4.10 National planning guidance, in the form of PPG13: Transport, states, under paragraph 79, that in determining planning applications, local authorities should:

*“ – seek the provision of convenient, safe and secure cycle parking and changing facilities in developments”; and,
“ – seek the provision of cycle routes and cycle priority measures in major new developments.”.*

Such advice is mirrored in Policy T.10 of the Worcestershire County Structure Plan 1996-2011 states:

“Safe and convenient routes for cycling and walking will be required in the design of new development”.

4.11 Officers are sympathetic to the problem that the applicants have now encountered, which arguably could not have reasonably been foreseen. However, officers feel that they cannot ignore the concerns expressed by key consultants with regard to highway safety, namely the Highway Authority and West Mercia Constabulary, which are supported by the Parish Council. There is no evidence in the applicants' submission as to whether alternatives to the now proposed cycleway provision exist.

4.12 Members are advised that there were concerns expressed at the time of the original application with regard to the provision of the combined footway/cycleway route from a highway and planning perspective. The Committee concluded at that time that the educational requirements and benefits of providing the new school in the proposed location was material enough a consideration for the then footway/cycleway to be accepted. However, the proposed alternative route is considered to be a less safe alternative than the approved route.

4.13 The applicants state that whilst there is no express requirement within the Development Plan to provide an alternate cycle route to the village, they recognise that such a provision would have been the most desirable solution. They request that full consideration and understanding for the dilemma they face be appreciated and that it be recognised that attempts have been made to find an alternate solution to the one now proposed, without success.

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5.0 Conclusions and Recommendations

- 5.1 Officers have every sympathy for the predicament that the applicants now find themselves in. The proposal for the replacement school on this site has previously been approved after full consideration of a wide number of factors and assessed against national, regional and local planning policy. The permission was granted by the Council subject to conditions which were considered necessary and now, due to matters which appear to be beyond the applicants' control, the originally proposed combined cycleway/footway cannot be delivered, resulting in the now proposed alternative, segregated, option, which by the applicants' own admission is not as they would have ideally wished.
- 5.2 There can be no objection to the provision of the footway along the previously agreed route. However, the cycleway option, which merely links the "front door" of the school to the public highway, through the school grounds, gives genuine cause for concern with regard to highway safety for pupils and other potential users of the school site alike. Cycle parking facilities are proposed as part of the approved new school development, in accordance with Policy TR.6 of the adopted Local Plan, which in themselves would encourage cycle use.
- 5.3 Notwithstanding the applicants' comments regarding the current small number of pupils who cycle to the current school site, Officers are of the opinion that the number of cyclists could increase overtime especially in view of the cycling facilities shown within the approved scheme.
- 5.4 In light of the above, and being particularly mindful of the objections raised by the Highway Authority and West Mercia Constabulary it is recommended that, on balance and notwithstanding the applicants' unfortunate position, the application to vary conditions 6 and 29 of planning permission 07/0482/OUTL, to allow the separate cycleway as proposed, be **REFUSED** for the following reasons:
1. The approved replacement school development on land adjacent to Rowberry Nurseries would be accessed directly from the A448 Bromsgrove Road, which is heavily trafficked and subject to traffic speeds in excess of the 30mph limit, with no pedestrian footway within the vicinity of the school site. The proposal to vary conditions 6 and 29 of planning permission 07/0482/OUTL to provide an alternative cycle route limited within the school grounds, with the only means of access by cycle to and from the school being along the A448 Bromsgrove Road, is considered to be likely to cause a significant level of danger to cyclists, including school children, travelling to and from the application site. This would result in a significant reduction in highway safety in this location and discourage the promotion of a sustainable means of transport to the site. The application is therefore considered to be contrary to Policies T.1 and T.10 of the Worcestershire County Structure Plan and Policies D.9, TR.6 and TR.9 of the Adopted Wyre Forest District Local Plan and Government advice in PPG13.

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE

7TH APRIL 2009

PART B

Application Reference:	09/0045/FULL	Date Received:	22/01/2009
Ord Sheet:	374872 273738	Expiry Date:	19/03/2009
Case Officer:	Stuart Allum	Ward:	Rock

Proposal: Single storey extension & conversion of garage for accomodation for dependant relatives.

Site Address: APRIL COTTAGE, MOPSONS CROSS LANE, CALLOW HILL, ROCK, KIDDERMINSTER, DY149XL

Applicant: Mr & Mrs R Childe

Summary of Policy	H.18, D.1, D.3, D.5, D.17, LA.1, LA.2, TR.9, TR.17 (AWFDLP) SD.2, CTC.1 (WCSP) QE.1, QE.2, QE.6 (WMRSS) Design Quality (SPG) PPS1, PPS7
Reason for Referral to Committee	Statutory or non-statutory consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 April Cottage is a detached bungalow located in the rural landscape protection area to the west of the River Severn. It is accessed via a narrow lane from the A456 (Callow Hill) and is flanked by other detached dwellings).

1.2 The site is within an area developed over many years for very low density housing, and is therefore relatively inconspicuous in landscape terms.

2.0 Planning History

2.1 WF/0622/75 – Garage : Approved August 1975
WF/0486/92 – Proposed rear extension and alterations : Approved 20/8/92
WF/0064/00 – Erection of extension to form enlarged bedroom, lounge and porch : Approved 2/3/00
07/0554/FULL – Conservatory : Approved 16/7/07

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08/0994/FULL – Single story extension and conversion of garage for accommodation for dependant relatives : Withdrawn 9/12/08

3.0 Consultations and Representations

3.1 Rock Parish Council – Objection to the proposed and recommend refusal. “Over-development of the site – permitted development rights should be removed.”

3.2 Highway Authority – No objections

3.3 Access Officer – The wider context of the site requires explanation, as specified in Practice Note 18, i.e. its relationship to public transport.

The washing and toilet facilities in the proposed dwelling unit are not designed to cater for the requirements of mobility impaired people, i.e. WC should be 1.5m x 2.2m but measures 1.5m x 1.0m; the minimum disabled user bathroom dimensions are 2.5m x 2.7m but the proposal shows 2.4m x 2.0m. The reason for not attaining these standards is not explained in the Access Statement, which may affect any planning policy arguments reliant on ‘special circumstances’ to justify a departure from planning policy. Recommendation - Resolve the above issues before determination.

3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 With reference to the Adopted Local Plan, Policy H.18, this proposal is considered to be acceptable because it is designed in such a way as to be physically incorporated into the main dwelling, with a strong internal link and one bedroom only. This link can be further reinforced via the imposition of a suitable condition.

4.2 With regard to the proposed extension, although this property has been significantly extended in the past, the addition of a modest amount of additional floor space to the rear of the previously approved garage would not create serious disproportionality in relation to the original building. Although Rock Parish Council has objected to the development, it is not considered that an ‘overdevelopment’ would occur for the reason given above. Similarly, to remove ‘permitted development’ rights in these circumstances is considered to be unreasonable.

4.3 In terms of the relationship of the proposal to neighbouring dwellings, it is clear that no adverse impact upon amenity or privacy would occur.

4.4 Similarly, no adverse impact would be created in relation to the protected status of the Local Landscape.

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- 4.5 With regard to the access issues, these could be addressed by Part M of the Building Regulations.

5.0 Conclusions and Recommendations

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

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B3 (Finishing Materials to Match)
4. Occupancy restriction – linked to existing dwelling

Reason for Approval

The proposed ancillary accommodation is designed in such a way as to be physically incorporated into the main dwelling, with a strong internal link and one bedroom only. The associated extension is in scale and harmony with the original building and the surrounding environment, which would retain its visual dominance. No adverse impact on the amenity or privacy of neighbouring properties would occur. This is in compliance with Policies H.18, D.1, D.3, D.17, LA.1 and LA.2 of the Adopted Wyre Forest District Local Plan

Agenda Item No. 5

Application Reference: 09/0103/FULL **Date Received:** 12/02/09
Ord Sheet: 377705.742739819 **Expiry Date:** 09/04/09
275321.9499619
Case Officer: James Houghton **Ward:** Bewdley and Arley

Proposal: Erection of 4 dwellings and associated access and parking

Site Address: CORNERWAYS, THE LAKES ROAD, BEWDLEY, DY122PH

Applicant: Mr & Mrs J Turner

Summary of Policy	H.2, H.5, H.6, D.1, D.3, D.4, D.10, D.11, NR.8, NR.9, TR.9, TR.17 (AWFDLP) SD.3, D.9, D.11 (WCSP) CFC3, CFC4, QE3 (WMRSS) Design Quality SPG PPS1, PPG3
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 relates to a site on the corner of the Lakes Road at the junction with the Cleobury Road. The application site comprises approximately 0.1755 ha of land and is accessed from The Lakes Road. The site is not level and the land drops sharply to the south and is approximately 2 metres lower at the boundary with Cleobury Road than at the boundary with No. 3 Lakes Road.

2.0 Planning History

- 2.1 06/0502/FULL: Demolition of existing bungalow and erection of three dwellings – Refused 22/06/06.
- 2.2 06/0770/FULL: Demolition of bungalow and erection of two x three bedroom bungalows (resubmission of 06/0502/FULL) – Approved 14/09/06.
- 2.3 08/0714/FULL: Erection of 4 dwellings and associated access and parking (amendment to planning permission 06/0770/FULL) – Withdrawn.

09/0103/FULL

3.0 Consultations and Representations

3.1 Bewdley Town Council – Object to the proposed development and recommend refusal on the grounds that the application is considered overdevelopment and there would not be enough space for eight cars, access to the highway is viewed as potentially problematic.

3.2 Highway Authority – No objection to the proposed development subject to conditions and notes being added to any permission issued.

3.3 Severn Trent Water – No objection to the proposed development subject to conditions be added to any permission issued.

3.4 Access Officer – The following comments are made:

- Hard surfaced and level areas and routes are required to enable wheelchair users to access the garden.
- Hard surfaced and level areas and routes are required to enable wheelchair users to travel between the dwelling and the car parking area and the amenity spaces.

3.5 Arboricultural Officer – The site has a number of trees, all of which are located along the boundary of the site. Many of the trees are of low quality or have defects that could become an issue in the future; however when assessing the trees as a group they have a high amenity value and offer good screening for the site.

The trees with the highest amenity value, as individuals, are the oak and sycamore on the southern boundary and the yew on the eastern boundary. The remaining trees only have value as a group and it would be desirable to retain as many as possible.

Six trees on the eastern boundary will be directly affected by Plot 1. These include 2 cypress, 2 birch, 1 larch and 1 beech.

None of the remaining trees will be directly affected by the development and should be retained, further landscaping should be carried out to enhance and improve the local landscape.

There are no objections to the proposals subject to conditions to be added to any permission issued and these conditions are implemented prior to any site clearance.

3.6 Neighbour/Site Notice – One letter of objection has been received, the following points are raised:

- Concerns over a possible increase in traffic due to the proposed development exacerbated by the proximity to a busy junction, that between The Lakes Road and Cleobury Road.

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- Concerns over increased density of dwellings provided on site.
- Possible on street parking as a result of the development as no garages are to be provided.
- Increased bus traffic past the site coupled with on street parking could lead to increased risks for pedestrians.

4.0 Officer Comments

- 4.1 The application site is within an area allocated for residential purposes under Policy H.2 of the Adopted Local Plan, and is considered to constitute previously developed land. Policy D.3 of the Adopted Local Plan requires that development proposals must relate to the appearance and character of the surrounding townscape so as to complement the surrounding buildings and spaces. This is echoed in the Adopted Design Quality SPG which states infill development should be designed to be sensitive and responsive to existing street patterns.
- 4.2 This application follows an earlier approved application for two, three bedroom detached bungalows; the proposed bungalows would be of the same scale and similar design to those already approved and would be considered appropriate within the street scene. Each of the units proposed would contain two bedrooms which, although an increase in bed spaces over those proposed in the previous approved application, would require the provision of the same number of parking spaces.
- 4.3 It is noted that the objections arising through consultation focus on potential Highway issues. The four two bedroom units proposed would require the provision of a total of four parking spaces following the guidance laid out in Appendix 9 of the Adopted Wyre Forest District Local Plan, consultation with the Highways Authority confirms that this would be achievable subject to conditions. Conditions imposed upon the parking areas would also allow the concerns of the Access Officer to be addressed and overcome.
- 4.4 The current application follows a withdrawn application (08/0714/FULL). The application differs from the withdrawn proposal in that one pair of semi detached units has been relocated to take advantage of a substantial level change across the site, the boundaries of amenity spaces have been amended, some windows relocated and roof lights added in order to improve the outlook and general amenity of the occupants of the proposed dwellings. Plot 1A has been altered to provide an accessible garden with raised beds intended to be suitable for a wheelchair user. The form of the buildings proposed replicates those approved through application 06/0770/FULL.

09/0103/FULL

- 4.5 The plot, which is substantial in size, is characterised by the variety of trees along the southern and eastern boundaries. The trees are not afforded statutory protection by a TPO and are not within a conservation area. Some of the trees will be removed. However, these are not considered to, individually, be of amenity value. The proposed dwellings would be situated at a sufficient distance from the remaining trees to ensure that they will not be harmed. The trees also provide a natural screen to the development from the Cleobury Road and when looking south on the Lakes Road. Conditions requiring a tree survey, landscaping scheme and the protection of the trees to be retained would ensure that the appearance of the site is enhanced as a result of the development.
- 4.4 Plot No.1 would cross the building line that is currently present on the Lakes Road, however, due to the nature of the plot and the natural screening that would be retained, it would not be considered that the proposed development would have an adverse impact on the visual amenities of the street scene. The scheme would now be responsive to the surrounding townscape and would sit comfortably with adjacent developments.
- 4.5 The impact on the neighbouring dwellings would not be significantly more harmful than that which would be created by the implementation of the previous permission 06/0770/FULL.

5.0 Conclusions and Recommendations

- 5.1 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved Plans)
 3. B1 (Samples of materials)
 4. Prior to the commencement of development details of all hard surfaces and parking layout shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
 5. B11 (Details of Enclosure)
 6. C1 (Tree survey)
 7. C2 (Retention of existing trees)
 8. C4 (Protection of trees – No burning)
 9. C5 (Hand digging near trees)
 10. C6 (Landscaping – Small scheme)
 11. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

09/0103/FULL

12. There are public sewers which cross the site. No buildings shall be erected or trees planted within 2.5 (225SWS) and 5.0 (300SWS) metres either side of these sewers. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991. There is a pumping station adjacent to the site. No buildings shall be erected within 15 metres of this site.
13. Single access - existing - footway
14. Visibility splays
15. Driveway Gradient
16. A Parking/turning single application site 2 no
17. Parking/turning single application site 2 no
18. Access, turning and parking
19. Cycle Parking (Single Unit)
20. Cycle Parking (Single Unit)
21. Parking for Site Operatives

Notes

- A Mud on Highway
- B Alteration of highway to provide new or amend vehicle crossover
- C No Drainage to Discharge to Highway

Reason for Approval

The proposed dwellings are well designed and will have an acceptable appearance in the street scene. The scheme is also acceptable in terms of highway safety. The impact of the dwellings upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity.

Application Reference:	09/0118/FULL	Date Received:	16/02/2009
Ord Sheet:	381123 271437	Expiry Date:	13/04/2009
Case Officer:	James Houghton	Ward:	Mitton

Proposal: Change of use of reception room to betting office

Site Address: SWAN HOTEL, 56 HIGH STREET, STOURPORT-ON-SEVERN, DY138BX

Applicant: Mr H Danter

Summary of Policy	RT.2, TC.2, LB.1, CA.1 (AWFDLP)
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 The Swan Hotel is located at the northern end of Stourport on Severn High Street adjacent to the road intersection with Lickhill Road and Lombard Street. The rear of the building faces the hotel's own car park, which is accessed from Lickhill Road. This complex of the original circa 19th century building and late 20th century extensions is a Locally Listed building within the Stourport on Severn No. 2 Conservation Area.

2.0 Planning History

2.1 08/1063/FULL – Change of use of reception room to betting office : Withdrawn.

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – No comments received.

3.2 Highway Authority – No objections.

3.3 Access Officer – The following comments are made:

- There is no reason given in the access statement why wc provision for disabled customers is deemed unnecessary. (This will also have implications under Environmental Health legislation).
- There must be a clear space 1570mm long clear of door swings in the lobbies.

09/0118/FULL

As such it is recommended that these issues are resolved before determination or that the application is refused on the grounds that the proposed development alters a single fully accessible commercial operation (hotel with function room) into two accessible units (betting office and function room) and one inaccessible unit (hotel which is the primary use on the site) and is therefore contrary to Policy D1a of the Adopted Wyre Forest District Local Plan and insufficient evidence has been submitted in the design and access statement to substantiate its acceptance.

- 3.4 British Waterways – No objections.
- 3.5 Conservation Officer – No objection to the proposals as they would offer no detriment to the character and appearance of the Locally Listed Building or to the Conservation Area.
- 3.6 Crime Risk Manager – No objection to the principle of the proposal, it is recommended that a number of security measures are put in place. To this end a note should be added to any permission issued advising the applicant of the contact details of the Crime Risk Manager.
- 3.7 Environmental Health – No comments received.
- 3.8 Forward Planning – The application is for a change of use of a former hotel reception area into a betting office. The unit in question lies to the north of Stourport-on-Severn High Street and is indicated within the current Adopted Local Plan as being in an a ‘Primary Shopping Area’. In determining this application it is considered that Policy RT.2: Primary Shopping Areas: Ground Floor Uses is most relevant.

Policy RT.2 indicates that in the Primary Shopping Areas A2 uses will only be acceptable where they will:

- i) not result in a cluster of non-retail (A1) uses;
- ii) not unduly fragment the retail (A1) shop frontage;
- iii) not have an adverse impact on local amenity;
- iv) be open for business during the day and;
- v) where applicable include an appropriate shop window

In assessing the clustering and fragmentation of the proposal regard is to be had to the three units either side of the application site. In this case however, due to the units location on a corner plot, there are only units to the south side of the application. Therefore in assessing this regard has been had to these units. Taking into account the units adjacent to the application site it can be seen that the proposal is acceptable in terms of criteria 1&2. It is also considered that the proposal would not adversely impact the local amenity and that the design and proposal would satisfy criteria 4&5. Therefore, it is considered that the application meets the above criteria as indicated in Policy RT.2.

09/0118/FULL

- 3.9 Neighbour/Site Notice – One letter of objection has been received from Planning Consultants representing a nearby business. The objection to this application is on the grounds that the proposed development would be contrary to the requirements of Policy RT.2 of the Adopted Wyre Forest District Local Plan (2004). In making this objection, the following comments have been made:

Supporting Paragraph, paragraph 13.36 of the Adopted Plan explains that 'Proposals involving a change of use of ground floor premises must complement the retail offer (i.e. Retail A2 and A3) and must not lead to an over-dominance or non-retail uses or 'dead' frontage, which would detract from the overall retail experience' my underlining).

In considering proposals for A2 and A3 uses the Adopted Plan explains that if a proposal results in more than two units of seven (i.e. the subject unit and three units either side), being in non-A1 use then the proposal will be refused. This proposal will create a new separate planning unit by subdividing the existing hotel use and will result in 3 non-retail uses together. There will be two non-retail uses to either side of the proposed non-retail betting office, whereas before the hotel was only classed as one long established non-retail use. We note that to the left of the subject premises is the former Function Room of the Hotel which is advertised to-let as a separate A3 café/wine bar and to the right is a further bar/restaurant. This is in direct contravention of the Policy RT.2 as this proposal will introduce an altogether with non-retail activity to the Primary Shopping Area.

Further, we have surveyed the existing uses within the Primary and note that there are 50 commercial uses in the primary part of the High Street, of which 17 uses or 34% of the Primary is currently in non-retail use. This is considerably high for Primary shopping location. With this proposal to add one extra non-retail use to the Primary in place, there will be 51 commercial uses with 18 units or 35% of the Primary being in non-retail use. Surely the addition of one further non retail use can only harm the character and function of the Primary Shopping Area.

We also note there is already a cluster of non-retail uses within the Primary directly opposite the subject where the butchers shop between Toner Estate Agents and Lloyds TSB (1 A1 use and out of 7) is the only remaining A1 retail use. To allow an additional non-retail planning unit in this part of the Primary will only fragment the Primary Shopping Area further and increase the over-dominance and clustering of non-retail uses in this part of the High Street.

The subject premises are also Locally Listed and this sub-division will harm the homogenous character and setting of this important local building and set an inappropriate precedent which could harm the character of the Primary Shopping Area.

09/0118/FULL

For these reasons we respectfully request this application be refused on the grounds of non-compliance with Policy RT.2 of the Adopted Local Plan.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the change of use of the reception of the hotel to add a betting shop (Use Class A2).
- 4.2 The proposed development would result in no external changes to the appearance of the building and as such would offer no detriment to the site and setting of the Locally Listed Building or to the Conservation Area.
- 4.3 Policy TC.2 sets out appropriate town centre uses for the Primary Shopping Area, uses falling into classes A1, A2 and A3 are considered acceptable.
- 4.4 The response received from colleagues within the Forward Planning team examines the proposed development in the context of Policy RT.2 of the Adopted Wyre Forest District Local Plan. The Swan Hotel is not currently operational and has, most recently, provided mixed uses falling into classes A3 (Restaurants and Cafes), A4 (Drinking Establishments) and C1 (Hotels). The use proposed would not result in the loss of any of these elements instead a new unit within the site would be created offering an A2 (Financial and Professional Services) use. It is considered that the proposed development would not result in the creation of a cluster of non retail uses and would instead add a further use to a mixed use site. The proposals would not unduly fragment the retail shop frontage; in that there is currently no (A1) retail frontage at this site, and the betting shop would have a negligible impact on local amenity, the relatively narrow frontage of the reception area would serve to further minimise the presence of the betting shop in the street scene. In order to ensure that the new use is open for business during the day a condition would be attached to any permission granted limiting the hours the shop may be open.
- 4.5 This application provides no details of internal or external changes to the property or advertising; further applications would allow control of the appearance of the unit and the provision of access and facilities allowing better access for the disabled.

5.0 Conclusions and Recommendations

- 5.1 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. J12 (Use – hours limitation)

09/0118/FULL

Notes

- A SN5 (No advertisements)
- B SN10 (Disability Discrimination Act 1995)
- C The applicant is advised to contact the Crime Risk Manager with regard to the security arrangements for the proposed use.

Reason for Approval

The proposed change of use is considered acceptable. The addition of an A2 unit, given the existing mixed use (A3, A4, C1) would not result in a cluster of non retail uses, would not unduly fragment the retail frontage, would have a negligible impact on local amenity as such according with the requirements of Policies TC.2 and RT.2 of the Adopted Wyre Forest District Local Plan (2004). The change of use proposed would have no detrimental impact on the setting or appearance of the Locally Listed Building or on the character of the Conservation Area and as such would be considered to accord with Policies LB.1 and CA.1 of the Adopted Wyre Forest District Local Plan (2004). It should be noted that the change of use refers to the reception area only and does not affect other parts of the site which retain their existing use classes.

Application Reference:	09/0123/FULL 09/0124/LIST	Date Received:	17/02/2009
Ord Sheet:	387523.240665481 273776.763483194	Expiry Date:	14/04/2009
Case Officer:	Stuart Allum	Ward:	Blakedown and Chaddesley

Proposal: Erection of a new two storey teaching block, walls/gates to form courtyard/play ground, adaptation of retaining wall & associated external works (Ref. 09/0123/FULL)

Extension of garden wall & provision of gates to form secure courtyard/playground, adaptation of retaining wall to facilitate levels adjustments (Ref. 09/0124/LIST)

Site Address: WINTERFOLD HOUSE SCHOOL, WINTERFOLD,
CHADDESLEY CORBETT, KIDDERMINSTER, DY104PW

Applicant: Winterfold House School

Summary of Policy	GB.1, GB.2, GB.6, D.1, D.3, D.5, D.18, LB.5, TR.9 (AWFDLP) SD.2, D.39 (WCSP) QE.1, QE.3, QE.5 (WMRSS) PPG2, PPG15
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 Winterfold House is an independent school located in the open Green Belt, just over 1 mile to the west of Chaddesley Corbett village. The main vehicular access, however, is located closer to Mustow Green, i.e. further west.
- 1.2 The proposal is to erect an additional two storey building in an existing courtyard area, within the setting of the Grade II Listed Winterfold House itself, together with associated works to walls and gates. This application follows the approval of a similarly proportioned scheme in November 2006 on the same site, which has not been implemented.

09/0123/FULL and 09/0124/LIST

- 1.3 The applicant has provided a further explanation/justification for the development which is a useful summary of the proposal.

In 2006 the school received planning consent for a new classroom block which would provide 7 new classrooms and new art, science and CDT rooms.

This new block was needed because most of the classrooms within the school do not conform to modern day standards, both in terms of size and functionality. This is an issue which was highlighted by inspectors when the school was inspected in 2004. The report stressed the need for modern, purpose built classrooms and science laboratory, with many of the existing ones not being fit for purpose. Many of these rooms were built in the 18th century as stables, coal bunkers etc and as well as being far too small they do not conform with modern standards regarding heating, lighting and ventilation. It is also very difficult to install equipment needed such as interactive whiteboards and a wireless computer network.

However, shortly after Planning Consent was granted the school was made aware of the latest government guidelines on classroom sizes and it was apparent that the design of this new block did not meet the minimum standards set out in the guidelines. In addition these guidelines indicated that we needed to provide several additional areas such as separate work and leisure rooms for the staff and space set aside within the library for computers for internet research. It was thus necessary to revisit our requirements and this has led to a redesign of the block so that it met current government guidelines.

Consequently the school wishes to build a new classroom block which will provide appropriate accommodation for both classrooms and science laboratories for the prep school. This in turn will enable Art and Science to vacate rooms currently within the pre-prep area so in turn allowing us to enlarge the pre-prep classrooms so that they are an appropriate size.

The school remains under increasing pressure to provide pre and after school care and new government regulations stipulate the need for a suitable base for this service. Again relocating art and science away from the pre-prep area will free up space which can be used for the creation of a suitable dedicated pre and after school care base.

The rationale behind this development is so that the teaching and learning environment within the whole school can be enhanced. There is NO intention to increase the number of pupils within the school and thus there will be no increase in traffic or sewage etc.

09/0123/FULL and 09/0124/LIST

Essentially pupils of the age educated at Winterfold House School require 2.5 to 3.3 m² of space per child and given our class sizes of 18-20 pupils this means that classrooms should be 45 to 60m². Our current classrooms in the prep school average around 30 m² making them far too small. The classrooms in the block for which we have obtained planning consent are still too small according to these government guidelines - 3 of them are less than 50 m² and the other 4 are less than 40 m². In addition this block provided us with only 7 new classrooms when in fact we need 8.

Under the new guidelines Art, science and CDT rooms should be 100m². Current rooms are much smaller than this (CDT and science are both only 40m² while art is 70m²). In the approved plans the new CDT room would only have been 48m², new art 80m² and new science laboratory 60m² – all significantly beneath the 100m² recommended by the government. There would be some serious Health and Safety considerations if we do not have art, CDT and science rooms of the appropriate size.

The new design reflects all of these requirements and will provide classrooms and other teaching rooms of the appropriate size and to a modern specification. This design is only a modest increase over the size of the already approved plans and is not extensive since the new classrooms will replace ones which are being demolished or adapted to alternative use.

- 1.4 In addition, the applicant's agent has submitted a Design Statement as follows:

BRIEF

This Statement is to be read in conjunction with Design to Build drawing nos. 1011:11A, 12B, 13B and 14 and the 'Statement of Justification for New Classroom Block' prepared by the Headmaster, Mr Ibbetson-Price.

This project forms the second phase of the schools master plan to reorganise usage within the school.

The first phase, which has already been built, was the formation of the main school entrance and associated administration, adjacent to the main car park.

The second phase which forms this application, addresses the lack of classrooms and rooms of sufficient size to accommodate an Art Room, Laboratory and a CDT Room. At present, there is only one large hall space and classrooms are generally smaller than recommended by the DfEE.

Further details of the lack of facilities and the School's requirements are contained within the appended 'Statement of Justification for New Classroom Block'.

09/0123/FULL and 09/0124/LIST

DESIGN

The design of the proposed teaching block has evolved over a period of many months following consultations with the Local Authority's Development Control Officer and Conservation Officer.

The design, including the scale and selection of materials, is intended to reflect the existing classrooms, which were originally stable blocks and outbuildings - to provide continuity and to ensure that Winterfold House retains its natural dominance.

It is proposed that the structure will be located on the edge of a playground which is overlooked by these existing classrooms, to form an open courtyard. The Teaching Block will be connected to the existing buildings by external walls and gates, to ensure that a visual link is maintained and to provide a secure environment to the playground, which is presently unprotected.

The proposed building will be complimented by a mixture of hard and soft landscaping, assisting the development to blend in with the surrounding mature areas.

2.0 Planning History

2.1 The most relevant history relates to:

06/0943/FULL and 06/0981/LIST – Erection of a single storey music block extension and detached two storey classroom/laboratory block – Approved (permissions expire November 2009).

3.0 Consultations and Representations

3.1 Chaddesley Corbett Parish Council – Views awaited

3.2 Highway Authority – No objections

3.3 Severn Trent Water Ltd. – Views awaited

3.4 Worcestershire County Council Historic Environment and Archaeology Service – Views awaited

3.5 Conservation Officer – No objections subject to conditions on all external materials to be approved prior to commencement of works on site.

3.6 Access Officer – Determine as appropriate subject to condition (details of ramped/level access to external doors)

3.7 Environmental Health – Views awaited

09/0123/FULL and 09/0124/LIST

3.8 Arboricultural Officer – Views awaited

3.9 Neighbour/Site Notice – No representations received

4.0 Officer Comments

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

- i) Whether the development constitutes ‘inappropriate development’ in the Green Belt and if so whether any very special circumstances have been demonstrated.
- ii) Whether the proposals harm the openness and visual amenity of the Green Belt
- iii) The impact of the proposed development on the setting and character/appearance of the Listed Building
- iv) Highways impact
- v) Impact on adjacent trees

GREEN BELT

4.2 PPG2 and Policy GB.1 of the Adopted Wyre Forest District Local Plan both set out the types of development which are considered appropriate within the Green Belt. PPG2 advises that inappropriate development is, by definition, harmful to the Green Belt. Inappropriate development should only be permitted if the applicant can demonstrate very special circumstances which outweigh the harm by reason of inappropriateness.

4.3 The proposed classroom block would constitute ‘inappropriate development’ in the Green Belt. It therefore falls to consider whether there are any ‘very special circumstances’ which demonstrate why permission should be granted. The combination of factors set out in the applicant’s statement, when considered together, is considered to provide a strong case for ‘very special circumstances’. The proposal is essentially concerned with upgrading existing facilities in line with Government guidelines and is not directed towards increasing pupil members.

4.4 In addition to the principle of development in the Green Belt, Policy GB.2 requires that development proposals do not have a detrimental effect on its openness and Policy GB.6 seeks to protect visual amenity. By virtue of the design and position of the proposed classroom block (the footprint of which is slightly larger than that previously approved), the proposed development is not considered to harm the openness or visual amenity of this area of Green Belt.

09/0123/FULL and 09/0124/LIST

IMPACT ON LISTED BUILDING

- 4.5 The proposed detached classroom and associated works are considered to be architecturally appropriate in terms of their relationship with the setting of the Grade II Listed Building and other adjacent structures. The proposal therefore complies with Policy LB.5 of the Adopted Wyre Forest District Local Plan.

HIGHWAYS IMPACT

- 4.6 The proposed classroom block will be accessed via the existing school access. As the proposals are not associated with a rise in pupil numbers, there would be no appreciable increase in traffic movements to and from the site.

IMPACT ON TREES

- 4.7 A detailed response from the Arboricultural Officer will be provided on the Addenda and Corrections sheet.

5.0 Conclusions and Recommendations

- 5.1 This proposal meets the requirements of Green Belt, Design, Listed Building setting and Highways policies.
- 5.2 As 'very special circumstances' have been demonstrated, the proposal satisfies Green Belt policy, and should not therefore be regarded as a 'departure' from Development Plan policy. Referral to the Government Office for the West Midlands is therefore not required in this instance.
- 5.3 In view of the above, it is recommended that the planning application **09/0123/FULL** 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. Details of foul sewerage arrangements/location/capacity to be submitted
 5. C3 (Tree protection during construction)

Reason for Approval

The applicant has provided the very special circumstances why the classroom block should be permitted in the Green Belt, namely the enhancement of existing teaching facilities and after school care. The classroom block, due to its design and location, would not harm the openness/visual amenity of the Green Belt or the setting/character of the Grade II Listed Winterfold House. For these reasons the proposal is considered to be in accordance with the above policies of the Adopted Wyre Forest District Local Plan.

09/0123/FULL and 09/0124/LIST

5.4 It is also recommended that the application for listed building consent, **09/0124/LIST** be **APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)

Reason for Approval

The proposed works, by virtue of their design and location, will not harm the character or appearance of the Grade II Listed Winterfold House. For these reasons the proposal is considered to be in accordance with the above policies of the Adopted Wyre Forest District Local Plan.

Application Reference:	09/0130/FULL	Date Received:	19/02/2009
Ord Sheet:	387630 278631	Expiry Date:	16/04/2009
Case Officer:	Julia McKenzie-Watts	Ward:	Blakedown and Chaddesley

Proposal: New vehicular access, erection of raised decking to rear

Site Address: 10 CHURCHILL LANE, BLAKEDOWN, KIDDERMINSTER, DY103NB

Applicant: Mr A Teece

Summary of Policy	D.1 D.3 GB.1 GB.6 TR.9 TR.17 NC.1 NC.4 NC.5 (AWFDLP) CTC.11 (WCSP) PPG2, PPS9
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 No. 10 Churchill Lane is a detached bungalow accessed off Churchill Lane. The site is identified as being within an area suitable for residential development and is bounded to the north and west by Green Belt and is adjacent to a Special Wildlife Site which sits to the east.

2.0 Planning History

2.1 WF/0576/96 - Construction of a vehicular access (entrance only) : Approved

3.0 Consultations and Representations

3.1 Churchill and Blakedown Parish Council – Objection to the proposal. The Parish Council considers that the access (which appears to have been constructed already) on this narrow stretch of road is inadequate and its users would be a danger to other road users.

3.2 Highway Authority – A letter is included as part of this application from Worcestershire County Council which confirms that the construction of a new access is acceptable and that it would not be essential to close the existing access. The Highways Officer has confirmed that the contents of this letter apply to the development proposed as part of this application (i.e. the provision of a new vehicular access).

09/0130/FULL

- 3.3 Conservation and Countryside Officer – The application site is immediately adjacent to a SWS (Special Wildlife Site) which is immediately below the development separated by a steep gradient and garden. It would appear the SWS does not start until the banks of the stream meaning the wild area at the bottom of the gradient is part of the property's garden and not SWS. Hence any potential damage to this SWS from run off from the drive, particularly if this was just allowed to run down this gradient and into the stream, would be confined to the garden area.

However, I have a concern in regards to what the driveway will be made of. If it is to be a lime base substrates this could have a negative impact on the SWS run off water which could add to the alkalinity of the stream water PH. Neutral stone substrate would sort this.

Lastly, I am concerned how the applicant will ensure that the development will not overspill via the gradient and impact on the SWS's associate stream. Some detail on how they plan to avoid impacting on the SWS during the construction would be welcome.

Need to confirm if any works or plant access are needed or planned at the base of gradient as if this is the case, an Environmental Impact Assessment will be needed to assess for otter, water voles, impacts of erosion etc.

There are no signs of any ecological enhancements, despite great potential given its proximity to the SWS. If they can reassure us that there will be no harm to the SWS and provide a couple of bat boxes, the losses are low.

- 3.4 Arboricultural Officer – No comments received
- 3.5 Worcestershire Wildlife Trust – No comments received
- 3.4 Neighbour/Site Notice – One neighbour letter of objection received. The main points raised are:
- a) Churchill Lane is quite narrow and, in the vicinity of this dwelling, has a steep rise and fall which creates a dangerous blind spot for traffic at the summit.
 - b) The existing access is some 36 yards from the summit whereas the new one would be 18 yards, hence visibility to and from the summit would be halved

4.0 **Officer Comments**

- 4.1 Consent is sought to create a new vehicular access off Churchill Lane towards the north of the application site and to erect an area of timber decking to the rear. It is not proposed to close the existing driveway access. As the proposal relates to two separate developments each will be considered in turn.

09/0130/FULL

DECKING AREA TO THE REAR

- 4.2 It is proposed to construct an area of decking to the rear of the property. The decking area would measure 3m x 11.5m and would benefit from 1.1m high balustrade. The decking would form a level area accessed from the rear of the property where the land currently slopes away from the dwelling. The decking, at its highest point relative to the natural topography, would sit 2.2m above the land level.
- 4.3 The decking area would not be visible from any public vantage point by virtue that it would be sited to the rear of the property, for the same reasons it would not be visible from the streetscene. I am therefore satisfied that the proposed decking would not result in the creation of an incongruous feature which would be detrimental to either the streetscene or the visual amenity of the Green Belt. The proposal accords with Policies D.1 and GB.6 of the Adopted Wyre Forest District Local Plan.

CREATION OF NEW VEHICULAR ACCESS

- 4.4 The proposed vehicular access would be some 45m further north along Churchill Lane than the existing site access. Concern has been raised that this would represent a more dangerous situation for road users than is currently the case. The Highway Authority were consulted as part of this application and were involved in detailed pre-application discussion. A letter confirming that the Highway Officer was satisfied with the proposal to create a new vehicular access has been included with the application. The Highway Authority has confirmed that the proposal as submitted reflects that tabled during the pre-application discussions. I am therefore satisfied that the proposal is acceptable and would not give rise to a situation which would be detrimental to highway safety.
- 4.5 The Conservation and Countryside Officer has been consulted as part of this application and, despite not objecting to the application, has stated that information regarding the materials to be used in the construction of the driveway should be submitted in order to ensure that they do not consist of lime base substrates which could lead to harm being caused to the nearby stream water.
- 4.6 The Conservation and Countryside Officer also states that an Environmental Impact Assessment would be needed if any works or plant access is proposed at the base of the gradient. No works are proposed to the base of the gradient and therefore I am satisfied that there would be no disturbance to land which forms part of the Special Wildlife Site. The materials to be used in the hard surfacing of the driveway can be controlled by condition. An informative relating to the applicant's responsibilities regarding wildlife would be added to any permission as a means of promoting the consideration of biodiversity.

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- 4.7 It has been suggested that, as a means of biological gain, bat boxes be provided. I do not propose to insist on this as, by the Conservation and Countryside Officer's own reckoning, the biological losses associated with this scheme would be low if it was demonstrated that the proposal could be carried out without detriment to the Special Wildlife Site. It is proposed to add an informative to any permission which would advise the applicant of the benefits of providing such boxes.

OTHER MATTERS

- 4.8 The proposed plans show significant alterations to the roof of this bungalow which would include a large dormer extension. It should be noted that this does not form part of this planning application as these alterations are permitted by Class B of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and therefore do not require planning permission.

5.0 Conclusions and Recommendations

- 5.1 The proposed decking is considered to be of an appropriate design and its siting would not cause harm to the streetscene or visual amenity of the Green Belt. The proposed access could be constructed so as not to cause harm to the adjacent Special Wildlife Site, either from the materials used or the construction methods applied. A condition which would require details of materials would ensure this was the case and that no harm was caused to biodiversity.
- 5.2 Based on the comments given by the Highway Authority, I am satisfied that the proposal would not give rise to a situation which is detrimental to highway safety. It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)

Note

SN3 (Protection of species)

Reason for Approval

The proposed decking is considered to be of an acceptable design and siting which would relate well to the existing building and would not cause harm to the visual amenity of the Green Belt. The proposed vehicular access would not give rise to a situation which is detrimental to highway safety and could be constructed so as not to cause harm to the adjacent Special Wildlife Site. The proposal therefore complies with the policies listed below.

Agenda Item No. 5

Application Reference: 09/0131/FULL **Date Received:** 20/02/2009
Ord Sheet: 383221 276284 **Expiry Date:** 17/04/2009
Case Officer: Julia McKenzie- **Ward:** Greenhill
Watts

Proposal: Change of use from office to fast food take-away (class A5)

Site Address: 27 NEW ROAD, KIDDERMINSTER, DY101AF

Applicant: Mr Ghoncheh

Summary of Policy	D.1, D.3, NR.10, NR.11, TC.2, RT.4, RT.13, TR.9, TR.17 (AWFDLP) PPS1, PPS6
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 No. 27 New Road is located on the periphery of Kidderminster town centre situated on the northern section of New Road opposite the junction with Corporation Street.
- 1.2 The property has been used most recently as a solicitor's office following approval of this use in 2002.
- 1.3 The proposal seeks to change the use to a hot food takeaway use which falls under Use Class A5. Additional works including the installation of a flue to the rear are also proposed in this application.

2.0 Planning History

- 2.1 WF.967/75 – Hairdressers : Approved
- 2.2 WF. 756/79 – Extension to rear : Approved
- 2.3 WF.1049/02 – Change of use to Solicitors : Approved

3.0 Consultations and Representations

- 3.2 Highway Authority – Views awaited
- 3.3 Environmental Health – No objections subject to conditions

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- 3.4 Crime Risk Manager - New Road, Kidderminster is situated in an area of Kidderminster where there is a busy night time economy. An unfortunate consequence of this is high levels of anti-social behaviour and alcohol fuelled violence. I have looked at Police records for the last twelve months and the location for many of the problems is New Road. The time(s) when the problems occur are evening through the night to the early hours of the next day. I can provide details if required.

New Road, Kidderminster already has several establishments that provide hot food for both eating on the premises and for taking away. The take-aways in particular serve as congregation points for people leaving the pubs and clubs in the surrounding area, consequently (and often through no fault of the proprietors of the establishments) they are often flash points for poor behaviour.

Whilst understanding the need for something to eat after a night of 'socialising' the Police prefer people to leave the area as quickly as possible and avoid the problems outlined above. Anything that encourages people to remain in the area is not helpful.

The Police object to the granting of this application for two reasons.

There are already a number of restaurants and hot food take-aways in the area, (in fact there is an existing take-away situated next door to 27 New Road). Therefore the area does not need another similar establishment.

Another take-away could encourage more people to visit the area, this will add to the existing problems. It is feared that it will further encourage people to remain in the area again adding to the existing problems with violence and disorder

- 3.5 Forward Planning Manager - The application site lies within an area identified in the Adopted Local Plan as being a 'Secondary Shopping Area'. Due to the location of the site, Policy RT.4 of the Adopted Local Plan is considered to be the most pertinent to deciding the application. Policy RT.4 states that '*subject to other material considerations, Financial and Professional and Food and Drink uses will be allowed within Secondary Shopping Areas*'. The proposal is for a change of use to a fast food takeaway, which falls within the permitted uses within this area, and therefore appears to conform with policy.
- 3.6 Neighbour/Site Notice : 1 letter of objection received – I would like to object and have the chance of speaking and be heard, could you please give me a chance to speak at the relevant meeting.
[Officer Comment – No specific issues are raised by the neighbour, however clarification is sought and any additional information will be included on the Addenda and Corrections Sheet].

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4.0 Officer Comments

4.1 This application for change of use falls to be considered under the following main headings:

- Principle, Policy and Allocation
- Surrounding Uses
- Residential Amenity
- Crime Risk
- Highway Issues
- Design of Extraction

PRINCIPLE, POLICY AND ALLOCATION

4.2 The site is allocated within a secondary shopping area within the Adopted Wyre Forest District Local Plan. Policy RT.4 governs uses with such locations, with food and drink uses being acceptable subject to other material considerations. Whilst it is accepted that other similar uses may exist in close proximity, there is no specific policy restriction on cluster of non-retail uses together in these locations. As such it is considered that the principle of the use is acceptable in this area.

SURROUNDING USES

4.3 Immediately to the north of the site are two other take-away uses and to the south a community health use. Although concerns may be raised over competition, there is no specific end user stated within the application and such matters are not ones for the planning system. I do not feel an additional take-away use will impact directly on the adjacent commercial uses.

RESIDENTIAL AMENITY

4.4 In respect of residential amenity, there is a flat above 26 and 27 New Road, known as 26A New Road. Advice from the Principal Pollution Control Officer is that with the right extraction system in place, general noise and odour from the use will not result in harm to residential amenity and as such a condition is recommended. Concern normally exists over general noise and disturbance to residential units when considering these types of uses. The applicant has requested hours of operation from 4pm – 4am, which I consider to be excessive in view of the residential use above and an earlier closing time is considered more appropriate. On the basis that a condition is suggested limiting the hours of use to that of the adjoining unit at 26 New Road (approved in 2001), 11am to 11.30pm, I consider that due to the town centre location and the fact that take-away uses already exist adjacent to the residential unit I do not consider that an objection on these grounds could be substantiated.

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CRIME RISK

- 4.5 The Crime Risk Manager has raised concerns over the congregation of people late at night preferring persons to be dispersed from the area as soon as possible. Crime statistics for this area have been requested and have not been forthcoming at the time of writing. Within New Road there are only three existing take-away uses at No. 88 (Syed Pur – Indian), No. 25 (Lazio Pizza) and No. 26 (Dragon Palace – Chinese). Whilst I note the comments of the Crime Risk Manager, I do not feel that there are sufficient grounds to withhold planning permission on the basis of the fear of additional crime especially in view of the number of existing take-away units in New Road. In conjunction with the proposed hours condition detailed above, I do not consider that these concerns can be justified.

HIGHWAY ISSUES

- 4.6 There are no highway issues raised by the Highway Authority or adjoining users. In light of the provision of on-street car parking in the vicinity and the public car park at Castle Road, I agree that there are no highway issues in this case.

DESIGN OF EXTRACTION

- 4.7 The only external alterations affect the rear of the property by way of the provision of an external flue. The design is similar to others on the adjoining units and would not result in harm being caused to the character of the building. The rear elevation is not visible from any public vantage points and as such the visual amenities of the area will not be compromised.

5.0 Conclusions and Recommendations

- 5.1 The proposed use is acceptable in this location and can exist without prejudicing the amenity of nearby residential units or other commercial activities. The provision of the flue to the rear of the property is considered acceptable in design terms and will not prejudice the visual amenities of the locality. Due to the existence of sufficient on street and off street car parking in the locality there are no highway issues in this case.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. J16 (Restrictions of use)
 4. J19 (Hours of opening to customers: 11am to 11.30pm)
 5. Details of extraction to be submitted

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Notes

- A. SN12 (Neighbours' rights)
- B. SN5 (No advertisements)
- C. SN9 (Contact relevant authorities: Environmental Health)
- D. SN10 (Disability Discrimination Act 1995)

Reason for Approval

The proposed use is acceptable in this location and can exist without prejudicing the amenity of nearby residential units or other commercial activities. The provision of the flue to the rear of the property is considered acceptable in design terms and will not prejudice the visual amenities of the locality. Due to the existence of sufficient on street and off street car parking in the locality there are no highway issues in this case. For these reasons the proposal is in accordance with Policies D.1, RT.4, RT.13 and TR.9 of the Adopted Wyre Forest District Local Plan.

Application Reference:	09/0156/S106	Date Received:	03/03/2009
Ord Sheet:	381172.141816951 270952.55820845	Expiry Date:	28/04/2009
Case Officer:	Paul Round	Ward:	Mitton

Proposal: Variation of S.106 agreement attached to WF1208/04 to change tenure of affordable housing units

Site Address: TARN, 1-16 SEVERN ROAD, STOURPORT-ON-SEVERN,

Applicant: West Mercia Housing Group

Summary of Policy	H10, IMP1 (AWFDLP) PPS3
Reason for Referral to Committee	Application involving proposed Section 106 obligation
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 This application relates to the development known as Lichfield Basin. The site covers an area of 1.69 ha in size and is situated between Severn Road, Mart Lane and Lichfield Street in Stourport on Severn.
- 1.2 Planning permission was granted in 2005 for 144 residential units on the site and various associated works. The permission was subject to a S.106 agreement relating to affordable housing provision and a financial contribution towards street lighting.
- 1.3 This application seeks to amend the S.106 agreement in respect of affordable housing, further details will be expanded in Officer Comments below.

2.0 Planning History

- 2.1 Various but of relevance.
- 2.2 WF.1208/04 – Residential Development of 144 dwellings and associated works – Approval
- 2.3 08/0240/S106 – Variation of S106 Agreement – Approved (further details set out in officer comments)

09/0156/S106

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Views Awaited

3.3 Housing Services Manager – Supportive of Application to vary the S.106 agreement

3.4 Neighbour/Site Notice – No Comments received

4.0 Officer Comments

4.1 The S.106 agreement in respect of affordable housing secured 18 units to be provided along with the following clauses (which have been précised). The variations granted in June last year have been included in square brackets.

- Completion and sale of the affordable units prior to completion of 30% (43 units) of the market housing
- Not allow any other development to be carried out in place of the affordable units
- Not to dispose of the units other than to a Housing Association in accordance with the allocations policy of the housing association and approved by the District Council
- To give notice to the District Council occupation of the first general market housing and sale of the affordable housing units
- Leasehold interest in the Affordable Housing units shall be given;
 - With vacant possession
 - Free of encumbrances
 - Allowance of access rights and passage of services for the Housing Association
 - Reservation of access rights and passage of services
- Leasehold interest to include the following provision
 - Not to allow occupation of the units other than to a Qualifying Resident and not allow occupation of the shared ownership and rental units for any other purpose
 - The District Council to agree to the initial rent
 - Units to be occupied under the terms of the model lease
 - Rental units to be available for rental purposes at all time and first letting to be at the initial rent
 - Not to charge a service charge unless such a charge has been agreed by the District Council
 - Only one management company to be set up for the development and details must be agreed by the District Council.
 - Any management company shall not charge the occupiers of affordable units unless agreed by the District Council
- These clauses will be binding from the commencement of work on the development.

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- In respect of Mortgage Protection any mortgagee or chargee can sell the affordable units free of the clauses above provided;
 - Notification has been given to the District Council; and
 - Reasonable endeavours have been made to sell the units to a RSL; and
 - At least ~~six~~ **[three]** months has expired since notification was given to the District Council
 - **[any Shared Ownership Unit has staircased to own 100% of the unit]**
 - **[any Rental Unit has exercised their right to buy]**
- 4.2 The agreement was signed on 14th September 2005, with the Deed of Variation being signed on 2nd June 2008.
- 4.3 S.106A of the Town and Country Planning Act 1990 (as amended) gives developers the ability in which to amend or modify a S.106 agreement. Under the terms of this section such an application can only be considered after a five year period, with any adverse decision made being able to be the subject of an appeal under S.106B.
- 4.4 As this application has been submitted within 5 years, the Local Planning Authority has the ability to consider whether a deed of variation can be approved without any reprisals under S.106B in respect of appeals.
- 4.5 This application for a Deed of Variation has been applied for by West Mercia Housing Group who owns the affordable housing units, which remain unoccupied at present.
- 4.6 The variation seeks to alter the tenure of the main block of 15 apartments located on Severn Road, known as Tarn, as the original S.106 agreement tied these units to be shared ownership units. Due to the change in the economic climate the Applicant is finding difficulty in selling these units and as such it applying to vary the S.106 agreement to change the tenure of this block to Intermediate Rented Units.
- 4.7 This type of tenure still constitutes affordable housing and allows a more flexible approach to letting the units. The Housing Services Manage supports this approach and the justification for the variation.
- 4.8 On this basis I am satisfied that the variation does not alter the principle of providing affordable housing on this site and as such can see no reason to withhold the variation.

09/0156/S106

5.0 Conclusions and Recommendations

- 5.1 The proposed variation is considered to be acceptable and the alteration of the tenure does not prejudice the ultimate supply of affordable housing to this development.
- 5.2 I therefore recommend **delegated authority** be given to the Director of Legal and Corporate Services in consultation with the Director of Planning and Regulatory Services **to vary the Section 106 agreement.**

Agenda Item No. 5

Application Reference: 09/0187/LIST **Date Received:** 16/03/2009
Ord Sheet: 378653 275319 **Expiry Date:** 11/05/2009
Case Officer: Stuart Allum **Ward:** Bewdley and Arley

Proposal: Alterations to fenestration & creating of new doorway & block up existing doorway

Site Address: WYRE FOREST DISTRICT COUNCIL, BEWDLEY MUSEUM,
LOAD STREET, BEWDLEY, DY122AE

Applicant: Wyre Forest District Council

Summary of Policy	LB.1, LB.2, LB.3, CA.1 (WFDLP) CTC.19, CTC.20 (WCSP) QE.3, QE.5 (WMRSS)
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The site lies between Load Street, which is the principle spinal road of the town, and the Queen Elizabeth Silver Jubilee Gardens. The site is deep and penetrates behind the rear gardens of properties on High Street and Severnside South as well as Load Street itself.
- 1.2 The proposed works are concentrated to the rear of the site, in the 'foundry' area, facing south-west.

2.0 Planning History

- 2.1 There have been many and varied alterations.

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views awaited
- 3.2 Conservation Officer – No objections, subject to condition
- 3.3 English Heritage – Views awaited
- 3.4 Amenity Societies – Views awaited
- 3.4 Neighbour/Site Notice – No representations received

09/0187/LIST

4.0 Officer Comments

- 4.1 The proposal is of a minor nature, involving access adjustments to a display area adjacent to the foundry, and includes the creation of a new doorway and the blocking up of an existing door.
- 4.2 These changes were subject to pre-application advice from the Conservation Officer, who has no objection to the proposal. I concur with these views, as these works will not result in harm being caused to the character or integrity of this Listed Building.
- 4.3 As this application is submitted on behalf of Wyre Forest District Council, if Members resolve to approve, this application will need to be forwarded to the Secretary of State via the Government Office for the West Midlands to ascertain if they wish to call in the application.

5.0 Conclusions and Recommendations

- 5.1 The proposals would be compatible with the historic character of the Grade II Listed Building, and would preserve the character/appearance of Bewdley Conservation Area.
- 5.2 I therefore recommend that **delegated** authority be given to **APPROVE** this application subject to:
- a. The decision of the Secretary of State via the Government Office for the West Midlands not to call in the application.
 - b. The following conditions:
 - A7 (Listed Building/Conservation Area Consent)
 - A11 (Approved Plans)
 - B1 (Samples/Details of Materials)

Reason for Approval

The proposed works are compatible with the historic character of this Grade II Listed Building, and the character/appearance of the Bewdley Conservation Area would be preserved. The proposal is therefore in compliance with the policies listed above.